

**CITY COUNCIL MEETING
TUESDAY, DECEMBER 3, 2019**

PRESENTATIONS

ITEM 12 WS 19-062

**EAST BAY DISCHARGERS AUTHORITY -
DISCUSSION OF AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT**



City Council Meeting

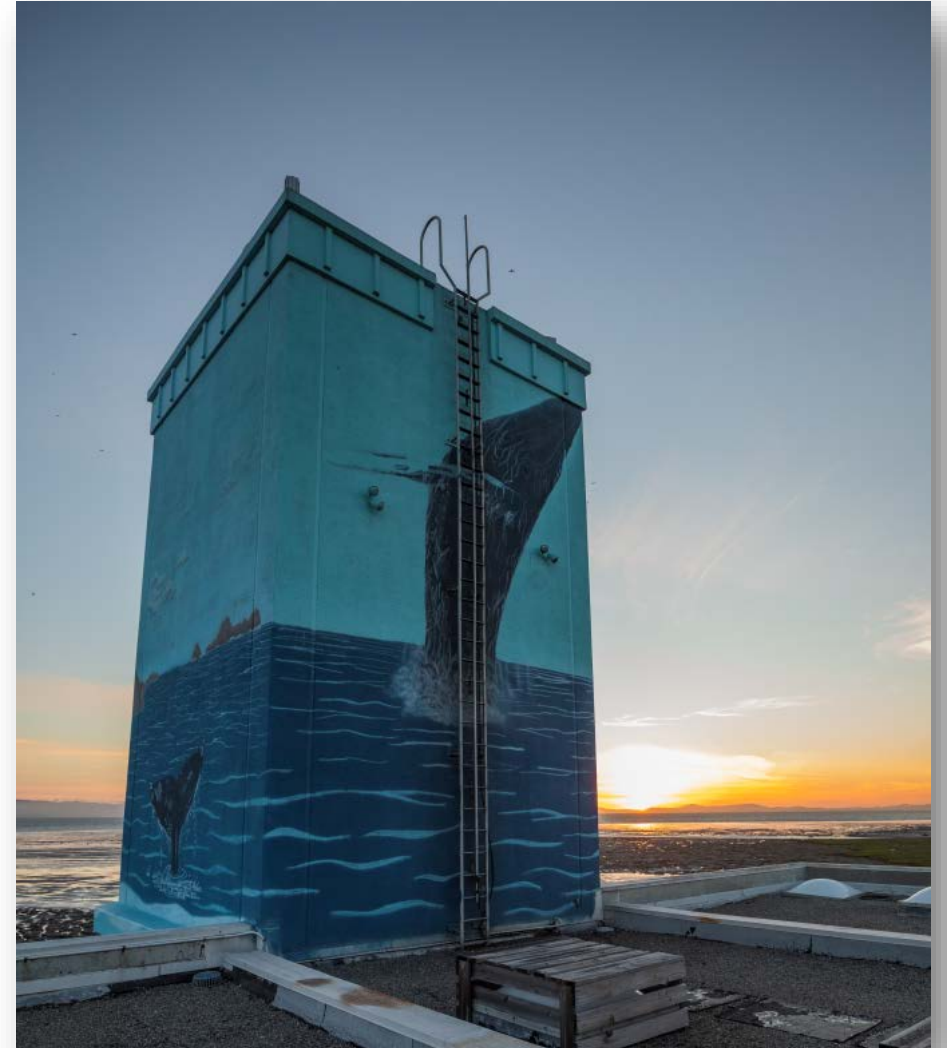
East Bay Dischargers Authority New Joint Exercise of Powers Agreement

