COMMISSION MEETING AGENDA

Thursday, June 28, 2012

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

CONSENT CALENDAR

5. List of Disbursements for May 2012
6. Treasurer’s Report for May 2012

REGULAR CALENDAR

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 of June 27, 2012.)

MOTION 9. Report From the Financial Management Committee
(The General Manager will report on the meeting of June 25, 2012.)

(The Commission will consider adopting Sections I through X, Financial Management System Policy and Procedures Manual.)

RESOLUTION 11. Resolution Authorizing Amendment No. 1 to the Fee Contract By and Between East Bay Dischargers Authority and Meyers Nave, a Professional Law Corporation
(The Committee will consider a resolution authorizing Amendment No. 1 to the Authority’s fee contract with Meyers Nave.)
RESOLUTION 12. Resolution Establishing the Price of Recycled Water in FY 2012/2013
(The Commission will consider a resolution establishing the price of recycled water in FY 2012/2013.)

MOTION 13. Report From the Regulatory Affairs Committee
(The General Manager will report on the meeting of June 26, 2012.)

MOTION 14. Report From the Operations & Maintenance Committee
(The General Manager will report on the meeting of June 25, 2012.)

RESOLUTION 15. Resolution Approving Renewal & Replacement Fund Schedule Fiscal Year 2012/2013
(The Commission will consider a resolution approving the FY 2012/2013 Renewal & Replacement Fund Schedule.)

RESOLUTION 16. Resolution Accepting the Bid and Approving an Agreement Between the East Bay Dischargers Authority and Chemurgic Agricultural Chemicals, Inc. for Sodium Bisulfite 40% Solution in FY 2012/2013 in an Amount Not to Exceed $225,000 Without Prior Commission Approval
(The Committee will consider a resolution accepting the bid and approving an agreement with Chemurgic Agricultural Chemicals, Inc. for Sodium Bisulfite 40% Solution in FY 2012/2013 in an amount not to exceed $225,000 without prior Commission approval.)

RESOLUTIONS 17. Matter of Accepting Bids and Authorizing the General Manager to Issue Purchase Orders for Renewal & Replacement Fund Projects
(The Commission will consider adoption of resolutions approving Renewal & Replacement Fund projects.)

A. Resolution Accepting the Quotation from Dahl Beck Electric and Authorizing the General Manager to Issue Change Order No. 2 for Laser Alignment of the Gear Drive to the Pump and Input Bearing Set at the Oro Loma Effluent Pump Station for a Project Cost of $25,740
(The Committee will consider a resolution accepting the quotation from Dahl Beck Electric and authorizing the General Manager to issue Change Order No. 2 for laser alignment of the gear drive to the pump and input bearing set at the Oro Loma Effluent Pump Station for a project cost $25,740.)

B. Resolution Accepting the Bid from Dahl Beck Electric and Authorizing the General Manager to Issue a Purchase Order for Removal, Refurbishing and Installation of the No. 4 Gear Box at the Oro Loma Effluent Pump Station in the Amount of $19,401
(The Committee will consider a resolution accepting the bid from Dahl Beck Electric and authorizing the General Manager to issue a Purchase Order for removal, refurbishing and installation of the No. 4 Gearbox at the Oro Loma Effluent Pump Station in the amount of $19,401.)

INFORMATION 18. Commission Chair Rotation for FY 2012/2013
(The Commission will review the rotation for Chair and Vice-Chair for FY2012/2013.)
19. **Items From the Commission**
(The Commission will comment on miscellaneous items of interest.)

20. **Closed Session**
(The Commission will meet in closed session pursuant to Government Code Section 54956.9(b) to discuss anticipated litigation related to a claim.)

21. **Reconvene to Open Session**
(The Chair will report on any actions taken in closed session.)

22. **Resolution Approving Notices of Rejection of Timely Claim**
(The Commission will consider a resolution approving a Notices of Rejection of Timely Claim.)

23. **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. 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](http://www.ebda.org).)

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**The next Commission meeting will be held**

**Thursday, July 19, 2012 at 9:30 a.m.**

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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 May 17, 2012
Item No. 5 List of Disbursements for May 2012
Item No. 6 Treasurer’s Report for May 2012

Recommendation

Approve Consent Calendar Items No. 4, 5 & 6.
ITEM NO. 4 MAY 17, 2012 COMMISSION MEETING MINUTES

1. Call to Order
Chair Francis called the meeting to order at 9:30 A.M. on Thursday, May 17, 2012, at the Oro Loma Sanitary District Boardroom, 2655 Grant Avenue, San Lorenzo, CA 94580.

2. Roll Call
PRESENT: Marvin Peixoto, City of Hayward; Anjali Lathi, Union Sanitary District; Jim Prola, City of San Leandro; Ron Dias, Oro Loma Sanitary District; Harry Francis, Castro Valley Sanitary District

ABSENT: None

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

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

CONSSENT CALENDAR

5. List of Disbursements for April 2012
6. Treasurer’s Report for April 2012
7. Third Quarter Expense Summary, FY 2011/2012
A motion by Commissioner Lathi, seconded by Commissioner Prola, to approve the Consent Calendar passed by a vote of 5 ayes, 0 noes.

REGULAR CALENDAR

8. General Manager’s Report
The General Manager explained how budget estimates are determined. The main differences in this year’s budget are a result of expected increases to NPDES permit fees, staffing overlap of two Operations and Maintenance Managers for four months and re-allocation of revenues based on EBDA’s agreement with LAVWMA.
9. **Report from the Managers Advisory Committee (MAC)**
The Managers reviewed the proposed FY 2012/2013 budget and felt it was reasonable. The Managers also heard an interesting presentation by HDR, Inc. on strategies to offset capital costs with energy co-generation using existing wastewater treatment plant processes.

10. **Report from the Financial Management Committee**
The Financial Management Committee reviewed the third quarter expense summary. The General Manager stated that expenses are generally running under budget due to the dry spring weather. The one exception is permit fees. There was much discussion about permit fee increases and various strategies the state could utilize to increase its revenues.

The Committee reviewed the proposed FY 2012/2013 budget and recommended its adoption. The Commission requested a Financial Management Committee determination on whether to classify permit fees as a fixed or variable cost at its next meeting. As the Financial Management Committee prefers to have the MAC’s input on this topic prior to making a determination, the Committee agreed to provide a recommendation at its July meeting. Additionally, the Committee recommended Commission approval of an annual contribution to the California Employers’ Retiree Benefit Trust (CERBT) to provide for future retiree health obligations.

A motion by Commissioner Lathi, seconded by Commissioner Peixoto, report passed by a vote of 5 ayes, 0 noes.

11. **Resolution Approving the East Bay Dischargers Authority FY 2012/2013 Budget**
The resolution approving the East Bay Dischargers Authority FY 2012/2013 budget was adopted by the following roll-call vote. Commissioners Prola and Dias noted that their approvals were made with reservation until the matter of fixed and variable cost allocation is settled.

Ayes: Commissioners Peixoto, Lathi, Prola, Dias and Chair Francis
Noes: None
Absent: None
Abstain: None

12. **Resolution Approving the FY 2012/2013 Contribution to the California Employers’ Retiree Benefit Trust (CERBT)**
The resolution, introduced by Commissioner Peixoto and seconded by Commissioner Prola, to approve the FY 2012/2013 contribution to the California Employers’ Retiree Benefit Trust (CERBT) in the amount of $8,416 was adopted by the following roll-call vote.

Ayes: Commissioners Peixoto, Lathi, Prola, Dias and Chair Francis
Noes: None
Absent: None
Abstain: None
13. **Report from the Regulatory Affairs Committee**
The Committee discussed EBDA’s continued excellent permit compliance. The Committee also discussed the need for the General Manager to control the reliability of permit data being reported by the member agencies given the legal liability of failing to do so. Although he has confidence in the lab managers, the General Manager will develop control measures to certify this data. Lastly, the Committee reviewed a BCDC study assessing the risk of sea level rise on Bay Area wastewater facilities.

A motion by Commissioner Prola, seconded by Commissioner Lathi, to accept the Regulatory Affairs Committee report passed by a vote of 5 ayes, 0 noes.

14. **Report from the Operations and Maintenance Committee**
The Committee discussed emergency maintenance work on the Oro Loma Effluent Pump Station effluent pump #1 gearbox and the benefit of increasing the General Manager’s spending limit from $10,000 to $25,000. There was a recommendation that this proposal be reviewed by the Financial Management Committee. In addition, the Committee discussed the status of both asset management planning and the Carollo study on optimizing the Alvarado Effluent Pump Station.

A motion by Commissioner Dias, seconded by Commissioner Prola, to accept the Operations and Maintenance Committee report passed by a vote of 5 ayes, 0 noes.

15. **Resolution Accepting the Quotation from Dahl Beck Electric and Authorizing the General Manager to Issue a Purchase Order for Replacement of Bearings and Seals in the Oro Loma Effluent Pump Station #1 Gearbox in the Amount of $19,951**
The resolution, introduced by Commissioner Dias and seconded by Commissioner Prola, to accept the quotation from Dahl Beck Electric and authorizing the General Manager to issue a Purchase Order for replacement of bearings and seals in the Oro Loma Effluent Pump Station #1 Gearbox in the amount of $19,951 was adopted by the following roll-call vote.

Ayes: Commissioners Peixoto, Lathi, Prola, Dias and Chair Francis
Noes: None
Absent: None
Abstain: None

16. **Report from the Personnel Committee**
The Committee discussed the retiree health benefit review as requested by the Commission. Due to the complexity of this issue, it was determined that professional assistance was needed and staff has been in discussion with IEDA for this work. The
Committee was updated on the status of recruitment efforts for the Operations and Maintenance Manager. The first round of interviews is scheduled in late May.

The Committee also reviewed the FY 2012/2013 Compensation Plan that provides a 2.6% cost of living adjustment and 1% employee cost-sharing of pension contributions by all current and future employees. The Committee recommended adoption of the Plan. The Commission asked whether negotiations had been held with employee groups. The General Manager stated that staff was in agreement with the change. There was much discussion about how California agencies are dealing with this issue, particularly with the new actuarial assumptions being used by CalPERS that are expected to increase employer pension costs. The Governor’s proposal includes employee cost-sharing of the full employee portion of pension contributions. In light of this, the Committee feels that the 1% employee contribution is very reasonable.

A motion by Commissioner Lathi, seconded by Commissioner Prola, to accept the Personnel Committee report passed by a vote of 5 ayes, 0 noes.

17. Resolution Approving the FY 2012/2013 Compensation Plan
The resolution, introduced by Commissioner Lathi and seconded by Commissioner Prola, approves the FY 2012/2013 Compensation Plan that provides for a 2.6% cost of living adjustment and 1% employee cost-sharing of pension contributions starting July 1, 2012. As provided for in his employment agreement, the General Manager’s adjustment becomes effective on December 1, 2012. The resolution was adopted by the following roll-call vote.

Ayes: Commissioners Peixoto, Lathi, Prola, Dias and Chair Francis
Noes: None
Absent: None
Abstain: None

18. Items from the Commission
None.

19. Adjournment
With no further business, Chair Francis adjourned the meeting at 10:25 a.m.
ITEM NO. 5 LIST OF DISBURSEMENTS FOR MAY 2012

The itemized List of Disbursements for the month of May 2012 totaled $211,711.14. Please note that there are two lists, one sorted by amount (high to low) and one sorted by check number.

Approval is recommended.
# East Bay Dischargers Authority
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## East Bay Dischargers Authority
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**TOTAL PAYROLL DISBURSEMENTS**

|                                   |                                   |                                   |                                   |                               |                                   | 29,105.34            |

**BANK CHARGES**

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**TOTAL BANK CHARGES**

|                                   |                                   |                                   |                                   |                               |                                   | 31.00                |

**TOTAL DISBURSEMENTS**

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ITEM NO. 6 TREASURER’S REPORT FOR MAY 2012

The beginning cash balance on May 1, 2012 was $5,174,444.30. The ending cash balance was $5,220,760.00. The Local Agency Investment Fund (LAIF) held $3,134,233.43 and Wells Fargo Bank held $2,086,526.57. Total receipts during the month were $258,026.84 and disbursements were $211,711.14. EBDÁ’s major financial holdings are split between the LAIF and a Wells Fargo Savings account for local government agencies, which minimizes transfer fees between the two accounts. The LAIF interest rate for the period ending May 31, 2012 was 0.36%. The Wells Fargo interest rate for the same period was 0.40%.

Approval is recommended.

[Graph: Comparison of Wells Fargo and LAIF Interest Rates]
### SUPPLEMENTAL TREASURERS REPORT

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**TOTAL**: 258,026.84 182,605.80 29,105.34 30,000.00 200,668.82 0.00

**CURRENT BALANCE**: 374,475.73

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Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

EAST BAY DISCHARGERS AUTHORITY

GENERAL MANAGER
2651 GRANT AVENUE
SAN LORENZO, CA 94580

www.treasurer.ca.gov/pmia-laif
June 14, 2012

PMIA Average Monthly Yields

Account Number: 70-01-004

Transactions
Tran Type Definitions

Account Summary

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May 2012 Statement
ITEM NO. 7  GENERAL MANAGER'S REPORT

The General Manager will report on EBDA issues.

ITEM NO. 8  REPORT FROM THE MANAGERS ADVISORY COMMITTEE

The Managers Advisory Committee will meet with the General Manager on June 27, 2012. A copy of the agenda follows. A report will be provided at the meeting.

MANAGERS ADVISORY COMMITTEE
AGENDA

Wednesday, June 27, 2012

2:00 P.M.

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

Discussion 1  EBDA Asset Management (Guest speaker from GHD)

Discussion 2  O & M Position Update

Discussion 3  EBDA Budget Allocation Among Agencies

Discussion 4  Board Package Discussion
   • O&M Committee
   • Finance Committee
   • Regulatory Committee

Discussion 5  EBDA Managers Round Robin
ITEM NO. 9  REPORT FROM THE FINANCIAL MANAGEMENT COMMITTEE

The Financial Management Committee, Commissioners Lathi and Peixoto will meet with the General Manager on June 25, 2012. A copy of the Committee agenda is attached. A report will be provided at the meeting.

The Committee will review the List of Disbursements and Treasurer’s Reports for May 2012 and will consider resolutions approving updates to Sections I-X of the Financial Management System Policies and Procedures Manual, authorizing Amendment No. 1 to the fee contract with Meyers Nave, establishing the price of recycled water in FY 12/13 and approving Notices of Rejection of Timely Claim. The resolutions are being presented separately as Agenda Items No. 10, 11, 12 and 22, respectively.

In addition, the Committee will consider options for increasing the General Manager’s signing authority from $10,000 to $25,000 as requested by the Commission at its May meeting and will hold a closed session pursuant to Government Code Section 54956.9(b) to discuss anticipated litigation related to claims.

Recommendation

Approve the report from the Financial Management Committee.
FINANCIAL MANAGEMENT COMMITTEE
AGENDA

Monday, June 25, 2012
12:15 P.M.

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

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. List of Disbursements for May 2012
(The Committee will review the List of Disbursements for May 2012.)

FM5. Treasurer's Report for May 2012
(The Committee will review the Treasurer's Report for May 2012.)

FM6. Review of General Manager's Discretionary Purchasing Limit
(The Committee will consider options for increasing the General Manager's discretionary purchasing limit to $25,000.)

(The Committee will consider a resolution approving updates to the Financial Management System Policy and Procedures Manual.)

FM8. Resolution Authorizing Amendment No. 1 to the Fee Contract By and Between East Bay Dischargers Authority and Meyers Nave, a Professional Law Corporation
(The Committee will consider a resolution authorizing amendment no. 1 to the Authority's fee contract with Meyers Nave.)

(The Committee will consider a resolution establishing the price of recycled water in FY 2012/2013.)

FM10. Upgrade of Accounting Software to Financial Edge
(The Committee will be apprised of a planned upgrade to the Authority's accounting software.)

