

ALAMEDA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

The following action was taken by the Alameda County Board of Supervisors on 10/22/2024

Approved as Recommended ☒

Other ☐

Unanimous ☒ Tam: ☐ Haubert: ☐ Miley: ☐ Márquez: ☐ Carson: ☐ - ☒ 5

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

File No. _____
Item No. 67

Copies sent to:

Juanita Villasenor, East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580-1841

Special Notes:



I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
Clerk of the Board
Board of Supervisors

By: Rhonda Bailey
Deputy



EBDA
East Bay Dischargers Authority

50 years of protecting the SF Bay

1974 – 2024

October 7, 2024

Board of Supervisors
Clerk of the Board's Office
1221 Oak Street, Suite 536
Oakland, CA 94612

CHAIR
Fred Simon
Oro Loma S.D.

VICE CHAIR
Ralph Johnson
Castro Valley S.D.

COMMISSIONER
Bryan Azevedo
City of San Leandro

COMMISSIONER
Angela Andrews
City of Hayward

COMMISSIONER
Jennifer Toy
Union S.D.

GENERAL MANAGER
Jacqueline Zipkin

GENERAL COUNSEL
Eric Casher

Subject: Amendments to the Conflict of Interest Code of the East Bay Dischargers Authority

The East Bay Dischargers Authority (EBDA) requests approval of amendments to the Conflict of Interest Code dated July 18, 2024. Based on review by agency staff and legal counsel, the proposed revisions were recommended for clarity. The EBDA Commission approved the motion at a public meeting. The following items are attached for the Board of Supervisors' approval.

1. Complete Conflict of Interest Code
2. Strikeout/underscore version
3. Minutes of public meeting held on July 18, 2024

If any additional information is needed, please contact Juanita Villaseñor.

Regards,

Juanita Villaseñor

Administration Manager

EAST BAY DISCHARGERS AUTHORITY
A Joint Powers Public Agency

2651 Grant Ave. | San Lorenzo, CA 94580-1841 | (510) 278-5910 | (510) 278-6547 (fax)

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

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

SECTION 2. Incorporation of Regulation. The California Fair Political Practices Commission adopted a regulation (Title 2 California Code of Regulations section 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. Therefore, the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the California Fair Political Practices Commission are hereby incorporated herein by this reference. The provisions of Title 2 California Code of Regulations section 18730 and the provisions below, designating officials and employees and establishing disclosure categories, along with the applicable sections of the California Political Reform Act, shall constitute the Conflict of Interest Code of the Authority.

SECTION 3. Designated Positions and Disclosure Categories. Persons holding a Designated Position listed below shall file a Statement of Economic Interest in the form of a Form 700. Those individuals holding a Designated Position are deemed to be in a position to make, or participate in the making of, decisions on behalf of the AUTHORITY which may foreseeably have a material effect on their economic interests.

<u>Designated Position</u>	<u>Disclosure Category</u>
Commission Member	1
General Manager	1
Treasurer/Controller	1
Legal Counsel	1
Consultant	2

Disclosure Category 1: Designated Positions in this category shall disclose all of the following interests: investments, interests in real property within the AUTHORITY's jurisdiction*, personal income, business entity income, and business positions held or received during the previous calendar year.

Disclosure Category 2: Persons in this category shall disclose investments and business positions in business entities, and income from business entities of the type to provide bids, supplies, vehicles and equipment of the type used by the AUTHORITY.

Disclosure Category 3: Consultants shall disclose all of the interests required to be

disclosed pursuant to Disclosure Category 2, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a "Designated Position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

*The AUTHORITY's "jurisdiction" as set forth above in the disclosure categories is Alameda County. For the purpose of this Conflict of Interest Code, an interest in real property is located within the jurisdiction of the AUTHORITY if any part of the property is located in, or within two miles of, Alameda County, or if the property is located within two miles of any land owned or used by the AUTHORITY.

SECTION 4. Place, Manner and Time of Filing.

(a) Individuals holding a Designated Position shall file their Statements of Economic Interests with the AUTHORITY, which will make the statements available for public inspection and reproduction (Government Code Section 81008). The AUTHORITY will retain copies of the Statements of Economic Interests and file the original statements with the Alameda County Clerk of the Board of Supervisors.

(b) All designated filers shall comply with the provisions of Title 2 California Code of Regulations section 18730 along with the applicable sections of the California Political Reform Act, (and as that section may be amended), which contains detailed instructions regarding the scope and types of interests to be reported as well as the manner of reporting them. The regulation can be found online at:

<https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730Provisions-of-Conflict-of-Interest-Codes.pdf>.

(c) Initial Statements. All designated filers shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an Initial Statement within 30 days after the effective date of the amendment.

(d) Assuming Office Statements. All persons assuming Designated Positions after the effective date of this code shall file an Assuming Office Statement within 30 days after assuming the Designated Positions.

(e) Leaving Office Statements. All persons who leave Designated Positions shall file a Leaving Office Statement within 30 days after leaving office.

(f) Annual Statements. All designated filers shall file an Annual Statement no later than April 1 every calendar year.

SECTION 5. Disqualification. No designated filer shall make, participate in making, or in any way attempt to use their position to influence the making of any governmental decision which they know or has a reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on any reportable interest of the public official as defined in Title 2 California Code of Regulations section 18730(b)(9).