December 3, 2019

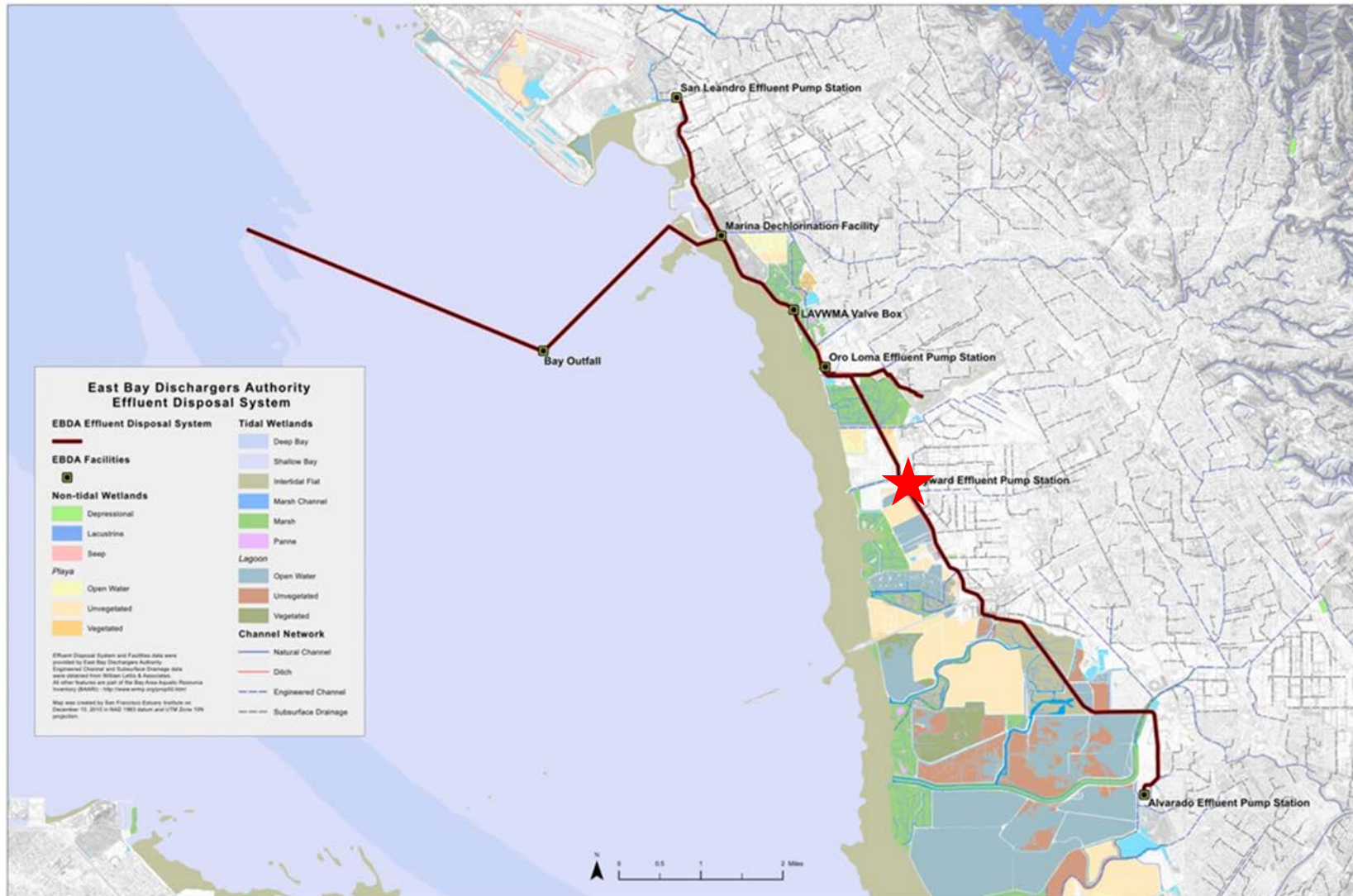


East Bay Dischargers Authority (EBDA)

- Formed in 1974
- Responsible for discharge of treated wastewater to San Francisco Bay
 - City of Hayward
 - City of San Leandro
 - Oro Loma Sanitary District
 - Castro Valley Sanitary District
 - Union Sanitary District
- JPA expires January 1, 2020