FM11. Closed Session
(The Commission will meet in closed session pursuant to Government Code Section 54956.9(b) to discuss anticipated litigation related to a claim.)
FM12. Reconvene to Open Session
(The Chair will report on any actions taken in closed session.)

FM13. Resolution Approving Notices of Rejection of Timely Claim
(The Committee will consider a resolution approving Notices of Rejection of Timely Claim.)

FM14. Adjournment
(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 ladams@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, 2551 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. Each person addressing the Committee should limit their presentation to three 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 Financial Management Committee meeting will be held
Monday, July 16, 2012
ITEM NO. FM6 REVIEW OF GENERAL MANAGER’S DISCRETIONARY PURCHASING LIMIT

Recommendation

Background
At its May meeting, the Commission asked the Committee to make a recommendation about increasing the General Manager’s discretionary purchasing limit from $10,000 to $25,000. The Authority’s legal counsel had identified has two possible options for expanding its General Manager’s authority to sign contracts from $10,000 to $25,000, neither of which would require an amendment to the EBDA Third Amended Joint Exercise of Powers Agreement (the “JPA”) and subsequent approval of that JPA amendment by each party to the JPA.

Nothing in the JPA appears to directly restrict the General Manager’s authority to sign contracts based on a specific dollar value. Instead, section 7(a)(ii) of the JPA effectively imposes the key limit on General Manager authority by requiring an affirmative vote from four members of the EDBA Commission to “Award, modify or accept work under any contract (including but not limited to contracts for the acquisition or construction of any building, works or improvements for the Phase I Project) in excess of $10,000.”

Rather than amending the JPA, to increase that dollar value from $10,000 to $25,000, the EBDA Commission could explore two possible alternatives. Both alternatives allow EDBA to enhance General Manager authority by satisfying the four member affirmative vote requirement from section 7(a)(ii) in advance.

Option 1: Annual Budget Resolution Approved by Five Commissioners.

Per Section 7(a)(i), adopting the budget requires five Commission members. In connection with approval of the budget resolution, EBDA could consider authorizing the General Manager to sign particular categories of contracts that are consistent with that annual budget for contract values up to $25,000. Provided the General Manager then enters into contracts consistent with that budget resolution (e.g. stays within the proper categories, budget amounts for that year, and overall contract value), those contracts will have the four Commission member approval required by Section 7(a)(ii) in advance.

Section 8(f) of the JPA, which sets forth additional detail related to the purpose and content of EBDA’s Annual Budget, does not create any conflict with this approach.

Option 2: Stand-alone Commission Resolution Approved by Four Commissioners.
EBDA could also consider pursuing a stand-alone resolution that authorizes General Manager execution of specific categories of contracts up to $25,000 that are for previously budgeted items. For instance, EDBA could incorporate this authorization into a resolution that covers a related topic or purpose (e.g. updating EDBA's comprehensive purchasing policy).

Section 7(a)(iii) only requires a simple majority for approval of a resolution; however, in order to be an effective expansion of General Manager authority up through contract values of $25,000, the EDBA Commission should approve this resolution with four members due to Section 7(a)(ii). If that four Commissioner threshold is met, the General Manager will have authorization, consistent with Section 7(a)(ii), to execute certain categories of contracts up to a contract value of $25,000 for budgeted matters.

Anticipating Committee approval, staff has incorporated Option 1 into this month’s Renewal and Replacement Fund Schedule approval noted in Commission Agenda Item No. 15 and plans to do the same for future budget approvals. Likewise, Option 2 has been incorporated into the Financial Management Policy and Procedures Manual updates noted in Commission Agenda Item No. 10.
ITEM NO. FM10 UPGRADE OF ACCOUNTING SOFTWARE TO FINANCIAL EDGE

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

Discussion
In September of last year, the Committee recommended moving forward with an upgrade to the Authority’s accounting software. EBDA currently uses Blackbaud Fundware as its accounting software. Unfortunately, the Fundware product is no longer being developed. After an extensive review of numerous accounting software products, staff determined that another Blackbaud product, the Financial Edge, will best suit EBDA. The General Manager has authorized an agreement to purchase a five-year subscription to the Financial Edge from Blackbaud that includes implementation and training in the amount of $6,887.

While a number of Blackbaud’s competitors also own exceptional accounting software products, since both Fundware and the Financial Edge are owned by Blackbaud, the integration process between the two products is expected to be seamless. Additionally, there are significant cost savings involved that would not be feasible with another product. Further cost savings are being realized by accessing Financial Edge through a Blackbaud-hosted server via the internet (also known as cloud computing). Blackbaud has an extensive security system built into its hosted Financial Edge software to minimize the risk of malicious tampering of EBDA’s bank accounts. The Financial Edge package also provides view-only capability for up to five people whereby EBDA staff can view financial data and print reports from their personal computers. This allows staff to access and share financial data that is consistent with the general ledger in a timely manner. Staff does not currently have this capability in Fundware.

A five-year subscription to the Financial Edge includes everything we have now with Fundware (general ledger, accounts payable, check writing) but adds modules for electronic fund transfers, cash management, cash receipts, accounts receivable and budgeting. It is expected that the transition to the Financial Edge will be complete by November 2012. Fundware will continue to be maintained on the Accountant’s computer as a historical database.
ITEM NO. 10  RESOLUTION APPROVING SECTIONS I THROUGH X, FINANCIAL MANAGEMENT SYSTEM POLICY AND PROCEDURES MANUAL

Each year the Finance Committee reviews proposed modifications to the ten chapters of the Financial Management System Policy and Procedures Manual.

The notable change to this year's manual effective July 1 includes updates to Section IV, Procurement, increasing the General Manager's signing authority from $10,000 to $25,000 as recommended by the Commission at its May meeting. The JPA allows simple majority approval of contracts by the affirmative vote of four Commission members. This change provides such Commission approval in advance for specific categories of contracts costing up to $25,000 that were previously approved in the budget and/or R&R Fund Schedule.

In addition, Section X, Investment Policy is provided for the Commission's review. It is the Authority's policy to review the Investment Policy on an annual basis. There were no changes made to the Investment Policy during this review period.

The aforementioned Sections IV and X are included in the agenda packet. A complete copy of the Manual will be available for review at each of the Committee meetings.

Recommendation

EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 12-18

INTRODUCED BY ____________________________

RESOLUTION APPROVING REVISIONS
TO SECTIONS I-X
OF THE FINANCIAL MANAGEMENT SYSTEM
POLICY AND PROCEDURES MANUAL

WHEREAS, the East Bay Dischargers Authority is a Joint Powers Agency that
has the fiduciary responsibility to manage funds and assets of its member agencies;
and

WHEREAS, the Authority maintains a comprehensive Financial Management
System Policy and Procedures Manual for the purpose of insuring proper financial
management according to accepted procedures for governmental agencies; and

WHEREAS, revisions to Section I-X of the Financial Management System Policy
and Procedures Manual have been reviewed by the Financial Management Committee
and recommended for approval by the Commission.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay
Dischargers Authority hereby approves said revisions to the Financial Management

BE IT FURTHER RESOLVED, that said manual including Section X, Investment
Policy, shall be reviewed annually by the Commission.

1906053.1
SAN LORENZO, CALIFORNIA JUNE 28, 2012, ADOPTED BY THE FOLLOWING
VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

______________________________  _______________________________
CHAIR  GENERAL MANAGER
EAST BAY DISCHARGERS  EAST BAY DISCHARGERS
AUTHORITY COMMISSION  AUTHORITY EX OFFICIO
SECRETARY
IV. PROCUREMENT

A. FUNCTIONS AND RESPONSIBILITIES

B. POLICIES AND CONTROLS
   1. Capital Projects
   2. Repairs and Maintenance to Authority Joint-Use Facilities
   3. Acquisition of Equipment, Supplies and Materials
   4. Personal Services Contracts
   5. Emergency

C. PROCEDURES
   1. Preparing a Purchase Order
   2. Purchase Order Adjustments, Corrections and Cancellations
   3. Negotiated Contracts
   4. Advertising for Bids
IV. PROCUREMENT

This Section of the Manual covers procurement functions, responsibilities, policies and procedures for purchase order issuance and changes, negotiated contracts, advertising for sealed proposals, receiving, and inventory.

A. FUNCTIONS AND RESPONSIBILITIES

EBDA’s procurement function includes the acquisition of all goods and services beyond the services provided by employees of the Authority. This involves purchase of materials, supplies, and equipment by purchase order, securing professional services by negotiated contract, and obtaining sealed proposals for public works construction.

Procurement is the responsibility of the General Manager, who assures major procurements adhere to policies, procedures, and budget, supervises routine purchasing procedures, obtains approvals from the Commission, grantor agencies and legal counsel, and maintains overall policies and procedures.

When the need for supplies or services becomes apparent, the Program Manager is responsible for locating a source, establishing price, and requesting proposals, negotiating a contract, or advertising for sealed bids.

The Administrative Assistant issues purchase orders for equipment, materials, supplies and services, and keeps purchase order files.

B. POLICIES AND CONTROLS

EBDA’s procurement policies are governed by the California Public Contracts Code, EPA regulations, the JPA, and resolutions adopted by the Commission from time to time. These governing documents set out five distinct categories of purchases that require different methods of procurement as follows:

1. Capital Projects: Includes any construction, reconstruction, alteration, enlargement, renewal or replacement of sewer facilities which the Authority is authorized to do, including, but not limited to, the furnishing of supplies or materials for any such work. This category also includes acquisition of equipment, supplies and material related to Authority project contracts. (Public Contracts Code Section 22034).
a. JPA - The power to enter into contracts is authorized by Section 5., Powers.

b. Federal and State Funding - For projects that include federal and/or state funding, current regulations for federal grant funds and/or State Revolving Loan Program are to be followed.

c. State Law - Pursuant to California Public Contracts Code §22034 for public projects of one hundred twenty-five thousand dollars ($125,000.00) or less the following procedure is used:

i. EBDA shall maintain a list of qualified contractors, identified according to categories of work.

ii. All contractors on the list for the category of work being bid or all appropriate construction trade journals, if any, or both, shall be mailed a notice inviting informal bids unless the product or service is proprietary.

iii. Mailing of all notices must be completed not less than ten (10) calendar days before bids are due.

iv. The notice shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

v. If all bids received are in excess of one hundred twenty-five thousand dollars ($125,000), the Commission may, by adoption of a resolution by a four-fifths vote, award the contract at one hundred thirty-seven thousand five hundred dollars ($137,500) or less, to the lowest responsible bidder, if it determines the EBDA cost estimate was reasonable.

d. Commission approval - Pursuant to the Authority JPA, the Commission must approve all expenditures in excess of $40,000.

2. Repairs and Maintenance to Authority Joint-Use Facilities:
Procurement

Includes acts of preservation, support, mending, restoration and renovation to prevent a decline in condition.

a. JPA - The power to enter into such contracts is authorized by Section 5., Powers.

b. Federal and State Funding - For projects that include federal and/or state funding, current regulations for federal grant funds and/or State Revolving Loan Program are to be followed.

c. State Law - There are no rules or restrictions with regard to competitive bidding on repairs and maintenance to Authority projects under state law.

3. **Acquisition of Equipment, Supplies and Materials:** Not related to construction, reconstruction, alteration, enlargement, renewal or replacement of Authority Joint-Use Facilities.

a. JPA - The power to enter into such contracts is authorized by Section 5., Powers.

b. Federal and State Funding - For projects that include federal and/or state funding, current regulations for federal grant funds and/or State Revolving Loan Program are to be followed.

c. State Law - There are no state rules or restrictions with regard to competitive bidding on acquisition of such equipment, supplies or materials under state law.

4. **Personal Services Contracts:** For specialized services including engineering, legal counsel, accounting, etc.

a. JPA - The power to enter into such contracts is authorized by Section 5., Powers.

b. Federal and State Funding - For projects that include federal and/or state funding, current regulations for federal grant funds and/or State Revolving Loan Program are to be followed.
c. State Law - There are no rules or restrictions with regard to competitive bidding on personal service contracts under state law.

5. **Emergency:** Defined as great public calamity as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense. Public Contracts Code, Section 20806.

   a. JPA - There are no specific emergency powers enumerated in the JPA. Such powers are authorized generally under Sections 5., Powers.

   b. Federal and State Funding - For projects that include federal and/or state funding, current regulations for federal grant funds and/or State Revolving Loan Program are to be followed.

   c. State Law - The Commission may pass a resolution by 4/5 vote of its members declaring that the public interest and necessity demand the immediate expenditure of Authority funds to safeguard life, health or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with the requirements for competitive bids.

**Commission Approval Required for Certain Expenditures:** The following EBDA policies apply to all procurements:

1. Pursuant to Section 7(a)(ii) of the JPA, an affirmative vote of four members of the East Bay Dischargers Authority Commission is required in order to award, modify or accept work under any contract identified above (including but not limited to contracts for the acquisition or construction of any building, works or improvements for the Phase I Project) in excess of TEN THOUSAND DOLLARS ($10,000).

   EBDA policy therefore provides that procurements as authorized by the Annual Budget and under $10,000 are within the Authority of the General Manager.
2. The Commission may from time to time, by Resolution, approve the award, modification or acceptance of work under any contract that obligates the East Bay Dischargers Authority to an expenditure of up to TWENTY-FIVE THOUSAND DOLLARS ($25,000), where such contract is in proper legal form and is consistent with the EDBA Annual Budget and authorize the General Manager to execute such contracts for up to TWENTY-FIVE THOUSAND DOLLARS ($25,000) on the Commission's behalf.

Under such circumstances, procurements that are authorized by the Annual Budget and under $25,000 are also within the authority of the General Manager.

3. All such contracts may be accomplished by purchase order, agreement or contract where there is no conflict with the above stated state laws or Federal regulations. The appropriate form of contract for all purchases will be determined by the General Manager.

The following EDBA policies apply to procurements which are not otherwise covered by State law or EPA regulation.

1. If the value of an anticipated purchase is less than $10,000, considerable flexibility in procedure exists. Generally, at least three (3) quotations should be obtained from specifications developed by EDBA. This will usually be done by the person initiating the request either by informal or written bid. If the technical nature of the purchase requires it, or the item is difficult to spec, EDBA may obtain informal quotations, document them, and submit them along with the request. If the purchase is sufficiently small (generally under $1,000) it may not be cost-effective to obtain three quotations.

2. There may be valid cases for a single vendor purchase which would waive the requirements for obtaining competitive bids. The reasons for single-vendor purchase must be set forth in a memo submitted with the request.

3. If the value of an anticipated purchase is over $10,000, and not subject to the above laws and regulations, the affirmative vote of four members of the Commission shall be required for approval.
Procurement

43. Federal and State Funding - For projects that include federal and/or state funding, current regulations for federal grant funds and/or State Revolving Loan Program are to be followed.

54. Repairs to joint-use facilities exceeding $500 but less than $5,000 which can be completed by member agency staffs will be authorized by the Operations & Maintenance Supervisor based on justification provided by the Member Agency.

65. Where it is cost-effective, EBDA may participate with Member Agencies or other agencies such as the County or State, in contracts for supplies, services, materials or equipment subject to requirements of the state law and EPA regulations.

C. PROCEDURES


1. Preparing a Purchase Order

Purchase orders may be used for purchases under $102,500 where the General Manager has determined that they are the appropriate form of contract.

The following instructions cover the steps for preparing a Purchase Order.

<table>
<thead>
<tr>
<th>Administrative Assistant</th>
<th>A. Prepare a Purchase Order using the next sequentially numbered Purchase Order form. Make sure the vendor is in Fundware. If not, follow the procedure in Section VI – Financial and Cost Accounting.</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Manager</td>
<td>B. Submit the Purchase Order and any supporting documents, to the General Manager for approval.</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>C. Review, approve and sign the Purchase Order and return it and accompanying documents to the Administrative Assistant.</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>D. Send Copy 1 (Original) of Purchase Order to the vendor with W-9 and Request for Certificate of Insurance forms.</td>
</tr>
</tbody>
</table>
E. File Copy 2 – Numeric Copy (Yellow) in the Numeric Purchase Order Binder by Purchase Order Number.

