

BACWA EXECUTIVE BOARD MEETING
Thursday, May 26 2011, 9:00 a.m. – 2:00 p.m.

HANDOUTS

Handout Packet is available on the BACWA website (www.BACWA.org).

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3	Collection Systems Committee Report	1
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15 – 17	Board Action Request – Authorize contribution to sponsor the State of the Estuary Conference; \$20,000; File 12,403.	7
18 – 27	Board Action Request – Authorize Executive Director to execute Amendment to Memorandum of Agreement for Bay Area Recycled Water Coalition; File 11,466.	8
28	Board Action Request – Nomination and Election of BACWA Executive Board Chair and Vice Chair for Fiscal Year 2011 – 2012; File 12,432.	9
29 – 34	Board Action Request – Authorize contracts to implement Fiscal Year 2011 – 2012 BACWA and Special Programs budgets and workplans.	10



Strategic Planning Meeting

AGENDA

Thursday, May 26, 2011, 9:00 a.m. – 2:00 p.m.
500 San Pablo Dam Road, Orinda, Oakland, CA

ROLL CALL AND INTRODUCTIONS (9:00 a.m. – 9:05 a.m.)

PUBLIC COMMENT (9:05 a.m. – 9:10 a.m.)

REPORTS (9:10 a.m. – 9:45 a.m.)

1. Committee Reports
2. Proposition 50 Grant Disbursements Status Report
3. Executive Director Reports
4. Executive Board Reports

CONSENT CALENDAR (9:45 a.m. – 10:00 a.m.)

5. Minutes from April 25, 2011 BACWA Executive Board Meeting
6. March 2011 Treasurer's Report
7. State of the Estuary Conference Sponsorship; \$20,000; File 12,403.
8. Bay Area Recycled Water Coalition, Amendment of Memorandum of Agreement; File 11,466.
9. Executive Board Chair and Vice Chair Nominations for Fiscal Year 2011 – 2012 File 12,432.
10. Authorize contracts to implement Fiscal Year 2011 – 2012 BACWA and Special Programs budgets and workplans
 - a. RMC Water and Environment for Permits and Collection Systems Committees support, not to exceed \$50,000 (FY11-12) File 12,431;
 - b. Kennedy Jenks for InfoShare Groups support, not to exceed \$25,000 (FY11-12) File 12,430;
 - c. Alexandra Gunnell for Assistant Executive Director Services, not to exceed \$70,200 (FY11-12) File 12,427.

OTHER BUSINESS: (10:00 a.m. – 2:00 p.m.)

11. Nutrient Discussion (10:00 a.m. – 11:00 a.m.)
12. Strategic Planning Discussion (11:00 a.m. – 2:00 p.m.)

NEXT REGULAR MEETING

The next regular meeting is scheduled for June 23, 2011, 9:00 a.m. to 12:00 p.m. at the EBMUD Treatment Facility, Lab Library, 2020 Wake Blvd., Oakland, CA.

ADJOURNMENT (2:00 p.m.)

Collection Systems Committee
Report to BACWA Board

May 19, 2011
From: Andy Morrison, Committee Chair
Prepared By: Monica Oakley

Committee Request for Board Action:

None.

Highlights of New Items Discussed and Action Items

Changes to State-wide SSO WDR

Proposed revisions to the state-wide sanitary sewer system (SSS) Waste Discharge Requirements (WDR) were released on March 24, 2011. Many of the proposed changes are significant. The BACWA Collection Systems Committee urged BACWA members to comment on this significant regulatory development, and a comment letter template was developed by BACWA and distributed to BACWA members for this purpose. The nature and extent of the requirements, and comments which could be submitted, were discussed at the May committee meeting. Also at the meeting, members were asked to indicate whether their agency was planning to submit a letter, about 20-25 people raised their hand. (About 44 people attended the meeting, and sometimes more than one person from an agency attends.)

BACWA also assisted in the preparation, and signed onto, a statewide multi-association letter, which is attached for reference. Comments were due to the State Water Board by 12 noon on Friday, May 13, 2011. The comment deadline was extended from April 29 due to a request from the U.S. Air Force requesting time to be able to coordinate among the other military branches.

It is expected that many comment letters would be submitted. No State Water Board hearings have yet been scheduled.

Private Sewer Lateral Program for City of Palo Alto

Palo Alto city staff gave a presentation at the May Committee meeting on their new program to inspect all sewer laterals, including the upper, private portion. The City of Palo Alto owns the lower lateral and the gas mains and service lines. The driving force for this program is to identify the locations of cross bores, where gas lines have been installed by directional boring through the sewer laterals, however, the city will also be cleaning the lateral as a result of the inspection, and notifying property owners of the condition of the lateral. More information on this program can be found on the City's website at:

http://www.cityofpaloalto.org/depts/utl/safety_items/cross_bore.asp

Next BACWA Collection Systems Committee Meeting

The next committee meeting is scheduled for Thursday, May 5, 2011 at the Boy Scouts facility in San Leandro.

Grant Disbursement Summary to Date (May 18, 2011)											
Bay Area Integrated Regional Water Management (IRWM) Prop 50 Grant											
Agr. No.	Implementing Agency	Project Title	DWR Proj. No.	Max. State Grant Funds by Project	Grant Funds Invoiced to date	Paid by DWR to date	DWR Retention	Admin ² Funds Rec'd by BACWA	Funds paid out to date	Payable as of this date	Total Paid and Payable
1	Contra Costa Water District	Regional Intertie (VFDs)	1	500,000.00	499,999.59	449,999.63	(49,999.96)		445,803.20	0.00	445,803.20
		BACWA Admin	16	15,625.00	7,142.85	6,428.56	(714.28)	15,625.00			
2	East Bay Municipal Utility District	Reg. Conservation Outreach	2	250,000.00	250,000.00	250,000.00	0.00		1,889,049.85	295,075.84	2,184,125.69
		California WaterStar Initiative -	3	525,000.00	0.00	0.00	0.00				
		New Business Guidebook Pilot	4	75,000.00	0.00	0.00	0.00				
		Richmond Adv Recycling	8	2,127,600.00	2,127,600.00	1,914,840.00	(212,760.00)				
		BACWA Admin	16	46,875.00	21,428.55	19,285.69	(2,142.85)	46,875.00			
3	City of Redwood City	Redwood City Recycled WP	5	972,800.00	972,800.00	972,800.00	0.00		978,759.11	469.45	979,228.56
		BACWA Admin	16	15,625.00	7,142.85	6,428.56	(714.28)	15,625.00			
4	City of Palo Alto	Mt.View-Moffett Recycl WP	6	972,800.00	972,800.00	972,800.00	0.00		965,858.13	2,745.43	968,603.56
		BACWA Admin	16	15,625.00	7,142.85	6,428.56	(714.28)	15,625.00			
5	Santa Clara Valley Water District (& San Jose)	Reg. Conservation Outreach	2	125,000.00	125,000.00	125,000.00	0.00		80,625.00	18,285.69	98,910.69
		South Bay Adv Recycl WTP	7	2,934,600.00	0.00	0.00	0.00				
		BACWA Admin ³	16	31,875.00	6,428.55	5,785.69	(642.85)	31,875.00			
SJ	City of San Jose	BACWA Admin for SCVWD ³	16	15,000.00	15,000.00	13,500.00	(1,500.00)	15,000.00	7,000.00	6,500.00	13,500.00
6	North Coast County WD (& SFPUC)	Pacifica Recycled Water Proj	9	744,400.00	0.00	0.00	0.00		0.00	1,928.56	1,928.56
		BACWA Admin ³	16	10,625.00	2,142.85	1,928.56	(214.28)	10,625.00			
SF	S.F. Public Utilities Comm	Reg. Conservation Outreach	2	297,550.00	297,550.00	297,550.00	0.00		242,045.00	51,612.13	293,657.13
		BACWA Adm for Reg.Consrv	16	31,250.00	14,285.70	12,857.13	(1,428.57)	31,250.00			
		BACWA Admin for NCCWD ³	16	5,000.00	5,000.00	4,500.00	(500.00)	5,000.00			
SOL	Solano Co. Water Agency	Reg. Conservation Outreach	2	50,000.00	50,000.00	50,000.00	0.00		45,000.00	5,000.00	50,000.00
7	North Marin Water District	North Marin Recycled Water	10	244,550.00	244,550.00	244,550.00	0.00		241,750.47	281.67	242,032.14
		BACWA Admin	16	9,375.00	4,285.71	3,857.14	(428.57)	9,375.00			
8	Zone 7 Water Agency	Reg. Conservation Outreach	2	60,000.00	60,000.00	60,000.00	0.00		720,000.00	86,428.56	806,428.56
		Mocho GW Demin Project	11	740,000.00	740,000.00	740,000.00	0.00				
		BACWA Admin	16	15,625.00	7,142.85	6,428.56	(714.28)	15,625.00			
9	Marin Municipal Water District	Reg. Conservation Outreach	2	200,000.00	200,000.00	200,000.00	0.00		374,451.90	103,735.15	478,187.05
		Direct Installation HET Prog	12	366,800.00	311,894.35	280,704.92	(31,189.44)				
		BACWA Admin	16	9,375.00	4,285.71	3,857.14	(428.57)	9,375.00			
10	Montara Water & Sanitary District	Groundwater Exploration Project	13	37,100.00	37,100.00	33,390.00	(3,710.00)		33,390.00	1,285.71	34,675.71
		BACWA Admin	16	3,125.00	1,428.57	1,285.71	(142.86)	3,125.00			
11	Alameda County Water District	Reg. Conservation Outreach	2	60,000.00	60,000.00	60,000.00	0.00		589,334.11	6,469.45	595,803.56
		Alameda Creek Phase 2 Fish	14	600,000.00	600,000.00	540,000.00	(60,000.00)				
		BACWA Admin	16	15,625.00	7,142.85	6,428.56	(714.28)	15,625.00			
12	Sonoma Valley County Sanit. Dist.	Sonoma-Napa Marsh RWP	15	366,800.00	269,322.36	0.00	0.00		0.00	3,857.14	3,857.14
		BACWA Admin	16	9,375.00	4,285.71	3,857.14	(428.57)	9,375.00			
Grand Total				12,500,000.00	7,932,901.89	7,294,491.58	(369,087.95)	250,000.00	6,613,066.76	583,674.81	7,196,741.58