EBDA System



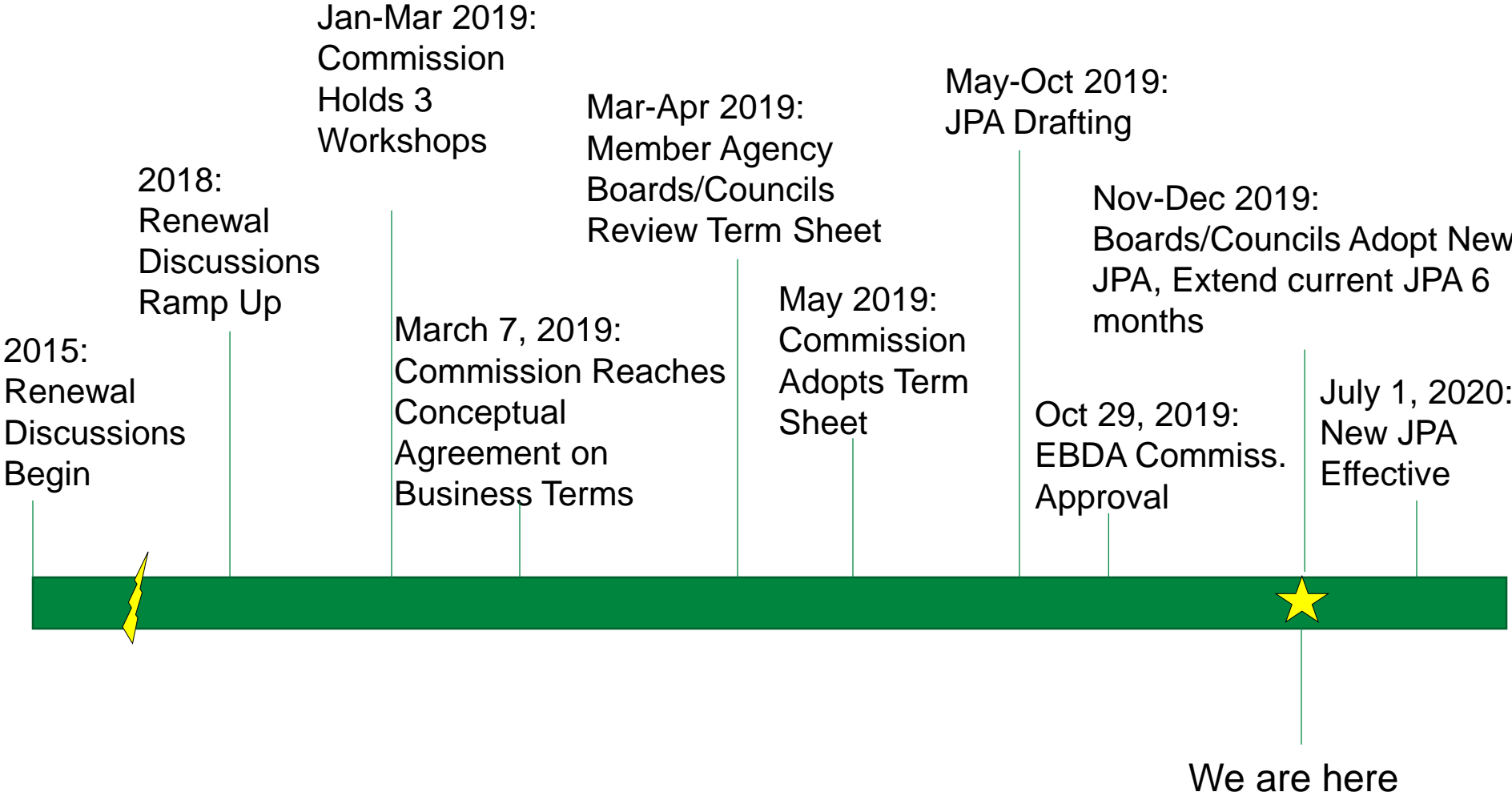
- Four effluent pump stations
- Dechlorination facility
- 11.5 miles of pipelines
- Deep water outfall

EBDA Costs

- Annual Budget ~\$5M
- Existing JPA Cost Allocation

EBDA Cost	Cost Allocation
Fixed O&M Costs	Capacity Rights
Variable O&M Costs	Annual Flows
Capital Costs	Capacity Rights
NPDES Permit Costs	Permitted Flow
Other Expenses	Varies, for example Regional Monitoring Program fees based on metal loads

