COMMISSION MEETING
AGENDA

Thursday, January 16, 2020
9:30 A.M.

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

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Forum

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

MOTION 5. Commission Meeting Minutes of December 19, 2019

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

INFORMATION 8. General Manager’s Report
(The General Manager will report on EBDA issues.)

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

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

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

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

RESOLUTION 13. Resolution Authorizing the General Manager to Enter into a Cooperative Agreement to Provide Funding for Shared Temporary Deployment of Precipitation Forecasting System with Sonoma County Water Agency – See Item OM6
(The Commission will consider a resolution approving the agreement.)
RESOLUTION 14. Resolution Approving Amendments to the Personnel Policy
(The Commission will consider a resolution to approve changes.)

RESOLUTION 15. Resolution of Appreciation for Al Mendall
(The Commission will consider adoption of a resolution of appreciation for the exiting Commissioner.)

INFORMATION 16. Items From the Commission and Staff
(The Commission and staff may address items of general interest.)

17. Adjournment

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

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

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

The next Commission meeting will be held
Thursday, February 20, 2020 at 9:30 a.m.
<table>
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<th>Acronym</th>
<th>Description</th>
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<tr>
<td>ACWA</td>
<td>Association of California Water Agencies</td>
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<td>AQPI</td>
<td>Advanced Quantitative Precipitation Information</td>
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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. 5  Commission Meeting Minutes of December 19, 2019
Item No. 6  List of Disbursements for December 2019 – See Item FM4
Item No. 7  Treasurer’s Report for December 2019 – See Item FM5

Recommendation

Approve Consent Calendar Items No. 5, 6, and 7.
ITEM NO. 5  COMMISSION MEETING MINUTES OF DECEMBER 19, 2019

EAST BAY DISCHARGERS AUTHORITY
COMMISSION MEETING MINUTES

December 19, 2019

1.  Call to Order
Chair Cutter called the meeting to order at 9:36 A.M. on Thursday, December 19, 2019, at the Oro Loma Sanitary District Boardroom, 2655 Grant Avenue, San Lorenzo, CA 94580.

2.  Pledge of Allegiance

3.  Roll Call
PRESENT:  Al Mendall     City of Hayward
          Dan Walters     Oro Loma Sanitary District
          Thomas Handley    Union Sanitary District
          Ralph Johnson    Castro Valley Sanitary District
          Pauline Cutter    City of San Leandro

ABSENT:  None

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

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

CONSENT CALENDAR

5.  Commission Meeting Minutes of November 21, 2019
6.  List of Disbursements for November 2019
7.  Treasurer’s Report for November 2019
Commissioner Johnson moved to approve the consent calendar. The motion was seconded by Commissioner Handley and carried 5-0 (Mendall, Walters, Handley, Johnson, Cutter; ayes).

**REGULAR CALENDAR**

8. **General Manager’s Report**
The General Manager (GM) reported that all five agencies have approved the Amended and Restated JPA and Fourth Amendment to the JPA (the extension). Each Agency confirmed that they will put due diligence into getting the documents signed before December 31st.

The GM reported that the East Bay Regional Park District has agreed to collaborate with EBDA on the First Mile Horizontal Levee Project, which will evaluate a site south of Oro Loma treatment plant. The design phase will focus on working through permitting issues and collaborating with other agencies pursuing similar projects in other locations. EBDA plans on submitting the First Mile Project in the second half of 2020 to the Bay Restoration Regulatory Integration Team, a Measure AA Bay Restoration Program offshoot, which brings regulators together to streamline permitting of restoration projects.

The GM also noted the annual expense of printing Commission Agenda Packets and requested any parties interested in going paperless to notify EBDA.

The GM reported on her attendance at the Bay Area One Water Network workshop on water reuse in the Bay Area. The GM will share the forthcoming report from the workshop once it becomes available. An additional larger workshop will be held in April covering the outcomes of the water reuse workshop along with the workshop held previously on stormwater reuse.

Lastly, there was discussion as to whether time cards for Commissioners are a necessary component for compliance, or whether the minutes and committee supplemental report can serve as sufficient documentation of attendance at meetings. Staff will continue to explore this.

9. **Report from the Managers Advisory Committee (MAC)**
The MAC met with the General Manager on December 12, 2019. The MAC continued to discuss possible outsourcing options for HR and accounting functions to the member agencies and/or contracted firms. The MAC also discussed key terms of renewing the LAVWMA agreement.

10. **Report from the Financial Management Committee**
The Financial Management Committee met with the GM on December 16, 2019, where they reviewed the List of Disbursements and Treasurer’s Report for November. The Committee recommended approval of the continued Resolution from November’s Commission meeting for Hanson Bridgett, and reviewed and recommended approval of the Resolution for OPEB and pension liability payments. The Finance Committee will review in the future whether there are any benefits for EBDA to use CALPERS’ new pension trusts offering.
Commissioner Mendall motioned to approve the report from Financial Management. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 (Mendall, Walters, Handley, Johnson, Cutter; ayes).

11. Resolution Authorizing the General Manager to Amend the Agreement with Hanson Bridgett, LLP in the Amount of $50,000, for a Total Contract Value of $150,000.

Commissioner Mendall moved to adopt the Resolution authorizing the GM to amend the agreement with Hanson Bridgett, LLP. The motion was seconded by Commissioner Handley and carried unanimously, 5-0 by roll call vote.

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

12. Resolution Authorizing the General Manager to Make Lump Sum Payments to the Authority’s OPEB and Pension Accounts, to Apply FY2018-19 Credits To Each Agency’s Share of those Lump Sum Payments, and to Invoice the Agencies for Any Outstanding Portion of their Lump Sum Allocation.

Commissioner Handley moved to adopt the Resolution authorizing the General Manager to make lump sum payments to the Authority’s OPEB and pension accounts, to apply FY2018-19 credits to each agency’s share of those lump sum payments, and to invoice the agencies for any outstanding portion of their lump sum allocation. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 by roll call vote.

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

13. Report from the Operations and Maintenance Committee (O&M)
The Operations and Maintenance Committee met with the O&M Manager on December 17, 2019, and discussed the status of the EBDA facilities. The GM stated that since the Regulatory Committee will now meet every other month or as needed, the tables showing compliance for NPDES testing will now be within the O&M agenda. The O&M Manager reviewed the NPDES Status Report, referencing graphs and tables showing compliance for CBOD, TSS, and bacteria limits, noting one high fecal coliform sample in November, still within regulatory compliance. The O&M Manager noted another high reading for fecal coliform in December, still within compliance. The GM will look into engaging a consulting expert on bacterial regrowth and bring that item to the Regulatory Committee for approval. EBDA will also discuss with the MAC an SOP for hypochlorite dosing and bacterial management going forward.
The O&M Manager provided an update on current projects. For AEPS, the O&M Committee recommends approval of a resolution for a new impeller for pump number six. EBDA staff has also provided comments to Carollo Engineers on the Draft Cavitation Study Project Memorandum, which will be brought to the MAC after revisions are complete. At HEPS, the O&M manager reviewed recently completed work on the effluent diversion pipe. At OLEPS, as part of the Electrical Improvements Project, the installation of conduits and water lines is complete under the newly paved area between OLEPS and OLSD. The O&M Manager gave an update on Cyber Security, USA’s and Special Projects. The GM noted the Disaster Recovery Plan is nearly complete and a training session date is being selected. For the AQPI project, the contracting portion is almost complete, and despite not having the MOU complete, the radar is projected to be installed in March 2020. Despite the late installation, the agencies will still have access to the regional system for wet weather data projections this wet season.

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

14. Resolution Authorizing the General Manager to Issue a Purchase Order to Pump Repair Service Company in the Amount of $32,961 for a Replacement Impeller for Effluent Pump No. 6 at the Alvarado Effluent Pump Station.

Commissioner Handley moved to adopt the Resolution authorizing the GM to issue a purchase order to Pump Repair Service Company. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 by roll call vote.

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

15. Report from the Personnel Committee
The Personnel Committee met with the GM on December 16, 2019, and discussed Commissioner compensation and the Commission Calendar. The Committee recommends leaving Commissioner compensation unchanged and not increasing the four maximum allowable meetings per month for billing. The Commission discussed preferences for the Commission Calendar and directed staff to continue to cancel Committee and/or Commission meetings if no Commission direction or approvals are needed. The Personnel Committee and GM will continue to discuss possible schedule alterations in preparation for the new fiscal year. The Committee also recommends approval of changes to the Personnel Policy which defines more clearly terms for provisional and temporary employees. Lastly, the GM gave an update on staffing.

Commissioner Mendall moved to approve the report from the Personnel Committee. The motion was seconded by Commissioner Handley and carried unanimously, 5-0 (Mendall, Walters, Handley, Johnson, Cutter; ayes).
16. **Resolution Authorizing the General Manager to Amend the Professional Services Agreement with Pacific EcoRisk Laboratory in the Amount of $13,500 for Acute Toxicity Testing Services through FY 21/22 for a Total Contract Value of $61,500.**

Commissioner Walters moved to adopt the Resolution authorizing the General Manager to amend the Professional Services Agreement with Pacific EcoRisk Laboratory. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0 by roll call vote.

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

17. **Resolution Authorizing the General Manager to Issue a Purchase Order for the Period January 2020 through June 2021 to Azyura in the Amount of $30,000 for Waterbits Licensing and Reporting Services.**

Commissioner Johnson moved to adopt the Resolution authorizing the General Manager to issue a purchase order for the period January 2020 through June 2021 to Azyura. The motion was seconded by Commissioner Handley and carried unanimously, 5-0 by roll call vote.

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

18. **Commission Input to LAVWMA Negotiation.**

The GM sought direction on how the Commission would like to provide input to the LAVWMA negotiation. The Commission recommended that unless the negotiations necessitate more time than is available, discussion of the negotiations can be contained within the Finance Committee meetings. The Commission recommended not splitting negotiations into multiple committees. The GM will bring the item back to the Commission for further recommendation if circumstances mandate.

19. **Resolution of Appreciation for Roberta Larson**

Commissioner Handley moved to adopt the Resolution of Appreciation for Roberta Larson. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Mendall, Walters, Handley, Johnson, Chair Cutter.
Noes: None
Absent: None
Abstain: None
20. **Resolution of Appreciation for David Williams**

Commissioner Walters moved to adopt the Resolution of Appreciation for David Williams. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0 by roll call vote.

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

21. **Items from Commission and Staff**

The Commission restated the urgency of collecting signatures from all parties for the Fourth Amendment to the JPA and the Amended and Restated JPA before December 31st.

22. **Adjournment**

With no further business, Chair Cutter adjourned the meeting at 10:57 A.M.

Jacqueline Zipkin
General Manager
ITEM NO. 8  GENERAL MANAGER’S REPORT
The General Manager will discuss items of interest concerning EBDA.

ITEM NO. 9  REPORT FROM THE MANAGERS ADVISORY COMMITTEE

MANAGERS ADVISORY COMMITTEE
AGENDA

Thursday, January 9, 2019

1:30 P.M.

East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA

Discussion 1  EBDA Commission Package
 o Finance
 o Regulatory
 o O&M
 o Resolutions

Discussion 2  Capital Payments

Discussion 3  AEPS Pump 6 VFD

Discussion 4  Bacteria Regrowth/Disinfection Study

Discussion 5  Brine Project Update

Discussion 6  ISLE TAG

Discussion 7  Pension Trust

Discussion 8  Disaster Cost Recovery Training – Feb 5

Discussion 9  EBDA Managers Round Robin

Discussion 10  LAVWMA Agreement
ITEM NO. 10
FINANCIAL MANAGEMENT COMMITTEE
AGENDA
Monday, January 13, 2020
3:00 p.m.
East Bay Dischargers Authority
2651 Grant Avenue
San Lorenzo, CA 94580
Committee Members: Mendall (Chair); Johnson

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. List of Disbursements for December 2019
(The Committee will review the List of Disbursements.)