Notes: 1. BACWA Administration Costs invoiced, paid and retained to date:

114,285.59

102,857.03

(11,428.56)

3. Reimburse SFPUC and San Jose for Admin Costs until reimbursement = \$80k then pay SCVWD & NCCWD

2. Admin funding = \$152,250 in upfront funding plus grant check deductions.

5/18/2011

A. ORGANIZATIONAL DEVELOPMENTS

- **Accounting.** The ED and AED met with EBMUD accounting to discuss reporting in light of EBMUD's staffing limitations.
- **Budget Development.** The Fiscal Year 2012 budget was approved on April 23. The ED and AED are working to crosswalk the budget to the BACWA chart of accounts, and are preparing contracts for the coming fiscal year.
- **Strategic Planning.** The ED worked with a subcommittee to prepare for the May 26 strategic planning session.
- **Communications.** The ED prepared and sent the May electronic newsletter. Views for the newsletter appear constant each month (around 30%).

B. REGULATORY AFFAIRS

- **Mercury.** No new updates on BACWA-specific developments.
- **PCB TMDL Implementation.** BACWA finalized the PCBs Sampling, Analysis and Reporting Protocols (Protocols) for Method 1668c this month and they were sent to all permittees by the Water Board. As part of this process – and as specified in the letter from the Water Board – agencies will not have to report the results for each congener to e-SMR for at least this first year.
- **Selenium/ANPR.** The ED and CCCSD prepared comments on selenium for EPA's Advanced Notice of Rulemaking, which were incorporated into Tri-TAC/CASA comments.
- **Nutrients.** The ED participated in meetings related to the Numeric Nutrient Endpoints and the Suisun Bay monitoring program, and worked with consultants, HDR, on the draft strategic plan presented to the BACWA Board in April. As discussed at the May 6 BACWA meeting with Water Board staff, the ED will work with the Water Board to develop an adaptive management-based framework for collaboration on nutrient-related issues. Registration for the RMP Workshop on Nutrient Science and Management is now open (http://www.sfei.org/calendar_events/Workshop-on-Nutrient-Science).
- **e-SMR Transition.** The first agencies began reporting to the State Board's e-SMR system at the end of April and the Water Board announced that Johnson Lam, ERS manager, is retiring at the end of May. April reports are due May 27, 2011 and all agencies not currently reporting to e-SMR are to submit paper reports. Correspondence from the Water Board indicates that ERS will still be available to agencies to generate their monthly reports for paper submittal and as a tool to manage historical data, and that the Water Board plans to maintain the historical database.
- **Sanitary Sewer Overflow Waste Discharge Requirements.** BACWA was a signatory on the CASA/Tri-TAC letter submitted on May 13, which included parts of the template comment letter prepared by BACWA for its member agencies. Through the e-newsletter and the Collection System Committee, BACWA encouraged member agencies to use the template and will provide an update next month on how many agencies did submit comments.

- **Whole Effluent Toxicity Policy.** The ED coordinated a teleconference regarding the WET Policy with those BACWA representatives who attended the May meetings with State Board members, and with Tri-TAC representative Phil Markle. BACWA agreed to follow-up on the State Board's interest in learning about EC/IC25 and will be coordinating a meeting/workshop this summer.
- **Attachment H.** The ED worked with the Permits Committee to clarify whether the new Attachment H requires staggered influent and effluent sampling. The ED prepared and sent a letter to the Water Board stating the position of the Water Board, as expressed in email communications with Lila Tang, that staggered sampling is preferred but not required and identifying a typographical error in the order. The Water Board responded with a revised order correcting the error.
- **Permit Petitions.** Per a request from the Water Board and to minimize BACWA legal costs, the ED undertook a review of the twelve petitions for permit reviews filed by BACWA with the State Water Board (primarily objecting to the dioxin limits in those permits). The ED will come to the Board with a recommendation to either continue or dismiss those petitions in the next few months.

C. COLLABORATIONS

- **Energy.** BACWA co-sponsored an energy efficiency seminar with the CWEA San Francisco Bay Section Professional Development Committee on May 19.
- **Regional Monitoring Program.** The ED coordinated a teleconference with RMP and Permits Committee representatives to discuss potential changes to the RMP's monitoring program.
- **Baywide P2 Campaign.** The ED participated in a meeting and teleconference coordinated by the San Jose regarding a Baywide pollution prevention campaign.
- **Proposition 84.** A decision regarding Proposition 84 funding is expected sometime this month.
- **Other.** The ED attended NACWA's National Environmental Policy Forum, at which nutrient criteria featured prominently. A presentation by EPA's Ephraim King suggested that EPA wants states to develop numeric criteria for both nitrogen and phosphorous, and that the agency is interested in short-term actions to reduce nutrient loading even before criteria are developed.

D. MEETINGS

- May 25: SFEP IC
- June 1: BAPPG
- June 2: SFEI/ASC Strategic Planning
- June 2: Collection Systems Committee
- June 8: Regional Water Board
- June 8: Laboratory Committee
- June 9: Tri-TAC (Sacramento)
- June 14: Permits Committee
- June 20: Summit Partners
- June 29: RMP Nutrient Science & Management Workshop



Executive Board Meeting Minutes

Thursday, April 25, 2011, 11:30 a.m. – 3:30 p.m.

HDR Offices

2121 N California Blvd # 475, Walnut Creek, CA

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Ben Horenstein, Chair (East Bay Municipal Utility District); Tommy Moala, Vice Chair (San Francisco Public Utilities Commission); Jim Kelly (Central Contra Costa Sanitary District); Mike Connor (East Bay Dischargers Authority); Kirsten Struve (City of San Jose).

Other Attendees: Laura Pagano (San Francisco Public Utilities District); Natalie Sierra (San Francisco Public Utilities District); Margaret Orr (Central Contra Costa Sanitary District); Jim Ervin (City of San Jose); Amanda Roa (Delta Diablo Sanitation District); Jason Warner (Oro Loma Sanitary District); Tom Hall (Sunnyvale/Eisenberg Olivieri Associates, Inc.); Monica Oakley (RMC Environmental); Denise Connors (Larry Walker Associates); Kevin Kennedy (HDR Engineering); Jim Fitzpatrick (HDR Engineering); Dave Clark (HDR Engineering); J.B. Neethling (HDR Engineering); Michael Falk (HDR Engineering); Anne Feinsod (HDR Engineering); Amy Chastain (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

There were no public comments.

CHAIR & EXECUTIVE DIRECTOR AUTHORIZED ACTIONS

The following **Chair and Executive Director Authorized Actions** were listed under agenda **item 1**.

- a. Executive Director authorization for a new task authorization under existing agreement with RMC/Oakley Water Strategies for Sanitary Sewer System Waste Discharge Requirements comment assistance; \$4,520; File 12,162.

CONSENT CALENDAR

*Consent calendar **agenda items 2 through 4** were approved in a motion made by Mike Connor and seconded by Kirsten Struve. The motion carried unanimously.*

2. Minutes from March 24, 2011 Executive Board Meeting.
3. January 2011 Treasurer's Report.
4. February 2011 Treasurer's Report.

Item 5, State of the Estuary Conference Sponsorship, was removed from the consent calendar for further discussion at the May 26, 2011 BACWA Executive Board meeting.

OTHER BUSINESS

Agenda Item 6, Approval of Fiscal Year 2011 – 2012 Budget and Workplan, passed unanimously following a motion made by Mike Connor and seconded by Ben Horenstein.

For **agenda item 7**, an **HDR Nutrient Presentation and Discussion** was led by the HDR consulting team. Feedback on the draft Nutrient Strategy Development Strategic Plan, including prioritizing initiatives to be addressed in FY 2011 – 2012, should be directed to Kevin Kennedy within one week.