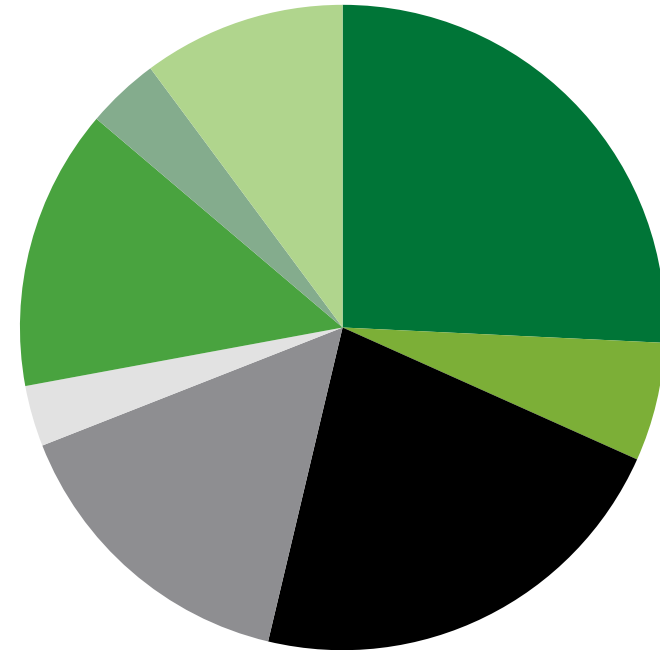
JPA Renewal Process



JPA Key Issues

- Capacity Rights
- Governance
- Cost Allocation
- Liability

How do we slice the pie?



Term and Capacity Rights

- Term

- 20 years
- No unilaterally opt out or ability to decrease capacity rights
- Provisions to increase capacity rights
- New JPA would take effect July 1, 2020

- Capacity Rights

- Based on maximum flow rate capacity
- Used to allocate fixed annual and capital costs
- Agencies that exceed capacity pay overage fee

Member Agency	Current Capacity (MGD)	New Capacity (MGD)
USD	42.9	42.9
OLSD/CVSan	69.0	30.0
Hayward	35.0	15.0
San Leandro	22.3	14.0

Governance

- Current JPA:

- Each agency has 1 vote
- Certain decisions require 5 votes (e.g. budget approval, special studies)
- Other decisions require 4 votes (e.g. contracts, policies)

- New JPA:

- All decisions (except as noted) require majority of membership vote and majority of weighted vote
- Unanimous decisions for certain votes (e.g. changes to JPA)

Member Agency	Membership Vote	Weighted Vote
USD	1	42.10
OLSD	1	19.63
CVSan	1	9.81
Hayward	1	14.72
San Leandro	1	13.74
TOTAL	5	100