F. File Copy 3 – Receiving Copy (Pink) in the Open Purchase Order File.

G. Upon receipt of goods, check for receiving copy of Purchase Order before acknowledging receipt.

H. Match receiving copy of Purchase Order to invoice.

2. Purchase Order Adjustments, Corrections and Cancellations

Any errors on an issued Purchase Order form other than the account code will require that a Purchase Order Change be completed.

Follow the instructions for completing an original Purchase Order. Clearly label the Purchase Order as a change. Provide a clear description of all changes in the detailed description field. Obtain the same approvals and route the copies the same as the original. Send a copy to the vendor.

3. Negotiated Contracts

When it has been determined by the previously stated policies that procurement may be accomplished by negotiated contract, the following procedure shall apply.
Program Manager

A. Develop a complete, adequate and realistic statement of the work to be performed and any special qualifications or expertise required to accomplish the work.

B. Develop a Request for Proposals (RFP) which contains a complete description of the work required, schedule for completion, method of compensation, criteria to be used for selection, date and place proposals are to be submitted and any other special requirements.

C. Determine whether the work is highly specialized and distribution of the RFP should be limited to a few qualified firms or the work is of a general nature and should receive broad advertisement.

D. Review and evaluate proposals received for completeness and responsiveness and rank them in accordance with the criteria stated in the RFP.

E. Interview an appropriate number of the top ranking firms submitting proposals and make a selection.

F. Commence negotiation of the contract. The negotiations should include as a minimum:

   * The scope and extent of the work and other essential requirements;
   * Identification of the personnel and facilities necessary to accomplish the work within the required time, including where needed, employment of additional personnel, subcontracting, joint ventures, etc.;
   * Provision of the required technical service in accordance with regulations and criteria established for the project; and
   * A fair and reasonable price for the required work.

G. At the close of negotiations, unsuccessful candidates should be notified promptly.

H. Determine the appropriate form of contract and prepare it.
I. If the contract is under $1,025,000 it may be executed by the General Manager. If it is over $1,025,000 schedule approval for the next Commission meeting, subject to review by the appropriate Commission Committee.

J. Prepare a staff report for the General Manager's review summarizing the work to be done, selection process and conditions of the contract and requesting approval and execution by the General Manager. The agenda packet shall include the report, the contract and a resolution.

K. Following execution of the contract, transmit a copy of the contract with authorization to proceed with the work.

L. If approval for federal and/or state funding is required at this time, transmit the executed agreement to the appropriate agency.

4. Advertising for Bids

When it has been determined by the previously stated policies that competitive bidding with public notice is required for procurement the following procedure shall apply.

Program Manager

A. Develop specifications which shall include:

1. A complete scope of the work to be performed and, where appropriate, design drawings, specifications and a performance schedule;

2. The terms and conditions of the contract to be awarded, including payment, delivery schedules, point of delivery and acceptance criteria;

3. A clear explanation of the recipients method of bidding and the method of evaluating bid prices and its basis and method for awarding the contract;

4. Any responsibility requirements or other evaluation criteria which will be used in evaluating bidders;

5. Prevailing wage determinations, if applicable;
6. The deadline and place to submit bids and a set of documents on which the bids should be submitted, including bid bond if appropriate.

B. Prepare "Notice Inviting Bids", stating the project and date for the bid opening and place for obtaining specifications.

C. If applicable, Publish "Notice Inviting Bids" at least 10 days before the date of opening bids. Notice must be published at least twice, not less than five days apart, in a newspaper of general circulation within the Authority's jurisdiction.

D. On the specified bid opening day, receive bids, date stamp and record the time of receipt on the outside of the envelope and accumulate all bids (unopened) until the specified time for opening. Accept no bids after the specified time. Prepare a bid summary sheet listing all bid items in the format of the proposal and listing all bidders.

E. Open bids in public meeting. Read name of bidder and amount of bid aloud and record on Bid Summary Sheet.

F. Upon receipt of bids, verify that bid documents are complete and accurate and proceed with selection based on the method set forth in the specification. The contract award must be to the lowest responsible bidder.

G. Schedule award of contract for the next Commission meeting, subject to review by the appropriate Commission Committee.

H. Prepare a staff report summarizing the bid process and number and range of bids received and evaluation of the bids, requesting approval to award and authorization for General Manager to execute a contract. The agenda packet shall include the staff report, agreement and resolution. Have agreement documents reviewed and approved as to form by legal counsel.

I. Following award of contract by the Commission, prepare two original agreements and submit to contractor for signature with letter requesting appropriate insurance
endorsements and bonds.

J. Execute agreements and issue Notice to Proceed.
CHAPTER X INVESTMENT POLICY
SUBJECT:
Investment Policy

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C. OBJECTIVES ....................................................................................................... 2
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L. INVESTMENT POLICY ADOPTION ....................................................................... 6
A. POLICY:

It is the policy of East Bay Dischargers Authority (Authority) to invest public funds in a manner which prioritizes security over investment return, while meeting the daily cash flow demands of the Authority, and conforming to California Government Code Sections 53601 through 53686 and other statutes governing the investment of public funds. The investment policy shall be reviewed annually, and any changes or revisions must be approved by the Authority's Commission (Commission) by resolution. The investment policy, as adopted by the Commission, is used to guide Authority staff in investment decisions and transactions.

B. SCOPE:

The scope of this Investment Policy shall apply to all financial assets of the East Bay Dischargers Authority (Authority). All financial assets, including special revenue funds, capital project funds, internal service funds and other funds that may be created from time to time, shall be administered in accordance with the provisions of this policy and are accounted for in the Annual Financial Report.

C. OBJECTIVES:

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the East Bay Dischargers Authority shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

2. Liquidity: The investment portfolio will remain sufficiently liquid to enable the East Bay Dischargers Authority to meet all operating requirements which might be reasonably anticipated.

3. Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and
economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio. (CGC 53600.5)

D. STANDARD OF CARE:

1. Prudence: All investments shall be made within the policy framework of liquidity, safety, and investment return, with the judgment and care a person of prudence and intelligence would, under the circumstances then prevailing, exercise in the management of his/her affairs.

2. Ethics and Conflict of Interest: District officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Officers and employee involved in the investment process shall abide by CGC Section 109, et seq. and the California Political Reform Act.

3. Delegation of Authority: The authority to manage investment programs is granted to the Investment Committee which is comprised of the two members of the Financial Management Committee appointed by the Commission, and the General Manager/Treasurer. The responsibility for the operation and day-to-day maintenance of the investment program is delegated to the Authority’s General Manager/Treasurer. The General Manager/Treasurer shall file with the Authority an official bond in the amount of $250,000. The Authority shall pay the cost of said bonds.

E. PROCEDURES:

The General Manager/Treasurer shall establish written procedures and a system of internal controls for the operation of the investment program consistent with this investment policy to be incorporated into the Authority’s Financial Management System Policy and Procedures Manual. Procedures should include references to: safekeeping, PSA repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Financial Management Committee. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of
subordinate officials. The General Manager/Treasurer is a trustee and a fiduciary subject to the prudent investor standard. (CGC 53600.3)

F. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS:

The General Manager/Treasurer will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization that are authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers who are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the General Manager/Treasurer shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations and familiar with the Government Code restrictions on public agency investments and have a substantial experience with other public agency investments.

Before engaging in investment transactions with a broker/dealer, the General Manager/Treasurer shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the Authority's account with that firm has reviewed the Authority's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the Authority that are appropriate under the terms and conditions of the Investment Policy.

G. AUTHORIZED AND SUITABLE INVESTMENTS:

The allowable investment instruments applicable to all local agencies, including the East Bay Dischargers Authority, are shown in the documents listed below and included by reference in this investment policy. The following documents are attached and included at the end of this Section:

- Figure 1, Chapter II. Fund Management, Local Agency Investment Guidelines 2007, California Debt and Investment Advisory Commission.
- California Government Code Section 5920-5924
Investment Policy

- California Government Code Section 16429.1-16429.4
- California Government Code Section 53500-53505
- California Government Code Section 53600-53609
- California Government Code Section 53630-53686

See CGC 53601 for a detailed summary of the limitations and special conditions that apply to each of the above listed investment securities.

Prohibited Investments. Under the provisions of CGC 53601.6 and 53631.5, the Authority shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

H. COLLATERALIZATION:

All certificates of deposits and repurchase agreements must be collateralized by U. S. Treasury Obligations. Collateral must be held by a third party and valued on a monthly basis. The percentage of collateralization on Repurchase Agreements will adhere to the amount required under CGC 53601(i)(2).

I. DIVERSIFICATIONS:

It is the policy of the Authority to diversify its investment portfolio. With the exception of funds invested in LAIF, United State Treasury Bills, notes, and bonds, the Authority will diversify its investments by security type and, within each type, by institution. Invested assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification shall be determined and revised periodically by the Treasurer in consultation with the Financial Management Committee. In establishing specific diversification strategies, the following guidelines shall apply:

1) Portfolio maturities shall be matched against projected liabilities to avoid an over concentration in a specific series of maturities.

2) Maturities selected shall provide for stability and liquidity.
3) Disbursement and payroll dates shall be covered by the scheduled maturity of specific investments, marketable U. S. Treasury Bills or Notes or other cash equivalent instruments, such as money market mutual funds.

J. SAFEKEEPING & CUSTODY:

All security transactions entered into by the Authority shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to the Authority by book entry, physical delivery or by third party custodial agreement. (CGC 53601.) The Treasurer shall deposit securities in which the Authority holds funds in a safe deposit box in the name of East Bay Dischargers Authority.

K. REPORTING:

The Treasurer shall submit to the Commission a monthly report. The report shall include a complete description of the portfolio, the type of investment, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed by third party contractors. The report will also include the source of the portfolio valuation. In the case of funds invested in the Local Agency Investment Fund (LAIF), FDIC Insured accounts or county investment pools, current statements from those institutions will satisfy the above reporting requirement. The report will also include a certification that (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy and, (2) the Authority will meet its expenditure obligations for the next six months. [CGC 53646(b)]. The Treasurer shall maintain a complete and timely record of all investment transactions.

L. INVESTMENT POLICY ADOPTION:

The Investment Policy shall be adopted by resolution of the East Bay Dischargers Authority. Moreover, the Policy shall be reviewed on an annual basis, and modifications must be approved by the Commission.
ITEM NO. 11 RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE FEE
CONTRACT BY AND BETWEEN EAST BAY DISCHARGERS AUTHORITY AND
MEYERS NAVE, A PROFESSIONAL LAW CORPORATION

Recommendation
The Financial Management Committee recommends adoption of the resolution
authorizing execution of Amendment No. 1 to the fee contract with Meyers Nave that
increases the hourly rate from $250/hr. to $262.50/hr. for general services and from
$275/hr. to $288.75/hr. for litigation services.

Background
Meyers Nave has served as EBDA's General Counsel since March 2010 at a fixed rate
of $250 per hour. They have requested that the hourly rate be amended for EBDA
FY2012/2013 to account for the change in CPI during that period of 5%. Since EBDA
selected Meyers Nave to serve as General Counsel, staff has been quite pleased with
their work. They have billed EBDA for approximately 127 hours as General Counsel
and 159 hours to provide supplemental assistance on the NPDES permit.

While hourly rate was a significant factor in the Commission's consideration in replacing
the retiring General Counsel, and Meyers Nave proposed rate was a significant part
of their pricing proposal strategy, staff recommends that the Board update the rate for the
subsequent CPI increase. Historically, the Commission has adjusted compensation for
the General Counsel to correspond with inflation.

Budget Authority: 12-06-00-4120
RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT NO. 1
TO THE FEE CONTRACT BY AND BETWEEN EAST BAY DISCHARGERS
AUTHORITY AND MEYERS NAVE, A PROFESSIONAL LAW CORPORATION

WHEREAS, on March 25, 2010, the East Bay Dischargers Authority entered into
a fee contract by and between East Bay Dischargers Authority and Meyers Nave, a
professional law corporation; and

WHEREAS, due to increases in the cost of providing said legal services, Meyers
Nave has requested that the hourly rate be adjusted commensurate with changes to the
San Francisco-Oakland Consumer Price Index; and

WHEREAS, the Commission has determined that a 5% increase to the proposed
hourly rates are just and reasonable compensation for provision of legal services;

NOW, THEREFORE, BE IT RESOLVED that Amendment No. 1 to the Fee
Contract by and between East Bay Dischargers Authority and Meyers Nave is hereby
approved, effective July 1, 2012, and that the General Manager is hereby authorized to
execute the same.

Budget Authority:   12-06-00-4120

SAN LORENZO, CALIFORNIA JUNE 28, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________________
CHAIR
EAST BAY DISCHARGERS COMMISSION

__________________________________
ATTEST:
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
AMENDMENT NO. 1 TO THE FEE CONTRACT

by and between

EAST BAY DISCHARGERS AUTHORITY

and

MEYERS NAVE,

a professional law corporation

THIS AMENDMENT NO. 1 to the FEE CONTRACT ("Contract") made and entered into on the 25th day of March, 2010, by and between EAST BAY DISCHARGERS AUTHORITY ("Authority"), a joint powers agency, organized under the laws of the State of California, and Meyers Nave, a professional law corporation ("Attorney"), as follows:

3. COMPENSATION:

   Attorney shall receive the following compensation:

   3.1 Administrative:

   The sum of Two Hundred Sixty-Two Dollars and Fifty Cents ($262.50) Two Hundred Fifty Dollars ($250.00) per hour for all work required for the Authority including appearances at meetings, consultations, preparation of agreements or other documents, appearance before all administrative bodies and litigation, if any. The hourly rate would not include travel time.

   3.2 Litigation:

   For the performance of Attorney's litigation services, and for litigation services performed by a member of Attorney's law firm, Attorney shall be entitled to receive compensation from Authority at the rate of Two Hundred Eighty-Eight Dollars and Seventy-Five Cents ($288.75) Two Hundred Seventy-Five Dollars ($275.00) per hour.

All other provisions of the Agreement shall remain in full force and effect as executed.
IN WITNESS WHEREOF, the parties have executed this Amendment to the Fee Contract by and between East Bay Discharger Authority and Meyers Nave this 28th day of June, 2012, effective as of July 1, 2012.

EAST BAY DISCHARGERS AUTHORITY

______________________________

Michael S. Connor, General Manager

______________________________

Steven Meyers, Attorney at Law and Principal
ITEM NO. 12 RESOLUTION ESTABLISHING THE PRICE OF RECYCLED WATER IN FY 2012/2013

Attached is a copy of a letter to HARD with EBDA’s proposed fee for recycled water in FY2012/2013. EBDA’s policy recommends that it develop reclaimed water fees based on recovering EBDA costs, the prevailing market for reclaimed water, and competing water costs.

Recommendation

The Commission is asked to adopt the resolution establish the price of recycled water in FY 2012/2013 at $5,000 per month.

Budget Authority: 14-00-00-1092
RESOLUTION ESTABLISHING PRICE OF RECYCLED WATER
SKYWEST GOLF COURSE FY 2012/2013

WHEREAS, on December 21, 1982, Hayward Area Recreation and Park District (HARD) and East Bay Dischargers Authority (AUTHORITY) entered into an “Interagency Agreement for Construction and Operation of Skywest Golf Course Reclamation-Irrigation Project;” and

WHEREAS, Section VII of said Agreement states that the AUTHORITY shall set the price of recycled water to be charged HARD during the next ensuing fiscal year, including the terms and conditions for payment; and

WHEREAS, HARD has been advised that the proposed price of water for the period July 1, 2012 through June 30, 2013 is $5,000 per month.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby establishes the price of recycled water for the Skywest Golf Course Water Recycling Project for the period of July 1, 2012 through June 30, 2013 in the amount of $5,000 per month.