The next regular meeting is scheduled for Thursday, May 26, 2011, 9:00 a.m. to 2:00 p.m. at the EBMUD Orinda Facility, 500 San Pablo Dam Road, Orinda, CA.

The meeting adjourned at 3:30 p.m.



Bay Area Clean Water Agencies

A Joint Powers Public Agency

Leading the Way to Protect our Bay

May 10, 2011

MEMO TO: Bay Area Clean Water Agencies Executive Board
MEMO FROM: Gary Breaux, Director of Finance, East Bay Municipal Utility District
SUBJECT: Nine Month Treasurer's Report

As required by section eight of the Joint Powers Agreement establishing the Bay Area Clean Water Agencies (BACWA) and California Government Code Sections 6500 et seq., attached is the BACWA Treasurer's Report for the period covering **July 1, 2010 through March 31, 2011** (first nine months of the Fiscal Year 2010-2011). This report covers expenditures, cash receipts, and cash transfers for the following BACWA funds:

- Bay Area Clean Water Agencies (BACWA),
- BACWA Training Fund (Trng Fnd),
- Air Issues and Regulation Group (AIR),
- Bay Area Pollution Prevention Group (BAPPG),
- BACWA Legal Reserve Fund (Legal Rsrv),
- Water Quality Attainment Strategy (WQA CBC),
- BACWA Operating Reserve Fund (BACWAOpRes),
- Regional Water Recycling (RWR),
- BACWA Reserve (Reserve),
- Water/Wastewater Operator Training (WOT),
- WQA Emergency Reserve Fund (WQA Emerg),
- WQA Tech Action Fund (TechAction),
- CBC Operating Reserve Fund (CBC OpRsrv), and
- Prop50 Bay Area Integrated Regional Water Mgmt (PRP50)

Ush

Central Contra Costa Sanitary District • East Bay Dischargers Authority • City of San Jose
East Bay Municipal Utility District • City & County of San Francisco

Bay Area Clean Water Agencies • PO Box 24055, MS702 • Oakland, CA 94623

Fund Balances as of month end 3/31/11

DESCRIPTION	BEGINNING FUND BALANCE 7/1/10	TOTAL RECEIPTS	TOTAL DISBURSEMENTS	ENDING FUND BALANCE 3/31/11	OUTSTANDING ENCUMBRANCES	UNOBLIGATED FUND BALANCE 3/31/11
BACWA	334,476	688,077	355,718	666,834	255,565	411,270
TRNG FND	250,000	1,081	-	251,081	-	251,081
AIR	2,592	84,980	33,838	53,733	56,954	(3,221)
BAPPG	49,131	80,268	67,979	61,420	39,867	21,553
LEGAL RSRV	300,000	1,298	-	301,298	-	301,298
WQA CBC	64,897	456,933	198,875	322,956	74,090	248,866
BACWAOPRES	153,500	663	2,562	151,601	-	151,601
RWR	16,516	71	-	16,588	-	16,588
RESERVE	120,000	-	-	120,000	-	120,000
WOT	55,288	146,330	114,500	87,117	-	87,117
WQA EMERG	400,000	1,730	-	401,730	-	401,730
TECHACTION	250,000	1,081	-	251,081	-	251,081
CBC OPRSRV	162,000	701	-	162,701	-	162,701
PRP50	18,148	879,005	331,685	565,468	69,926	495,542
	2,176,549	2,342,218	1,105,158	3,413,609	496,402	2,917,207

BACWA Revenue Report for March 2011

DEPARTMENT	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE			UNOBLIGATED
			DIRECT	INVOICED	JVS	DIRECT	INVOICED	JVS	
Bay Area Clean Water Agencies	Administrative & General	-	-	-	-	-	-	-	-
Bay Area Clean Water Agencies	BDO Member Contributions	450,000	-	450,000	-	-	450,000	-	-
Bay Area Clean Water Agencies	BDO Other Receipts	-	-	73,158	-	(73,158)	-	-	-
Bay Area Clean Water Agencies	BDO Fund Transfers	-	-	-	-	73,158	73,158	-	(73,158)
Bay Area Clean Water Agencies	BDO Interest Income	15,000	-	-	-	2,919	2,919	-	12,081
Bay Area Clean Water Agencies	BDO Assoc.&Affiliate Contr	159,000	-	162,000	-	-	162,000	-	(3,000)
BACWA TOTAL		624,000	-	685,158	-	2,919	688,077	-	(64,077)
BACWA Training Fund	Administrative & General	-	-	-	-	-	-	-	-
BACWA Training Fund	BDO Interest Income	-	-	-	-	1,081	1,081	-	(1,081)
TRNG FND TOTAL						1,081	1,081		(1,081)
AIR-Air Issues&Regulation Grp	Administrative & General	-	-	-	-	-	-	-	-
AIR-Air Issues&Regulation Grp	BDO Member Contributions	83,400	-	84,828	-	-	84,828	-	(1,428)
AIR-Air Issues&Regulation Grp	BDO Interest Income	-	-	-	-	152	152	-	(152)
AIR TOTAL		83,400	-	84,828	-	152	84,980	-	(1,580)
BAPPG-BayAreaPollutnPreventGrp	Administrative & General	-	-	-	-	-	-	-	-
BAPPG-BayAreaPollutnPreventGrp	BDO Member Contributions	80,505	-	30,005	-	-	30,005	-	50,500
BAPPG-BayAreaPollutnPreventGrp	BDO Other Receipts	50,000	-	-	-	50,000	50,000	-	-
BAPPG-BayAreaPollutnPreventGrp	BDO Fund Transfers	-	-	-	-	(50,000)	-	-	-
BAPPG-BayAreaPollutnPreventGrp	BDO Interest Income	3,079	-	-	-	263	263	-	2,816
BAPPG TOTAL		133,584	-	80,005	-	263	80,268	-	53,316
BACWA Legal Reserve Fnd	Administrative & General	-	-	-	-	-	-	-	-
BACWA Legal Reserve Fnd	BDO Interest Income	-	-	-	-	1,298	1,298	-	(1,298)
LEGAL RSRV TOTAL						1,298	1,298		(1,298)
WQA-WtrQualityAttainmntStraty	Administrative & General	-	-	-	-	-	-	-	-
WQA-WtrQualityAttainmntStraty	BDO Member Contributions	450,000	-	450,500	-	-	450,500	-	(500)
WQA-WtrQualityAttainmntStraty	BDO Other Receipts	-	-	9,637	-	(4,000)	5,637	-	(5,637)
WQA-WtrQualityAttainmntStraty	BDO Interest Income	8,000	-	-	-	796	796	-	7,204
WQA CBC TOTAL		458,000	-	460,137	-	(3,204)	456,933	-	1,067
BACWA OperatingRsrve Fnd	Administrative & General	-	-	-	-	-	-	-	-
BACWA OperatingRsrve Fnd	BDO Interest Income	-	-	-	-	663	663	-	(663)
BACWAOPRES TOTAL						663	663		(663)

BACWA Revenue Report for March 2011

DEPARTMENT	REVENUE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE			UNOBLIGATED
			DIRECT	INVOICED	JVS	DIRECT	INVOICED	JVS	
Regional Water Recycling	BDO Interest Income	-	-	-	-	71	-	71	(71)
RWR TOTAL		-	-	-	-	71	-	71	(71)
WOT - Wtr/Wwtr Operat Training	Administrative & General	-	-	-	-	-	-	-	-
WOT - Wtr/Wwtr Operat Training	BDO Member Contributions	-	-	-	-	142,000	4,000	146,000	(146,000)
WOT - Wtr/Wwtr Operat Training	BDO Interest Income	-	-	-	-	-	330	330	(330)
WOT TOTAL		-	-	-	-	142,000	4,330	146,330	(146,330)
WQA Emergency Reserve Fnd	Administrative & General	-	-	-	-	-	-	-	-
WQA Emergency Reserve Fnd	BDO Interest Income	-	-	-	-	1,730	1,730	1,730	(1,730)
WQA EMERG TOTAL		-	-	-	-	1,730	1,730	1,730	(1,730)
WQA Tech Action Fund	Administrative & General	-	-	-	-	-	-	-	-
WQA Tech Action Fund	BDO Interest Income	-	-	-	-	-	1,081	1,081	(1,081)
TECHACTION TOTAL		-	-	-	-	-	1,081	1,081	(1,081)
CBC Operating Reserve Fnd	Administrative & General	-	-	-	-	-	-	-	-
CBC Operating Reserve Fnd	BDO Interest Income	-	-	-	-	-	701	701	(701)
CBC OPSRV TOTAL		-	-	-	-	-	701	701	(701)
Prop50BayAreaIntegRegnlWtrMgmt	Administrative & General	-	-	-	-	-	-	-	-
Prop50BayAreaIntegRegnlWtrMgmt	BDO Interest Income	-	-	-	-	-	640	640	(640)
Prop50BayAreaIntegRegnlWtrMgmt	BDO Administrative Expense	-	-	-	-	-	12,482	12,482	(12,482)
Prop50BayAreaIntegRegnlWtrMgmt	Contra Costa Regional Interte	-	-	-	-	268,602	181,397	450,000	(450,000)
Prop50BayAreaIntegRegnlWtrMgmt	Regional Conservation	-	-	-	-	104,255	-	104,255	(104,255)
Prop50BayAreaIntegRegnlWtrMgmt	Redwood City RWP	-	-	-	-	-	-	-	-
Prop50BayAreaIntegRegnlWtrMgmt	Alameda Creek Phase 2 Fish	-	-	-	-	-	311,629	311,629	(311,629)
PRP50 TOTAL		-	-	-	-	372,857	506,148	879,005	(879,005)