FM5. Treasurer's Report for December 2019
(The Committee will review the Preliminary Treasurer's Report.)

FM6. Website Update Review
(The Committee will review the updated EBDA website.)

FM7. LAVWMA Negotiation Key Issues
(The Committee will discuss key issues for negotiation of the extension to the LAVWMA Agreement.)

FM8. Adjournment

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

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

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

The next Financial Management Committee meeting will be held February 19, 2020 at 9:00 a.m.
ITEM NO. FM4 LIST OF DISBURSEMENTS FOR DECEMBER 2019

The itemized List of Disbursements for the month of December 2019 totaled $600,328.85

Reviewed and Approved by:

______________________________  ________________________
Al Mendall, Chair              Date
Financial Management Committee

______________________________  ________________________
Jacqueline T. Zipkin          Date
Treasurer
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EAST BAY DISCHARGERS AUTHORITY
Cash Disbursement
December 2019

Page 17 of 95
ITEM NO. FM5  TREASURER’S REPORT FOR DECEMBER 2019

The beginning cash balance on December 1, 2019 was $4,124,414.23. The ending cash balance on December 31, 2019 was $3,721,139.92 Total receipts for the month were $197,054.54 and disbursements were $600,328.85.

EBDA currently has a three-pronged investment approach that includes laddered CDs, Local Agency Investment Fund (LAIF), and a Wells Fargo savings account. As directed by the Financial Management Committee, funds are currently being transferred to savings and/or LAIF as CDs mature. Staff will continue to work with the Committee on investment strategy.

Current market value of laddered CD investments total $552,186.00. One CD matured in December in the amount of $51,436.00 and the balance was transferred to savings. The average annual yield of the CDs is 2.08%.

EBDA’s LAIF balance beginning December 1, 2019 was $3,249,827.82. The ending balance on December 31, 2019 was $2,516,827.82. $733,000.00 was transferred from LAIF to checking to address near-term cash flow constraints. The LAIF interest rate for period ending December 31, 2019 is not yet available; the interest rate for the period ending November 30th, 2019 was 2.10%.

The Wells Fargo State/Local Government account interest rate for this period was 0.03%.

Approval is recommended.
## EAST BAY DISCHARGERS AUTHORITY
### TREASURER'S REPORT
#### DECEMBER 31, 2019

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The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.
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MORGAN STANLEY BK NA Total 101,156.50

Grand Total 552,186.00

Average Estimated Annual Yield 2.08%
ITEM NO. FM6 WEBSITE UPDATE REVIEW

Recommendation
Provide input to staff on the Authority’s updated website.

Background
The Authority is required by law to have a website and post agenda materials so that they are accessible to the public. The Authority’s current website (www.ebda.org) is outdated and required redevelopment. It was originally developed in 2009 and is written in Drupal 5.0. The current version of Drupal is 8.0, and version 5.0 is no longer supported. The website also has an outdated look and feel, lacks a search function, and is not easy for staff to update.

In July 2019, the Commission approved Resolution 19-29 authorizing the General Manager to contract with Computer Courage, Inc. to rebuild and redesign the website.

Discussion
Staff has been working closely with Computer Courage on design of the new website and on populating the content. At the Financial Management Committee Meeting, staff plans to walk the Committee through the current draft version of the website and invite feedback. A screen shot of the home page is shown below, and the test site can be found here: http://ebda2019.staging.wpengine.com/. Staff has been trained by Computer Courage on the back-end management of the new WordPress site and is currently working on updates and additions. Following any revisions suggested by the Committee, the new website can go live in the coming weeks.
ITEM NO. FM7 LAVWMA NEGOTIATION KEY ISSUES

Recommendation
Provide input to staff on key issues related to negotiation of the Livermore-Amador Valley Water Management Agency (LAVWMA) agreement extension.

Background
EBDA entered into a Master Agreement with LAVWMA in April 2007 (the “Agreement”). The Agreement allows LAVWMA to discharge through EBDA's system and lays out the conditions for such discharge. The Agreement was set to expire on January 1, 2020 concurrent with the expiration of the EBDA Joint Powers Agreement (JPA). In October 2019, the Commission adopted Resolution 19-38 extending the existing Agreement through June 30, 2020 to allow time for negotiation of new terms following JPA approval.

Discussion
The MAC has begun discussing terms for the Agreement, and negotiations with LAVWMA will commence shortly. Key issues that the Authority will be focused on include the following:

- **Capacity and Cost-sharing:** The current cost-sharing approach is laid out in Exhibit A of the Master Agreement, which is attached here. Under the existing Agreement, LAVWMA has a firm capacity of 19.72 MGD and an interruptible capacity of 21.48 MGD. LAVWMA pays 18.6% of fixed costs (which are subtracted off the top before the Member Agency shares are calculated), and they pay a share of variable costs including sodium bisulfite as a function of flow and chlorine residual. Staff and the MAC are considering the potential value of the interruptible capacity approach in the context of the JPA, and also new approaches to variable cost-sharing.

- **Infrastructure:** The current connection point is a T. Staff is looking into the reason for that configuration and whether it would be possible to reconfigure the connection so that the LAVWMA flow drafts upstream EBDA flow rather than working against it.

- **Brine:** The existing Agreement does not directly address inputs of brine or concentrate through the LAVWMA line to the EBDA system. In light of the discussion on brine that took place in the JPA negotiation, the Authority will likely want to add language that addresses this issue.
1. LAVWMA shall reimburse EBDA for the costs attributable to LAVWMA's use of and capacity rights in EBDA's facilities. Said costs will be determined in accordance with the following definitions:

2. **Dechlorination Costs:** Dechlorination costs are those direct costs incurred by EBDA for power and chemicals used in dechlorinating LAVWMA's flows. LAVWMA's share of these costs is a function of both flow and chlorine residual. LAVWMA's percent share of these costs is determined on a monthly basis by the following formula:

   \[ Y = \frac{D(A \times C_A)}{(B \times C_B)} \times 100 \]

   where

   \[ Y = \text{LAVWMA's percentage of Dechlorination Costs} \]
   \[ D = \text{Total cost of power and chemicals for dechlorination} \]
   \[ A = \text{LAVWMA reported effluent flow} \]
   \[ C_A = \text{Arithmetic mean of residual chlorine concentration in mg/L of LAVWMA discharge to EBDA system} \]
   \[ B = \text{Total flow through dechlorination station} \]
   \[ C_B = \text{Arithmetic mean of residual chlorine concentration in mg/L of total flow through dechlorination station} \]

3. **Fixed Costs:** As defined by EBDA's Second Amended Joint Exercise of Powers Agreement, "**Fixed Costs** include all Operation and Maintenance costs not defined below as 'Variable Costs'." Fixed costs shall be apportioned to LAVWMA according to the following schedule:

<table>
<thead>
<tr>
<th>Date</th>
<th>LAVWMA's Range of PWWFs, MGD</th>
<th>Fixed Cost Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date of Prior Agreements to 12/31/99</td>
<td>≤ 21.00</td>
<td>11.03%</td>
</tr>
<tr>
<td>1/1/2000 to 12/31/2004</td>
<td>≥ 21.01 to ≤ 25.04</td>
<td>12.82%</td>
</tr>
<tr>
<td>1/1/2005 to 12/31/2010</td>
<td>≥ 25.05 to ≤ 29.08</td>
<td>14.46%</td>
</tr>
<tr>
<td>1/1/2011 to 12/31/2014</td>
<td>≥ 29.09 to ≤ 33.12</td>
<td>15.97%</td>
</tr>
<tr>
<td>1/1/2015 to 12/31/2019</td>
<td>≥ 33.13 to ≤ 37.16</td>
<td>17.34%</td>
</tr>
<tr>
<td>1/1/2020 and beyond</td>
<td>≥ 37.17 to ≤ 41.20</td>
<td>18.60%</td>
</tr>
</tbody>
</table>

   3.1 For any given month, should LAVWMA's peak wet weather flow exceed the values in the table, then the fixed cost percentage associated with the
PWWF in the table shall apply. As an example, on March 15, 2012, if LAVWMA's PWWF is 34.25 MGD, then LAVWMA's Fixed Cost Percentage for that month shall be 17.34%.

3.2 For any given month, should LAVWMA's peak wet weather flow exceed 41.20 MGD, then the Fixed Cost Percentage (F) shall be determined by the following formulae:

$$F = F_A + F_I$$

$$F_A = \frac{C_F}{E} + \left[\frac{C_F}{E} \left(\frac{C_I}{E} - \frac{C_I}{E(1-D_R)}\right)\right]$$

$$F_I = \left(\frac{C_I}{E}\right)(1-D_R)$$

where,

- $F_A$ = Adjusted Firm Capacity Percentage
- $F_I$ = Adjusted Interruptible Capacity Percentage
- $C_F$ = LAVWMA's Firm Capacity of 19.72 MGD
- $C_I$ = LAVWMA's Interruptible Capacity, where $C_I = P - C_F$
- $P$ = LAVWMA's Peak Wet Weather Flow for the Month
- $E$ = EBDA's Effective Design Capacity, where $E = 189.12 + P - C_F$
- $D_R$ = LAVWMA's Maximum Discount Rate of 10.47%

Example, if LAVWMA's peak wet weather flow for the month is 45 MGD, then:

$$F = 9.31% + 10.56% = 19.87%$$

In addition, LAVWMA shall pay a 10% penalty on the total fixed costs for the month as determined by the above formulae.

3.3 Should LAVWMA's peak wet weather flow exceed 41.20 MGD in any two months during a twelve consecutive month period, then the higher percentage calculated in 3.2 above shall apply to all fixed costs for the next twelve month period.

3.4 A new maximum peak wet weather flow figure and associated fixed cost percentage shall be established should LAVWMA's peak wet weather flow exceed 41.20 MGD under any of the following conditions:

3.4.1 Any three months during a twelve consecutive month period.

3.4.2 Any four months during a twenty-four consecutive month period.

3.4.3 Three or more days during any 30 consecutive day period.
3.5 The new fixed cost percentage shall be determined by the formula in 3.2 above, where a new $D_R$ is determined by the following formula:

$$D_R = \frac{P_N - 19.72 \times 25.00\%}{51.28}$$

where, $P_N$ = the peak wet weather flow determined from 3.4, above.

4. **Variable Costs:** As defined by EBDA's Second Amended Joint Exercise of Powers Agreement, "Variable Costs shall be deemed to be costs of energy used for pumping, chemical costs used in operation of the Joint Facilities and maintenance and repair charges incurred in the operation and maintenance of the system."

LAVWMA's variable cost rate percentage shall be determined on a monthly basis and shall be determined by the following formula: \((A \div B) \times 100\)

where $A$ and $B$ are as defined above. This percentage shall not be used in LAVWMA's costs for power and chemicals for dechlorination as defined by Dechlorination Costs above.

5. **Capital Project and R&R Fund Costs** Capital Project Costs shall be charged according to the Fixed Cost Percentage described in Number 3, above.

