



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**File #:** WS 19-062, **Version:** 1

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**DATE:** December 3, 2019

**TO:** Mayor and City Council

**FROM:** Director of Public Works

### **SUBJECT**

East Bay Dischargers Authority - Discussion of Amended and Restated Joint Exercise of Powers Agreement

### **RECOMMENDATION**

That Council reviews and provides feedback on the Amended and Restated Joint Exercise of Powers Agreement for the East Bay Dischargers Authority.

### **SUMMARY**

The East Bay Dischargers Authority (EBDA) was formed in 1974, by a Joint Exercise of Powers Agreement (JPA) entered into by the City of Hayward, City of San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary District, and Union Sanitary District. The purpose of EBDA is to provide for the safe and efficient discharge of wastewater produced by its member agencies into San Francisco Bay.

The current JPA expires on January 1, 2020. The member agencies have negotiated an Amended and Restated (or "new") JPA that would supersede the current agreement if approved by the governing bodies of all five member agencies. The new JPA is a twenty-year agreement that would take effect on July 1, 2020 to be coincident with the beginning of a fiscal year. Significant changes in the new agreement include: revised capacity rights for certain member agencies, which changes the allocation of fixed annual costs and capital costs among the member agencies; changes to the voting structure to require a majority of Commissioners and a majority of agency capacity weighted votes to approve most actions; and transfer of certain risks and liabilities for certain EBDA facilities to member agencies.

Staff is bringing the Amended and Restated JPA to Council to obtain Council's comments. After receiving and addressing Council's comments, staff will bring this item back for Council's consideration on December 17, along with a recommendation to approve a six-month extension of the current JPA since the new JPA would not take effect until July 1, 2020.

### **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Map of Effluent Disposal System
Attachment III	Amended JPA
Attachment IV	Term Extension