BACWA Expense Report for March 2011

DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET		CURRENT PERIOD				YEAR TO DATE				OBLIGATED	UNOBLIGATED
		ENC	PV	DA	JV	ENC	PV	DA	JV				
Bay Area Clean Water Agencies	BC-Collections System	25,000	-	-	-	9,501	15,500	-	-	25,001	(1)		
Bay Area Clean Water Agencies	BC-Permit Committee	25,000	-	-	-	10,349	14,653	-	-	25,002	(2)		
Bay Area Clean Water Agencies	BC-Water Recycling Committee	11,000	-	-	-	-	-	-	-	-	11,000		
Bay Area Clean Water Agencies	BC-Biosolids Committee	10,000	-	-	-	-	-	-	-	-	10,000		
Bay Area Clean Water Agencies	BC-InfoShare Groups	25,000	-	-	-	17,526	7,474	-	-	25,000	-		
Bay Area Clean Water Agencies	BC-Laboratory Committee	7,000	-	1,655	-	-	-	4,685	-	4,685	2,315		
Bay Area Clean Water Agencies	BC-Miscellaneous Committee Sup	10,000	-	-	-	-	-	2,931	-	2,931	7,069		
Bay Area Clean Water Agencies	TS-Media Relations Support	25,000	(1,586)	1,586	-	11,073	13,928	-	-	25,000	20,500		
Bay Area Clean Water Agencies	TS-Consultant Support	100,000	-	-	-	58,443	21,057	-	-	79,500	-		
Bay Area Clean Water Agencies	LS-Regulatory Support	20,000	(69)	69	-	8,100	1,900	3,878	-	13,878	6,122		
Bay Area Clean Water Agencies	LS-Executive Board Support	10,000	-	-	-	5,000	-	-	-	5,000	5,000		
Bay Area Clean Water Agencies	CAS-CWAA	10,000	-	-	-	-	-	10,000	-	10,000	-		
Bay Area Clean Water Agencies	CAS-PSSEP	20,000	-	-	-	-	-	-	-	-	20,000		
Bay Area Clean Water Agencies	CAS-CPSC	5,000	-	-	-	-	-	5,000	-	5,000	-		
Bay Area Clean Water Agencies	CAS-PSI	500	-	-	-	-	-	500	-	500	-		
Bay Area Clean Water Agencies	Bay Area Clean Water Agencies	20,000	-	-	-	-	-	-	-	-	20,367		
Bay Area Clean Water Agencies	CAR-BACWA Annual Report	70,000	(481)	481	1,500	10,605	15,145	2,871	-	28,621	41,379		
Bay Area Clean Water Agencies	AS-BACWA Website Development/	8,000	-	-	-	-	-	1,949	-	1,949	6,051		
Bay Area Clean Water Agencies	AS-BACWA Admin Expense	15,000	-	-	-	-	-	194	-	18,194	(3,194)		
Bay Area Clean Water Agencies	SP-BAPPG Communications	50,000	-	-	-	13,590	4,410	50,000	-	50,000	-		
Bay Area Clean Water Agencies	GBS-Contingency	15,000	-	-	-	-	-	2,320	-	2,320	12,680		
Bay Area Clean Water Agencies	GBS-Meeting Support	10,000	-	-	-	574	426	6,884	-	7,884	2,116		
Bay Area Clean Water Agencies	AS-Executive Director	130,000	(10,833)	10,833	-	43,333	86,667	-	-	130,000	-		
Bay Area Clean Water Agencies	AS-Assistant Executive Director	70,000	(4,568)	4,568	-	23,694	44,506	-	-	68,200	1,800		
Bay Area Clean Water Agencies	AS-EBMUD Administrative Serv	44,000	-	-	25,469	43,777	-	25,469	-	69,246	(25,246)		
Bay Area Clean Water Agencies	AS-Insurance	5,000	-	-	-	-	-	3,740	-	3,740	1,260		
Bay Area Clean Water Agencies	WQA-CE-Technical Support	-	-	-	-	-	-	-	-	-	-		
Bay Area Clean Water Agencies	BDO Contract Expenses	740,500	(17,538)	17,538	28,624	255,565	233,665	122,053	-	611,283	129,217		
AIR-Air Issues&Regulation Grp	BDO Administrative Expense	4,038	-	-	-	-	-	4,038	-	4,038	-		
AIR-Air Issues&Regulation Grp	BDO Contract Expenses	86,755	-	-	-	56,954	29,800	-	-	86,755	0		
AIR TOTAL		90,793				56,954	29,800	4,038		90,793	0		
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Fog	21,800	-	-	-	13	14,787	2,318	-	17,118	4,682		
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Mercury	9,500	-	-	-	4,864	4,576	-	-	9,440	60		
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Pesticides	16,000	(880)	880	-	2,960	3,040	10,000	-	16,000	-		
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Copper	4,000	-	-	-	2,050	2,010	-	-	4,060	(60)		
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Pharmaceutical	4,999	-	-	-	3,200	1,799	-	-	4,999	-		
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-General P2	46,500	(4,082)	4,082	-	26,220	18,779	1,420	-	46,419	81		
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Emerging Issues	5,000	-	-	-	-	-	-	-	-	5,000		
BAPPG-BayAreaPollutnPreventGrp	BAPPG-CE-Other	8,396	-	-	-	560	3,440	-	-	4,000	4,396		
BAPPG TOTAL		122,005	(4,962)	4,962		39,867	48,431	19,548		107,846	14,159		

BACWA Expense Report for March 2011

DEPARTMENT	EXPENSE TYPE	AMENDED BUDGET	CURRENT PERIOD			YEAR TO DATE			OBLIGATED	UNOBLIGATED			
			ENC	PV	DA	JV	ENC	PV			DA	JV	
WQA-WtrQualityAtainmntStralg	WQA-CE-Technical Support	191,728	(2,076)	2,076	-	-	-	48,067	61,620	-	-	109,687	82,041
WQA-WtrQualityAtainmntStralg	WQA-CE-Collaborations & Sponso	50,000	-	-	-	-	-	-	-	50,000	-	50,000	-
WQA-WtrQualityAtainmntStralg	WQA-CE-Trainings	7,190	-	-	-	-	-	-	-	-	-	-	7,190
WQA-WtrQualityAtainmntStralg	WQA-CE-Commun. & Reporting	65,000	-	-	-	-	-	18,371	1,629	-	-	20,000	45,000
WQA-WtrQualityAtainmntStralg	WQA-CE-Program Mgmt	39,000	-	-	-	-	-	-	-	-	-	-	39,000
WQA-WtrQualityAtainmntStralg	WQA-CE-Other	103,430	(1,288)	2,323	-	-	-	7,652	11,278	13,538	-	32,468	70,962
WQA-WtrQualityAtainmntStralg	BDO Administrative Expense	21,810	-	-	-	-	-	-	-	60,810	-	60,810	(39,000)
WQA CBC TOTAL		478,158	(3,364)	4,399	-	-	-	74,090	74,527	124,348	-	272,965	205,193
BACWA OperatingRsve Fnd	BDO Contract Expenses	-	-	-	-	-	-	-	-	2,562	-	2,562	(2,562)
BACWA OPRES TOTAL										2,562		2,562	(2,562)
WOT - WtrWwtr Operat Training	BDO Administrative Expense	2,500	-	-	-	-	-	-	-	2,500	-	2,500	-
WOT - WtrWwtr Operat Training	BDO Contract Expenses	81,000	-	-	56,000	-	-	-	-	112,000	-	112,000	(31,000)
WOT TOTAL		83,500			56,000					114,500		114,500	(31,000)
Prop50BayArealntegRegnWtrMgmt	BDO Administrative Expense	8,000	(45)	45	2,716	-	-	109	1,891	2,884	-	4,884	3,116
Prop50BayArealntegRegnWtrMgmt	BDO Contract Expenses	78,017	-	-	-	-	-	69,817	8,200	-	-	78,017	0
Prop50BayArealntegRegnWtrMgmt	Contra Costa Regional Interlie	-	-	-	-	-	-	-	-	-	176,731	176,731	(176,731)
Prop50BayArealntegRegnWtrMgmt	Redwood City RWP	-	-	-	-	-	-	-	-	-	99,556	99,556	(99,556)
Prop50BayArealntegRegnWtrMgmt	N. Marin RWP	-	-	-	-	-	-	-	-	-	24,455	24,455	(24,455)
Prop50BayArealntegRegnWtrMgmt	Agency Prefunding Admin Exp	-	-	-	-	-	-	-	-	-	17,968	17,968	(17,968)
PRP50 TOTAL		86,017	(45)	45	2,716			69,926	10,091	2,884		401,611	(315,594)



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 7

FILE NO.: 12,403

MEETING DATE: May 26, 2011

TITLE: Biennial State of the Estuary Conference Sponsorship

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Approve a request from the San Francisco Estuary Partnership to sponsor the 10th Biennial State of the Estuary Conference; not to exceed \$20,000, FY 2010-2011.