6. **LAVWMA Participation in EBDA Programs** LAVWMA shall be responsible for percent costs as defined above in the following EBDA Fiscal Year Programs:

- **Program 12 06 General Administration** - includes all costs associated with the overall administration and management of EBDA's ongoing business operations as a wastewater management agency.

- **Program 12 10 Outfall and Forcemains** - for LAVWMA shall include all costs associated with the forcemain between the Oro Loma Pump Station and the Marina Dechlorination Facility, the forcemain between the San Leandro Pump Station, and the Bay Outfall.

- **Program 12 12 San Leandro Pump Station** - includes all costs associated with the operation and maintenance of the facility.

- **Program 12 14 Marina Dechlorination Facility** - includes all costs associated with the operation and maintenance of the facility.

- **Program 12 16 Oro Loma Pump Station** - includes all costs associated with the operation and maintenance of the facility.

- **Program 12 21 Bay & Effluent Monitoring** - includes all costs associated with required NPDES laboratory analysis, receiving water monitoring, and reporting.
**Special Projects** - LAVWMA shall participate in other projects that are directly related to the interests of LAVWMA as agreed upon by the General Managers of EBDA and LAVWMA. Such projects may be required by the RWQCB or may be of mutual benefit. Cost sharing for LAVWMA may be based on one of the above definitions, if appropriate, or by some other mutually agreed upon basis.

7. **Manner of Payment of Costs:** EBDA shall submit to LAVWMA by May 1 of each year, a detailed estimate of LAVWMA's share of above noted costs for the next fiscal year, July 1 through June 30. EBDA shall adopt its budget by June 1 preceding each fiscal year and shall submit a copy of the adopted budget to LAVWMA immediately upon adoption. LAVWMA shall include in its budget said estimated costs for each fiscal year and submit a copy of its budget to EBDA immediately upon adoption. In the event actual costs are greater than those budgeted, EBDA shall advise LAVWMA of the projected costs, justification, and revised estimate of additional funds needed, at least two (2) months prior to the anticipated date of reaching LAVWMA's budget limitation. LAVWMA shall make such arrangements as necessary for reimbursing the actual costs incurred.

8. **EBDA Shall invoice LAVWMA on a quarterly basis for all non-capital estimated fiscal year budget costs.** Following the close of the fiscal year, EBDA shall issue a final invoice for actual fiscal year costs including actual costs for capital and renewal-replacement projects. LAVWMA shall make payment within thirty (30) days of receipt of said invoice from EBDA. Should LAVWMA be due a credit for actual fiscal year costs EBDA, may, at its discretion deduct said credit from the next quarterly invoice.
ITEM NO. 11
REGULATORY AFFAIRS COMMITTEE
AGENDA

Wednesday, January 15, 2020
9:00 a.m.

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

Committee Members: Johnson (Chair); Cutter

RA1. Call to Order

RA2. Roll Call

RA3. Public Forum

RA4. EBDA NPDES Performance – See Item OM4
   (The Committee will review NPDES Permit compliance data.)

RA5. Nutrients Update
   (The Committee will discuss science related to nutrients in the Bay.)

RA6. California Water Resilience Portfolio Draft
   (The Committee will discuss the recently released draft report.)

RA7. Adjournment

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

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

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

The next Regulatory Affairs Committee meeting is scheduled for Wednesday, March 18, 2020, at 9:00 a.m.
ITEM NO. RA4 EBDA NPDES PERFORMANCE – NPDES PERMIT

Please see the Operations and Maintenance Committee agenda, Item No. OM4 for permit compliance data.

ITEM NO. RA5 NUTRIENTS UPDATE

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

Background
While the loads of nutrients such as nitrogen and phosphorus to San Francisco Bay are higher than other estuaries, the Bay has historically been very resilient, and negative impacts of nutrient enrichment such as eutrophication have not occurred. Over the last decade, concerning trends caused the scientific and regulatory community to question whether the Bay’s resilience is weakening. Bay Area wastewater agencies, through the Bay Area Clean Water Agencies (BACWA), have participated in a positive collaboration with a wide variety of stakeholders to implement a Nutrient Management Strategy that focuses on conducting scientific research and modeling to determine the effects of nutrients on the Bay ecosystem and protective levels of nutrient loading going forward.

An initial Watershed Permit for nutrients was adopted in 2014 and required BACWA to begin reporting on nutrient loads and trends, conduct a study estimating the cost for each plant to optimize or upgrade for nutrient reduction, and provide funding to advance the science. A second Watershed Permit went into effect on July 1, 2019 and includes continued annual regional reporting, increased funding for scientific research on the fate and effects of nutrients in the Bay (BACWA is contributing $2.2M annually, of which EBDA will be responsible for $273k per year), and regional assessments of reducing nutrients through multi-benefit nature-based solutions, including wetlands and horizontal levees, and water recycling.

Discussion
Scientific research on nutrients in the Bay is conducted by a team at the San Francisco Estuary Institute (SFEI) under the direction of the multi-stakeholder Nutrient Management Strategy. To mark the close of the first five-year term of the science program, the SFEI team put together the attached summary of the state of the science. The document outlines what has been learned and what is still unknown, hinting at the next phases of work. The ongoing collaboration between SFEI scientists, the wastewater community, and the regulators has been extremely positive and critical to ensuring that the scientific work is focused on answering key management questions. As noted previously, Regional Water Board staff has expressed openness to extending the term of the current Watershed Permit beyond 2024 if additional research time is needed prior to implementing nitrogen load caps.
1. Anthropogenic nutrient loading rates to San Francisco Bay (SFB) rank at the 90th percentile among estuaries worldwide (kg N/m²/d; kg P/ m²/d).
   - Treated effluent from wastewater treatment plants (WWTPs) represent the primary N and P source throughout most of SFB and most of the year. Suisun Bay is a notable exception, because it receives substantial inputs from the Delta (some of which is WWTP-sourced).
   - Nutrient loads to SFB are increasing. For example, combined N loads from the region’s five largest WWTPs have increased 25-30% between 2000 and 2018.

2. Nutrient loads and concentrations are sufficiently high that adverse impacts are plausible. Plausible impacts include: large phytoplankton blooms and low dissolved oxygen (DO) in open-Bay and slough/creek habitats; harmful algae blooms (HABs) in open-Bay and slough/creek habitats; and impacts within coastal habitats related to nutrients exiting SFB via the Golden Gate.

3. Despite high nutrient concentrations, DO levels in open-Bay habitats (deep subtidal) appear to be at acceptable levels most of the time (>5 mg/L), and, although substantial phytoplankton blooms do occur seasonally, they tend to be short-lived.
   - The generally low phytoplankton levels and sufficient DO occur because a combination of physical (strong tides, turbid waters) and biological (clam grazing) factors effectively cap phytoplankton growth and also ventilate the water column. Some factors that have regulated phytoplankton blooms have changed have changed over time (suspended sediments, clam grazing), leading to increased phytoplankton biomass during some seasons and in some regions of SFB.

4. In Lower South Bay’s slough and creek habitats, elevated phytoplankton biomass and low DO are frequently observed.
   - Impacts of low DO? It has not yet been determined whether observed drops in DO are causing adverse impacts. During summer months, DO concentrations do commonly fall below the Basin Plan 5 mg/L standard, however the DO dips tend to be short-lived (hours; influenced by tidal action). In addition biological survey data indicate that fish abundance and diversity are high relative to other SFB margin habitats.
   - high nutrients → high phyto biomass → low DO? It stands to reason that elevated nutrients contribute to the elevated biomass in sloughs and creeks. It is also entirely plausible that the increased biomass loading to sloughs and creeks contributes to the DO drops. On-going projects are exploring causal factors for low DO -- i.e., the degree to which DO deficits are caused by excess nutrients. Field observations suggest that on-going salt pond restoration efforts, combined with elevated nutrients, contribute to the elevated phytoplankton biomass and low DO events. Salt ponds’ physical environment—shallow, long residence time, warmer temperature -- allows for high phytoplankton growth rates. The restoration of hydraulic connections between the Bay and salt ponds allows: i) Delivery of WWTP-derived nutrients to...
the salt ponds via tidal exchange, thereby fueling phytoplankton growth within ponds; and ii) Export of phytoplankton biomass to slough and open-Bay habitats, where its respiration can draw down DO levels. Additional work is needed to better quantitatively understand the combined physical-biogeochemical interactions and the effects on SFB water quality, in particular, to evaluate how changes in salt pond management (opening/closing gates; opening up new salt ponds to tidal exchange) could impact water quality in the future.

- There is also legitimate concern that high-nutrient/high-productivity conditions in restored ponds could foster harmful algae growth. Only some limited survey work has been conducted thus far, and more work is needed in the future to evaluate the importance of this issue.

5. HAB-forming phytoplankton species are commonly detected throughout the Bay, and multiple HAB-toxins (domoic acid, DA; microcystins, MCY; saxitoxin, STX) occur in water and biota.

- Water: (spatially-integrated measurements, SPATT; and discrete, particulate toxin, PTOX). Dissolved MCY and DA have been consistently detected by SPATT over several years of sampling (>70% and >90%, respectively). In addition, PTOX-MCY and PTOX-DA levels have varied substantially in space and time, with a high number of non-detects.

- Biota: Multiple HAB-toxins are frequently detected in naturally-occurring mussels collected biweekly along the Central Bay and South Bay perimeters.
  - DA$_{mussel}$ levels are typically much lower than advisory levels for human consumption (20,000 ppb).
  - MCY$_{mussel}$ levels, though, have regularly approached and sometimes exceeded advisory thresholds (10 ppb).
  - STX$_{mussel}$ levels have, in general, been well-below regulatory thresholds. However, STX$_{mussel}$ levels exceeded human health thresholds at Central Bay sites in Spring 2018, resulting in a California Department of Public Health advisory against shellfish consumption.

- The effects on wildlife from multiple toxin exposure at the levels observed in SFB are unknown.

6. Identifying the sources of HAB-organisms and their toxins -- in particular determining the degree to which SFB’s elevated nutrients favor their growth and toxin production -- is highly-relevant to management decisions, and therefore a high priority, but will be challenging to nail down.

- It is certainly likely that some fraction of the HAB-organisms and toxins observed in SFB were transported into the system (e.g. MC from the Delta and local Bay Area watersheds; DA and STX from the coastal ocean).

- While HAB growth and toxin production within SFB are also possible, the extent to which SFB’s elevated nutrients contribute to HAB occurrence is poorly understood. A complex combination of environmental forcings and cues influence HAB events, making it difficult to isolate the contributions of individual causal factors. Over the past few years, additional HAB-related monitoring and targeted studies have been launched to more thoroughly assess condition and, to the extent possible, help illuminate underlying causes.
7. Current estimates suggest that SFB is a large source of nutrients to the coastal ocean. While insufficient data currently exist to examine how these nutrient exports impact condition along the coast, conceptual models point to several endpoints worthy of investigation, including: increased phytoplankton production, contributing to bottom water hypoxia or acidification; and increased growth of harmful algae that impact conditions along the coast or are transported into and affect conditions within SFB.