BE IT FURTHER RESOLVED, that payments for said recycled water are due and payable on the tenth day of each month effective July 10, 2012.

SAN LORENZO, CALIFORNIA, JUNE 28, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________
ATTEST:
CHAIR
EAST BAY DISCHARGERS COMMISSION

______________________________
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
June 5, 2012

Mr. Dan Giammona  
Hayward Area Recreation District  
1099 E Street  
Hayward, CA  94541

Subject:  EBDA Water Rates for Skywest Increasing on July 1, 2012

Dear Dan:

As I have indicated in previous years’ correspondence, the rates that EBDA is charging HARD for water delivery at Skywest have not been fully capturing our costs for operations and maintenance. To simplify the process for HARD and EBDA, we have been charging a flat monthly fee (last year- $4,750). In our last budget year for flow calculations (March 2011-February 2012), we shipped 75 million gallons of water, compared to 82 million gallons the previous year.

In light of these difficult financial times, we intend to continue to increase rates slowly to provide full cost recovery for EBDA while minimizing financial hardships to HARD. For FY 2012/2013, we intend to raise our charges to HARD to $5,000 per month, a 5% increase. After several years of $250/month increases, we believe we may be nearing full cost recovery. The FY 2012/2013 proposed budget estimates Skywest costs at $59.4K, while last year it was $61K.

To put this rate increase in perspective, we did some comparison shopping. Last year’s flow translates to a cost of $0.80 per 1,000 gallons at this year's proposed rate. EBMUD's website indicates they charge $3.33 per 1,000 gallons ($2.49/100 cu. ft.) for non-potable water, about four times the EBDA rate. We continue to believe supplying EBDA water to Skywest provides good financial benefits to HARD and good environmental benefits to EBDA and its ratepayers. Please call me at (510) 278-5910 if you have any questions.

Sincerely,

Michael S. Connor  
General Manager

cc:  Marvin Peixoto, Hayward City Council  
     Jason Warner, OLSD
ITEM NO. 13 REPORT FROM THE REGULATORY AFFAIRS COMMITTEE

The Regulatory Affairs Committee, Commissioner Prola and Chair Dias, will meet with the General Manager on June 26, 2012. A copy of the Committee agenda is attached.

The Committee will review EBDA’s April performance and nutrient reporting to the Water Board.

Recommendation
Approve the report from the Regulatory Affairs Committee.
REGULATORY AFFAIRS COMMITTEE
AGENDA

Tuesday, June 26, 2012
9:30 A.M.

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

RA1. Call to Order

RA2. Roll Call

RA3. Public Forum

RA4. Status Report – NPDES Permit
(The Committee will review the NPDES Permit and other regulatory issues.)

RA5. Nutrient Reporting for Water Board
(The Committee will review new Water Board reporting regulations for nutrients.)

RA6. 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. 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 ladams@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 will be held
Tuesday, July 17, 2012 at 9:30 a.m.
ITEM NO. RA4 STATUS REPORT – NPDES PERMIT

Recommendation
For Committee information only, requiring no specific action by the Committee or Commission at this time.

Permit Compliance Issues
There were no known violations of the combined effluent in May 2012. EBDA has not had any permit violations since April 2006. The submitted April Discharge Monitoring Reports are attached. The results were within the normal range. Table 1 summarizes the performance of the member agencies for the last twelve months for TSS and CBOD.

Table 1. EBDA Agencies Easily Complying with Secondary Treatment Limits (25 ppm CBOD and 30 ppm TSS)

<table>
<thead>
<tr>
<th></th>
<th>CBOD</th>
<th>USD</th>
<th>HAY</th>
<th>OLS</th>
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<th>EBDA</th>
</tr>
</thead>
<tbody>
<tr>
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### DISCHARGE MONITORING REPORT (DMR)

**PERMIT NUMBER:** CA0037699  
**DISCHARGE NUMBER:** (SBR 02)  
**MONITORING PERIOD:** FROM 04/01/2012 TO 04/30/2012  
**NO DISCHARGE***

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**NAME / TITLE PRINCIPAL EXECUTIVE OFFICER:** Michael S. Connor  
**TELEPHONE:** 510-278-5910  
**DATE:** 05/29/2012

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here): Chlorine, Total Residual (50060) "End of Chlorine Contact Chamber" = Monitoring location prior to dechlorination; "Effluent Gross" = Monitoring location after dechlorination.
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**Notes:**
- Chlorine, Total Residual (50960) "End of Chlorine Contact Chamber" = Monitoring location prior to dechlorination, "Effluent Gross" = Monitoring location after dechlorination.

**Comment:**
- On the monitoring report, the parameter "Chlorine, total residual" is not detected at the "End of Chlorine Contact Chamber."
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<tr>
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<td>MOL AVG</td>
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<td>MOL AVG MN</td>
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**PARAMETER** | **QUANTITY OR LOADING** | **QUALITY OR CONCENTRATION** | **NO. DX** | **FREQUENCY OF** | **SAMPLE**
---|---|---|---|---|---
**pH** | **AVERAGE** | **MAXIMUM** | **UNITS** | **MINIMUM** | **AVERAGE** | **MAXIMUM** | **UNITS** | **ANALYSIS** | **TYPE**
00400 | 1 0 0 | Effluent Gross | SAMPLE MEASUREMENT | ***** | ***** | ***** | 7.1 | ***** | 7.3 | 0 |
**Solids, Total Suspended** | **PERMIT REQUIREMENT** | | | | | | 6.0 | MINIMUM | 8.0 | MAXIMUM | SU | Twice Every Week | GRAB |
00530 | 1 0 0 | Effluent Gross | SAMPLE MEASUREMENT | ***** | ***** | ***** | ***** | 10 | 13 | 0 |
**Flow in conduit or thru treatment plant** | **PERMIT REQUIREMENT** | | | | | | 6.2 | MO AVG | 8.0 | HI WK AVG | mg/L | Four per Week | COMP24 |
50050 | 1 0 0 | Effluent Gross | REPORT MO AVG | REPORT DAILY MX | MGD | ***** | ***** | ***** | ***** | Daily | CONTIN |
**BOD, Carbonaceous, 05-Day, 20 C** | **PERMIT REQUIREMENT** | | | | | | ***** | ***** | ***** | ***** | 12 | 14 | 0 |
80082 | 1 0 0 | Effluent Gross | SAMPLE MEASUREMENT | ***** | ***** | ***** | ***** | ***** | ***** | 25 | 40 | mg/L | Twice Every Week | COMP24 |
**BOD, Carb 5-Day @ 20 Deg C Percent Removal** | **PERMIT REQUIREMENT** | | | | | | ***** | ***** | ***** | ***** | 95 | **** | 0 |
60091 | K 0 0 | Percent Removal | SAMPLE MEASUREMENT | ***** | ***** | ***** | ***** | ***** | ***** | % | Monthly | CALCUL |
**Solids, Suspended Percent Removal** | **PERMIT REQUIREMENT** | | | | | | ***** | ***** | ***** | ***** | 95 | **** | 0 |
81011 | K 0 0 | Percent Removal | SAMPLE MEASUREMENT | ***** | ***** | ***** | ***** | ***** | ***** | % | Monthly | CALCUL |

---

**NAME / TITLE PRINCIPAL EXECUTIVE OFFICER**
MICHAEL S. CONNOR
GENERAL MANAGER

**TELEPHONE** 201-278-5910
**DATE** 05 / 29 / 2012

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

**COMMENT AND EXPLANATION OF ANY VIOLATIONS** (Reference all attachments here)
NAME/TITLE: PRINCIPAL EXECUTIVE OFFICER
MICHAEL S. CONNOR
GENERAL MANAGER

TELEPHONE: 510-279-5910
DATE: 05/29/2012

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
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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 ensure 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: MICHAEL S. CONNOR  
GENERAL MANAGER
TELEPHONE: 510-278-5610  
DATE: 05 / 29 / 2012

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT
AREA CODE / NUMBER: MM / DD / YYYY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
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PERMITTEE NAME/ADDRESS: (Include Facility Name/Location if different)
NAME: EAST BAY DISCHARGERS AUTHORITY
ADDRESS: 2651 GRANT AVE.
        SAN LORENZO, CA 94580
FACILITY: EBDA COMMON OUTFALL
LOCATION: 14150 MONARCH BAY DRIVE
          ALAMEDA, CA 94577

ATTN: MICHAEL S. CONNOR, GENERAL MGR.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR) CA0037669 INFB-A
DMR Mailing ZIP CODE: 94580
PERMIT NUMBER: DISCHARGE NUMBER (SUBR 02)
INFLUENT B (SAN LEANDRO) MONTHLY
MONITORING PERIOD
Influent Structure
FROM 04 | 01 | 2012 TO 04 | 30 | 2012
*** NO DISCHARGE ***

PARAMETER | QUANTITY OR LOADING | QUALITY OR CONCENTRATION | NO EX.
           | AVERAGE | MAXIMUM | UNITS | MINIMUM | AVERAGE | MAXIMUM | UNITS | FREQUENCY | SAMPLE |
           |         |         |       |         |         |         |       | OF | ANALYSIS | TYPE
Solids, Total Suspended
00530 G 0 Raw Sewage Influent
Permit Requirement
SAMPLE MEASUREMENT
PERMIT MEASUREMENT
       | ******** | ******** | ***** | 425     | 590     | 0
Flow in conduit or thru treatment plant
50050 G 0 Raw Sewage Influent
Permit Requirement
REPORT MEASUREMENT
REPORT MEASUREMENT
MO AVG DAILY MAX MGD
6.2 7.8
       | ******** | ******** | ***** |        |        |        |        |       | Four per |    COMP24
        |         |         |       |         |         |        |        |       | week     |
BOD, Carbonaceous, 05-Day, 20 C
80082 G 0 Raw Sewage Influent
Permit Requirement
SAMPLE MEASUREMENT
PERMIT MEASUREMENT
       | ******** | ******** | ***** | 485     | 590     | 0
       |         |         |       |         |         |       |       |       | Twice    |
        |         |         |       |         |         |       |       |       | Every Wk |
        |         |         |       |         |         |       |       |       | CONTIN   |

NAME / TITLE PRINCIPAL EXECUTIVE OFFICER
MICHAEL S. CONNOR
GENERAL MANAGER

TELEPHONE
510-278-5910
SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT
DATE 05 | 29 | 2012
AREA CODE NUMBER    MM | DAY | YYYY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
ATTN: MICHAEL S. CONNOR, GENERAL MGR.

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<td>Raw Sewage Influent</td>
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<td>Flow in conduit or thru treatment plant</td>
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<td>**</td>
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<td>**</td>
</tr>
<tr>
<td>Raw Sewage Influent</td>
<td>**</td>
<td>**</td>
</tr>
</tbody>
</table>

I certify under penalty of law that the 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 or parties 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
MICHAEL S. CONNOR
GENERAL MANAGER

TELEPHONE: 510-278-5510
DATE: 05/29/2012
<table>
<thead>
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<td>348</td>
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<td>PERMIT REQUIREMENT</td>
<td>REPORT MO AVG</td>
<td>Req. Mon. MO AVG</td>
<td>Req. Mon. DAILY MAX</td>
<td>mg/L</td>
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<td>Flow in conduit or thru treatment plant</td>
<td>SAMPLE MEASUREMENT</td>
<td>REPORT DAILY MX</td>
<td>MGD</td>
<td>MGD</td>
<td>mg/L</td>
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<td>MGD</td>
<td>MGD</td>
<td>mg/L</td>
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<tr>
<td>80082 G O Raw Sewage Influent</td>
<td>PERMIT REQUIREMENT</td>
<td>REPORT DAILY MX</td>
<td>MGD</td>
<td>MGD</td>
<td>mg/L</td>
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**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

**DISCHARGE MONITORING REPORT (DMR)**

**PERMIT NUMBER: CA0037669**

**MONITORING PERIOD**

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***NO DISCHARGE***

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</thead>
<tbody>
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<td>AVERAGE</td>
<td>MAXIMUM</td>
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<tr>
<td>Solids, Total Suspended</td>
<td>6.2</td>
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<tr>
<td>Raw Sewage Influent</td>
<td>Sample Measurement</td>
<td>Permit Requirement</td>
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<td>Raw Sewage Influent</td>
</tr>
<tr>
<td>BOD, Carbonaceous, 05-Day, 20 C</td>
<td>80082 G 0</td>
<td>Raw Sewage Influent</td>
</tr>
</tbody>
</table>

**NAME / TITLE PRINCIPAL EXECUTIVE OFFICER**

**MICHAEL S. CONNOR**

**GENERAL MANAGER**

**TELEPHONE DATE**

510-278-5910 05/29/2012

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

**AREA CODE NUMBER**

MM | DAY | YYYY

**COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)**

PAGE 1
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<th>Quality or Concentration</th>
<th>No. Ex.</th>
<th>Frequency of Sample Analysis</th>
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<td>Four per Week</td>
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<td>00530 G 0</td>
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<td></td>
<td></td>
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<tr>
<td>Flow in conduit or thru</td>
<td>17.2</td>
<td>42.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>treatment plant</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>50050 G 0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOD, Carbonaceous, 05-Day,</td>
<td>176</td>
<td>217</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>80082 G 0 Raw Sewage Influent</td>
<td>80082 G 0</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Michael S. Connor
General Manager

510-278-5910
05 / 29 / 2012

Page 1
<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>QUANTITY OR LOADING</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AVERAGE</td>
<td>MAXIMUM</td>
</tr>
<tr>
<td>Solids, Total Suspended</td>
<td>SAMPLE MEASUREMENT</td>
<td>MAXIMUM</td>
</tr>
<tr>
<td>00530 G 0 Raw Sewage Influent</td>
<td>PERMIT REQUIREMENT</td>
<td>MAXIMUM</td>
</tr>
<tr>
<td>Flow in conduit or thru treatment plant</td>
<td>SAMPLE MEASUREMENT</td>
<td>MO AVG</td>
</tr>
<tr>
<td>50050 G 0 Raw Sewage Influent</td>
<td>PERMIT REQUIREMENT</td>
<td>REPORT DAILY MX</td>
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<tr>
<td>BOD, Carbonaceous, 05-Day, 20 C</td>
<td>SAMPLE MEASUREMENT</td>
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<tr>
<td>80082 G 0 Raw Sewage Influent</td>
<td>PERMIT REQUIREMENT</td>
<td>MAXIMUM</td>
</tr>
</tbody>
</table>

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NAME / TITLE PRINCIPAL EXECUTIVE OFFICER: MICHAEL S. CONNOR
GENERAL MANAGER

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

TELEPHONE DATE
610-278-5910 05 | 29 | 2012

AREA CODE/NUMBER MM | DD | YYYY

PAGE 1
ITEM NO. RA5 NUTRIENT REPORTING FOR WATER BOARD

Recommendation
This report is for the Committee’s information only and no action is required at this time. The financial requirements for the additional sampling were recognized during the course of budget preparation and are included in the budget.

Background
All the Bay Area Clean Water Agencies (BACWA members) received a Water Code Section 13267 Technical Report Order requiring submittal of Information on nutrients in their discharges (attached). Section 13267 of the California Water Code provides that “…the regional board may require that any person who…discharges waste…that could affect the quality of waters…shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires.” This order requires municipal wastewater dischargers in the San Francisco Bay Region to monitor and report nutrient (nitrogen and phosphorus) concentrations and mass loadings in their wastewater discharges. The information required includes a report of historical nutrient data, a sampling plan, quarterly reports, an interim report, and a final report. The historical data report was submitted on May 31, and the sampling will begin July 1.

Why this requirement at this time? “Nitrogen and phosphorus are essential nutrients for the growth of all living organisms in ecosystems. However, excessive nutrients may cause algae blooms in surface waters (eutrophication). Harmful algae blooms reduce or deplete oxygen in the water, produce toxins, stress or kill fish, and block sunlight reaching aquatic plants. There is also some evidence that certain forms of nutrients, e.g., ammonium, may inhibit phytoplankton productivity or have other effects on biota.”

