



Legislation Text

File #: 15-071, **Version:** 1

Staff Report for a Resolution Approving the Fourth Amended Joint Exercise of Powers Agreement of the East Bay Dischargers Authority (EBDA) to Conform with Current Agency Policy and State Law

SUMMARY AND RECOMMENDATIONS

An amendment to the EBDA Joint Powers Agreement must be approved by each of the member agencies. Therefore, staff recommends that the City Council approve the East Bay Dischargers Authority Fourth Amended Joint Powers Agreement, which includes administrative updates to ensure conformity with current agency policy and state law.

BACKGROUND

EBDA is a Joint Powers Authority (JPA) of which the City of San Leandro is currently a member. The JPA was formed in 1974 by a "Joint Exercise of Powers Agreement" (the JPA Agreement) entered into by and between the City of Hayward, the City of San Leandro, Oro Loma Sanitary District, Union Sanitary District, and Castro Valley Sanitary District. The JPA currently provides a transport system and outfall to collect effluent from six (6) wastewater treatment plants in the East Bay, including two non-member agencies. EBDA treats wastewater to remove chlorine and any associated toxicity and provides sufficient dilution so that water discharged into the San Francisco Bay presents no harm to water quality.

The JPA Agreement has been amended three times since its creation in 1974. Amendments were approved in 1978, 1986, and 2007. Recently, the JPA Commission, consisting of one representative appointed by each member agency, recognized the need to once again update and revise the JPA Agreement.

Analysis

The JPA Commission determined that the most efficient way to revise the JPA Agreement would be to initiate a two-step process. First, the JPA would make administrative changes to ensure that all policies are up to date and accurately reflect state law. Second, the JPA would utilize the revised documents as a starting point for negotiations among all the JPA agencies to determine how to best structure the JPA in the future and what substantive changes might be necessary to accomplish these goals.

The changes made in the first phase can be summarized as follows:

- Deletion of outdated references to Phase I Project Facilities, Reclamation/Reuse Studies, and the Water Quality Management Program Phase I Project Report.
- Update division of responsibility pertaining to the roles of controller, auditor, and treasurer.
- Update minor provisions to ensure conformity with current requirements of state law.

- Inclusion of information pertaining to the confidentiality of closed sessions.
- Additional editorial and conforming changes.

Board/Commission Review and Actions

The EBDA JPA Commission reviewed and incorporated non-controversial JPA language changes made by legal counsel November 19, 2014.

The EBDA Commission approved sending the red-lined agreement to the member agencies for their approval November 20, 2014.

Legal Review

The City Attorney's Office reviewed the proposed edits and changes. They are approved as to form.

Fiscal Impacts

There are no fiscal impacts associated with this amended agreement.

ATTACHMENT

Attachment to Resolution

- Red-lined East Bay Dischargers Authority Fourth Amended Joint Exercise of Powers Agreement

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