



Executive Board Meeting Minutes

Thursday, May 3, 2012, 9:00 a.m. – 11:00 a.m.

EBMUD Treatment Plant Lab Library
2020 Wake Avenue, Oakland, CA

ROLL CALL AND INTRODUCTIONS

Executive Board Representatives: Ben Horenstein, Chair (East Bay Municipal Utility District); Laura Pagano (San Francisco Public Utilities Commission); Mike Connor (East Bay Dischargers Authority); Ann Farrell (Central Contra Costa Sanitary District); James Ervin (City of San Jose).

Other Attendees: Dave Williams (East Bay Municipal Utility District); Brian Campbell (East Bay Municipal Utility District); Greg Baatrup (Fairfield-Suisun Sewer District); Amanda Roa (Delta Diablo Sanitation District); Tom Hall (Sunnyvale/EOA); Denise Conners (Larry Walker Associates); Monica Oakley (RMC Water and Environment); Holly Kennedy (HDR Engineering); David Senn (San Francisco Estuary Institute); Jim Kelly (BACWA); Alexandra Gunnell (BACWA).

PUBLIC COMMENT

There were no public comments.

CONSENT CALENDAR

*Consent calendar **agenda items 1 and 2** were approved in a motion made by Mike Connor and seconded by Laura Pagano. The motion carried unanimously.*

1. March 22, 2012 BACWA Executive Board Meeting minutes
2. February 2012 Treasurer's Report

Agenda item 3, a Resolution Adopting Prop 84 Budget and Workplan for Administration of the Proposition 84 Grant, File 12,711 was pulled from the consent calendar for further discussion. Brian Campbell confirmed that Local Project Sponsor (LPS) agencies could be financially liable (1) for administrative costs that exceed budgeted amounts, or (2) for funds that must be returned to the Department of Water Resources (DWR) in the event that one of the LPS agencies fails to perform under the conditions of the Grant Agreement. It was explained that these provisions were included in the agreements to protect BACWA from potential liability. The terms are the same as those set forth in the Prop 50 agreements and to date neither of these events has occurred, nor are they expected to occur. Prop 50 administrative expenditures were used as the basis for developing the Prop 84 administrative budget, and based on conversations with DWR it appears unlikely that the State would request that funds be returned.

A motion to approve the resolution was made by Ben Horenstein and seconded by Laura Pagano. The motion passed unanimously with an affirmative vote from each Executive Board member representing the Principal agencies (EBMUD, CCCSD, EBDA, City of San Jose, SFPUC).

REPORTS

Committee Reports for **agenda item 4** were included in the meeting handout packet and attendees were invited to respond to questions.

It was noted that the external peer review of the California State Water Resources Control Board (SWRCB) draft Policy for Toxicity Assessment and Control has concluded. The revised policy will be released for public review and then another workshop will be scheduled. Jim Kelly will circulate an e-mail received from Bobbi Larson to update the BACWA Executive Board members (Board) on this

matter.

The Board praised the quality of the AIR Newsletter, included in the handout packet, and requested that it be distributed to all BACWA members, perhaps as a feature in the BACWA electronic newsletter.

BACWA Executive Board members were invited to share any items of interest under **agenda item 5, Executive Board Reports.**

- Ann Ferrell notified attendees that CCCSD had an explosion in their cogeneration facility and are currently conducting an extensive investigation into the cause. The Board suggested that the experience gleaned from this incident as well as similar equipment, facilities, or operations failures at other agencies may be of interest to members and might be best shared at a BACWA sponsored workshop.

For **agenda item 6, the Executive Director's Report**, was included in the meeting handout packet and reviewed by the Executive Director (ED). Meeting attendees were given the opportunity to discuss the contents of the report. The ED distributed a draft Technology Innovation Business Plan from WERF. Mike Connor and Ann Farrell will continue to investigate opportunities proposed by WERF and Isle.

The following **Chair & Executive Director Authorized Actions (agenda item 7)** were made since the March 23, 2012 BACWA Board Meeting.

- a. Executive Director Authorization for Chinook advertisement to support BAPPG outreach campaign, not to exceed \$1,900; File No. 12,698.
- b. Executive Director Authorization for agreement with Jennifer Jackson to support BAPPPG Baywise.org outreach, not to exceed \$4,999.00; File No. 12,710.
- c. Executive Director Authorization to utilize existing contract with HDR to provide as needed support for NNE comments; File No.12,568.

The Board requested that Jim Kelly confirm with the BAPPG Chair that there are no legal issues surrounding the contract with Jennifer Jackson (**item 7b**).

For **agenda item 8a, the Strategy Development Presentation**, begun at the joint meeting with the San Francisco Regional Water Quality Control Board (RWQCB) staff, was completed by David Senn. A copy of the presentation will be distributed to meeting attendees and feedback should be directed to Jim Kelly. The draft Facilitator Scope of Work developed by Naomi Feger will be distributed by Jim Kelly to the Board. Jim Kelly and Ben Horenstein will work to schedule the next meeting with David Senn, and Dave Senn recommended that funding decisions should be included in future discussions.

Under agenda item **8b, BACWA response to 13267 Letter**, the Board requested that Jim Kelly return with a recommendation on managing data gathered for the 13267 requirements as well as the historical data.

Jim Kelly will schedule a meeting with the north Bay dischargers as part of the **Suisun Bay follow-up, agenda item 8c.**

For **agenda item 8d, the draft NNE Comment Letter** was distributed to attendees for review. Comments and feedback should be directed to Jim Kelly.

The BACWA and Special Programs 2012 – 2013 Budget and Workplan (agenda item 9) *was approved in a motion made by Mike Connor, seconded by Ann Farrell. The motion passed unanimously.*

It was noted that BACWA and CBC fee structures will be discussed at the 2012 Pardee Technical Seminar. The Finance Committee will meet with Jim Kelly and return to the Board at the May 24th meeting with a recommendation for hiring a Regulatory Program Manager. The Board requested that the Jim Kelly monitor Executive Director time devoted to Prop 50 and Prop 84 to determine whether a request for reimbursement would be necessary.

For agenda item **10a, Succession Planning**, Dave Williams provided background information on BACWA's current **ASC/SFEI Board Representation**. With the proposed merger of the SFEI and ASC governing boards, there has been a request that BACWA appoint a representative from each of the following types of agencies: a Bay discharger; a Central Valley discharger; and a stormwater agency. The Board agreed to try this approach, though they would reserve the right to review the decision and make any necessary changes to the appointments at a later date.

The Board requested that Jim Kelly schedule the next joint RWQCB staff/ BACWA Board meeting.

The next regular BACWA Board meeting will be held on May 24, 2012 at the EBMUD Treatment Plant Operations Center from 9 a.m. – 12 p.m.

The meeting adjourned at 11:00 a.m.