“The San Francisco Bay estuary has long been recognized as a nutrient-enriched estuary. Despite this, the abundance of phytoplankton in the estuary is lower than would be expected due to a number of factors, including strong tidal mixing, light limitation due to high turbidity, and grazing by clams. Bay monitoring data are indicating a significant increase in phytoplankton biomass and a small decline in dissolved oxygen concentrations in many areas of the San Francisco Bay estuary, suggesting that the historic resilience of the estuary to the effects of nutrient enrichment may be weakening. Currently, the Regional and State Water Boards are in the process of developing nutrient water quality objectives for the San Francisco Bay estuary, using an approach known as the Nutrient Numeric Endpoint (NNE) framework. The NNE approach will likely require models that link ecological response indicators to nutrient loads and other management controls. This effort must be supported by accurate nutrient loading estimates from a variety of sources, including wastewater.”
Besides simply measuring the total amount of nitrogen and phosphorus, the order requires monitoring of those forms potentially found in influent or effluent, including:
- Total Dissolved Nitrogen
- Total Kjeldahl Nitrogen
- Soluble Kjeldahl Nitrogen
- Nitrate
- Nitrite
- Total Ammonia
- Urea
- Total Phosphorus
- Total Phosphorus (soluble)
- Orthophosphate (dissolved/total)
- pH
- Temperature
- Total Suspended Solids (TSS).

Wastewater dischargers larger than 5 mgd are required to sample twice a month for two years. EBDA staff worked closely with BACWA to negotiate revisions to the order that would make the data collection effort easier and cheaper. We negotiated the following changes:
- Significant reduction of required influent sampling parameters
- Reduction of effluent sampling for parameters that are expensive to measure.
- Re-evaluation of the extent of sampling after the first six months.

Overall, the analytical costs will be approximately $2,000 per month. This cost has been included in the approved budget. To some extent, it is offset by some of the monitoring reductions resulting from the new NPDES permit.
ITEM NO. 14 REPORT FROM THE OPERATIONS AND MAINTENANCE COMMITTEE

Recommendation
Approve the report from the Operations and Maintenance Committee.

Discussion
The Operations and Maintenance Committee, Chair Francis and Commissioner Dias, will meet with the General Manager on June 25, 2012. A copy of the Committee agenda is attached.

The Committee will review EBDA performance and the status report on O&M projects. Additionally, the Committee will consider resolutions adopting the FY 2012/2013 Renewal and Replacement Fund Schedule and approving an agreement with Chemurgic Agricultural Chemicals for sodium bisulfite solution in FY 2012/2013 in an amount not to exceed $225,000. These resolutions are being presented separately as Agenda Items No. 15 and 16 respectively.

The Committee will further consider resolutions accepting bids and authorizing the General Manager to issue purchase orders for two Renewal and Replacement Fund projects at the Oro Loma Effluent Pump Station: 1) gear drive to pump laser alignment and an input bearing set for gear box #1 in the amount of $25,740; and 2) removal, refurbishment and installation of the #4 gear box in the amount of $19,401. These resolutions are presented separately as Agenda Item No. 17.
OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Monday, June 25, 2012
9:00 A.M.

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

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 Approving the FY 2012/2013 Renewal and Replacement Fund Schedule
(The Committee will consider a resolution approving the FY 2012/2013 Renewal and Replacement Fund Schedule.)

OM7. Resolution Accepting the Bid and Approving an Agreement Between East Bay Dischargers Authority and Chemurgic Agricultural Chemicals, Inc. for Sodium Bisulfite Solution
(The Committee will consider adoption of a resolution accepting the bid and approving an agreement with Chemurgic Agricultural Chemicals, Inc. for Sodium Bisulfite Solution in FY 2012/2013.)

OM8. Matter of Accepting Bids and Authorizing the General Manager to Issue Purchase Orders for Renewal and Replacement Fund Projects
(The Committee will consider two resolutions accepting bids and authorizing the General Manager to issue purchase orders for renewal and replacement projects at the Oro Loma Effluent Pump Station.)

A. Resolution Accepting the Quotation from Dahl Beck Electric and Authorizing the General Manager to Issue Change Order No. 2 for Laser Alignment of the Gear Drive to the Pump at the Oro Loma Effluent Pump Station for a Project Cost of $25,740
(The Committee will consider a resolution accepting the quotation from Dahl Beck Electric and authorizing the General Manager to issue Change Order No. 2 for laser alignment of the gear drive to the pump at the Oro Loma Effluent Pump Station for a project cost $25,740.)
B. Resolution Accepting the Bid from Dahl Beck Electric and Authorizing the General Manager to Issue a Purchase Order for Removal, Refurbishing and Installation of the No. 4 Gear Box at the Oro Loma Effluent Pump Station in the Amount of $19,401
(The Committee will consider a resolution accepting the bid from Dahl Beck Electric and authorizing the General Manager to issue a Purchase Order for removal, refurbishing and installation of the No. 4 Gearbox at the Oro Loma Effluent Pump Station in the amount of $19,401.)

OM9. Adjournment

(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 ladams@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. Each person addressing the Committee should limit their presentation to three 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 will be held
Monday, July 16, 2012 at 9:00 a.m.
ITEM NO. OM4 EBDA PERFORMANCE

This information is a standing agenda item for both the O&M Committee and the Regulatory Affairs Committee. The detailed package is included in the Regulatory Affairs Committee agenda. The NPDES report shows that EBDA’s performance continues to operate within the normal range.

Please see the Regulatory Affairs Committee agenda, Item No. RA4, for April permit compliance data.

ITEM NO. OM5 STATUS REPORT

Alvarado Effluent Pump Station (AEPS)

EBDA and Union Sanitarily District (USD) Staff met with the Carollo project team on May 16th to discuss the scope or work and conceptual design criteria for the Operations and Infrastructure Optimization Project (OIOIP). The project has been divided into two separate tasks as follows:

- To develop the most energy efficient strategy for operation of the existing equipment and,
- To develop a conceptual design for optimizing the pump station and replacing the existing equipment.

The primary purpose of Task 1 is to optimize the overall pump station energy efficiency with the existing pumping equipment. Several items of concern were identified by the attendees, including: pumping against a partially closed / throttling valve, eliminating air entrainment at pump suction, minimizing pump start/stop cycling, ability to rotate lead pump duty, adding float controls as redundant backup.

Potential station design options were discussed focusing on flow restrictions, equalization, pump unit options as well as the pump station and forcemain system curves.

A project review meeting has been scheduled for Tuesday, July 10, 2012 at the USD treatment facility.

Hayward Effluent Pump Station (HEPS)

Staff conducted a thermography inspection of electrical components at this station. No items were noted for repairs.
Oro Loma Effluent Pump Station (OLEPS)
Staff previously reported that Pump Repair Services (PRS) provided the low bid for the replacement of two high pressure water pumps. PRS ordered the new pumping units and were expecting delivery in mid-April; however, the pumps failed the efficiency portion of the bench test prior to shipping. Staff refused delivery until the specification requirements were met. The manufacturer disassembled and polished the units prior to re-testing in May. The design specifications were subsequently met, and staff agreed to accept delivery. Pumping unit No. 1 was installed on June 19th and has operated consistently without incident. Pumping unit No. 2 is scheduled for installation on June 26th.

The sluice gate valves at this station have been in service for over 30 years. Previous discussions and reports have identified the need for refurbishing of the gates. Staff developed specifications for the project with the assistance of Member Agency (MA) staff and disbursed a Request for Quotes (RFQ) in May. ARMCO, the company that originally manufactured the gates, is no longer in business. Hydro Gate purchased the product line but has declined to supply parts. The gates in question are considered to be obsolete and have been out of production since 1978. This issue prevented both the Pacific Infrastructure and Overall from bidding the project. Sealed bids were received at the EBDA offices on June 19th. Staff estimated the project expenses to be $75,000, with the expectation that parts could be acquired and the work would take place during normal business hours. The bids as outlined in the table below came in substantially higher than the estimate due to the expenses associated with machining compared to the purchasing of parts.

The following table provides a summary of the bids:

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<tr>
<td>DWN</td>
<td>$178,000</td>
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<td>Monterey Mechanical</td>
<td>$209,500</td>
</tr>
<tr>
<td>Pacific Infrastructure</td>
<td>*DTB</td>
</tr>
<tr>
<td>Overaa Construction</td>
<td>*DTB</td>
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</table>

*Declined To Bid (DTB)*

Conversation after the bid opening between EBDA staff and the estimators concluded that new valves could be purchased and installed between $200,000 and $250,000. Staff recommends delaying the project until this issue is discussed within the MAC.

Last month staff reported on a leak from the output seal on the No. 1 gear drive unit. Dahl Beck was contracted to perform emergency maintenance. The unit was pulled and inspected. Scratches and etching were noted on the output and backspin shafts. Wear was also noted on the bearings and output coupling as well. Dahl Beck was instructed to rebuild the shafts up to specifications and then machine to proper tolerances and replace all seals and bearings and the output coupling.
At its May meeting, Commission accepted a quote for this work, including removal and reinstallation, in the amount of $19,951. This quote accounted for laser alignment of the motor to the gear drive unit but not the gear drive to the pump. The OLSD mechanic recommended and staff agreed to align this portion of the pumping unit. In addition, a communication breakdown occurred with the input bearing set, that staff will speak to during the meeting. An additional cost of $5,789 has been included to the original quote to insure the proper repair work of the unit bringing the total repair bill to $25,740.

Staff solicited and received quotes for the removal, refurbishing and installation of the No. 4 gear drive unit as follows:

<table>
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<tr>
<th>Company</th>
<th>Amount</th>
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<tr>
<td>Conhagen</td>
<td>$24,506</td>
</tr>
<tr>
<td>Dahl Beck</td>
<td>$19,401</td>
</tr>
<tr>
<td>Pump Repair Services</td>
<td>$20,952</td>
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Staff recommends accepting the low bid from Dahl Beck in the amount of: $19,401

Staff conducted a thermography inspection of electrical components at this station. No items were noted for repairs.

**San Leandro Effluent Pump Station (SLEPS)**
Staff conducted a thermography inspection of electrical components at this station. No items were noted for repairs.

**Sky West Pump Station**
No change. All equipment is operating as designed.

**Marina Dechlorination Facility (MDF)**
Staff conducted a thermography inspection of electrical components at this station. A single contactor was noted as having excess heat. Staff conducted repairs immediately and remedied the issue.

**Force main**
Seventy-three Underground Service Alert (USA) tickets were received by EBDA during the month of April. A single required marking of the force main and/or a field meeting.

The semi-annual cathodic protection survey was conducted in April. No items of concern were noted.

The rain fall data for the month of May over the entire sewer-shed/service-area was measured in hundredths of an inch.

**Miscellaneous Items:**
Asset Management Project: EBDA has contracted with GHD to review and improve the Authority’s current asset management program and funding strategy. The project will include assessing asset values; determine full asset lifecycle costs; development of an asset hierarchy. GHD will provide options of potential funding scenarios for the Authority’s asset management program. This project is nearing its conclusion. GHD is scheduled to provide a presentation to the MAC in June to discuss the project’s process and the overall Asset Management Program.

Flow Master Plan: Staff previously reported that Carollo provided EBDA, both a budget and scope of work for Hayward storage pond usage. Staff distributed the documents to MAC and PAC members for review and comments. Bob Hoffman of Carollo gave a presentation and led a discussion on the project during the March MAC meeting. The conversation was focused on preliminary costs (approximately $125,000) associated with the soil analysis, regulatory issues and environmental impact reporting. The MAC concluded that identifying potential fees that the City of Hayward may request for pond usage was a critical parameter prior to providing a recommendation to proceed with this preliminary work. Alex Ameri of the City of Hayward agreed to identify how a fee structure may be determined and report back to the MAC at either the May or June meeting for discussion purposes.
1. Summary sheets from the NPDES Report submitted to the RWQCB and EPA are attached for the month of: May-12

2. Number of violations reported in the above NPDES Report: None to Report

3. The violations included the following:

4. Preventive Maintenance for the month of: April

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<th># TASKS</th>
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<tr>
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<td>54</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Sky West Pump Station</td>
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<td>100%</td>
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<td>100%</td>
</tr>
<tr>
<td>Force Main - USD</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Force Main - San Leandro</td>
<td>88</td>
<td>88</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>330</strong></td>
<td><strong>330</strong></td>
<td><strong>0</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

5. Unscheduled Maintenance for the month of: April

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>NO. OF WORK ORDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Leandro Pump Station</td>
<td>0</td>
</tr>
<tr>
<td>Oro Loma Pump Station</td>
<td>3</td>
</tr>
<tr>
<td>Hayward Pump Station</td>
<td>0</td>
</tr>
<tr>
<td>Alvarado Pump Station</td>
<td>1</td>
</tr>
<tr>
<td>Marina Dechlorination Facility</td>
<td>1</td>
</tr>
<tr>
<td>Skywest Pump Station</td>
<td>0</td>
</tr>
<tr>
<td>Force Main</td>
<td>2</td>
</tr>
</tbody>
</table>

6. Other Items of significance: May-12

a. FM: Met with the new Cal-Pine management team to discuss potential forcemain access through their property.

b. AEPS: Initiated OIOP.

c. OLEPS: Performed thermography-testing of electrical equipment, and vibration analysis of mechanical equipment.

d. MDF: Performed thermography-testing of electrical equipment - Met and discussed bisulfite issues with Chemergic.

e. HEPS: Performed thermography-testing of electrical equipment submitted BAAQMD district permit renewal application

f. SLEPS: Performed thermography-testing of electrical equipment, and vibration analysis of mechanical equipment.
ITEM NO. 15 RESOLUTION APPROVING RENEWAL & REPLACEMENT FUND SCHEDULE FISCAL YEAR 2012/2013

Recommendation
Approve the Renewal & Replacement Fund Schedule for FY2012/13. The annual contribution of $350,000 was approved when the FY2012/2013 budget was approved in May 2012. This item has been presented to both the O&M and Finance Committees.

Background
Annually, the Authority’s Renewal & Replacement Fund Program (R&R) is updated. All equipment has been updated for additions this year. This list has also been updated consistent with the findings of our ongoing asset management planning. The R&R is projected over a 25 year horizon.

The following information is offered for the Committee’s review:

RRF FY2011-12 Annual Reconciliation: The Authority maintains a comprehensive Renewal & Replacement Fund Policy and Program (RRF) to insure the timely replacement and upgrading of equipment. The RRF program covers more than 400 assets having a total current value of approximately $10,000,000. The Commission collects $350,000 from its member agencies each year for its Renewal and Replacement Fund. Projects that affect LAVWMA are reimbursed by LAVWMA at the fixed rate presented in the LAVWMA MOU.

In July 2011, the Commission authorized the expenditure of $800,000 in RRF projects for FY 2011-2012. The largest expenditures for AEPS and HEPS have been delayed pending the results of the Operations & Infrastructure Optimization and the Flow Master Plan projects prior to further analysis and recommendations. The Force Main projection of $9500 for the replacement of 3 air relief valves (Table 2) was exceeded because of slight raise in the manufacturer’s product line between fiscal years 2010-2011 and 2011-2012.

Of the funds allocated for OLEPS, Table 1 shows that

- The initial inspection and calibration to the sluice gates has been completed, an RFQ was disbursed and bids received, construction is scheduled to occur this summer.
- Inspections of the main service switch gear and hydro pneumatic tank indicated at least 5 years of remaining useful life.
- Evaluations of the emergency engine and generator have determined that generator refurbishing is necessary.
- Replacement of the two reclaimed water pumps is underway at a total cost of $36,614.
- Further inspection of the screen hoists and strainers has been delayed pending completion of the OLEPS wet well project.