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EAST BAY DISCHARGERS AUTHORITY COMMISSION MEETING MINUTES

July 18, 2024

1. Call to Order

Vice Chair Johnson called the meeting to order at 4:00 P.M. on Thursday, July 18, 2024 at the Oro Loma Sanitary District, 2600 Grant Avenue, San Lorenzo, CA 94580.

2. Pledge of Allegiance

3. Roll Call

Present:	Anjali Lathi	Union Sanitary District
	Fred Simon	Oro Loma Sanitary District
	Bryan Azevedo	City of San Leandro (arrived at 4:08 p.m.)
	Angela Andrews	City of Hayward
	Ralph Johnson	Castro Valley Sanitary District

Absent: None

Attendees:	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villasenor	East Bay Dischargers Authority
	Erica Gonzalez	Legal Counsel
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Hayes Morehouse	City of San Leandro
	Jimmy Dang	Oro Loma Sanitary District
	Roland Williams	Castro Valley Sanitary District
	Jennifer Toy	Union Sanitary District
	Greg Newmark	Meyers Nave
	Vivian Heger	Meyers Nave

4. Public Forum

No members of the public were present.

CONSENT CALENDAR

5. Commission Meeting Minutes of June 20, 2024

6. List of Disbursements for June 2024

7. Treasurer's Report for June 2024

Commissioner Andrews moved to approve the Consent Calendar. The motion was seconded by Commissioner Lathi and carried with the following roll call vote:

Ayes:	Lathi, Simon, Andrews, Johnson
Noes:	None
Absent:	Azevedo
Abstain:	None

REGULAR CALENDAR

8. General Manager's Report

The General Manager (GM) updated the Commission on the First Mile Project. The Environmental Protection Agency has awarded a grant to the San Francisco Estuary Partnership, and EBDA is a sub-awardee. A more detailed update on the project will be included with a future agenda.

9. Report from the Managers Advisory Committee

The GM reported on the Managers Advisory Committee (MAC). The MAC reviewed a recent survey related to private sewer lateral programs conducted by BACWA.

10. Consideration of Designating Juneteenth as an Authority Holiday

The Commission supports the staff's recommendation to add Juneteenth as a designated holiday in exchange for reducing floating holiday leave by eight (8) hours. Staff will bring associated Personnel Policy amendments to the Commission for approval on the Consent Calendar.

11. Feedback on Logo Design

The Commission reviewed the final draft logo. The Commission supports the final draft of the logo and its use.

12. Report from the Regulatory Affairs Committee

The GM reported on the July 16, 2024, Regulatory Affairs Committee. The Committee reviewed BACWA's Key Regulatory Issue Summary. The GM advised that the Regional Water Quality Control Board (Water Board) adopted the Watershed Permit for Nutrients without further changes. Additionally, the Water Board adopted a resolution committing to work toward identifying a pathway for regulatory flexibility with the compliance timeline.

13. Report from the Financial Management Committee

The GM reported on the July 15, 2024, meeting of the Financial Management Committee. The Committee reviewed the Investment Policy and Strategy and agreed with staff that no changes are needed. The Financial Management Committee supports motions to amend the Conflict of Interest and Audit policies.

14. Motion to Approve Revisions to the Authority's Conflict of Interest Policy

Commissioner Andrews moved to approve the item. The motion was seconded by Commissioner Lathi and carried with the following roll call vote:

Ayes:	Lathi, Simon, Azevedo, Andrews, Johnson
Noes:	None
Absent:	None
Abstain:	None

15. Motion to Approve Revisions to the Authority's Audit Policy

Commissioner Lathi moved to approve the item. The motion was seconded by Commissioner Andrews and carried with the following roll call vote:

Ayes:	Lathi, Simon, Azevedo, Andrews, Johnson
Noes:	None

Absent: None
Abstain: None

16. Report from the Operations and Maintenance Committee

The Operations and Maintenance (O&M) Manager and GM reported on the July 15, 2024 meeting. The O&M Manager reviewed compliance and bacterial indicators. The Commission requested staff include nutrient data in future staff reports. Staff provided an update on the Cargill project and their possible use of the Shell pipeline.

17. Motion Approving Amendments to the General Manager's Amended and Restated Employment Agreement

Commissioner Lathi moved to approve the item. The motion was seconded by Commissioner Andrews and carried with the following roll call vote:

Ayes: Lathi, Simon, Azevedo, Andrews, Johnson
Noes: None
Absent: None
Abstain: None

18. Items from Commission and Staff

Commissioner Johnson expressed thanks to the EBDA members for their attendance at the Regional Water Board hearing.

19. Closed Session

Pursuant to Government Code 54956.9(d)(2), the Commission entered a Closed Session at 5:04 p.m. to confer with legal counsel regarding anticipated litigation.

20. Reconvene Open Session

Vice Chair Johnson reconvened the meeting to Open Session. Legal Counsel reported that after discussion, the Commission directed staff to file a petition for review of the Watershed Permit for Nutrients with the State Water Resources Control Board and to request that the petition be held in abeyance.

21. Adjournment

Vice Chair Johnson adjourned the meeting at 5:45 pm.



Jacqueline Zipkin
General Manager