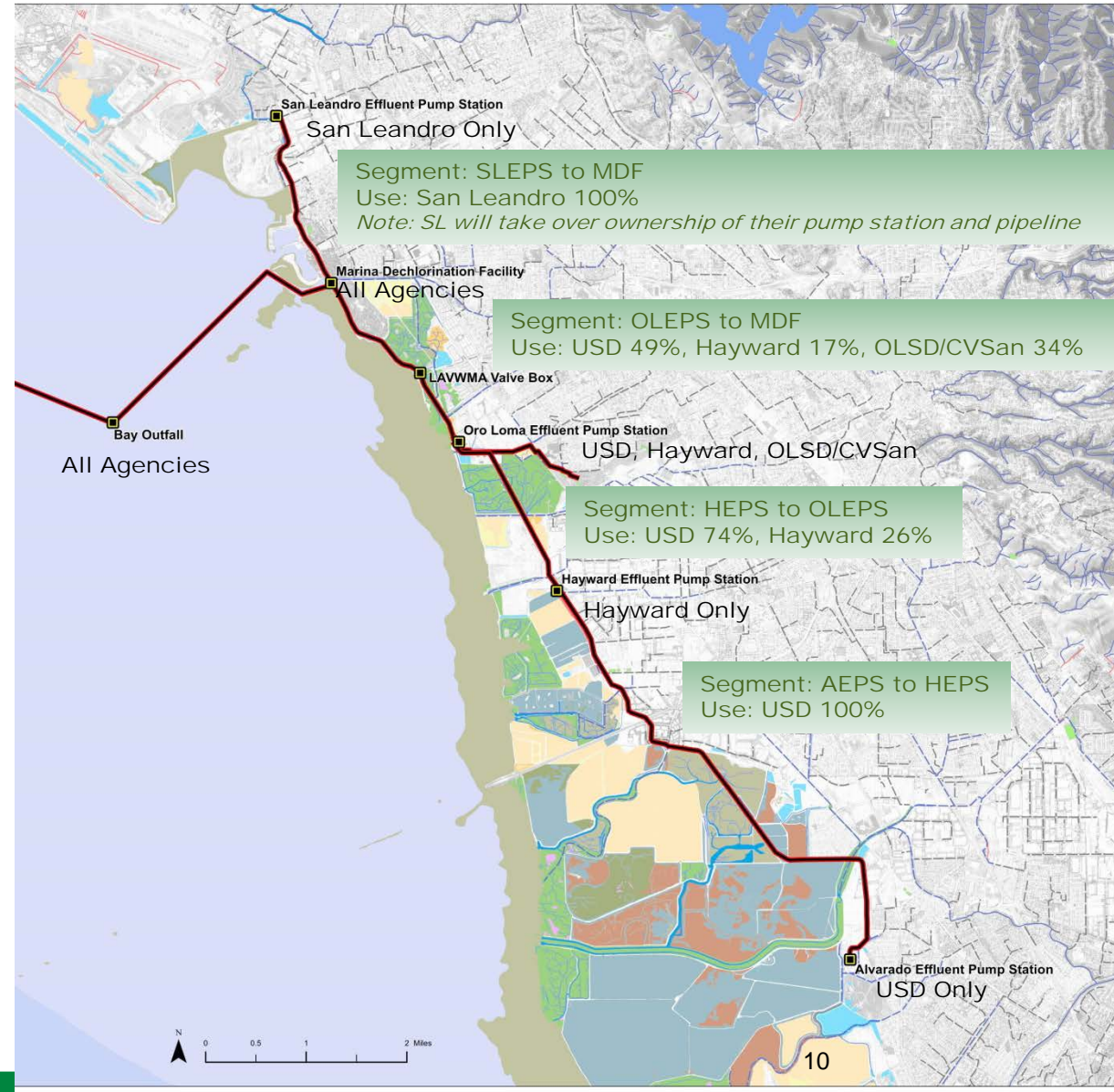
Cost Allocation



- Annual O&M
- Capital Costs
- San Leandro fully responsible for costs for pipeline and pump station
- Hayward's overall annual costs not expected to change

Infrastructure Risk and Liability

- New JPA shifts risk and liability for pipeline failure to agencies based on use
- Pipeline failure costs largely paid for by agencies using pipeline
- EBDA retains ownership and liability for pump stations
- Ownership of Hayward and USD pump stations transfer at end of JPA