Finally, $64,000 was allocated for contingency spending. To date, EBDA has spent $93,897 on emergency RRF projects approved by the Commission. Four projects arose at OLEPS that required emergency RRF approval by the Commission:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>OLEPS sluice gate inspection and calibration</td>
<td>$2,700</td>
</tr>
<tr>
<td>OLEPS high pressure water sump’s valve stem replacement</td>
<td>$7,135</td>
</tr>
<tr>
<td>PG&amp;E support for Siemens OLEPS arc flash project</td>
<td>$3,950</td>
</tr>
<tr>
<td>HPT Control System</td>
<td>$16,200</td>
</tr>
</tbody>
</table>

**Total OLEPS Contingency Spending**

$29,985

Two contingency projects arose at MDF that required Commission approval:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDF under-drain pipe replacement project (underway)</td>
<td>$17,419</td>
</tr>
<tr>
<td>MDF meter vault Oxygen meter purchase and installation</td>
<td>$4,203</td>
</tr>
</tbody>
</table>

**Total MDF Contingency Spending**

$21,622

Two contingency projects arose at the main office to ensure full SCADA functionality:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase and installation of office standby generator</td>
<td>$19,950</td>
</tr>
<tr>
<td>SCADA PLC polling project</td>
<td>$22,340</td>
</tr>
</tbody>
</table>

**Total EBDA IT Contingency**

$42,290

Overall, EBDA has spent or committed $143,544 of spending to RRF this fiscal year (see Table 3).

### Table 1: FY2011-12 OLEPS Approved RRF Projects

<table>
<thead>
<tr>
<th>Equipment Number</th>
<th>Equipment Name</th>
<th>Projected Completion Date</th>
<th>Budgeted Costs</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>OCEP09</td>
<td>Main Service Switch</td>
<td>2017</td>
<td>$222,393</td>
<td>Inspected. No abnormal wear, 5 years left</td>
</tr>
<tr>
<td>Equipment Number</td>
<td>Equipment Name</td>
<td>Projected Completion Date</td>
<td>Budgeted Costs</td>
<td>Progress</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------</td>
<td>---------------------------</td>
<td>----------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>OEE0N01</td>
<td>Emergency engine</td>
<td>2014</td>
<td>$ 47,443</td>
<td>Inspected, no abnormal wear, 5 years left</td>
</tr>
<tr>
<td>OEGN01</td>
<td>Emergency generator</td>
<td>2014</td>
<td>$ 47,443</td>
<td>Refurbishing of generator windings to be scheduled</td>
</tr>
<tr>
<td>OMHT01</td>
<td>Hydro pneumatic tank</td>
<td>2017</td>
<td>$ 8,229</td>
<td>Inspected, no abnormal wear, 5 years left</td>
</tr>
<tr>
<td>OMRW01H</td>
<td>Screen hoist</td>
<td>2012</td>
<td>$ 3,000</td>
<td>TBD</td>
</tr>
<tr>
<td>OMRW01S</td>
<td>Strainer</td>
<td>2012</td>
<td>$ 3,000</td>
<td>TBD</td>
</tr>
<tr>
<td>OMRW02H</td>
<td>Screen Hoist</td>
<td>2012</td>
<td>$ 3,000</td>
<td>TBD</td>
</tr>
<tr>
<td>OPRW01P</td>
<td>Reclaimed H20 pumps</td>
<td>2012</td>
<td>$ 22,000</td>
<td>In process of installation PO = $38,614</td>
</tr>
<tr>
<td>OPRW02P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>8 Items</td>
<td></td>
<td>$ 356,508</td>
<td>$38,614</td>
</tr>
</tbody>
</table>

Table 2: FY2011-12 Force Main Approved RRF Projects

<table>
<thead>
<tr>
<th>Equipment Number</th>
<th>Equipment Name</th>
<th>Projected Completion Date</th>
<th>Budgeted Costs</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>FVARAT 8”</td>
<td>STA: 261+ 25</td>
<td>2012</td>
<td>$ 3,500</td>
<td>Completed</td>
</tr>
<tr>
<td>FVAVOD 6”</td>
<td>STA: 55 + 55</td>
<td>2012</td>
<td>$ 3,000</td>
<td>Completed</td>
</tr>
<tr>
<td>FVAVSG 4”</td>
<td>STA: 77 + 54</td>
<td>2012</td>
<td>$ 3,000</td>
<td>Completed</td>
</tr>
</tbody>
</table>
Table 3: Summary of FY2011-12 RRF spending to-date

<table>
<thead>
<tr>
<th>Facility</th>
<th># RRF Items</th>
<th>Budgeted Costs</th>
<th>Actual Items</th>
<th>Actual Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>AEPS</td>
<td>2</td>
<td>$404,986</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>HEPS</td>
<td>4</td>
<td>$237,216</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>OLEPS</td>
<td>5</td>
<td>$22,000</td>
<td>2</td>
<td>$38,614</td>
</tr>
<tr>
<td>MDF</td>
<td>0</td>
<td>$0</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Force Main</td>
<td>8</td>
<td>$62,500</td>
<td>3</td>
<td>$11,033</td>
</tr>
<tr>
<td>Contingency</td>
<td></td>
<td>$64,298</td>
<td>8</td>
<td>$93,897</td>
</tr>
<tr>
<td>TOTALS</td>
<td>19</td>
<td>$791,000</td>
<td>13</td>
<td>$143,544</td>
</tr>
</tbody>
</table>

Proposed Projects for FY 2012-13

The potential projects for FY2012-13 (table 4) as designated by the RRF. Spending increases are projected at $1.058 million for FY 2012-13. Much of the spending occurs at the Alvarado and Hayward Effluent Pump Stations, which underwent a detailed review by the Manager's Advisory Committee last summer. As noted above the expenditures at these stations are awaiting resolution to the Flow Master Plan and the Operations and Infrastructure Optimization projects.

Table 4: Summary of FY2012-13 RRF projected projects

<table>
<thead>
<tr>
<th>Equipment Number</th>
<th>Location</th>
<th>Equipment Name</th>
<th>Completion Date</th>
<th>Budgeted Costs</th>
<th>Actual Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>AEVS01-06</td>
<td>AEPS</td>
<td>VFD &amp; HF 1-6</td>
<td></td>
<td>$340,956</td>
<td></td>
</tr>
<tr>
<td>Equipment Number</td>
<td>Location</td>
<td>Equipment Name</td>
<td>Completion Date</td>
<td>Budgeted Costs</td>
<td>Actual Costs</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
<td>-----------------------------</td>
<td>-----------------</td>
<td>----------------</td>
<td>--------------</td>
</tr>
<tr>
<td>AVBM01-06D</td>
<td>AEPS</td>
<td>Discharge valves</td>
<td></td>
<td>$ 81,822</td>
<td></td>
</tr>
<tr>
<td>AVBM01-06I</td>
<td>AEPS</td>
<td>Inlet valves</td>
<td></td>
<td>$ 65,808</td>
<td></td>
</tr>
<tr>
<td>DPDS01</td>
<td>MDF</td>
<td>Sewage pump No. 1</td>
<td></td>
<td>$ 16,108</td>
<td></td>
</tr>
<tr>
<td>DPDS02</td>
<td>MDF</td>
<td>Sewage pump No. 2</td>
<td></td>
<td>$ 16,108</td>
<td></td>
</tr>
<tr>
<td>EBDA102</td>
<td>OFFICE</td>
<td>Cannon image copier</td>
<td></td>
<td>$ 18,412</td>
<td></td>
</tr>
<tr>
<td>EBDA147</td>
<td>OFFICE</td>
<td>Records software</td>
<td></td>
<td>$ 3,000</td>
<td></td>
</tr>
<tr>
<td>FVAVSD 4&quot;</td>
<td>FM</td>
<td>Air relief assembly</td>
<td></td>
<td>$ 3,000</td>
<td></td>
</tr>
<tr>
<td>FVAVSH 4&quot;</td>
<td>FM</td>
<td>Air relief assembly</td>
<td></td>
<td>$ 3,000</td>
<td></td>
</tr>
<tr>
<td>FVAVSK 4&quot;</td>
<td>FM</td>
<td>Air relief assembly</td>
<td></td>
<td>$ 3,000</td>
<td></td>
</tr>
<tr>
<td>FVAVOD 6&quot;</td>
<td>FM</td>
<td>Air relief assembly</td>
<td></td>
<td>$ 3,500</td>
<td></td>
</tr>
<tr>
<td>FVAVHG 6&quot;</td>
<td>FM</td>
<td>Air relief assembly</td>
<td></td>
<td>$ 3,500</td>
<td></td>
</tr>
<tr>
<td>FMINSP</td>
<td>FM</td>
<td>FM and Outfall insp.</td>
<td></td>
<td>$ 56,717</td>
<td></td>
</tr>
<tr>
<td>FVrehab</td>
<td>FM</td>
<td>Manhole restoration</td>
<td></td>
<td>$ 17,015</td>
<td></td>
</tr>
<tr>
<td>HEVS01</td>
<td>HEPS</td>
<td>VFD No. 1</td>
<td></td>
<td>$ 12,471</td>
<td></td>
</tr>
<tr>
<td>HEVS03</td>
<td>HEPS</td>
<td>VFD No. 2</td>
<td></td>
<td>$ 12,471</td>
<td></td>
</tr>
<tr>
<td>HPEF01</td>
<td>HEPS</td>
<td>Effluent pump unit</td>
<td></td>
<td>$ 59,304</td>
<td></td>
</tr>
<tr>
<td>HPEF02</td>
<td>HEPS</td>
<td>Effluent pump unit</td>
<td></td>
<td>$ 59,304</td>
<td></td>
</tr>
<tr>
<td>HPEF03</td>
<td>HEPS</td>
<td>Effluent pump unit</td>
<td></td>
<td>$ 59,304</td>
<td></td>
</tr>
<tr>
<td>HPEF04</td>
<td>HEPS</td>
<td>Effluent pump unit</td>
<td></td>
<td>$ 59,304</td>
<td></td>
</tr>
<tr>
<td>HVVA02</td>
<td>HEPS</td>
<td>Valve actuator</td>
<td></td>
<td>$ 6,359</td>
<td></td>
</tr>
</tbody>
</table>
The inlet and discharge valves at the AEPS are not demonstrating signs of excessive wear, which might require either replacement or removal; however they have been included to this list in the event that a recommendation for equipment replacement comes from the Operations and Infrastructure Optimization project.

The sewage pumps at the MDF were discussed last fiscal year in both the O&M and MAC committees. The O&M Manager has been tasked via the MAC to identify sewage and floor drain flow options to minimize the costs associated with replacement of the existing sewage pumps by identifying potential downsizing options.

EBDA staff has identified select office equipment in need of replacement as noted in the table above.

The VFD and valve actuators at the HEPS are not in immediate need of replacement; however the RRF has designated this equipment for consideration and staff has added them to the table in the event that the FMP project recommends upgrades at this station.

The effluent pumping units have lost efficiency, however a redundant unit was installed with the original design. Design capacity of the station can still be met with the existing pump configuration. Replacement of the units can be withheld for a period of time while the most optimum upgrade at this station is determined.
The air relief assemblies being considered for replacement will conclude the process of replacing the original cast iron units with modern stainless steel air relief valves.

The standby engine and generator at the OLEPS are both designated for replacement consideration. The engine is deemed to be operating at peak performance and has demonstrated minimal signs of wear. The generator was load tested last year and recorded an efficiency rating of 80%, indication of windings/insulation wear. Staff proposes renewing this equipment.

The need for screen hoists and strainer replacement and/or renewal will be determined during the high pressure water pump installation scheduled for later this month.

At its May 2012 meeting, the Commission recommended that the General Manager’s signing authority be increased from $10,000 to $25,000 for Renewal and Replacement fund and other specific projects. The resolution incorporates language that authorizes this change in FY 2012/2013.

Budget Authority: 31-00-00-4800
EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 12-14

INTRODUCED BY _______________

RESOLUTION APPROVING RENEWAL & REPLACEMENT FUND
SCHEDULE FISCAL YEAR 2012/2013

WHEREAS, the East Bay Dischargers Authority adopted Resolution No. 90-11, Resolution Establishing Policies for Renewal and Replacement Fund, on May 17, 1990; and

WHEREAS, Resolution No. 90-11 requires that the schedule be recalculated and reviewed annually based on updates to the master list of items on the schedule; and

WHEREAS, the Authority has developed current replacement costs based on capital projects, valuation provided by an outside consultant, and changes in the San Francisco Bay Area Consumer Price Index; and

WHEREAS, the staffs of the Authority and the member agencies have reviewed and updated the schedule; and

WHEREAS, the analysis conducted in 1996 recommended a contribution of $350,000 for FY2012/2013; and

WHEREAS, the Authority's Operations & Maintenance Committee has reviewed the replacement schedule and funding scheme, and recommend approval; and

WHEREAS, approval of the schedule specifically authorizes replacement of only those items listed for FY2012/2013.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby approves the Renewal & Replacement Fund Schedule for Fiscal Year 2012/2013; and

BE IT FURTHER RESOLVED, that the Commission of the East Bay Dischargers Authority hereby approves the award, modification or acceptance of work under any contract that obligates the East Bay Dischargers Authority to an expenditure of up to TWENTY-FIVE THOUSAND DOLLARS ($25,000), where such contract is in proper legal form and is consistent with and provided for in the Renewal and Replacement Fund Schedule for FY 2012/2013; and
BE IT FURTHER RESOLVED, commencing on July 1, 2012 and ending on June 30, 2013, the Commission of the East Bay Dischargers Authority duly authorizes the General Manager to execute contracts that are consistent with the Renewal and Replacement Fund Schedule for FY 2012/2013 for contract values up to $25,000 without further Commission approval.

1906053.1
SAN LORENZO, CALIFORNIA, ON THE 28TH DAY OF JUNE, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

______________________________
CHAIR
EAST BAY DISCHARGERS COMMISSION

______________________________
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. 16 RESOLUTION ACCEPTING THE BID AND APPROVING AN AGREEMENT BETWEEN THE EAST BAY DISCHARGERS AUTHORITY AND CHEMURGIC. AGRICULTURAL CHEMICALS, INC. FOR SODIUM BISULFITE SOLUTION FOR FY 2012/2013 IN AN AMOUNT NOT TO EXCEED $225,000 WITHOUT PRIOR COMMISSION APPROVAL

Recommendation
Accept the bid from Chemurgic Agricultural Chemicals, Inc. and adopt the resolution approving the agreement between the Authority and Chemurgic for 40% sodium bisulfite solution in FY 2012/2013 in an amount not to exceed $225,000 without prior Commission approval.

Discussion
This bid is the major component of EBDA’s Supplies, Variable budget line. While bisulfite usage can fluctuate depending on the weather, it is anticipated that costs will not exceed $225,000 in FY 2012/2013.

The Authority uses sodium bisulfite at the Marina Dechlorination Facility to dechlorinate effluent prior to discharging it through the outfall. When EBDA’s current vendor, Univar USA (Univar), purchased Basic Chemical Solutions, LLC (BCS) in 2010, EBDA’s agreement with BCS succeeded to Univar. Each year since that time, Univar has increased its price per dry pound annually as provided for in the agreement.

In 2011, staff from Dublin San Ramon Services District formed a consortium of local wastewater agencies to purchase bulk chemicals as a way to lower chemical costs. In March 2012, the Bay Area Chemical Consortium (BACC) issued a formal request for bids for a variety of chemicals used in wastewater operations in three separate regions, North Bay, East Bay (EBDA) and Peninsula. Chemurgic submitted the lowest bid for EBDA as shown in Table 1.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Unit Price Per Gallon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemurgic Agricultural Chemicals, Inc.</td>
<td>$0.955</td>
</tr>
<tr>
<td>Univar USA, Inc.</td>
<td>$1.095</td>
</tr>
<tr>
<td>Brenntag Pacific, Inc.</td>
<td>$1.83</td>
</tr>
</tbody>
</table>

Subsequent negotiations between EBDA and Chemurgic resulted in a 40% sodium bisulfite solution at a unit price per dry lb. of $0.362. Usage of the 40% solution provides EBDA longer capacity and reduced deliveries that allow a price reduction.