8. Nutrients: cycling/transformations, assimilative capacity, source attribution

   - Data analysis and early modeling indicate that substantial nutrient transformations (e.g., nitrification) and losses (denitrification) occur within SFB. The importance of those processes varying seasonally temporally and spatially.
   - Limited experimental/field data are available to constrain rates for these important biogeochemical processes
   - Major advances in numerical modeling capabilities over past ~3 years:
     - Substantial progress has been made developing and refining models to simulate transport, phytoplankton blooms, oxygen cycling, nutrient transformations, and other processes. Key aims for the model include: developing subembayment-level (or finer) nutrient mass balances and tracking individual nutrient sources; accurately predicting phytoplankton events and DO levels under a range of representative conditions; forecasting how various nutrient management actions (e.g., load reductions) will influence ecosystem responses.
     - A recent modeling workplan charts a 5-yr path for continued development to improve model skill; simulations that target key science and management questions; and characterization of uncertainties associated with model forecasts. For on-going model development to be successful, important data gaps related to biogeochemical transformation rates will need to be addressed through targeted studies.

9. Several major topics have received limited attention to date but are slated to receive additional attention over the next several years.

   - Process measurements (rates) for biogeochemical transformations
   - Determining healthy DO-related habitat conditions in Lower South Bay sloughs/creeks and other margin habitats
   - Forecasting conditions under potential future scenarios
   - Fate of nutrients that leave SFB, effects along the coast from SFB nutrients
   - Mechanistic link between HABs/toxins and nutrients
   - Effects of chronic algal toxin exposure on wildlife.
ITEM NO. RA6 CALIFORNIA WATER RESILIENCE PORTFOLIO DRAFT

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

Background
In April 2019, Governor Newsom adopted an Executive Order directing a multi-agency effort to develop a climate-resilient water portfolio for the state. In testimony at a listening session at the Regional Water Board, and in written comments through the Bay Area Clean Water Agencies (BACWA), EBDA staff provided input that the water portfolio should support and provide funding for water recycling and for multi-benefit projects that foster resilience, such as horizontal levees.

Discussion
On January 3, 2020, the Newsom Administration released its draft 2020 Water Resiliency Portfolio. The draft can be found at the following link, and the Executive Summary is attached. http://waterresilience.ca.gov/wp-content/uploads/2020/01/California-Water-Resilience-Portfolio-2019-Final2.pdf

The report includes an overview of California's existing water systems, as well as a wide range of proposals to improve the resiliency of the state's water supply. Among the proposals to support supply diversification is the following:

4. Support local and regional agencies to recycle or reuse at least 2.5 million acre-feet a year in the next decade.
   4.1 Increase financial capacity to support recycling, reuse, and wastewater projects through the Clean Water State Revolving Fund and other state and local funding mechanisms.
   4.2 Complete raw water augmentation regulations and treated drinking water augmentation regulations, as required by AB 574 of 2017, to allow purified recycled water to be moved directly into distribution systems.
   4.3 Implement 2018 legislation (SB 966) that requires creation of risk-based water quality standards for onsite collection and non-potable reuse of water in apartment, commercial, and mixed-use buildings.
   4.4 Update 20-year-old “purple pipe” regulations to eliminate outdated and overly prescriptive requirements in order to expand use of non-potable recycled water while protecting food safety and the environment.

Additional proposals address stormwater capture, water quality, and other topics of interest to the wastewater community. Staff will be participating in efforts by BACWA and California Association of Sanitation Agencies (CASA) to submit comments by the February 7, 2020 deadline.
Executive Summary

Water is central to nearly everything we value in California. Healthy communities, economies, farms, ecosystems and cultural traditions depend on steady supplies of safe and affordable water.

Those values are increasingly at risk as California confronts more extreme droughts and floods, rising temperatures, depleted groundwater basins, aging infrastructure and other challenges magnified by climate change. For some of California’s most vulnerable populations, the risks are particularly acute.

Recognizing the need for action, Governor Gavin Newsom issued an Executive Order in April 2019 directing state agencies to develop recommendations to meet these challenges and enable water security for all Californians.

The Governor emphasized the need to harness the best of science, engineering, and innovation to prepare for what’s ahead and support long-term water resilience and ecosystem health.

To that end, state agencies have developed this draft water resilience portfolio to improve California’s capacity to prepare for disruptions, withstand and recover from climate-related shocks, and adapt into the future.

Building on state and local initiatives already underway and months of public input, the draft portfolio helps empower local and regional entities to meet their unique challenges, while delivering on the state’s responsibility to provide tools and leadership, advance projects of statewide scale and importance, and help address challenges that are beyond the scope of any region.

Because no single solution can fully address the state’s water challenges, the draft portfolio embraces a broad, diversified approach. Goals and actions are organized into four categories:

1. **Maintain and diversify water supplies:** State government will continue to help regions reduce reliance on any one water source and diversify supplies to enable flexibility as conditions change. Diversification will look different in each region based on available water resources, but it will strengthen water security and reduce pressure on river systems across the state.

2. **Protect and enhance natural ecosystems:** State leadership is essential to restore the environmental health of many of our river systems in order to sustain fish and wildlife. This entails effective standard setting, continued investments, and more adaptive, holistic environmental management.

3. **Build connections:** The state aims to improve physical infrastructure to store, move, and share water more flexibly and integrate water management through shared use of science, data, and technology.

4. **Be prepared:** Each region must prepare for new threats, including flashier floods, deeper droughts, and hotter temperatures. State guidance will enable preparation, protective actions, and adaptive management to weather these stresses.

It will require time, effort, and funding to carry out this portfolio. The pace of implementation will depend upon the feasibility and availability of resources and competing priorities. But this portfolio sets a direction and creates a collective recognition of the ways we can manage water to build climate adaptability in California that works for people, the environment, and the economy.

Water resilience will be achieved region by region based on the unique challenges and opportunities in each area. Local, regional, and tribal leadership is therefore critical. Moving forward, separate agencies and groups must better integrate their water planning and management to steward shared watersheds and aquifers as threats evolve.

State government must focus on enabling regional resilience while continuing to set statewide standards, enable projects of statewide scale and importance, and help address challenges beyond the scope of any region. This portfolio will improve tools to local and regional entities building resilience, encourage collaboration, and support a cohesive, resilient “water system of systems” across California.

Carrying out this portfolio will require a new emphasis on cooperation across state agencies and with regional groups and leaders. Likewise, this portfolio will advance Newsom Administration priorities to build climate resilience across all sectors and make possible opportunity and prosperity for all Californians. This water resilience portfolio will serve as an important step toward achieving these ambitious goals.
ITEM NO. 12

OPERATIONS & MAINTENANCE COMMITTEE AGENDA

Tuesday, January 14, 2020
9:00 A.M.

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

Committee Members: Cutter (Chair); Walters

OM1. Call to Order

OM2. Roll Call

OM3. Public Forum

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

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

OM6. Resolution Authorizing the General Manager to Enter into a Cooperative Agreement to Provide Funding for Shared Temporary Deployment of Precipitation Forecasting System with Sonoma County Water Agency
(The Committee will consider a resolution approving the agreement.)

OM7. Adjournment

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

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The next O&M Committee meeting will be held Tuesday, February 18, 2020, at 9:00 a.m.
ITEM NO. OM4 EBDA NPDES PERFORMANCE

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

Permit Compliance Issues
There were no NPDES permit violations in November and preliminary data from December are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included.

As noted previously, at the beginning of November, despite cooling weather, one high result for fecal coliform was observed. Staff maintained a high residual for the remainder of November to ensure that no additional high values were detected and conducted training on maintenance activities for sampling equipment to prevent future occurrences. In December, another high fecal coliform was detected. EBDA’s fecal coliform limit of 1100 MPN/100mL is expressed as a 90th percentile, with the expectation that out of 11 samples, one high result above 1100 MPN/100mL can be discarded as anomalous. Therefore, the high results did not lead to permit violations in November or December. However, they did lead to higher chlorine and SBS dosing than typical for the season. To ensure continued compliance and manage chemical costs, staff is recommending hiring a consultant with expertise in bacterial regrowth to evaluate the EBDA system and provide recommendations. The consultant’s input would then be incorporated into a chlorine-dosing Standard Operating Procedure (SOP) developed in consultation with the Member Agencies. The goal is to complete the SOP prior to next summer, when warmer weather typically accelerates bacteria growth.
EBDA Bacterial Indicators

<table>
<thead>
<tr>
<th>Date</th>
<th>FECAL MPN/100mL</th>
<th>ENTERO MPN/100mL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit (90th Percentile)</td>
<td>1100</td>
<td></td>
</tr>
<tr>
<td>Limit (Geomean)</td>
<td>500</td>
<td>240</td>
</tr>
<tr>
<td>Jan 2019, Geomean</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Feb 2019, Geomean</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Mar 2019, Geomean</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>April 2019, Geomean</td>
<td>7</td>
<td>&lt; 2</td>
</tr>
<tr>
<td>May 2019, Geomean</td>
<td>14</td>
<td>2</td>
</tr>
<tr>
<td>June 2019, Geomean</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>July 2019, Geomean</td>
<td>9</td>
<td>&lt; 3</td>
</tr>
<tr>
<td>August 2019, Geomean</td>
<td>32</td>
<td>&lt; 3</td>
</tr>
<tr>
<td>Sept 2019, Geomean</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Oct 2019, Geomean</td>
<td>35</td>
<td>2</td>
</tr>
<tr>
<td>Nov 2019, Geomean</td>
<td>32</td>
<td>2</td>
</tr>
<tr>
<td>Dec 2019, Geomean</td>
<td>18</td>
<td>&lt; 2</td>
</tr>
</tbody>
</table>

Note: Geomean values indicate the geometric mean of the data.
ITEM NO. OM5 STATUS REPORT

Alvarado Effluent Pump Station (AEPS)

Pump Cavitation Study & Station Optimization
On December 9, 2019, EBDA staff provided comments to Carollo Engineers, Inc. (Carollo) on the Draft Cavitation Study Project Memorandum. After Carollo incorporates staff comments, it will be sent to the MAC for review and a meeting will be scheduled with USD staff to review the memorandum.

Effluent Pump No. 6 Refurbishment
On December 12, 2019, USD maintenance staff reinstalled the temporarily repaired impeller and reassembled the pump so that it could be available for wet weather. The new replacement impeller was ordered on December 20, 2019, with lead time of 12 to 16 weeks.

Once the repaired impeller was installed, however, the pump was tested and the Variable Frequency Drive (VFD) experienced a major failure. EBDA staff scheduled a service call with Rockwell Automation Field Service on December 27, 2019. The Field Service Engineer determined that the inverter section of the VFD was blown and needed to be replaced. EBDA staff is in the process of obtaining quotes for repair/replacement of the inverter. Once the quotes are obtained, they will be presented to the MAC. A resolution will be presented to the Commission next month for the VFD repair/replacement. This VFD was manufactured in July of 2015 and placed-in-service in July of 2016.

Hayward Effluent Pump Station (HEPS)

Motor Control Center (MCC) Replacement Project
In December, several meetings were held to discuss modifications to the layout of the perimeter fencing and the pump station coatings bid. A $2,126 contract change order was written to install an additional gate in the perimeter fencing to improve access to the portable generator plug and load bank testing electrical panels, to the north of the new MCC building. On January 6, 2020, the fencing subcontractor started installing the perimeter fencing.

A contract change order is also being negotiated to expand the scope of the coatings subcontractor. EBDA is requesting that the existing generator fuel tank be coated as part of the MCC project. Coating the fuel tank now is preferable because a new platform that will be installed around the generator to improve future access for operations and maintenance activities will make it more difficult to coat the tank in the future.
Upcoming work on the site includes completing installation of perimeter fencing with barbed wire around the pump station and MCC building. GSE will also install new stairs into the MCC building and the new platform around the generator. GSE’s coatings subcontractor, Redwood Painting Co. Inc., will paint the station piping when weather conditions allow.