SUMMARY

The State of the Estuary Conference is a biennial conference coordinated by the San Francisco Estuary Partnership (SFEP). SFEP is a coalition of agencies, non-profits, citizens and scientists working to protect, restore, and enhance water quality and fish and wildlife habitat in and around the San Francisco Bay Delta Estuary, of which BACWA is a member. The State of the Estuary Conference offers agencies and the public an assessment of the ecological health of San Francisco Bay; more than 700 people attended the 2009 conference.

In 2009 BACWA was one of more than 40 sponsors, the largest of which is the California State Coastal Conservancy, providing \$20,000 to support the conference. In exchange for sponsorship, BACWA received publicity in all conference materials and fifteen tickets to the event (estimated value of \$4,500). The agenda for the conference is still being developed but will focus on the State of the Estuary Report card, which is to be published in September, and which will include an assessment of the health of the Estuary, the impacts of flow management, climate change challenges, and other issues.

FISCAL IMPACT

This project was included in the Fiscal Year 2010-2011 budget and workplan and sufficient funds are available.

ALTERNATIVES

No alternatives were considered.

Attachments:

SFEP Request for Support Letter, 2-7-2011

Submitted: _____

Executive Director Approval: /s/ Amy Chastain



February 7, 2011

Amy Chastain
Bay Area Clean Water Agencies
6114 La Salle Avenue, #456
Oakland, CA 94611-2227

Dear Amy:

As a previous supporter of the Partnership's biennial State of the Estuary conferences, you'll be interested to know that the next conference will be September 20-21 at the Oakland Marriott. To celebrate the 10th anniversary of this important conference, we've added an opening gala at the Aquarium of the Bay the evening of September 19th in San Francisco.

As always, the conference brings scientists, resource managers, elected officials, and community members to meet and assess the health of the Estuary. The 2009 conference featured Lisa Jackson, EPA administrator, and keynotes from the late Stephen Schneider, the Nobel Peace Prize winner for his work on the United Nation's Intergovernmental Panel on Climate Change. We also heard from Michael Grunwald, Time Magazine reporter and author of *The Swamp*, about the battles to save the Everglades.

This year's conference will be equally ambitious and exciting. The results of our 2011 *State of the Estuary Report* will be released, and among many other key topics, experts on the issue will address the Delta's many challenges and its prospects for recovery within the current fiscal and political environment. In view of the state's difficult economic times, we are committed to putting on another terrific conference while reducing registration fees from years past. This is why I am writing to you now.

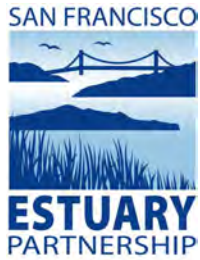
We are very grateful for BACWA's support of the 2009 conference at the **\$20,000.00** level and I am asking you to make that commitment once again. Sponsors at this level will be acknowledged in conference materials, and receive 15 complimentary passes and exhibitor table space – and you'll be making a significant contribution to lower conference fees for all.

We know that you recognize the value of this conference. Please contact me at 510-622-8137 or jakelly@waterboards.ca.gov with questions. Thank you for considering our request.

Sincerely,

A handwritten signature in blue ink that reads "Judy A. Kelly".

Judy Kelly, Director



February 7, 2011

Invoice Request #110002
SFEP Tax ID# 94-2832478

To: Amy Chastain
Bay Area Clean Water Agencies
6114 La Salle Avenue, #456
Oakland, CA 94611-2227

Sponsorship Amount: \$20,000.00

For: Sponsorship of the 2011 State of the San Francisco Estuary Conference to be held September 20-21 at the Oakland Marriott City Center Hotel.

Please make check payable to SFEP/ABAG and mail to:

San Francisco Estuary Partnership
1515 Clay Street, Suite 1400
Oakland, CA 94612
Attn: State of the Estuary Conference

Thank you for your support of the conference.



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 8

FILE NO.: 11,466

MEETING DATE: May 26, 2011

TITLE: Bay Area Recycled Water Coalition MOA Amendment

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize the Executive Director to execute an amendment to the August 2008 Memorandum of Agreement (MOA) between the members of the Bay Area Recycled Water Coalition.

SUMMARY

The Bay Area Recycled Water Coalition (Coalition) is a group of sixteen Bay Area agencies, including BACWA, which formed a partnership in 2008 to secure federal Title XVI funding for Bay Area recycled water projects. The Coalition works primarily to promote legislation authorizing federal funding for recycled water projects and to share the costs of federal advocacy.

The Coalition is amending the MOA to do the following:

- Allow the participation of investor owned water utilities that are regulated by the California Public Utilities Commission;
- Create a non-voting membership category (Associate Members) for agencies who wish to participate but do not have projects requiring funding;
- Establish a formula for allocating administrative expenses;
- Revise the current cost sharing formula for Participating Agencies; and
- Specify that BACWA *may* (rather than the current *shall*) serve as the legal authority for the Coalition in pursuit of Title XVI grants.

The Coalition members are currently reviewing the draft amendment and some clarifying changes will be made to the language, but no substantive changes are anticipated. Authorizing the Executive Director to execute this agreement – barring any substantive changes – will enable the amendment to be finalized before the end of June. Should any edits other than minor, clarifying changes occur, this amendment will be brought back to the Executive Board.

FISCAL IMPACT

This project has no fiscal impact.

ALTERNATIVES

No alternatives were considered.

ATTACHMENT

1. Draft Amendment

Submitted: _____

Executive Director Approval: /s/ Amy Chastain

**FIRST AMENDED AND RESTATED
MEMORANDUM OF AGREEMENT
BAY AREA RECYCLED WATER COALITION (BARWC)
FEDERAL LEGISLATIVE EFFORTS**

This Agreement was originally made and executed on the 25th day of August, 2008, by and between the City of Mountain View, a Charter City and Municipal Corporation; City of Palo Alto, a Charter City; City of Redwood City, a Charter City; and the City of San Jose, a Municipal Corporation, and administering agency for the San Jose/Santa Clara Water Pollution Control Plant, a joint powers agency formed pursuant to California Government Code section 6500, et seq.; the Delta Diablo Sanitation District (“DDSD”), a County Sanitation District formed pursuant to California Health and Safety Code Section 4700 et seq.; North Coast County Water District, formed under the County Water District Act, California Water Code Section 30000, et. seq.; Santa Clara Valley Water District, a Special District created by an act of the California Legislature, “PARTICIPATING AGENCIES,” and the Bay Area Clean Water Agencies, a joint powers agency formed pursuant to California Government Code section 6500 et seq.

Subsequent to the execution of the Agreement, the following entities became Parties to the agreement and Participating Agencies: the Central Contra Costa Sanitary District, a special district; the Dublin San Ramon Services District, a special district; the City of Petaluma, a municipal corporation; the Ironhouse Sanitary District, a special district; the Coastside County Water District, a special district; the City of Hayward, a municipal corporation; Zone 7 of the Alameda County Flood Control & Water Conservation District, a component of Alameda County; the Town of Yountville, a municipal corporation; and the City of Pleasanton, a municipal corporation.

The Parties now desire to amend this Agreement effective June 30, 2011, to create a new non-voting membership category for Associate Members of BARWC; to allow investor owned water utilities regulated by the California Public Utilities Commission to become Participating Agencies and/or Associate Members; to share costs for the Lead Agency’s administrative expenses incurred to provide services for BARWC; and to revise the cost sharing formula for Participating Agency outside costs for federal advocacy.