Budget Authority: 12-12-00-4101, 12-14-00-4101 and 12-16-00-4104

RESOLUTION ACCEPTING THE BID AND APPROVING AN AGREEMENT BETWEEN EAST BAY DISCHARGERS AUTHORITY AND CHEMURGIC AGRICULTURAL CHEMICALS, INC. FOR SODIUM BISULFITE 40% SOLUTION IN FY 2012/2013 IN AN AMOUNT NOT TO EXCEED $225,000 WITHOUT PRIOR COMMISSION APPROVAL

WHEREAS, the East Bay Dischargers Authority's agent, Bay Area Chemical Consortium, advertised for bids for Sodium Bisulfite Solution in accordance with the requirements of the Public Contracts Code; and

WHEREAS, the Bid Opening conference was held on April 16, 2012, wherein bids were received before the deadline, and were opened and reviewed; and

WHEREAS, the Operation & Maintenance Committee agrees with the award of contract to Chemurgic Agricultural Chemicals, Inc. by Bay Area Chemical Consortium as indicated in its May 8, 2012 Notice of Intent to Award Contracts in Response to Bay Area Chemical Consortium, Bid No. 02-2012 for the Supply and Delivery of Sodium Bisulfite, and has determined that the bid is acceptable; and

WHEREAS, the Operations and Maintenance Committee approves the amendment from 25% solution to 40% solution; and

WHEREAS, the Operation & Maintenance Committee has recommended acceptance of the bid and approval of the proposed agreement between the Authority and Chemurgic Agricultural Chemicals, Inc. for Sodium Bisulfite 40% Solution.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay Dischargers Authority hereby accepts the bid of Chemurgic Agricultural Chemicals, Inc. and approves the proposed agreement between the Authority and Chemurgic Agricultural Chemicals, Inc. for Sodium Bisulfite Solution in accordance with the accepted bid.

BE IT FURTHER RESOLVED, the General Manager is hereby authorized to execute said agreement on behalf of the Authority; and

BE IT FURTHER RESOLVED, that purchases of sodium bisulfite 40% solution shall not exceed $225,000 in FY 2012/2013 without prior approval by the Commission of the East Bay Dischargers Authority.

Budget Authority: 12-12-00-4101, 12-14-00-4101 and 12-16-00-4104

SAN LORENZO, CALIFORNIA, ON JUNE 28, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES: NOES: ABSENT: ABSTAIN:

_____________________________ ______________________________
CHAIR ATTEST:
EAST BAY DISCHARGERS COMMISSION GENERAL MANAGER

EX OFFICIO SECRETARY
AGREEMENT
SODIUM BISULFITE SOLUTION

This AGREEMENT made this 1st day of July, 2012, by and between East Bay Dischargers Authority, a joint powers agency pursuant to the laws of the State of California, hereinafter referred to as "AUTHORITY" and Chemurgic Agricultural Chemicals, Inc., a California corporation, hereinafter referred to as "CONTRACTOR".

WITNESSETH

WHEREAS, the AUTHORITY, through its member agencies, operates four wastewater treatment facilities and a dechlorination facility; and

WHEREAS, the AUTHORITY is responsible for dechlorinating the combined effluent from its member agencies and Livermore-Amador Valley Water Management Agency; and

WHEREAS, the AUTHORITY desires to retain a qualified supplier of sodium bisulfite solution for dechlorination purposes; and

WHEREAS, the AUTHORITY’s agent, Bay Area Chemical Consortium, solicited quotations as described in the Notice Inviting Sealed Bids for Supply and Delivery of Sodium Bisulfite, dated March 19, 2012; and

WHEREAS, CONTRACTOR has submitted the lowest responsive responsible bid.

NOW, THEREFORE, BE IT RESOLVED the parties hereto adopt this AGREEMENT and provide as follows:

I. SODIUM BISULFITE SOLUTION TO BE PROVIDED BY CONTRACTOR

A. Specifications of Material. Sodium bisulfite (NaHSO₃) solution shall comply with the following:

1. The sodium bisulfite solution concentration shall be a nominal 40% NaHSO₃ by weight.

2. The sodium bisulfite solution shall be a minimum 38% and maximum 42% NaHSO₃ by weight.
B. Purity Requirements.

1. The sodium bisulfite solution shall have no more than 90 mg/L suspended matter as determined gravimetrically by filtration through a 0.45 μ filter paper.

2. Each delivery shall be accompanied by a certificate of compliance and certified analysis including the following:
   a. percent by weight (pounds chemical per pound solution) NaHSO₃.

3. Upon request by AUTHORITY, provide a chemical analysis of a typical mixture of AUTHORITY combined effluent and sodium bisulfite solution throughout the term of the AGREEMENT. Chemical analysis shall include the following:

   ammonia, total cyanide, weak acid dissociable cyanide, nitrate, nitrite, phosphate, phenol, aluminum, arsenic, cadmium, calcium, chromium, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, selenium, silver, zinc, and polycyclic aromatic hydrocarbons (PAHs) by EPA Method No. 610.

   Analyses shall be performed by a commercial laboratory meeting all certification requirements of the State of California Environmental Laboratory Accreditation Program.

   All analytical methods must be approved by EPA. All analyses shall be performed to produce measurable results. Data that still must be reported as N.D. (not present above the stated limit of detection), must have detection limits for metals and PAHs no greater than 0.5 μg/L. The AUTHORITY will determine potential impacts on the AUTHORITY’s NPDES permit limits that may occur as a result of the sodium bisulfite solution.

   At the AUTHORITY’s option, the quarterly testing requirement may be waived if adequate past data exists to indicate that there is no significant potential to increase existing effluent concentrations of the chemicals listed above.

C. Delivery Requirements for Marina Dechlorination Facility.

Deliveries shall be made f.o.b. to the AUTHORITY’s Marina Dechlorination Facility. The term f.o.b. shall mean that the product shall be placed in the AUTHORITY’s sodium bisulfite tanks. The approximate delivery requirement is as follows:
Six (6) Times per Month (Dry Weather) to
Ten (10) Times per Month (Wet Weather) to the following site:

Marina Dechlorination Facility
14150 Monarch Bay Drive
San Leandro, California
Two (2) - 6,500 gallon storage tanks

D. Minimum Order. Deliveries shall be available in minimum quantities of
5,000 gallons.

E. Delivery Requirements for Oro Loma Effluent Pump Station.
Deliveries shall be made f.o.b. to the AUTHORITY's Oro Loma Effluent
Pump Station. The term f.o.b. shall mean that the product shall be placed
in the AUTHORITY's sodium bisulfite tanks. The approximate delivery
requirement is as follows:

One (1) Time per Year to the following site:

Oro Loma Sanitary District
2600 Grant Avenue
San Lorenzo, California
One (1) - 1,000 gallon storage tank

F. Minimum Order. Deliveries shall be available in minimum quantities of
750 gallons.

G. Delivery Requirements for San Leandro Effluent Pump Stations.
Deliveries shall be made f.o.b. to the AUTHORITY's Oro Loma Effluent
Pump Station. The term f.o.b. shall mean that the product shall be placed
in the AUTHORITY's sodium bisulfite tanks. The approximate delivery
requirement is as follows:

One (1) Time per Year to the following site:

City of San Leandro Water Pollution Control Plant
3000 Davis Street
San Leandro, California
One (1) - 275 gallon storage tank

H. Minimum Order. Deliveries shall be available in minimum quantities of
250 gallons.
II. SERVICES TO BE PROVIDED BY THE AUTHORITY

A. Provide standard connections at the Marina Dechlorination Facility for safe delivery of sodium bisulfite solution.

B. It is understood and agreed that AUTHORITY shall to the extent reasonable and practicable, assist and cooperate with CONTRACTOR in the performance of CONTRACTOR's services hereunder.

III. COMPENSATION

A. Total compensation for the services provided under the terms of this AGREEMENT are estimated to be $225,000 as detailed in Appendix A, Bidding Summary. Actual total compensation may be different depending on the amount of sodium bisulfite solution required by AUTHORITY. Unit cost per pound for each calendar year time period is also detailed in Appendix A.

B. Costs described in Appendix A shall include compensation for all licenses, fees, freight, insurance or any other costs associated with delivering the product to the Marina Dechlorination Facility and depositing it in the AUTHORITY's sodium bisulfite storage tanks.

C. As this is a requirements contract, the quantities specified in Appendix A, are approximate only and may be increased or decreased in any amount to conform to the AUTHORITY's needs. A certified weight ticket shall be provided with each delivery. The weight ticket shall show loaded weight, empty weight, and net weight of solution/product delivered.

Payments will be made on the basis of the following:

\[(\text{Net weight of solution/product delivered, pounds}) \times (%\text{Concentration NaHSO}_3 \text{[w/w]}) \times (\text{Unit price per pound of NaHSO}_3)\]

D. One hundred percent (100%) of the contract price, as detailed in Appendix A, for the material in each shipment will be paid to CONTRACTOR within 30 days following delivery to the specified point and after proper invoicing and acceptance by the AUTHORITY.

IV. LITERATURE

A. CONTRACTOR has provided AUTHORITY with a "Material Safety Data Sheet" for the sodium bisulfite solution as part of the bidding requirements. It is further required that any changes, additions, or deletions to the Material Safety Data Sheet be transmitted to the AUTHORITY as soon as
they are made available. Failure to comply with this requirement may result in the termination of this AGREEMENT.

V. PERIOD OF SERVICE

The term of this AGREEMENT shall be for an approximate period of one (1) year and shall begin on the execution date of this AGREEMENT as first written above, and extend through June 30, 2013.

VI. HAZARDOUS MATERIALS REQUIREMENTS

A. CONTRACTOR shall be responsible for ensuring compliance with all Federal, State and local environmental health and safety regulations concerning the transport, delivery, transfer and cleanup of hazardous materials while performing under this contract.

B. CONTRACTOR shall observe the entire filling operation at the Marina Dechlorination Facility. Any spills caused during the filling operation shall be immediately reported to the on-duty staff. CONTRACTOR shall take immediate and appropriate actions to clean up any spilled material. If spill is not cleaned up, the AUTHORITY will hire a certified hazardous material handling company to clean up the spill, and the cost for such service will be charged to CONTRACTOR or deducted from amounts due to CONTRACTOR. No leakage to atmosphere or environment will be permitted. CONTRACTOR shall provide proper connector from tanker truck hose to the AUTHORITY’S system.

C. CONTRACTOR shall provide a copy of a "Spill Response Plan" prior to execution of this AGREEMENT. Said Plan shall include the name and telephone number of a contact person. It is further required that any changes, additions, or deletions to said Plan be transmitted to the AUTHORITY as soon as they are made available. Failure to comply with this requirement may result in the termination of this AGREEMENT.

D. CONTRACTOR's responsibility shall continue until the sodium bisulfite solution is safely deposited in the AUTHORITY's sodium bisulfite tanks at the Marina Dechlorination Facility.

VII. INSURANCE

CONTRACTOR shall provide and maintain at all times during the performance of a subsequent AGREEMENT, the following:

A. Workers' Compensation and Employer's Liability Insurance for protection of CONTRACTOR's employees as required by law and as will protect
CONTRACTOR from loss or damage because of personal injuries, including death to any of CONTRACTOR’s employees. Workers compensation limits shall be statutory. Employer’s Liability limits shall not be less that $1,000,000 each accident.

B. Comprehensive Automobile Liability Insurance
CONTRACTOR agrees to carry a Comprehensive Automobile Liability Policy providing bodily injury liability. This policy shall protect CONTRACTOR against all liability arising out of the use of owned or leased automobiles both passenger and commercial. Limits of said insurance shall not be less than $1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage.

C. Comprehensive General Liability Insurance
CONTRACTOR agrees to carry a Comprehensive General Liability Insurance Policy as will protect CONTRACTOR and AUTHORITY from any and all claims for damages or personal injuries, including death, which may be suffered by persons, or for damages to or destruction to the property of others, which may arise from CONTRACTOR operations under this AGREEMENT, which insurance shall name the AUTHORITY as additional insured, and said policy shall cover the indemnity provisions under this AGREEMENT; said insurance shall provide a minimum of $5,000,000 Combined Single Limit coverage for personal injury, bodily injury, and property damage for each occurrence and aggregate. Such insurance will insure CONTRACTOR and AUTHORITY from any and all claims arising from the following:

1. Personal injury;
2. Bodily injury;
3. Property damage;
4. Automobiles, trucks, and other vehicles and equipment (owned, not owned, or hired, licensed or unlicensed for road use);
5. Broad form property damage;
6. Independent contractors;
7. Blanket contractual liability;
8. Pollution.

D. Comprehensive General Liability and Comprehensive Automobile Liability Insurance policies shall be endorsed to provide the following:

1. Name as Additional Insured East Bay Dischargers Authority, its Officers, Agents, and Employees.
2. That such policies are primary insurance to any other insurance available to the Additional Insured, with respect to any claims
arising out of this AGREEMENT, and that insurance applies separately to each insured against whom claim is made or suit is brought.

E. Contractor’s Pollution Liability Insurance
CONTRACTOR agrees to carry Contractor’s Pollution Liability insurance to cover environmental liability associated with job-site operations. This policy shall protect CONTRACTOR against all liability arising out of a pollution incident, such as, an accidental release of chemicals or other hazardous materials from broken pipelines, utilities and stationary and mobile tanks resulting in the need for contamination clean-up. CONTRACTOR’S Liability limits shall not be less than $1,000,000 each occurrence, $2,000,000 aggregate.

F. CONTRACTOR agrees to maintain such insurance at CONTRACTOR’s expense in full force and effect in a company or companies satisfactory to the AUTHORITY. All coverage shall remain in effect throughout the term of this AGREEMENT. Insurance coverage shall apply to the sodium bisulfite solution until it is safely deposited in the AUTHORITY’s sodium bisulfite storage tanks.

G. CONTRACTOR will furnish the AUTHORITY with Certificate(s) of Insurance issued by CONTRACTOR’s insurance carrier(s) and countersigned by an authorized agent or representative of the insurance company. The Certificate shall show that the insurance will not be canceled, altered, or reduced without thirty (30) days’ prior written notice to the AUTHORITY. The Certificate shall name the AUTHORITY as the Certificate Holder.

H. The Certificate(s) of Insurance shall be included as part of this AGREEMENT, as Appendix B, Certificate(s) of Insurance.

I. Approval of insurance by AUTHORITY shall not relieve or decrease the liability of CONTRACTOR.

J. The AGREEMENT shall terminate immediately, without notice to CONTRACTOR, upon any lapse of required insurance coverage.

VIII. INDEMNIFICATION

A. CONTRACTOR shall defend and indemnify AUTHORITY from and against legal liability for damages arising out of performance of the services for AUTHORITY where such liability is caused by the negligent act, error, or omission of CONTRACTOR or any person or organization for
whom CONTRACTOR is legally liable. This shall apply to all subcontractors to CONTRACTOR.

B. CONTRACTOR shall indemnify AUTHORITY against legal liability for damages arising out of claims by CONTRACTOR’s employees. AUTHORITY shall indemnify CONTRACTOR against legal liability for damages arising out of claims by AUTHORITY employees.

IX. INDEPENDENT CONTRACTOR

CONTRACTOR undertakes performance of the services of this AGREEMENT as an independent Contractor and shall be wholly responsible for the methods of performance. AUTHORITY will have no right to supervise the methods used, but AUTHORITY will have right to observe such performance. CONTRACTOR shall work closely with AUTHORITY in performing services under this AGREEMENT.