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

**Electrical Improvements**
In November, the contractor working on OLSD’s Nutrient Optimization Project completed installation of the #1 water line to supply water from OLSD to the OLEPS safety shower and eyewash station. In December, the contractor continued the installation of two electrical conduits and a two-inch #4 water line from OLSD to OLEPS. The underground portion of the conduit and water line installation was completed prior to the start of paving between OLSD and OLEPS, which was critical so that it would not delay OLSD’s Nutrient Optimization Project.

**Paving Repair/Upgrade**
On December 11, 2019, the paving between OLSD and OLEPS was completed.

Before Paving
After Paving

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

Skywest Pump Station

Recycled Water Production
During the month of December 2019, due to wet weather, the Skywest Recycled Water System did not produce any recycled water. The total recycled water produced during 2019 was 57.15 MG. The peak day of recycled water production in 2019 was 630,500 gallons. The monthly recycled water produced breakdown for the last four years is as follows:
Marina Dechlorination Facility (MDF)
No change; all equipment is operational.

Force Main
No change; all equipment is operational.

Operations Center

Cyber Security
The next Quarterly Network Security Management & Coordination meeting is scheduled for January 16, 2020. EBDA staff, Woodard & Curran, Calcon (EBDA’s SCADA consultant) and Cayuga Information Systems (EBDA’s business IT consultant) continue to work to improve the security of EBDA’s SCADA and business networks.

Miscellaneous Items

Underground Service Alerts
EBDA received twenty-four (24) Underground Service Alert (USA) tickets during the month of December 2019. Three required field verification.
Wet Weather
During the month of December 2019, there were no significant rain events that required the operation of an OLEPS diesel pump or discharge to the Hayward Ponds.

Special Projects

PG&E Large Integrated Audit Program
EBDA is participating in PG&E’s Large Integrated Audit (LIA) program. The LIA Program is a PG&E-sponsored assessment of customer facilities, with a goal of an energy action plan that identifies and prioritizes potential energy and demand savings from energy conservation, energy efficiency, time-of-use management, demand response, and self-generation measures. EBDA’s study is being conducted by Alternative Energy Systems Consulting, Inc. (AESC). On December 18, 2019, EBDA staff provided AESC with the data that they requested for the energy analysis.

Transport System Seismic Reliability Plan
Brown & Caldwell (BC) submitted a preliminary draft of the Transport System Seismic Reliability Plan. Staff is reviewing the draft and providing feedback to BC.

EBDA Facilities Electrical Evaluation
Beecher Engineering, Inc. will provide a final draft of the EBDA Facilities Electrical Evaluation Report following the incorporation of the OLEPS Standby Power Assessment Report.

Disaster Cost Recovery Planning Services
EBDA staff is continuing to work with Kermani Consulting Group (KCG) on disaster cost recovery planning. In November, staff provided feedback on KCG’s second draft plan. KCG is in the process of finalizing the plan. A training session for Member Agency staff has been planned for February 5, 2020.

Advanced Quantitative Precipitation Information (AQPI) Project
See Item No. OM6.
1. Summary sheets from the NPDES Report submitted to the RWQCB and EPA are attached for the month of: Nov-19

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

3. The violations included the following: None Noted

4. Preventive Maintenance for the month of: Nov-19

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>NO. TASKS</th>
<th>NO. TASKS</th>
<th># TASKS</th>
<th>PERCENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SCHEDULED</td>
<td>COMPLETED</td>
<td>UNFINISHED</td>
<td>COMPLETED</td>
</tr>
<tr>
<td>San Leandro Pump Station</td>
<td>11</td>
<td>11</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Oro Loma Pump Station</td>
<td>37</td>
<td>37</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Sky West Pump Station</td>
<td>13</td>
<td>13</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Hayward Pump Station</td>
<td>15</td>
<td>15</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Alvarado Pump Station</td>
<td>45</td>
<td>45</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>Marina Dechlorination Facility</td>
<td>40</td>
<td>40</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>EBDA Responsibility</td>
<td>57</td>
<td>57</td>
<td>0</td>
<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>55</td>
<td>55</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>277</strong></td>
<td><strong>277</strong></td>
<td><strong>0</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

5. Unscheduled Maintenance for the month of: Dec-19

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>NO. OF WORK ORDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Leandro Pump Station</td>
<td>1</td>
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<tr>
<td>Oro Loma Pump Station</td>
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<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>
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</table>

6. Other Items of significance: Dec-19

a. FM: Transport System Seismic Reliability Plan
b. AEPS: Effluent Pump No. 6 Refurbishment
c. OLEPS: Electrical Improvements / New Water Lines / Paving
d. MDF: No Items
e. HEPS: MCC Replacement Project
f. SLEPS: No Items
ITEM NO. OM6 RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT TO PROVIDE FUNDING FOR SHARED TEMPORARY DEPLOYMENT OF PRECIPITATION FORECASTING SYSTEM WITH SONOMA COUNTY WATER AGENCY

Recommendation
Approve the resolution authorizing the General Manager to enter into a Cooperative Agreement to provide funding for a shared temporary deployment of a precipitation forecasting system with Sonoma County Water Agency (Sonoma Water) and four other East Bay water management agencies as part of the Advanced Quantitative Precipitation Information (AQPI) Project.

Background
AQPI is a Bay Area regional project funded by the California Department of Water Resources (DWR) aimed at improving prediction of precipitation, streamflow, and storm surge through data gathering and model improvement. EBDA is part of a consortium of East Bay agencies working to install an X-band radar in the East Bay at Rocky Ridge to improve forecasting for our local microclimates. The radar would be linked to the regional system, as outlined in the attached fact sheet. Sonoma Water is the administrator for the DWR grant and is therefore serving as the administrator for related projects including the East Bay X-band installation. The other participants in the East Bay consortium are East Bay Municipal Utility District, Alameda County Flood Control & Water Conservation District, Alameda County Water District, and Contra Costa County Flood Control and Water Conservation District.

Discussion
Staff is requesting approval of a Cooperative Agreement to fund installation of the X-band radar. The radar itself is funded by the grant, as is technical support by scientists at the National Oceanographic and Atmospheric Administration. Through the Cooperative Agreement, the East Bay agencies are reimbursing Sonoma Water for costs associated with leasing space for the installation from American Tower and other permitting and operations costs for the temporary installation. The EBDA contribution to this two-year project is $29,000, which is included in EBDA’s FY2019/2020 budget. The total funding for the project, shared among the five participants, is $165,000. All five agencies are seeking governing board approval of the Cooperative Agreement in January 2020.

It is expected that a broader regional MOU or JPA will be developed for the post-grant funding beyond 2021, which would include O&M of a permanent radar installation at Rocky Ridge if the temporary project is successful. A regional committee, in which EBDA is participating, is beginning to discuss the long-term funding and governance plan. The group is working on a Planning Agreement that staff would sign in early 2020, documenting intent to work together toward a long-term agreement. The Planning
Agreement would contain no funding commitments. The next meeting of the regional committee is scheduled for January 15, coinciding with a ribbon-cutting ceremony for the radar installation at Santa Clara Valley Water District. In addition to estimating long-term regional O&M costs and potential cost-sharing schemes, the committee is also discussing joint publicity and pursuit of additional grants and partners.

The current target is for the East Bay radar to be installed by March 2020. The application for lease of the site from American Tower has been submitted, the Federal Communications Commission and East Bay Parks Encroachment Permits have been approved, and the X-band Radar is ready for deployment as soon as agreements are in place.
SF Bay Area AQPI Project Update  
January 2020

Background

The SF Bay Advanced Quantitative Precipitation Information (AQPI) System was funded in 2016 by a grant from the California Department of Water Resources (DWR) and awarded to Sonoma Water and participating Bay Area agencies. National Oceanic and Atmospheric Administration (NOAA) is building the AQPI System and delivering the AQPI end-product to these agencies. The goals of the AQPI system when completed will provide X-Band and C-Band radars and information systems that will increase the accuracy of weather forecasting and response systems throughout the Bay Area. Improved forecasting will assist water managers, reservoir operators, wastewater plant managers, flood and emergency responders to respond to extreme water events in a timely fashion. SF Bay AQPI has formed a Local Partner Agency Committee (LPAC) to develop the framework for regional collaboration and agreement.

AQPI Radar Locations

When completed, there will be four X-Band radars and one C-Band radar that will cover most watersheds in the Bay Area (Figure A).

Timeline for Radar Installations

As of January 2020, two X-Band radars are operational including one in Sonoma County and one in Santa Clara County. Two more X-Band radars are slated for installation in 2020. It is anticipated that there will be four operating X-Band radars in place by the end of 2020, with a C-Band radar and potentially a fifth X-Band to follow in 2021. Radars locations include:

- **Sonoma Water** - Since 2018 operating a temporary X-band radar near the Sonoma County Airport. A permanent X-Band radar is anticipated to be installed Spring 2020 on Sonoma Mountain.
- **Valley Water** - Since 2016 operating a temporary X-Band radar at the Penitencia Water Treatment Plant. A permanent X-Band radar has been installed in July 2019 at the same location.

Figure A. Map of AQPI X-Band and C-Band Radar locations by 2020.
• **San Francisco Public Utilities Commission (SFPUC)** – Plans to install a permanent X-Band Radar at Montara Mountain in San Mateo County in 2020.

• **East Bay Agencies Partnership** – A partnership of East Bay agencies is working on a pilot project to site a high definition radar on Rocky Ridge, adjacent to the Las Trampas Wilderness area in 2020. This partnership includes East Bay Municipal Utility District (EBMUD), East Bay Dischargers Authority (EBDA), Contra Costa County Flood Control & Water Conservation District, Alameda County Flood Control & Water Conservation District, and Alameda County Water District (ACWD).

• **Santa Cruz County Flood Control and Water Conservation District** received a grant from DWR’s Statewide Flood Emergency Response Grant program to install a permanent X-Band radar. This radar, which is not shown on the map in Figure A will tie into the Bay Area AQPI system.

• **C-Band Radar** - Regional partners are collaborating to site and install a C-Band radar in the North Bay. The C-Band radar will cover the Pacific Coast as well as inland to complement the X-Band radars, improving storm forecasting throughout the region.

**AQPI Benefits: AQPI Radar Imagery from 2019 Atmospheric River Storm**

Flooding is a major concern in the Bay Area. The difference between existing radar rainfall data and AQPI are a striking example. See below in Figure B, where AQPI radar provides a more accurate picture of rainfall in Santa Clara, to better assess the potential for flooding. Note - Warmest colors represent highest rain volume.

![Comparison of Radar Imagery](image)

**FOR MORE INFORMATION:**

Jake Spaulding, Sonoma Water, (707) 524-8373, [Jake.Spaulding@scwa.ca.gov](mailto:Jake.Spaulding@scwa.ca.gov)

Rob Cifelli, NOAA Earth System Research Laboratory, (303) 497-7369, [rob.cifelli@noaa.gov](mailto:rob.cifelli@noaa.gov)

RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A
COOPERATIVE AGREEMENT TO PROVIDE FUNDING FOR SHARED TEMPORARY
DEPLOYMENT OF PRECIPITATION FORECASTING SYSTEM WITH SONOMA
COUNTY WATER AGENCY

WHEREAS, the East Bay Dischargers Authority and its Member Agencies
experience higher flows during wet weather as a result of inflow and infiltration; and

WHEREAS, the ability to predict the arrival time, duration, and magnitude of
storm events enhances the Authority’s and its Member Agencies’ ability to plan, staff,
and operate facilities in wet weather; and

WHEREAS, staff has determined that participating in the Advanced Quantitative
Precipitation Information (AQPI) Project and cooperatively funding installation of an X-
band radar in the East Bay will improve these prediction capabilities; and

WHEREAS, Sonoma County Water Agency has volunteered to serve as the
administrating agency to manage associated funds and resources and coordinate East
Bay radar installation; and

WHEREAS, the Authority is one of five East Bay agencies entering into a
Cooperative Agreement with Sonoma County Water Agency to fund these services.