RECITALS

1. WHEREAS, Title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 (also known as Public Law 102-575) authorized a feasibility study of the potential for development of demonstration and permanent facilities to reclaim water in the San Francisco Bay Area, bringing Bay Area agencies together to study opportunities to use recycled treated wastewater for beneficial uses; and authorized the planning, design and construction for the San Jose Water Reclamation and Reuse Program; and
2. WHEREAS, the Bay Area Recycled Water Master Plan, completed in 1999, identified opportunities to use 125,000 acre-feet per year (AF/yr) by 2010, and 240,000 AF/yr by 2025; and

3. WHEREAS, Bay Area agencies have invested nearly \$300 million of local funds in water recycling projects, and many more projects are ready to be built; and
4. WHEREAS, federal funding is essential to support these highly leveraged, locally managed, projects to help ensure the security of water supplies for years to come; and
5. WHEREAS, Public Law 102-575 also provides a program for Federal participation (through cost sharing) in specific water reuse projects up to certain amounts specified in the Act; and
6. WHEREAS, Participating Agencies have identified 8 projects for which they wish to seek near-term federal funding; and
7. WHEREAS, Participating Agencies anticipate identifying future projects for which they may wish to secure federal funding; and
8. WHEREAS, federal funding monies will not be available for any authorized project until such funds have been specifically appropriated by Congress; and
9. WHEREAS, Public Law 102-575 requires that projects complete a feasibility determination process administered through the United States Bureau of Reclamation and that specific authority for funding be legislatively granted; and
10. WHEREAS, Participating Agencies have collaborated in efforts to promote legislation authorizing federal funding for Bay Area recycled water projects; and
11. WHEREAS, the United States House of Representatives on July 23, 2007, passed HR 1526 amending the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 and authorizing the Bay Area Regional Water Recycling Program and a companion bill was introduced in the Senate on May 24, 2007; and
12. WHEREAS, Senate Bill 2739, the Consolidated Natural Resources Act of 2008, containing the HR 1526 language, was introduced on March 10, 2008 and passed by the full Senate on April 10, 2008; and
13. WHEREAS, Senate Bill 2739 was signed into Public Law 110-229 on May 8, 2008; and
14. WHEREAS, Participating Agencies desire to continue efforts to obtain necessary legislation authorizing federal funding for Bay Area recycled water projects; and
15. WHEREAS, Participating Agencies desire to collaborate in efforts to promote legislation to appropriate federal funding for authorized projects and for other Bay Area projects that may be authorized in the future.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL BENEFITS, COVENANTS AND PROMISES CONTAINED HEREIN, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

I. DEFINITIONS

1. Associate Member: Any public agency or Investor Owned Water Utility (IOWU) that does not have a recycled water project for which they are seeking congressional authorization and/or appropriation, but which wishes to participate in BARWC. Associate Members may participate in BARWC discussions, but may not vote, or otherwise participate in decision-making, on any matter.
2. Authorized Project: A project that has been enacted into federal law.
3. Federal Share: The amount of Federal Title XVI funding that a Participating Agency is seeking for their project(s). In general, the Federal Share is 25% of the estimated total cost of a project for which a Participating Agency is seeking authorization and/or appropriation. However, an Authorized Project may have a remaining Federal Share that is less than 25% of the total project cost if it has previously received Federal appropriations. The Participating Agency's Federal Shares for 2011 are shown in Attachment 4, hereto, which is incorporated herein.
4. Lead Agency: The Participating Agency selected by majority vote of the Participating Agencies to provide federal advocacy outside consulting service, including consultant contract management, facilitation and management of meetings, and accounting.
5. Participating Agencies: Public Agencies and Investor-Owned Water Utilities (IOWU) regulated by the California Public Utilities Commission that have recycled water projects authorized through Title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 (also known as Public Law 102-575) or that intend to actively seek congressional authorization and appropriation under the terms of this Agreement, for projects covered under Title XVI, and are party to this Agreement.
6. Parties: All Participating Agencies, Associate Members, and the Bay Area Clean Water Agencies.

II. MEMBERSHIP ELIGIBILITY

1. Any public agency or IOWU in the nine-county Bay Area that is developing a recycled water project and has an interest in securing federal participation through Title XVI can become a Participating Agency upon approval of such membership by a majority of the Participating Agencies and execution of the Membership Addendum attached hereto as Attachment 1. Any Addendum must be approved on or before September 30 in order to be effective for the forthcoming calendar year.
2. Any public agency or IOWU in the nine-county Bay Area that has the ability to develop a recycled water project can become an Associate Member upon approval of such membership by a majority of the Participating Agencies and execution of the Membership Addendum, attached hereto as Attachment 2. Any Addendum must be approved on or before September 30 in order to be effective for the forthcoming calendar year.
3. A Participating Agency or an Associate Member can convert to a different membership status upon approval of such change in status by a majority of the Participating Agencies and

execution of a Change of Membership Status Addendum, attached hereto as Attachment 3. Any Addendum must be approved before September 30 in order to be effective for the forthcoming calendar year.

III. PARTICIPATION AND ROLES IN FEDERAL LEGISLATIVE EFFORTS

1. The Participating Agencies hereby agree that Bay Area Clean Water Agencies (BACWA), may be the legal authority to represent Participating Agencies in pursuit of the Title XVI grants under the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 (Public Law 102-575), and may act as the regional entity on behalf of Participating Agencies.
2. The Participating Agencies agree that BACWA may be listed as the entity submitting the authorization and appropriation requests to members of Congress and that BACWA support of Participating Agency legislative efforts may include review of and signature on letters of support drafted by Participating Agencies, and attending hearings and/or meetings with congressional representatives and their staff. If the Participating Agencies jointly request that BACWA perform these functions and BACWA agrees and incurs costs for these functions, the Participating Agencies will compensate BACWA for these costs. Any documents BACWA requests from a Participating Agency to support its legislative role will be prepared by the respective Participating Agency at its own expense.
3. The Participating Agencies agree that all appropriations requests pursuant to this Agreement shall include language directing USBR to enter into grant agreements with the Participating Agencies for reimbursement of all eligible costs of the projects designated in the Appropriations Request List developed by the Participating Agencies pursuant to Section V of this Agreement, in accordance with the distribution formula set forth in Section VII below. Any agreement required by USBR shall be subject to Participating Agency accepting the terms thereof.
4. Participating Agencies agree to provide for their own projects all necessary in kind services including providing background information, project or program descriptions, planning, environmental review, federal feasibility documentation and determination, design, construction and coordination, project or program status reports, meeting attendance, review of documents, Board or Council resolutions (if needed), and any other staff support required to support federal advocacy efforts. Neither BACWA nor the Lead Agency shall have responsibility for provision of any of these services.
5. Participating Agencies agree that all recycled water projects for which federal participation is sought through Title XVI that meet the terms of this Agreement shall enjoy the same Bay Area wide legislative priority for funding and authorization regardless of project size or congressional district in which the project is located.
6. Each Participating Agency is committed to securing or assisting in securing the support of its House of Representatives member(s) to actively advocate on behalf of the Bay Area Recycled Water Coalition approach. Each Participating Agency will request its House of Representative member(s) to place the Bay Area regional recycled water Title XVI requests as a very high

priority in order to support and reward the regional approach, even if the list of projects for any given year does not have a project in his/her district.

7. No later than September 1 of each calendar year, the Participating Agencies will select among themselves one Lead Agency to provide federal advocacy outside consulting service for the forthcoming calendar year, including consultant contract management, facilitation and management of meetings and accounting. The Lead Agency will bill the PARTIES for the costs it incurs for these activities ("Lead Agency Administrative Costs"). Each PARTICIPATING AGENCY and each ASSOCIATE MEMBER agrees to be individually liable for its pro rata share of the Lead Agency's Administrative costs as provided in Section VI below. All Participating Agencies shall be considered third party beneficiaries of the outside consultant contract and shall be entitled to receive all copies of consultant's correspondence and reports. The outside consultant shall provide all required lobbying disclosure documentation for each of the Participating Agencies. Each Participating Agency agrees to be individually liable for its share of such consultant costs ("Advocacy Costs") as provided in Section VI, below.

IV. DETERMINATION OF PROJECTS FOR AUTHORIZATION REQUESTS

No later than October 30 of each calendar year, Participating Agencies will determine which projects will be included in the authorization requests for the following calendar year and will create a list of those projects. The list may include any recycled water project located within the nine-county Bay Area where the public agency project sponsor is a Participating Agency.

V. DETERMINATION OF PROJECTS FOR APPROPRIATION REQUESTS

1. No later than October 30 of each calendar year, Participating Agencies shall review the status of all Authorized Projects to determine those projects that will meet both the following criteria: (1) Project has completed or is in the process of completing the Title XVI Feasibility Determination process administered by the United States Bureau of Reclamation; and (2) the funded phase of the project will be completed no later than the end of the federal fiscal year of the appropriation request (i.e. 2011 appropriation requests must be for work that will be completed by September 30, 2011); and project otherwise meets all eligibility requirements for funding under Public Law 102-575 as amended. Projects meeting these criteria will be eligible for inclusion in the list of projects for which a federal funding allocation will be sought.
2. No later than October 30 of each calendar year, Participating Agencies will determine the final list of projects; the associated project cost for which a federal funding allocation will be sought through the Congressional budget process for the subsequent federal fiscal year; and the percentage share each agency would receive of the total requested appropriation. This list shall be the "Appropriation Request List".

VI. COST SHARING

1. Participating Agencies will pay their pro rata share of Lead Agency Administrative Costs and their share of Advocacy Costs, as defined in Section III (7). Associate Members will pay their pro-rata share of Lead Agency Administrative Costs only. The Lead Agency will bill the costs to

the Participating Agencies and Associate Members on an annual basis. Payment is due within thirty days of the date of the bill.