X. DELIVERY ORDER AND REQUIREMENTS

A. All items shall be delivered f.o.b. Marina Dechlorination Facility. Deliveries shall be made as follows, unless directed otherwise:

1. Routine Orders - Deliveries shall be made within 48 hours after receipt of AUTHORITY order.

2. Emergencies - CONTRACTOR shall be capable of delivering emergency quantities upon 12 hours’ notification.

3. Hours - Deliveries will normally be accepted Monday through Friday, between the hours of 7:30 A.M. and 3:30 P.M.

XI. FAILURE TO MEET SPECIFICATIONS

A. In the event any shipment does not arrive in the time period required under this AGREEMENT, or any shipment or shipments of CONTRACTOR’s product do not meet the specification requirements, the AUTHORITY may reject the shipment or shipments and, at its option, may purchase this material on the open market from any supplier who can meet the AUTHORITY’s specification requirements. Any costs over and above the original contract price will be charged back to CONTRACTOR.

XII. NOTICES

A. All notices provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received
when made in writing and deposited in the United States mail, registered and postage prepaid and addressed to the respective parties as follows:

AUTHORITY:

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

CONTRACTOR:

General Manager
Chemurgic Agricultural Chemicals, Inc.
3106 South Faith Home Road
Turlock CA, 95380

or at such other addresses as may in writing be designated by the AUTHORITY or CONTRACTOR, respectively, and delivered to the other party in the manner described above.

XIII TERMINATION AND/OR MODIFICATION OF AGREEMENT

A. This AGREEMENT shall terminate on June 30, 2013 unless otherwise extended by mutual agreement of the parties.

B. Both parties to this AGREEMENT shall have power to terminate this AGREEMENT upon giving the other party thirty (30) days written notice of said party's intention to terminate. Upon termination, AUTHORITY will pay outstanding invoices for product already delivered within thirty (30) days.

C. The parties to this AGREEMENT may mutually agree to extend the agreement each year for up to five (5) consecutive years. Discussion of extensions shall be initiated by the AUTHORITY no later than April 1, or three months prior to the end of the current agreement.
APPROVED AS TO FORM

EAST BAY DISCHARGERS AUTHORITY
A Public Agency

__________________________
Steven R. Meyers
Legal Counsel

__________________________
Michael S. Connor, General Manager

CHEMURGIC AGRICULTURAL CHEMICALS, INC.

__________________________
Kent D. Johnson, President
## APPENDIX A

<table>
<thead>
<tr>
<th>PERIOD</th>
<th>ESTIMATED SOLUTION USE BASED ON POUNDS NaHSO₃ (Dry weight basis)</th>
<th>UNIT PRICE PER POUND NaHSO₃ (Dry weight basis)</th>
<th>TOTAL ESTIMATED ANNUAL COST (Dry weight basis)</th>
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<tbody>
<tr>
<td>July 1, 2012 – June 30, 2013</td>
<td>650,000 lbs</td>
<td>$0.362/dry lb</td>
<td>$225,000</td>
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</table>
ITEM NO. 17  MATTER OF ACCEPTING BIDS AND AUTHORIZING THE GENERAL MANAGER TO ISSUE PURCHASE ORDERS FOR RENEWAL & REPLACEMENT FUND PROJECTS

Recommendation
The Commission is being asked to adopt the resolutions to accept the bids and authorize the General Manager to issue purchase orders for the following Renewal and Replacement (R&R) Fund projects.

Discussion
EBDA’s purchasing procedures require Board approval (4 votes) for projects exceeding $10,000. Starting July 1, 2012, that amount increases to $25,000 for R&R Fund and other specific projects. The three projects being approved have been discussed with the O&M Committee and are described in detail in the O&M Committee report. The Committee is in agreement with each of the projects’ scopes and bids.

A. Resolution Accepting the Quotation from Dahl Beck Electric and Authorizing the General Manager to Issue Change Order No. 2 for Gear Drive to Pump Laser Alignment and an Input Bearing Set for the No. 1 Gear Box at the Oro Loma Effluent Pump Station in the Amount of $25,740.

B. Resolution Accepting the Bid from Dahl Beck Electric and Authorizing the General Manager to Issue a Purchase Order for Removal, Refurbishing and Installation of the No. 4 Gear Box at the Oro Loma Effluent Pump Station in the Amount of $19,401

Budget Authority: 31-00-00-4800
EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 12-21

INTRODUCED BY ____________

RESOLUTION ACCEPTING THE QUOTATION FROM DAHL BECK ELECTRIC
AND AUTHORIZING THE GENERAL MANAGER TO ISSUE CHANGE ORDER NO. 2
FOR GEAR DRIVE TO PUMP LASER ALIGNMENT AND AN INPUT BEARING SET
FOR THE NO. 1 GEAR BOX AT THE ORO LOMA EFFLUENT PUMP STATION
IN THE AMOUNT OF $25,740

WHEREAS, on May 17, 2012, the Commission of the East Bay Dischargers
Authority adopted Resolution 12-12, accepting the quotation from Dahl Beck Electric
and authorizing the General Manager to issue a Purchase Order for replacement of
bearings and seals in the Oro Loma Effluent Pump Station No. 1 Gear Box in the
amount of $19,951; and

WHEREAS, Change Order No. 1 was issued after the unit was dismantled and
extensive damage was found to the shaft, requiring repair work; and

WHEREAS, upon the recommendation by Oro Loma Sanitary District
maintenance staff further tooling and an input bearing set of the unit was determined to
be necessary; and

WHEREAS, the Operations and Maintenance Committee has recommended
approval of Contract Change Order No. 2 for the additional work.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay
Dischargers Authority hereby accepts the quotation from Dahl Beck Electric and
approves Contract Change Order No. 2.

BE IT FURTHER RESOLVED, the General Manager is hereby authorized to
issue said change order on behalf of the Authority in the amount of $25,740.

Budget Authority: 31-00-00-4800

SAN LORENZO, CALIFORNIA, ON THE 28TH DAY OF JUNE, 2012, ADOPTED BY THE FOLLOWING
VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________________
CHAIR
EAST BAY DISCHARGERS COMMISSION

________________________________________
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY

ATTEST:
06-11-12

East Bay Discharge Authority
2651 Grant Ave.
San Lorenzo, CA

Mr. Karl Royer;

Below you will find the extras on the gear assembly that we removed last Thursday. We removed the gear assembly and disassemble it. We are waiting for the bearings. The bearings will be here today or tomorrow. We expect to install the unit on Thursday.

Labor to remove gear assembly ...5 hrs at ½ rate =$55.00 per hour =  $275.00
Labor to disassemble gear assembly ...6-1/2 hrs at ½ rate = $47.50 per hour =  $308.75
Labor to assemble gear assembly ...8 hrs at ½ rate = $47.50 per hour =  $380.00
Labor to install gear assembly ...6 hrs at ½ rate = $55.00 per hour =  $330.00

Labor Total  $1,293.75

New bearings in gear assembly .....$241.00
                   $241.00
                   $612.00
                   $612.00

Total of new bearings ...$1,706.00

Grand total ...Labor ......$1,293.75
                   Material ...$1,706.00
                   Tax ............$149.28 at 8-3/4%
                   Total ......$3,149.03

If you have any questions or need more information, call me anytime at 510 – 812 – 0445
Thank you,
Kevin Sams
From: Karl <kroyer@ebda.org>
Sent: Tuesday, June 12, 2012 9:35 AM
To: ladams@ebda.org
Subject: FW: Small gear assembly removed last Thursday.
Attachments: East Bay Discharge, Extras, Job 12-1088.doc

Linda

Please process a change order to Dahl Beck for changes to the No 1. Gear drive unit’s repair work, to include the attached quote ($ 3,149.03) and:

Two men worked 12 hours each to do the alignment.
24 hours at $110.00 per hour equals ......$2,640.00

The total amount of the change should equal $ 5,789.03

Thanks,

kdr

---

From: Kevin Sams [mailto:KSams@dahlbeckelectric.com]
Sent: Monday, June 11, 2012 12:56 PM
To: KRoyer@EBDA.org
Subject: Small gear assembly removed last Thursday.

Karl;
Attached you will find my quote to remove the small gear assembly, replace bearings and reinstall it. We are charging you ½ our normal labor rates. Unfortunately the bearings are still expensive.
I will send you another E-mail later with the cost of the laser alignment of the drive shaft to pump.

Kevin
EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 12-20

INTRODUCED BY ________________

RESOLUTION ACCEPTING THE BID FROM DAHL BECK ELECTRIC
AND AUTHORIZING THE GENERAL MANAGER TO ISSUE A PURCHASE ORDER
FOR REMOVAL, REFURBISHING AND INSTALLATION OF THE NO. 4 GEAR BOX
AT THE ORO LOMA EFFLUENT PUMP STATION
IN THE AMOUNT OF $19,401

WHEREAS, the East Bay Dischargers Authority advertised for bids for removal,
refurbishment and installation of the Oro Loma Effluent Pump Station (OLEPS) No. 4
Gear Box in compliance with the requirements of the Public Contracts Code; and

WHEREAS, it has been determined by staff that the bid from Dahl Beck Electric
is the lowest responsible bid, is in conformance with the bid specifications, and is an
acceptable bid.

WHEREAS, the Operation & Maintenance Committee has recommended
acceptance of the bid and authorization for the General Manager to issue a Purchase
Order to Dahl Beck Electric for said work.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay
Dischargers Authority hereby accepts the bid from Dahl Beck Electric.

BE IT FURTHER RESOLVED, the General Manager is hereby authorized to
issue a Purchase Order on behalf of the Authority in the amount of $19,401 in
accordance with the accepted bid.

Budget Authority: 31-00-00-4800

SAN LORENZO, CALIFORNIA, ON THE 28TH DAY OF JUNE, 2012, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________________________  ________________________________________
CHAIR  GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION  EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
East Bay Discharge Authority  
2651 Grant Ave.  
San Lorenzo, CA 94580  

Revised Quotation #2  

Mr. Karl Royer;  

Thanks for asking Dahl Beck Electric to provide a quotation to replace seals and bearings in your large Gearboxes. My understanding is your team will remove the gearbox from its location. We will pick it up, install new bearings and seals on the input and output shafts. We will install the gearbox, then laser align it to the motor. Please see the scope of work below. The pricing is for one gearbox only.  

Scope of work:  
(1) We will pick up one 350 horsepower right angle gearbox at your facility and take it to our shop.  
(2) Disassemble gearbox.  
(3) Steam clean all parts.  
(4) Press bearings off input and output shafts.  
(5) Replace 6 bearings and 2 seals on input and output shafts.  
(6) Assemble gearbox.  
(7) Paint gearbox.  
(8) Return gearbox to your facility and reinstall it. Gearbox will be pinned to its original location.  
(9) Laser align the motor to the gearbox.  
(10) Bolt drive shaft to pump and gearbox.  
(11) Test run motor and gearbox with ORO-LOMA personnel for one hour.  

The cost for each gearbox will be ...  

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>$10,468.50</td>
</tr>
<tr>
<td>Material</td>
<td>$8,214.19</td>
</tr>
<tr>
<td>Tax</td>
<td>$718.74 at 8-3/4%</td>
</tr>
<tr>
<td>Total</td>
<td>$19,401.43 plus freight</td>
</tr>
</tbody>
</table>

If you would like us to laser align the drive shaft to the gearbox and underground pump please add $2,640.00 to the above labor pricing.  

If you have any questions or need more information, call me anytime at 510 – 812 – 0445.  
Thank you,  
Kevin Sams
ITEM NO. 18 COMMISSION CHAIR ROTATION FOR FY 2011/2012

In July 1999 the Commission approved Resolution 99-11 Establishing Policy for Commission Chair Rotation. The policy established an equitable system for rotation of the Commission Chair by agency in the following order: Union Sanitary District, Oro Loma Sanitary District, Castro Valley Sanitary District, City of San Leandro, and City of Hayward. The Vice-Chair shall be from the Agency scheduled to be the Chair in the following year.

Therefore in accordance with the policy, Commissioner James Prola shall serve as Chair for Fiscal Year 2012/13. The Commissioner from Union Sanitary District, Anjali Lathi, shall serve as Vice-Chair for Fiscal Year 2012/13. Both positions shall be effective July 1, 2012.

FY 2012/13 Chair Prola will consider appointments to Authority Committees and provide that information at the July meeting. The enclosed questionnaire allows Commission members to indicate individual preferences for Committee assignments in FY 2012/2012. Committee meeting schedules will need to be set for August 2012 through July 2013.

ITEM NO. 19 ITEMS FROM THE COMMISSION

Open forum for Commissioner comments, if any.
MEMORANDUM

Date: June 28, 2012

To: EBDA Commissioners

From: Jim Prola, Chair Designate

Subject: Committee Assignments in FY 2012/2013

To assist me in placement of FY 2012/2013 Committee members, please rank your preferences and fax this form to me at (510) 278-6547. Committee descriptions are on the back of this page.

(1=highly interested; 2= somewhat interested; 3= not very interested; 4= not interested at all)

<table>
<thead>
<tr>
<th>Financial Management Committee</th>
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<tbody>
<tr>
<td>Operations and Maintenance Committee</td>
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<tr>
<td>Personnel Committee</td>
</tr>
<tr>
<td>Regulatory Affairs Committee</td>
</tr>
</tbody>
</table>

In addition, please rank your availability for Committee meetings the 3rd week of the month or write in the time that works best for you.

(1= I can meet at this time; 2= I can meet at this time but prefer to meet at (write in time); 3= I cannot meet at this time but I can meet at (write in time))

<table>
<thead>
<tr>
<th>Time</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
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<tbody>
<tr>
<td>8:00 am to 9:00 am</td>
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<td>9:00 am to 10:00 am</td>
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<tr>
<td>5:00 pm to 6:00 pm</td>
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</tbody>
</table>
Financial Management Committee
Establish investment policies, review Treasurer's monthly report, review and approve proposed revisions to Authority's Financial Management Policy & Procedures Manual, review monthly disbursements list, verify reasonableness of investments and expenditures with staff. Maintain surveillance of Grant Audit Appeals. Review fiscal year budget and quarterly expense summary reports.

Operations & Maintenance Committee
Review and recommend long-range objectives of the organization, Joint Powers Agreement Modifications, operation and maintenance plans and budget. Review and recommend a long range preventative maintenance program to minimize deterioration of the joint use facilities. Review agreements with member agencies for performing maintenance and advise the Commission on proposals and contracts made to utilize member agency staff, contract for outside services, and Authority staff to perform maintenance. Review and advise on all insurance matters.

Personnel Committee
Review and recommend action on all personnel matters coming before the Commission including revisions to the Compensation Plan, the Classification Plan, and the Personnel Rules. Review and approve the General Managers' administration of the Personnel Rules, Compensation Plan and individual employee's salaries. Hear and take final action on disciplinary and grievance appeals. The lead member of the Committee shall serve on a Deferred Compensation Committee along with two staff employees to administer the EBDA Eligible Deferred Compensation Plans in accordance with terms of the Plans adopted by Resolution No. 83-49 and Resolution No. 89-15.

Regulatory Affairs Committee
Review regulations and legislation on a State and Federal level relative to all regulatory issues affecting the Authority and the Member Agencies. Assist in development of comments on proposed regulations and legislation. Review and recommend policy decisions for compliance.

Review results of effluent monitoring recommendations of consultant and staff, requirements of regulatory agencies. Monitor and advise staff regarding coordination and participation in environmental and water quality organizations in and about San Francisco Bay. Represent the Commission at hearings of the RWQCB regarding discharge monitoring requirements and NPDES Permit amendments. Review and recommend policy decisions regarding EBDA's role in controlling or mitigating any adverse environmental effect resulting in EBDA service area. Review and recommend policy decisions regarding the role of EBDA in water recycling, master plans, conservation of water, specific projects, funding, pricing, schedule, and terms of interagency agreements. Review and recommend appropriate Joint Powers Agreement amendments to implement projects. Serve as policy liaison with other public agencies involved in water recycling projects.
ITEM NO. 20 CLOSED SESSION
(The Commission will meet in closed session pursuant to Government Code Section 54956.9(b) to discuss anticipated litigation related to a claim.)

ITEM NO. 21 RECONVENE TO OPEN SESSION
(The Chair will report on any actions taken in closed session.)