NOW, THEREFORE BE IT RESOLVED, the Commission of the East Bay
Dischargers Authority hereby authorizes The General Manager to enter into a
Cooperative Agreement to provide $29,000 for shared temporary deployment of a
precipitation forecasting system with Sonoma County Water Agency.

SAN LORENZO, CALIFORNIA, JANUARY 16, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES: ________________________________________________________
NOES: _______________________________________________________
ABSENT: _____________________________________________________
ABSTAIN: _____________________________________________________

______________________________________  ATTEST: _______________________________
CHAIR                                      GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION            EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY

Page 51 of 95
ITEM NO. 14 RESOLUTION APPROVING AMENDMENTS TO THE PERSONNEL POLICY

Recommendation
Approve the proposed amendments.

Background
The Authority’s Personnel Policy was last adopted in Resolution 19-35 on August 15, 2019. In the process of hiring Kalena Yambao as a Full-time Temporary Administrative Assistant, staff noted that the current Policy was confusing in its application to full-time temporary staff. Staff is therefore recommending several clarifications.

Discussion
Staff proposed edits including the following for clean-up and clarification:

- Clarifying that provisional and temporary employees are at-will
- Clarifying that temporary part-time employees are not eligible for paid leaves or benefits, but temporary full-time employees are entitled to certain paid leaves and benefits
- Noting that discipline and rules of conduct provisions do not apply to provisional and temporary employees
- Defining “serious discipline” as suspensions of more than four (4) working days, a reduction in pay resulting in loss of pay equal to or exceeding a suspension of more than four (4) days, demotion, or termination
- Clarifying that overtime does not apply to part-time employees
- Outlining a process for pro-rating floating holiday time
- Noting that temporary, provisional, and part-time employees are excluded from vacation accrual

The Personnel Committee reviewed the proposed policy amendments in December and recommended approval with one additional edit. In response to the Committee’s feedback, staff added a sentence to the discipline section noting that discipline of provisional and part-time employees is at the discretion of the GM.

A draft showing edits in track changes is attached.
Personnel Policy

Reviewed February 17, 2005
Reviewed March 16, 2006
Revised March 15, 2007
Revised March 19, 2009
Revised July 16, 2009
Revised November 23, 2009
Revised April 21, 2011
Revised March 22, 2012
Revised March 21, 2013
Revised November 21, 2013
Revised May 15, 2014
Revised May 19, 2016
Revised September 22, 2016
Revised October 18, 2018
Revised August 15, 2019
Revised January 16, 2020
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<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocation</td>
<td>The assignment of a position to an appropriate class on the basis of the</td>
</tr>
<tr>
<td></td>
<td>nature, difficulty and responsibility of duties actually performed.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Any person who has made application for a position.</td>
</tr>
<tr>
<td>Authority</td>
<td>The East Bay Dischargers Authority.</td>
</tr>
<tr>
<td>Candidate</td>
<td>A qualified applicant who has been selected to participate in the selection</td>
</tr>
<tr>
<td></td>
<td>process.</td>
</tr>
<tr>
<td>Class or Classification</td>
<td>A position or group of positions, the duties and responsibilities of which</td>
</tr>
<tr>
<td></td>
<td>are sufficiently similar so that the same descriptive title, examples of</td>
</tr>
<tr>
<td></td>
<td>duties and tests for fitness may apply.</td>
</tr>
<tr>
<td>Class Specification</td>
<td>A written description of duties, responsibilities and desirable qualifications</td>
</tr>
<tr>
<td></td>
<td>for employment in a classification.</td>
</tr>
<tr>
<td>Commission</td>
<td>The East Bay Dischargers Authority Commission, the legislative and governing</td>
</tr>
<tr>
<td></td>
<td>body of the Authority.</td>
</tr>
<tr>
<td>Compensation</td>
<td>The salary, wage, allowances and all forms of valuable consideration paid</td>
</tr>
<tr>
<td></td>
<td>to any employee by reason of service in any position.</td>
</tr>
<tr>
<td>Demotion</td>
<td>A change of an employee from one position to any other position having a</td>
</tr>
<tr>
<td></td>
<td>lower maximum salary.</td>
</tr>
<tr>
<td>Eligible</td>
<td>A person whose name is on an active employment list.</td>
</tr>
<tr>
<td>Employment List</td>
<td>A list of persons who may be considered for appointment to a specific</td>
</tr>
<tr>
<td></td>
<td>position with the Authority.</td>
</tr>
<tr>
<td>Employee</td>
<td>A person officially appointed to a position in the adopted Classification</td>
</tr>
<tr>
<td></td>
<td>Plan.</td>
</tr>
<tr>
<td>Examination</td>
<td>The selection procedure used to measure the relative fitness of persons</td>
</tr>
<tr>
<td></td>
<td>applying for positions with the Authority.</td>
</tr>
<tr>
<td>General Manager</td>
<td>The General Manager of the Authority, as appointed by the Commission or his/</td>
</tr>
<tr>
<td></td>
<td>hers duly designated representative.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Job Description</td>
<td>A written description of duties, responsibilities and desirable qualifications for employment in a specific position.</td>
</tr>
<tr>
<td>Part-time Position</td>
<td>A position to which an employee shall be assigned for less than forty hours per week.</td>
</tr>
<tr>
<td>Personnel Committee</td>
<td>A panel advisory to the Commission on personnel matters consisting of two members of the Commission.</td>
</tr>
<tr>
<td>Position</td>
<td>A group of current duties and responsibilities designated by the Commission as requiring the employment of one person.</td>
</tr>
<tr>
<td>Probationary Appointment</td>
<td>A working test period during which an employee selected from an employment list is required, by actual performance, to demonstrate fitness for the duties of the position to which appointed.</td>
</tr>
<tr>
<td>Promotion</td>
<td>A change of an employee from one position to another position that has a higher maximum salary.</td>
</tr>
<tr>
<td>Provisional Appointment</td>
<td>Appointment for a period not to exceed six months to a position for which no employment list exists.</td>
</tr>
<tr>
<td>Reallocation</td>
<td>Change in the assignment of a position from one existing class to a new class resulting from a change in the Classification Plan.</td>
</tr>
<tr>
<td>Regular Appointment</td>
<td>The type of status granted to an employee who has successfully completed a probationary period.</td>
</tr>
<tr>
<td>Seniority</td>
<td>The total length of satisfactory service of an employee within each specific class.</td>
</tr>
<tr>
<td>Suspension</td>
<td>Temporary separation of employment with or without pay.</td>
</tr>
<tr>
<td>Temporary Appointment</td>
<td>Assignment of an employee to a position for a period of up to one year.</td>
</tr>
<tr>
<td>Termination</td>
<td>Permanent separation of an employee from Authority service.</td>
</tr>
<tr>
<td>Unclassified Position</td>
<td>Certain management, professional or confidential positions designated by the Commission to fall outside the classified service and to be exempted from certain provisions of these Rules.</td>
</tr>
</tbody>
</table>
SECTION II – GENERAL PROVISIONS

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

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

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

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

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

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

The Commission shall appoint a Personnel Committee consisting of two members of the Commission, the function of which is to review and make recommendations on all
personnel matters coming before the Commission for action, including revision to the Classification or Compensation Plans and these Rules, and to hear appeals as indicated herein. Action by the Committee with respect to grievances (Section XVIII) shall be final and shall not require further action by the Commission unless appealed to the full Commission.

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

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

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

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

**Incompatible Activities**

No officer or employee of the Authority shall:
1. Participate in any political activity during working hours on the Authority premises.

2. Use for private gain or advantage the influence of an Authority position or the facilities, equipment or supplies of the Authority.

3. Solicit or accept any favors or gifts from persons, concerns or corporations who have, or seek to have, business contacts with the Authority.

4. Divulge confidential information to anyone to whom issuance of such information has not been authorized by the General Manager.

5. Participate in any employment or other activity which will prevent him/her from doing his/her Authority job in an efficient and capable manner, which brings discredit upon the Authority, or which might result in a conflict of interests between the employee's private interest and his/her official duties and responsibilities, or in any event which has not been approved by the General Manager.

6. Provide information or services to contractors or other persons, which would give a competitive advantage over others dealing with the Authority.

Violation

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

Severability

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

SECTION III – CLASSIFICATION PLAN

Preparation

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

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

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

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

**Adoption**

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

**Revisions**

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

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

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

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

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

**Incumbents of Reclassified Positions**

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

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

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

**SECTION IV – COMPENSATION PLAN**

**Content**

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

**Preparation**

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

In preparing the tentative plan, the General Manager shall take into consideration class-by-class salary comparisons with Member Agencies and other comparable agencies to be designated by the Personnel Committee and across-the-board compensation adjustments received by Member Agencies since the last EBDA adjustment. Appropriate consideration shall be given to adjustments of the cost of living as measured by the National Consumer Price Index Pacific Cities, the base figure for...
comparison shall be the SF-Oakland-SJ city for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. The approved salary adjustments shall be applied to all of the classifications, effective the following July 1, to the current salary of each employee on that date and the salary ranges for each classification shall be adjusted a like amount by adoption of an amended Compensation Plan.

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

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

Salary step increases shall be earned, shall be subject to satisfactory service, and shall not be considered a right of the employee. Employees whose work performance meets or exceeds the standards of conduct and performance outlined in the classification plan shall be eligible for advancement to a higher step within the range established in the Compensation Plan. After an employee satisfactorily completes the required probationary period, which is six (6) months of continuous service in the same position unless extended, an employee is eligible for his/her first step increase upon approval of the General Manager. Subsequent step increases shall be effective annually on the anniversary date of the employee’s last merit increase until the employee reaches the top step of the range. After reaching step 5 (upon approval of the General Manager), the employee shall remain at the same rate provided for at step 5 while he/she continues to serve in the same position, subject to satisfactory service.

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

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

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

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

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

13. Applicant has failed to respond to communications concerning his/her availability for employment.

14. Applicant has made him/herself unavailable for employment by requesting that his/her name be withheld from consideration.

**Confidentiality**

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

**Verification**

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

**Exemption**

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

**SECTION VI – SELECTION PROCEDURE**

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

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

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

**Medical Examination**

Before any appointment may be made to a regular position, the individual shall be required to satisfactorily pass a medical examination given by a regularly licensed physician designated by the Authority and made at the Authority’s expense. No person shall be given a probationary or regular appointment that, at the time of such appointment, is physically unable to satisfactorily fulfill the duties of the position. An eligible candidate may be accepted conditionally when it is the opinion of the examining physician that his/her physical disqualification may be temporary or when it is deemed that treatment may satisfactorily correct any impairment. Such impairment shall be corrected no later than one month prior to the completion of the employee's probationary period. Regular employees being appointed to positions involving increased physical effort may also be required to satisfactorily pass an appropriate physical examination.

**SECTION VII – EMPLOYMENT LISTS**

**Establishment**

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

**Order of Names**

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

**Duration of List**

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

**Removal of Names**

The name of any eligible candidate may be removed or withheld from an employment list for any of the reasons specified in Section V.
Restoration of Names
An eligible candidate's name shall be reinstated to an employment list in the same relative position as originally held upon showing cause satisfactory to the General Manager.