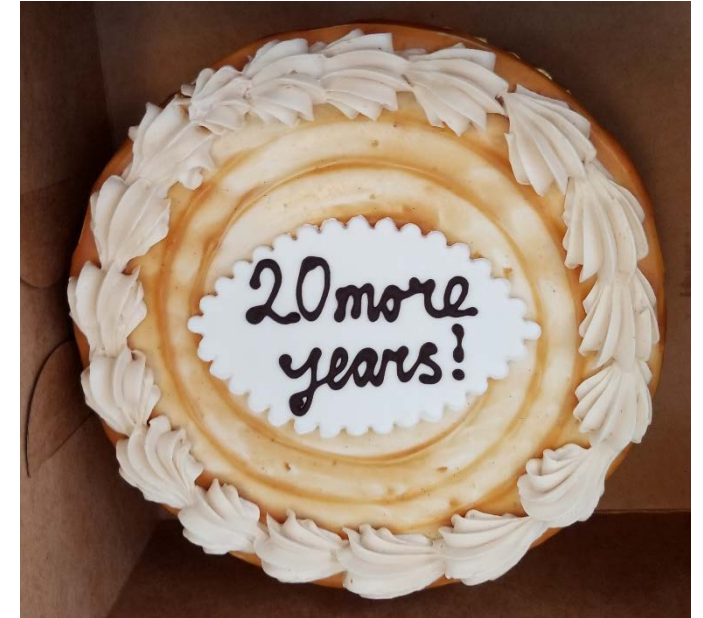


Termination

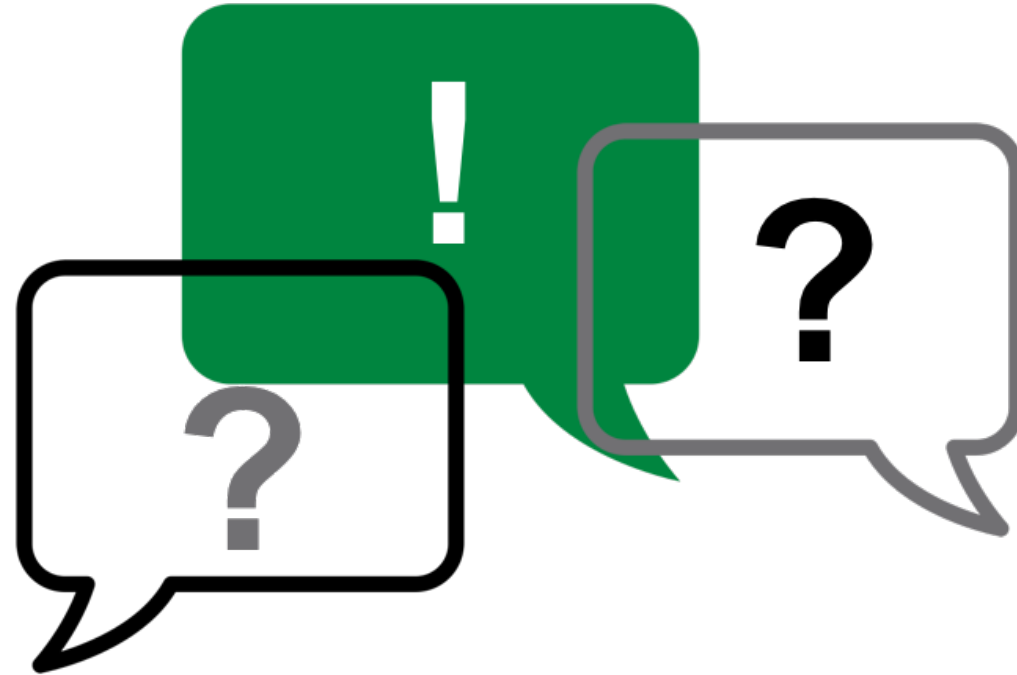
- Year 15 negotiations begin for renewing JPA
- If all agencies cannot reach agreement, JPA terminates
- USD and Hayward will take ownership of their pump stations
- Provisions to dispose of other facilities, liquidate assets, allocate retirement obligations

Next Steps

- Council comments
- Council consideration on December 17
 - Amended and Restated JPA
 - Amendment to extend existing JPA for 6 months



Questions



ITEM 13 PH 19-096

**ADOPT AN ORDINANCE APPROVING AN
AMENDMENT TO THE CITY OF HAYWARD
CONTRACT WITH THE CALIFORNIA PUBLIC
EMPLOYEES RETIREMENT SYSTEM (CALPERS)
FOR LOCAL SAFETY – POLICE EMPLOYEES AND
AUTHORIZE THE CITY MANAGER TO EXECUTE
THE CONTRACT**

Adopt an Ordinance to Approve a Contract Amendment with CalPERS

Maria A. Hurtado, Assistant City Manager
December 3, 2019

Background

- **On July 9, 2019** Council approved the extension and amendment of MOU between City and HPOA for July 1, 2018 to June 30, 2024.
- **On November 5, 2019**, Council adopted a Resolution of Intention to introduce an Ordinance approving the CalPERS contract amendment.
 - **ONE OF THE TERMS:** Addition of an enhanced Pre-Retirement Option 2W Benefit for Safety Police Employees in HPOA.

Addition

- **Pre-Retirement Option 2W Death Benefit***
 - Monthly allowance = to amount employee would have received had he/she retired under a service retirement and elected Option 2W.
 - reduces highest payable benefit (Unmodified Allowance) but provides a lifetime of monthly benefits to designated beneficiary.

Applies to BOTH HPOA & HPMU

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Next Steps

Complete CalPERS Contract Amendment Process.

- **Jan. 2, 2020:** Effective Date of Ordinance
- **Jan 6, 2020:** Effective Date of Contract Amendment

Recommendation

- Adopt an Ordinance Approving an Amendment to the City of Hayward's Contract with CalPERS for Local Safety – Police Employees and
- Authorize the City Manager to Execute the Contract.

Questions

