



CITY OF HAYWARD

Hayward City Hall
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Cover Memo

File #: CONS 19-822, **Version:** 1

DATE: December 17, 2019

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Adopt Resolutions Authorizing the City Manager to Execute the Amended Joint Exercise of Powers Agreement for the East Bay Dischargers Authority and Approve a Fourth Amendment Extending the Current Agreement by Six Months (January 1, 2020-June 30, 2020)

RECOMMENDATION

That Council adopts resolutions (Attachments II and III) authorizing the City Manager to execute 1) the Amended and Restated Joint Exercise of Powers Agreement (JPA) for the East Bay Dischargers Authority and 2) a six-month extension of the current JPA (January 1, 2020-June 30, 2020).

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 coincide 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.

ATTACHMENTS

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| Attachment I | Staff Report |
| Attachment II | Resolution - Amended JPA |
| Attachment III | Resolution - Executing 4th Amendment to JPA: 6 Month Extension |
| Attachment IV | EBDA Effluent Disposal System Map |
| Attachment V | EBDA JPA |
| Attachment VI | EBDA JPA Agreement Fourth Amendment |