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

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

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

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

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

At-Will Appointment
An at-will employee is one whose employment may be terminated at the discretion of the Commission and/or General Manager at any time with or without cause. Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees. At-will positions include managerial employees whose terms of employment are stipulated in a written employment agreement signed by both parties. At-will status also applies to any probationary, provisional, and temporary employee.

At-will employees shall enjoy the same statutory protections of regular employees, including laws that prohibit discrimination or harassment based on protected classes such as race, national origin, ancestry, sex, age, physical or mental disability, sexual
orientation, marital status, medical condition or religion. At-will employees shall also be entitled to engage in protected activities without fear of retaliation, such as filing a charge of discrimination, whistleblowing or participating in an investigation.

Temporary Appointments

If an employee is needed for a temporary period, certification shall be made from the names of those eligible candidates, if any are available, that have indicated willingness to accept temporary employment and appointment shall be made by the General Manager. The duration of the temporary appointment shall be limited to the period of the need and in no event shall continue for more than one year.

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

Provisional Appointments

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

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

Part-Time Appointment

If an employee is needed for less than a total of 30 hours per week, a part-time appointment shall be made by the General Manager from eligible candidates that have indicated willingness to accept part-time employment. Part-time employees serve at the discretion of the General Manager. Candidates appointed to part-time positions do not serve probation and can be dismissed any time with or without cause. Part-time employees shall work no more than 1000 hours in a fiscal year.
SECTION IX – EMPLOYMENT STATUS

**Probationary Status**

The first six (6) months of employment is a period of evaluation for all regular employees and is called a Probationary Period. This is a time to monitor both work performance and work habits of the newly appointed employee. The probationary period may be extended for an additional period, not to exceed six (6) additional months, if an employee requires additional evaluation. If an employee successfully completes the probationary period, the employee moves from probationary status to regular status. If, at the sole determination of the Authority, the newly appointed employee is unsuccessful in completing the probationary period, the employee shall be terminated with no right of appeal or hearing.

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

**Regular Status**

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

**Part-Time Employment**

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

**Temporary Employment**

Temporary full-time and part-time positions may be required to complete a one-time project or set of projects. Temporary part-time employees are not eligible for paid leaves or benefits unless stated in this Policy to the contrary. Temporary full-time employees are entitled to paid leaves and benefits as outlined in the Authority’s Compensation Plan to this extent this Policy does not state to the contrary.
**Resignation**

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

**Reduction in Force**

The Commission may separate any employee, without prejudice, because of lack of work or funds, or because of material change in duties or organization. No regular employee, however, shall be separated while there are provisional, probationary or temporary employees serving in the same class; provided, however, a regular employee otherwise subject to separation under these Rules may elect voluntary demotion to a lower class if vacancies exist. The order of separation due to reduction in force shall be based upon seniority. All employees subject to separation under these provisions shall receive written notice at least 14 calendar days prior to the effective date.

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

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

**Disciplinary Actions**

The Authority may invoke the following types of disciplinary actions:

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

**Grounds for Discipline**

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

a) Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the Authority.

b) Furnishing knowingly false information in the course of the employee’s duties and responsibilities.

c) Inefficiency, incompetence, carelessness or negligence in the performance of duties.

d) Violation of safety rules.

e) Violation of any of the provisions of these personnel rules and regulations, department rules and regulations, or Authority policies.

f) Inattention to duty.

g) Tardiness, or overstaying lunch periods.

h) Being under the influence of an intoxicating beverage or non-prescription drug, or prescription drugs not authorized by the employee’s physician, while on duty or on Authority property, or when called in for emergency duty.

i) Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor.

j) Any violation of the Authority’s No Harassment Policy.

k) Unauthorized soliciting on Authority property.

l) Unauthorized absence without leave; failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked or canceled; or any other unauthorized absence from work.

m) Conviction of a felony, or a misdemeanor involving moral turpitude, or a violation of a federal, state or local law which negatively impacts the employee’s ability to effectively perform his/her job or brings discredit to the Authority.

n) Offensive treatment of the public or other employees.

o) Falsifying any Authority document or record.
p) Misuse of Authority property; improper or unauthorized use of Authority equipment or supplies, damage to or negligence in the care and handling of Authority property.

q) Fighting, assault and/or battery.

r) Theft or sabotage of Authority property.

s) Sleeping on the job, except as specifically authorized for 24-hour duty personnel.

t) Accepting bribes or kickbacks.

u) Engaging in outside employment which conflicts with an employee’s responsibilities.

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

w) Outside work or any other activity or conduct which creates a conflict of interest with Authority work, which causes discredit to the Authority, negatively impacts the effective performance of Authority functions or is not compatible with good public service.

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

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

z) Any other conduct of equal gravity to the reasons enumerated above as determined by the Authority.

**Procedure for Disciplinary Action**

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

**Written Notice**

The General Manager shall issue a written notice of discipline, describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The affected employee may respond by submitting a rebuttal to be lodged in the employee’s personnel file, and in the case of a suspension of one to four days, shall have the ability to present their side of the story by responding orally or in writing before the discipline becomes final within five working days of the notice being issued. Any such response to a proposed suspension of one to four days shall be considered before a final decision is made. For minor discipline—any action up to and including a suspension of four (4) working days—no further appeal shall be permitted. For disciplinary actions of suspensions of more than four (4) working days, a reduction in pay resulting in loss of pay equal to or exceeding a suspension of more than four (4) days, demotion or termination greater in severity than five (5) working days (“serious discipline”), employees shall retain pre-discipline meeting and post-discipline appeal rights as described below.
Pre-Discipline Meeting

For “serious” discipline that is greater in severity than a suspension of five (5) working days, the employee shall receive written notice of the charges upon which the disciplinary action is based, the materials upon which the charges are based, and the employee’s rights under Skelly vs. State Personnel Board, 15 Cal.3d 194 (1975.) The employee then has an opportunity to respond, either orally or in writing.

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

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

Final Action

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

Appeal

For “serious” discipline that is greater in severity than a suspension of five (5) working days, employees shall have the right to appeal from the final decision. The notice of appeal must be received within seven (7) calendar days from the date of the final notice of discipline, or the right to appeal is waived and the discipline shall become final.

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

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

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

SECTION XI – HOURS OF WORK

Office Hours

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

Attendance

Employees, other than part-time employees, shall be required to be on duty for 40 hours during each seven-day work week, notwithstanding authorized leaves as hereinafter defined. When the needs of the Authority require, the General Manager may vary the working hours of any employee within the limits of State Law or other labor regulations. Daily attendance records shall be kept and certified for payroll purposes. Any employee absent without leave, who fails to return to work within 24 hours after notice to return, shall be subject to immediate discharge.

Overtime

Overtime is ordered and authorized for regular full-time employees in excess of forty (40) hours in a week. Working time in excess of the employee’s regular forty-hour week. Overtime work shall be paid only for full-time employees occupying non-exempt positions, and part-time non-exempt employees if ordered and authorized to work in excess of forty (40) hours in a week, recognized only for employees occupying non-exempt positions.

Overtime Rate

Overtime for non-exempt employees shall be paid at the rate of one and one-half times for overtime hours actually worked. Overtime hours may be paid on the next regular pay check. With the approval of the General Manager prior to performance of the overtime work, employees may choose to receive or accrued as compensatory time off rather than overtime pay at the discretion of the employee and with the approval of the General Manager prior to performance of the work. Compensatory time shall be used or paid to the employee within a 12-month period from the date earned or paid to the employee.

Call Back

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

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

SECTION XII – HOLIDAYS

Authority Holidays

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

- New Year's Eve: December 31
- New Year's Day: January 1
- Martin Luther King Birthday: 3rd Monday in January
- President's Day: 3rd Monday in February
- Memorial Day: Last Monday in May
- Independence Day: July 4
- Labor Day: 1st Monday in September
- Thanksgiving Day: 4th Thursday in November
- Day after Thanksgiving: 4th Friday in November
- Christmas Eve: December 24
- Christmas Day: December 25

If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

Floating Holidays

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

A person hired after July 1, or a temporary full-time employee hired to work for less than 12 months, shall be provided the pro rata share of floating holiday hours for the number
of months of work in the fiscal year compared to the annual allotment of twenty eight (28) floating holiday hours per year.

Should an employee separate employment prior to June 30, or, for a temporary employee sooner than the period of time for which the temporary employee was hired, the employee’s final paycheck will be reduced by an amount equal to the value of the same floating holiday hours provided as the portion of the fiscal year or temporary employment not worked. For example, if a regular employee received 28 floating holiday hours on July 1st and left employment six months later on December 31st, the employee’s final paycheck would be reduced by 6/12 x 28 hours x hourly rate).

Compensation for Holidays Worked

Holidays shall be worked only on order and authorization of the General Manager. Work performed by a non-exempt employee on a holiday shall be compensated by pay at time and one-half the regular rate.

SECTION XIII – LEAVES AND VACATIONS

Vacation Leave Policy

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

Vacation Leave Allowance

All full-time regular employees (i.e., other than temporary, provisional, and or part-time employees are excluded from vacation accrual) shall earn vacation leave at the rate of 80 working hours per year from the date of employment. Employees shall not be permitted to take any vacation during the first six months of employment. Full time employees shall earn an additional eight (8) hours vacation leave allowance for each full year of continuous employment thereafter, up to a maximum of 160 working hours per year.

All part-time employees shall earn vacation leave at the rate of 8 working hours for each 200 hours worked from the date of employment, up to a maximum of 40 working hours per year.

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

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

**Recording Credits**

On July 1st of each year, employees who have completed at least six months of satisfactory full-time continuous services shall be credited in advance with vacation leave allowance for the entire fiscal year. Vacation leave shall be earned during authorized leave with pay. When a holiday falls during an employee's absence on vacation leave, it shall not be deducted from his/her accrued leave. If an employee leaves the Authority service prior to the end of the fiscal year, reconciliation of vacation leave earned and taken to date of termination shall be made. If the vacation leave taken exceeds leave earned, the excess shall be deducted from the employee's final pay. If vacation leave earned exceeds leave used at date of termination, the excess shall be added to employee's final pay.

**Payment for Unused Vacation Leave**

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

**Sick Leave Policy**

Sick leave shall be allowed in case of actual sickness of the employee. Sick leave shall be granted only on approval of the General Manager in increments of not less than one hour. An employee may use a maximum of five (5) days of sick leave each fiscal year for absences caused by the illness or injury of a family member. A family member is defined as a child, parent, spouse or registered domestic partner, grandparent, grandchild or sibling. Use of sick leave for this purpose is intended to apply in serious and unforeseen conditions where the presence of the employee in the home or hospital is required for the care, legal requirement or health of the family member. Authorization to use additional sick leave beyond the five-day maximum may be granted by the General Manager when exceptional circumstances warrant.

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

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

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

**Computing and Recording Sick Leave**

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

**Medical and Dental Appointments**

Sick leave may be used for medical, dental, therapy or similar purposes for a minimum period of one (1) hour and should not exceed four (4) hours except in unusual circumstances. A maximum of five (5) days of sick leave per year may be used for medical, dental or therapy appointments for a family member when the employee's presence is required.

**Payment for Unused Sick Leave**

The Authority's contract for retirement benefits provides that sick leave earned but unused upon the termination or death of any employee enrolled in the pension plan shall be applied to the employee's total service credit subject to the following specifications.