2. No later than September 30 of each calendar year, the Lead Agency will submit a budget for Lead Agency Administrative Costs for the next calendar year. No later than October 30 of each calendar year, representatives of the Participating Agencies will approve the final budget amount for these administrative costs. They will then determine the pro rata Lead Agency Administrative cost share for each Participating Agency and each Associate Member for the next calendar year. The pro rata cost share will be determined by equally dividing the annual budgeted Lead Agency Administrative costs by the number of Participating Agencies plus one-half of the total number of Associate Members. Each Participating Agency will pay a full pro rata share, and each Associate Member will pay one-half of a full pro rata share.
3. No later than October 30 of each year, Participating Agencies will identify each agency's Federal Share for the next calendar year and determine the sum of the Federal Shares for all Participating Agencies for that year.
4. No later than October 30 of each year, Participating Agencies will approve the total amounts to be spent on Advocacy Costs for the next calendar year. They will then determine the Advocacy Cost share attributable to a Participating Agency for that calendar year. The Advocacy Cost share will be determined by multiplying the total approved Advocacy Cost amount by a Participating Agency's Federal Share and then dividing by the sum of the Federal Share for all Participating Agencies. Once the Advocacy Cost share for each Participating Agency for the next calendar year has been determined, a Participating Agency's Advocacy Cost share will not be changed for that calendar year, even if the agency otherwise adjusts its Federal Share.
5. No later than November 30 of each year, each Participating Agency will obtain the necessary Board/City Council approval for funding of the next calendar year's Advocacy Costs and Lead Agency Administrative costs. No later than November 30 of each year, each Associate Member will obtain the necessary Board/City Council approval for funding of the next year's Lead Agency Administrative Costs.

VII. DISTRIBUTION OF FEDERAL FUNDING

1. Participating Agencies may designate BACWA or the Lead Agency to serve as the legal entity to request amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992 for the authorized projects.
2. When a federal appropriation is made, in accordance with the Appropriation Request List, either the Lead Agency or BACWA shall inform the United States Bureau of Reclamation (USBR) of the percentage share that each Participating Agency should receive for its project(s) from the appropriation pursuant to an individual project agreement(s) between the Participating Agency and USBR. Should the total amount of the federal appropriation be less than the total amount sought for all authorized projects in any given year, each Participating Agency will

receive its percentage share of the lower appropriation, and the Lead Agency or BACWA shall inform USBR of the percentage shares.

3. Neither the Lead Agency nor BACWA shall have any responsibility or liability for any other Participating Agency's performance of its obligations pursuant to its individual project agreement with the United States Bureau of Reclamation. Each Participating Agency that receives a federal appropriation agrees to hold harmless the Lead Agency and BACWA from any and all claims, causes of action or liabilities arising from or connected to (1) the Participating Agency's acceptance and use of the federal appropriation and/or (2) the project for which the appropriation was received.
4. Neither BACWA nor the Participating Agencies are required to accept the USBR proposed agreement terms. If USBR requires an agreement with BACWA, the terms of which BACWA cannot agree, BACWA's obligations under this Agreement shall terminate. If the affected Participating Agencies do not enter into the USBR agreement, the affected Parties' obligations under this Agreement shall terminate.

VIII. DISPUTES

The Parties agree to follow this dispute resolution procedure:

1. **Informal Conferral.** If a dispute related to the interpretation, enforcement, or compliance with the terms and provisions of this Agreement arises, the affected parties will first attempt to resolve it through informal discussions, which will include the persons identified as Entity Contacts in Section IX below for the affected parties. If such a dispute cannot be resolved in this matter within fifteen (15) business days, the affected parties will endeavor to settle the dispute through negotiation.
2. **Negotiation.** Not more than fifteen (15) business days after the conclusion of the informal conferral, the aggrieved party shall serve on the other affected parties (a) written notice of the nature and basis of the dispute, including any amount of money claimed, the provisions of the Agreement at issue, and the facts in support of its position; and (b) a copy of all supporting documents. Within ten (10) business days after service of the notice, the responding parties shall serve on the aggrieved party (a) a written response setting out their position, including the provisions of the Agreement relied on and the facts in support thereof; and (b) a copy of all supporting documents. Within ten (10) business days after service of the response, the affected parties shall meet to negotiate resolution of the dispute. Each party's negotiator shall be its general manager or city manager, executive director, or their designee.
3. After negotiation, any affected party may pursue any available legal remedy. The written notice of the dispute and the written response and all documents produced, but not the subsequent discussion, shall be admissible in any subsequent proceeding.
4. Pending resolution of the dispute, each Party must fulfill its payment obligations and other responsibilities under this Agreement.

IX. ENTITY CONTACTS

For each Participating Agency, each Associate Member, and BACWA, a contact person is identified below. All communications regarding activities covered by this Agreement will be made to those contact persons. All notices pertaining to this Agreement will be in writing and may be delivered by deposit in the U.S. mail, postage prepaid, addressed in the case of each entity to the contact person. Upon written notice of the change of an Entity's contact person, the Lead Agency may update the list of entity contacts and circulate a copy of the list to all parties. Contact persons as of June 30, 2011 are:

City of Mountain View
Gregg Hosfeldt, Assistant Public Works Director
500 Castro Street/ P.O. Box 7540
Mountain View, CA 94039-7540

Delta Diablo Sanitation District
Caroline Quinn, District Engineer
2500 Pittsburg-Antioch Highway
Antioch, CA 94509-1373

City of Palo Alto
Daisy Stark, Contract Manager
250 Hamilton Avenue
Palo Alto, CA 94301

North Coast County Water District
Cari Lemke, Assistant General Manager
2400 Francisco Blvd./P.O. Box 1039
Pacifica, CA 94044

City of Redwood City
Roanne Ross, Whitley Burchett & Associates
1777 Oakland Blvd. Suite 200
Walnut Creek, CA 94596

Santa Clara Valley Water District
Alan Kurotori, Deputy Operating Officer
5750 Almaden Expressway
San Jose, CA 95118

City of San Jose, South Bay Water Recycling
Eric Hansen, Acting Division Manager
c/o City of San Jose Municipal Water System
3025 Tuers Road
San Jose CA 95121

Bay Area Clean Water Agencies
Amy Chastain, Executive Director
P.O. Box 24055, MS702
Oakland, CA 94623

Central Contra Costa Sanitary District
Don Berger, Recycled Water Program Manager
5019 Imhoff Place
Martinez, CA 94553

Dublin San Ramon Services District
Rhodora Biagtan, Principal Engineer
7051 Dublin Boulevard
Dublin, CA 94568

City of Hayward
Alex Ameri, Deputy Director of Public Works
777 B Street
Hayward, CA 94541

Ironhouse Sanitary District
Tom Williams, General Manager
450 Walnut Meadows Dr.
Oakley, CA 94561

Town of Yountville
Graham Wadsworth, Public Works Director
6550 Yount Street
Yountville, CA 94599

City of Petaluma
Remleh Scherzinger,
P.O. Box 61
Petaluma, CA 95953

City of Pleasanton
Daniel Smith
P.O. Box 520
Pleasanton, CA 94566

Coastside County Water District
David Dickson, General Manager
766 Main Street
Half Moon Bay, CA 94019

Zone 7 Water Agency
Amparo Flores
100 North Canyons Parkway
Livermore, CA 94551-9486

X. AMENDMENTS

This Agreement may be amended by a written document executed by all of the Parties hereto.

XI. ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the Parties. Except as expressly provided herein, no other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

XII. TERMINATION

This Agreement may be terminated immediately at any time by written mutual consent of all Parties. Upon provision of written notice of termination to all other Parties no later than October 31, and full payment of any amounts it owes under this Agreement, a Participating Agency or an Associate Member may terminate its participation in this Agreement effective December 31 of the current calendar year. Should any party terminate its participation, the cost shares for the subsequent calendar year will be re-calculated using the formula set forth in Section VI Cost-Sharing, and the Participating Agencies and Associate Members will instead pay the re-calculated cost shares.

XIII. COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same Agreement.

EXECUTED AND APPROVED ON BEHALF OF EACH PARTY AS SIGNIFIED BY THE SIGNATURES BELOW:

PARTIES:

Bay Area Clean Water Agencies:

Amy Chastain, Executive Director

Counsel



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 9

FILE NO.: 12,432

MEETING DATE: May 26, 2011

TITLE: Nomination and Election of BACWA Executive Board Chair and Vice Chair

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Nomination and election of the BACWA Executive Board Chair and Vice Chair.

SUMMARY

Section 7 of the Joint Powers Agreement establishing BACWA states that the agency shall designate a Chair and Vice Chair, chosen by the Executive Board, from the members of the Executive Board. These positions each have a one year term that coincides with BACWA’s fiscal year. Historically, most BACWA Chairs and Vice Chairs are asked to serve for two consecutive terms.

Responsibilities of the Chair include signing contracts, approving payments, convening and presiding over Executive Board meetings, and serving on the BACWA Finance Committee. Responsibilities of the Vice Chair include serving as the Chair in the absence of the regularly elected Chair and serving on the BACWA Finance Committee.

BACWA Leadership History

Timeframe	Chair	Vice-Chair
2000 – 2002	Chuck Weir	Jim Kelly
2002 – 2004	Jim Kelly	Michael Carlin
2004 – Feb. 2005	Michael Carlin	Dave Williams
Mar. 2005 – July 2005	Dave Williams	Bill Keaney
July 2005 – June 2006	Bill Keaney	Chuck Weir
July 2006 – May 2007	Bill Keaney	Dave Williams
June 2007 – June 2008	Dave Williams	Dave Tucker
July 2008 – March 2010	Dave Tucker	Doug Craig
April 2010 – June 2010	Dave Tucker	Arleen Navarret
July 2010 – October 2010	Arleen Navarret	Ben Horenstein
November 2010 – present	Ben Horenstein	Tommy Moala

FISCAL IMPACT

This action has no fiscal impact.

ALTERNATIVES

This action does not require consideration of alternatives.

Submitted: Amy Chastain, Executive Director

Executive Director Approval: /s/ Amy Chastain



BACWA EXECUTIVE BOARD ACTION REQUEST

AGENDA NO.: 10

FILE NO.: 12,431; 12,430; 12,427

MEETING DATE: May 26, 2011

TITLE: Approval of Contracts to Implement FY 2011-12 BACWA and Special Programs Budgets and Workplans.

MOTION _____ RESOLUTION _____

RECOMMENDED ACTION

Authorize the approval of three contracts to implement the Fiscal Year 2011 – 2012 BACWA and Special Programs Budgets and Workplans.

SUMMARY

The BACWA fiscal year (FY) begins July 1, 2011. In order to not experience a gap in core services, BACWA typically executes contracts for the coming FY in May and June. The three contracts summarized below will ensure that, as of July 1, BACWA has administrative support (A. Gunnell) and that three BACWA committees (Infoshare, Permits, and Committees) also have meeting support. These contracts were included in the FY 2012 workplan and budget, become effective July 1, 2011, and terminate June 30, 2012.

Contracts for website and legal support for the FY were below \$5,000 and, therefore, will be approved by the Executive Director. Additional contracts will be brought to the Executive Board in June.

Contractor	Services	FY 2012 Budget	Contract Amount	Remain. Unoblig.	File Number
RMC	Permit Committee support.	\$25,000	\$25,000	\$0	12,431
	Collection System Committee support.	\$25,000	\$25,000	\$0	
Kennedy Jenks	Infoshare	\$25,000	\$25,000	\$0	12,430
A. Gunnell	BACWA Administrative services	\$70,000	\$68,200	\$1,800	12,427
	Prop50 Administrative services	\$2,000	\$2,000	\$0	

FISCAL IMPACT

The BACWA budget currently has funds to support all of these contracts. The funding for these contracts is consistent with the approved Fiscal Year 2011-2012 budget.

Submitted: _____

Executive Director Approval: /s/ Amy Chastain

ALTERNATIVES

No other alternatives were considered as the terms of these agreements are consistent with BACWA contracting policies.

Attachments:

1. RMC Exhibit A, Scope of Work, File 12,431
2. Kennedy Jenks Exhibit A, Scope of Work, File 12,430
3. Alexandra Gunnell, Scope of Work, File 12,427

EXHIBIT A

SCOPE OF WORK

Professional Services by **RMC Water and Environment**
Fiscal Year 2011-2012

RMC Water and Environment will provide the following professional services to BACWA, the costs of which are **not to exceed \$50,000**:

Task 1: Permits Committee Support (\$25,000)

Task 1(a): Administrative Meeting Support (\$12,000)

Assist Permits Committee Chair with scheduling and organizing meetings, meeting agenda development, general meeting planning, preparation of Committee reports, and other administrative tasks; includes travel to and attendance at meetings.

Task 1(b): Regulatory Tracking, Analysis & Reporting (\$13,000)

Track and report on regulatory developments relevant to the Permits Committee. Upon request of the Committee Chair or Executive Director, schedule and participate in meetings with San Francisco Bay Regional Water Quality Control Board, State Water Resources Control Board, United States Environmental Protection Agency and other regulatory agency staff to discuss permitting issues; prepare POTW technical data analyses and compliance tools; assist with the drafting of comments on BACWA's behalf; and coordinate with Tri-TAC/CASA on water quality issues.

Task 2: Collection System Committee Support (\$25,000)

Task 2(a): Administrative Meeting Support (\$12,000)

Assist Collection Systems Committee Chair with scheduling and organizing meetings, meeting agenda development, general meeting planning, preparation of Committee reports, and other administrative tasks; includes travel to and attendance at meetings.

Task 2(b): Regulatory Tracking, Analysis & Reporting (\$13,000)

Track and report on regulatory developments relevant to the Collection Systems Committee. Upon request of the Committee Chair or Executive Director, schedule and participate in meetings with San Francisco Bay Regional Water Quality Control Board, State Water Resources Control Board, United States Environmental Protection Agency and other regulatory agency staff; prepare and assist in the preparation of technical data analyses and compliance tools; assist with the drafting of comments on BACWA's behalf; and coordinate with Tri-TAC/CASA on relevant issues.

EXHIBIT A

SCOPE OF WORK

Professional Services by **Kennedy/Jenks Consultants, Inc.**
Fiscal Year 2011-12

Kennedy/Jenks Consultants, Inc. (KJ) will provide professional services to BACWA, the costs of which are **not to exceed \$25,000**:

Task 1: Operations, Bay Area Maintenance, and Engineering InfoShare Group Support (\$21,000)

KJ shall organize and conduct quarterly meetings for each of the three BACWA InfoShare Groups:

1. Operations InfoShare Group, the purpose of which is to facilitate the exchange of information among member agency operations managers;
2. Maintenance InfoShare Group, the purpose of which is to facilitate the exchange of information among member agency maintenance managers; and
3. Engineering InfoShare Group, the purpose of which is to facilitate the exchange of information among member agency engineering staff on issues related to infrastructure planning, design, and construction.

Services provided shall include, but is not limited to, scheduling and announcing meetings, and preparing and distributing meeting agendas and minutes.

Task 2: As-Needed Assistance (\$4,000)

Provide additional services upon written request by the BACWA Executive Director.

Exhibit A
BACWA ASSISTANT EXECUTIVE DIRECTOR
SCOPE OF SERVICES

CONSULTANT will act as the Assistant Executive Director and provide professional services at the direction of the BACWA Executive Director to support BACWA and its Special Programs consistent with the following key activities:

1. Financial Management

- Communicate and coordinate with EBMUD Accounting to ensure proper and timely processing of contracts, invoices, dues and contributions to specific accounts and payments to BACWA vendors;
- On a monthly basis reconcile EBMUD and BACWA financial records, including calculating and tracking obligated funds and ensuring accuracy of the Treasurer's Report;
- Assist with annual budget development and management;
- Act as an intermediary between Project Managers and EBMUD Accounting to track revenues and expenditures for specific projects and Special Programs;
- Provide recommendations and support for revisions to accounting processes and financial reporting, including strategic analysis of the implications of those changes on BACWA contracting procedures;
- Assist in developing contracting and fiscal policies for BACWA.

2. Meeting Support

- Attend monthly BACWA Board meetings and selected other meetings;
- Assist Executive Director in developing the Executive Board agenda and meeting packet; prepare and distribute meeting minutes;
- Work with the ED, Committee Chairs, consultants, and Project Managers on coordination, preparation, attendance, recordkeeping, meeting facilitation and follow up for special meetings, including but not limited to the following: Budget Planning Workshops, Pardee Technical Seminar, Annual Membership Meeting, Committee or BACWA-sponsored training and workshops, Quarterly Committee Chair Meetings;
- Assist with the coordination and facilitation of other meetings (e.g., Committee meetings) as requested by the ED.

3. Document Management

- Manage retention, organization, maintenance and storage of BACWA electronic and paper files;
- Develop and maintain written and electronic records of policies, procedures, forms, and templates;

- Work with ED, Committee Chairs, and Project Managers to draft, edit, and execute contracts, amendments, contract scopes, approval forms (BARs, Task Authorizations, Chair Authorization, Travel Request), and other agreements;
- Compile background information or supporting documentation in response to requests from ED, Project Managers, and Committee Chairs;
- Act as BACWA's Filing Official and Filing Officer for Statements of Economic Interest as required by FPPC;
- Obtain general guidance from legal counsel as requested by ED.

4. Communication and Website Management

- Manage the delivery of documents and information to members, including e-mail correspondence;
- Maintain BACWA contacts and distribution lists;
- Assist with the development of the BACWA Annual Report, including working with ED, Consultants, and Committee Chairs to compile content, edit draft, and oversee production and distribution;
- Assist with the delivery of selected communications to the RWQCB, including invitations to meetings, and formatting and submitting comment letters;
- Create, maintain and revise website content;
- Coordinate website revisions with consultants and Committee Chairs, including maintenance of the dynamic calendar and uploading of promotional materials;
- Provide content management system training for committees and consultants;
- Manage BACWA private website user authorization;
- Assist ED with the development and implementation of communications plan, including website improvements and a newsletter;
- Respond to inquiries from the general public and members.

5. Miscellaneous

- Assist with other tasks and projects upon request from the ED