Pursuant to GC§20965, the employee whose effective date of retirement is within four months of separation from employment shall receive credit toward his or her retirement equal to 0.004 years of service credit for each unused day (8 hours) of sick leave.

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

All full-time regular employees (i.e. excludes, except temporary, provisional and part-time employees), shall be granted bereavement leave with pay not to exceed three (3) working days, as necessary, upon the occasion of the death of a close relative. When additional time is desired, employees may be allowed to take accumulated vacation leave or compensatory time off. Close relatives are defined as the employees mother, father, brother, sister, wife, husband, domestic partner, child, grandparent, current mother-in-law or current father-in-law of the employee. The General Manager may grant bereavement leave for other relatives on a case-by-case basis. Additional leave for travel purposes not to exceed five (5) calendar days may be granted by the General Manager when circumstances warrant.

**Catastrophic Leave**

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

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

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

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

**Personal Leaves of Absence**

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

**Family Leave**

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

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

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

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

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

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

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

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

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

Time Off To Appear At School When Required By the School
All employers must allow a parent or guardian of a pupil to appear at the school when the school has given advance notice. It is not a requirement that the employee be compensated for the time. The employee is required to give reasonable notice to the employer. An employee may take vacation or personal leave.
Disability Leave
For employee injury or disability falling within the provision of the State Workers’ Compensation Disability Act, disability compensation at the rate allowed under said Act shall be basic remuneration during the employee's period of disability. In the case of full-time employees, other than temporary, provisional or part-time employees, additional compensation equal to the difference between said employee's regular pay and his/hers disability compensation allowance shall be granted not to exceed one year for any one period of incapacity. In the event a waiting period is required before an employee's disability compensation allowance is payable, his/her regular pay shall be provided during said waiting period.

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

Voluntary Leave of Absence
The Commission, upon written request of a full-time regular employee (i.e., excludes, other than a temporary, provisional and part-time employees), may grant a voluntary leave of absence, without pay, for a period up to six (6) months. Upon written request of the employee, accompanied by justification and assurance of intent to return to duty, such leave of absence may be extended by the Commission another six (6) months, for a total continuous leave not to exceed a period of one (1) year. Leaves hereby authorized shall include educational leave, maternity leave, and leave for any other purpose promoting the good of the service. Upon expiration of such a leave, the employee shall be reinstated to the position held at the time leave was granted. Failure of the employee to report promptly at its position held at the time leave was granted. Failure of the employee to report promptly at its expiration, or within 24 hours after notice to return to duty, shall terminate his/hers right to be reinstated. During such leave an employee shall not earn sick leave or vacation leave, but shall maintain seniority at the time leave was first granted.

If the employee elects to maintain benefits during a voluntary leave of absence, prior to the start of the leave period, he/she shall pay to the Authority an amount equal to 100% of medical, dental, vision and long-term disability insurance premium costs that are due and payable during the scheduled leave period. If the employee elects to suspend or discontinue benefits during a voluntary leave of absence, he/she may re-enroll during the Open Enrollment period upon return to work.
SECTION XIV – EMPLOYEE EDUCATION OR TRAINING

Education
An employee may be authorized to attend special training courses, seminars or conferences which are determined to be job-related or will enhance the employee's work performance.

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

SECTION XV – EMPLOYEE HEALTH AND SAFETY

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

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

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

Employee Health
When, in the judgment of the General Manager, an employee's health or physical condition may have an adverse effect on the performance of his/her duties, or affect safety or health of fellow employees, he/she may be required to undergo a medical or psychological examination at the expense of the Authority.

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

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

Safety Equipment

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

SECTION XVI – NO HARASSMENT POLICY

The Authority does not tolerate harassment of any of our employees, customers or clients. Any form of harassment which violates federal, state or local law, including, but not limited to harassment related to an individual's race, religion, color, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap or disability is a violation of this policy and will be treated as a disciplinary matter. For these purposes the term "harassment" includes slurs and any other offensive remarks or jokes, and other verbal, graphic, or physical conduct. Harassment also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature.

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

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

Harassment of our employees in connection with their work by non-employees is also strictly prohibited. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non-employee should report such harassment to the General Manager or Commission Chair. Harassment of our customers or clients by our employees is also strictly prohibited. Any violation of this policy will result in appropriate disciplinary action, up to and including termination.

Authority management and supervisory employees are required to attend sexual harassment prevention training and education that meet all requirements outlined by Government Code §12950.1.
SECTION XVII – GRIEVANCES

Definition
A grievance is any dispute between the Authority and an employee or employees with respect to the meaning, interpretation, application or enforcement of Authority rules and regulations or other terms or conditions of employment. Grievance shall not include actions taken by the Authority under Section XI, Disciplinary Actions and Appeals, hereof.

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

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

Procedure
If an employee has a grievance which cannot be settled by informal discussion with his/her immediate supervisor, he/she shall proceed in the following manner:

Step 1. Present the grievance, in writing, to the General Manager, within ten (10) working days following occurrence of the event on which the grievance is based. The General Manager shall make a thorough investigation of the reported grievance and circumstances surrounding it and render a decision, in writing, to the employee within three (3) working days.

Step 2. If the employee is not satisfied with the decision in the first step, he/she may appeal to the Personnel Committee. Such appeal must be made within five (5) working days after the General Manager's decision is received. The Personnel Committee shall make a thorough investigation and shall arrange for a hearing of the grievance at which both the employee and the Authority shall have the right to call witnesses. The Personnel Committee shall render its decision in writing within five (5) days after close of the hearing.
Step 3. If the employee is not satisfied with the decision of the Personnel Committee in the second step, he/she may appeal to the Commission. Such appeal must be made within five (5) working days after the Personnel Committee’s decision is given. The Commission or its appointed representative shall conduct an investigation and hearing within twenty (20) days and shall render a decision in writing. The decision of the Commission shall be final in all grievance proceedings.

SECTION XVIII – PERSONNEL RECORDS

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

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

SECTION XIX – WHAT THE AUTHORITY EXPECTS OF YOU

Attitude

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

Business Ethics and Conflict Of Interest

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

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

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

Commissioners, the General Manager and the Operations and Maintenance Manager (as an alternate director to BACWA) are required to attend Ethics training classes that meet all requirements outlined by Government Code Section 53234-53235.

**Electronic Systems and Media**

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

**Computers and E-Mail**

All files and records stored on Authority computers are the property of the Authority. Authority computers are for business purposes only. No personal information or personal advertising or soliciting is permitted on our computer system. Use of Authority computers for unauthorized purposes is prohibited.

Electronic mail is to be used for business purposes only and is considered Authority property. Inappropriate or offensive messages are prohibited. Passwords are assigned in complete confidence. Do not give your password to anyone. Should you suspect that someone has learned your password, contact the General Manager immediately. The Authority maintains the right to access these items at any time with or without prior notice, and the employees should not assume that such messages are confidential.

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

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

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

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

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

**Confidentiality**

All records and files of the Authority are property of the Authority and considered confidential. No employee is authorized to copy or disclose any file or record. Confidential information includes all letters or any other information concerning transactions with the public, payroll or personnel records of past or present employees, financial records of the Authority, all records pertaining to purchases from vendors or suppliers, correspondence and agreements with manufacturers or distributors and documents concerning operating procedures of the Authority.

Notwithstanding the confidentiality provision, requests for information are subject to the California Public Records Act, Government Code §§ 6250 - 6276.48, and shall be responded to in the manner permitted by law.

**Copy Machines and Facsimile**

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

**Gambling**

Gambling is prohibited on Authority property.

**Personal Mail**

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

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

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

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

**Unauthorized Interviews**

From time to time, Authority employees may be contacted by outside parties to discuss Authority business. As a means of protecting yourself and the Authority, no unauthorized interviews are permitted to be conducted by individuals representing themselves as attorneys, peace officers, investigators, reporters, or someone who wants to "ask a few questions" regarding Authority business. If you are asked questions about the Authority or its current or former employees, you are to refer that individual(s) to your supervisor. A decision will then be made as to whether that individual may conduct any interview and they will be introduced to you by your supervisor with a reason for the questioning. Similarly, if you are aware of an unauthorized interview occurring at the Authority, you must immediately notify the General Manager.

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

**Whistleblowing**

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

WHEREAS, the East Bay Dischargers Authority is a joint powers public agency that is required to be in compliance with federal and state laws regarding its employees; and

WHEREAS, the Authority has a Personnel Policy that is updated from time to time and was approved most recently in August 2019; and

WHEREAS, the Authority has determined that clarification regarding application of the policy to provisional and temporary employees is necessary; and

WHEREAS, the Authority maintains a policy of being in compliance with all applicable laws by establishing policies that provide for a comprehensive personnel system and the administration thereof; and

WHEREAS, the proposed revisions are regarded by general counsel to comply with current law; and

WHEREAS, the revised policy has been reviewed and recommended for approval by the Personnel Committee.

NOW, THEREFORE, BE IT RESOLVED, the Authority hereby adopts revisions to the Personnel Policy effective January 16, 2020.

SAN LORENZO, CALIFORNIA JANUARY 16, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

_______________________________________       ATTEST: _________________________________
CHAIR                                    GENERAL MANAGER
EAST BAY DISCHARGERS COMMISSION                  EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. 15 RESOLUTION OF APPRECIATION FOR AL MENDALL

Beginning February 1, 2020, Hayward Mayor Barbara Halliday has appointed Council Member Sara Lamnin to serve as the City of Hayward’s representative to EBDA. Council Member Mendall will serve as the alternate. Authority staff and Commissioners wish to thank Council Member Mendall for his service and contributions to EBDA.
RESOLUTION OF APPRECIATION FOR AL MENDALL

WHEREAS, Al Mendall was appointed by the City of Hayward to serve on the Commission of the East Bay Dischargers Authority in December 2018; and

WHEREAS, Al Mendall brought a pragmatic and practical perspective to the Authority and provided leadership and a mediating presence during a critical time in the Authority’s history; and

WHEREAS, Al Mendall’s thoughtful, rational, and direct input to the Authority’s Joint Powers Agreement negotiation was instrumental in its successful conclusion, resulting in a robust new 20-year Agreement; and

WHEREAS, Al Mendall contributed significantly to the Authority’s fiscal resiliency, having served on the Financial Management Committee and provided key direction in formulating the Authority’s Investment, Other Post-Employment Benefits, and Pension Policies; and

WHEREAS, Al Mendall served on the Personnel Committee and provided input on matters including streamlining the Authority’s meeting schedule; and

WHEREAS, Al Mendall drove the Authority toward greener solutions, including increasing use of renewable power through East Bay Clean Energy; and

WHEREAS, during Al Mendall’s tenure, the Authority has continued to be a recognized leader among wastewater agencies in the San Francisco Bay Area.

NOW, THEREFORE, BE IT RESOLVED, that the Commission and staff of the East Bay Dischargers Authority and its member agencies hereby extend their appreciation and gratitude to Al Mendall for his many contributions and dedicated service.

BE IT FURTHER RESOLVED, that the Commission and staff of the East Bay Dischargers Authority and its member agencies hereby offer best wishes to Al Mendall.

SAN LORENZO, CALIFORNIA JANUARY 16, 2020, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________
CHAIR
EAST BAY DISCHARGERS COMMISSION

__________________________
ATTEST:
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY
ITEM NO. 16  ITEMS FROM THE COMMISSION AND STAFF
The Commission and staff may comment on items of general interest.

ITEM NO. 17  ADJOURNMENT