



EAST BAY DISCHARGERS AUTHORITY
2651 Grant Avenue
San Lorenzo, CA 94580-1841
(510) 278-5910
FAX (510) 278-6547

A Joint Powers Public Agency

Pursuant to the Governor's Executive Order N-25-20 the Personnel Committee Meeting scheduled for this afternoon at 2:30 p.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. # 560 699 412. Members of the public are encouraged to dial-in to the meeting using the same number. The original meeting location 2651 Grant Avenue, San Lorenzo, CA will remain available for anyone unable to dial-in. Thank you."

ITEM NO. 14

**PERSONNEL COMMITTEE
AGENDA**

**Wednesday, March 18, 2020
2:30 p.m.**

**East Bay Dischargers Authority
2651 Grant Avenue, San Lorenzo, CA 94580**

Committee Members: Handley (Chair), Lamnin

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Review Updates to the Authority's FY 2019/2020 & 2020/2021 Compensation Plans**
(The Committee will consider revisions to the Authority's 2019/2020 and 2020/2021 Compensation Plans.)
- P5. Administrative Assistant Staffing Considerations**
(The Committee will review staffing options.)
- P6. Review Draft Rules of the Commission**
(The Committee will consider and provide input on a first draft of the Rules.)
- P7. Closed Session**
(The Committee may meet in closed session pursuant to Government Code Section 54957(b)(1) to discuss the General Manager's performance evaluation.)
- P8. Reconvene Open Session / Report From Closed Session**
(The Chair will report any action taken in Closed Session.)
- P9. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at the EBDA office at (510) 278-5910 or kyambao@ebda.org. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Personnel Committee meeting is scheduled on
Tuesday, April 14, 2020, at 2:30 p.m.**

ITEM NO. P4 REVIEW UPDATES TO THE AUTHORITY'S FY 2019/2020 & 2020/2021 COMPENSATION PLANS

Recommendation

Provide input to staff on proposed revisions to the Authority's FY 2019/2020 & 2020/2021 Compensation Plans.

Background

Each year, the Authority adopts a Compensation Plan that lays out the compensation package for employees. The FY 2019/2020 Compensation Plan was adopted in June 2019. Staff is proposing a small correction to that Plan as well as updates to the FY 2020/2021 Compensation Plan. Pending input from the Committee, staff will bring these Plans to the Commission for approval.

Discussion

The Authority's employees are members of the CalPERS pension system, and the Authority contributes 100% of the required Employer Normal Cost. The required employee contribution is paid entirely by Authority employees. In the Authority's FY 2019/2020 Compensation Plan, the contribution rates listed for PEPRA employees were incorrect. Staff recommends deleting the rates to correct this error and readopting the Plan.

For the FY 2020/2021 Compensation Plan, staff is recommending the following updates:

- **Cost-of-Living Adjustment:** As discussed at the February 2020 Financial Management Committee Meeting, EBDA's Compensation Plan has traditionally provided a Cost-of-Living Adjustment (COLA) based on the Consumer Price Index (CPI) for the San Francisco Bay Area. The most recent December to December CPI is 2.5%, which is reflected in the preliminary draft budget presented in Item No. FM6. Last year, the Committee directed staff to evaluate not only the CPI, but also the COLAs being provided by the Member Agencies and bring that information forward for the Committee's decision-making. Staff surveyed the Member Agencies, but labor negotiations are ongoing at most of them, so updated COLA information was not available. The agencies made certain assumptions on expected COLA, which have been incorporated into the draft budget. Staff will bring forward Member Agency COLA information at a future meeting when it is available.
- **Clarifying CalPERS Rates:** To prevent the potential for mistakes on the CalPERS rates as happened last year, staff proposes to refer simply to the Employer Normal Cost Rate. The FY 2020/21 Employer Normal Cost Rate for the Authority's Miscellaneous Plan is 12.361%. Classic Plan members contribute 100% of the Employee Contribution Rate of 8%. The Authority's PEPRA Plan Employer Normal Cost Rate for FY 2020/2021 is 7.732% and plan members contribute 6.75%.
- **Adding Voluntary Deferred Compensation Option:** Staff is considering providing an option for staff to contribute to an additional deferred compensation plan, such as a 401(a). If included, the option would be voluntary and at no cost to the Authority.

**EAST BAY DISCHARGERS AUTHORITY
 FY2019/20 COMPENSATION PLAN
 JULY 1, 2019 TO JUNE 30, 2020**

MONTHLY SALARY RANGE					
	Step 1	Step 2	Step 3	Step 4	Step 5
Administrative Assistant	7,233.94	7,595.63	7,975.41	8,374.18	8,792.89
General Manager	16,888.59	17,733.02	18,619.68	19,550.68	20,528.21
Operations & Maintenance Manager	11,017.77	11,568.66	12,147.10	12,754.48	13,392.20

SUMMARY OF BENEFITS	
Benefit	EBDA Provided Portion
Medicare Tax	Employer contribution only, 1.45% of monthly salary.
P.E.R.S. Classic Member ¹ (2.5% @ 55 Formula; 1 year final compensation)	Authority shall contribute 100% of the required Employer normal cost (10.069%). The required Employee contribution is 8% of monthly salary.
CalPERS PEPRA Plan ² (2% @ 62 Formula; 3 years final compensation)	Authority shall contribute the required Employer contribution of 6.555% of payroll and the employee shall contribute 6.250% per payroll period. -Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. New Member ² shall contribute the plan's Employee Contribution Rate.
Medical Coverage	Insurance premiums paid by Authority; the maximum premium paid for medical shall not exceed the premium for Kaiser California Bay Area Employee and 2+ Dependents. No recompense will be made for employees who enroll as Employee Only or Employee +1 Dependent.
Post-Retirement Medical (October 1, 2015)	Employer-paid medical premiums up to \$473 per month are paid to CalPERS on behalf of those who retire from EBDA. The premiums up to \$473 per month include the PEMHCA minimum. Any medical premium costs that exceed \$473 per month are borne by the retiree. Note: the minimum qualification for retiree health benefits is five years of continual employment at EBDA.
Dental & Vision Care	Employer pays dental and vision insurance premiums up to date of permanent separation from EBDA.

Agenda Explanation
 East Bay Dischargers Authority
 Personnel Committee
 March 17, 2020

Life Insurance	Maximum policy value is equal to 1x the employee's annual salary.
Disability Insurance (2/3 salary after all accrued leave is depleted)	Employer pays Short Term and Long Term Disability insurance premiums up to the date of permanent separation from EBDA. Note: EBDA does not pay into State Disability Insurance.
Deferred Compensation	The Authority contributes 2.32% of each full-time employee's base salary to a deferred compensation plan determined by the Authority provided that the employee also contributes 0.32% of his/her base salary. The Authority contributes an additional \$0.50 for each \$1.00 voluntarily contributed by the employee up to a maximum additional Authority contribution of \$500.00 per calendar year per full-time employee.
Holidays	11 paid holidays plus 28 hours of personal holiday annually.

MISCELLANEOUS

Compensatory Time Off	<p>Unclassified, exempt employees do not receive additional payment for overtime. In lieu of payment, the General Manager may adjust working hours to compensate the employee for time worked in excess of 40 hours per week.</p> <p>Classified, non-exempt employees are compensated at the rate of one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 hours per week.</p>
Calculation Method of Hourly Rate	Hourly rate equivalents shall be determined by dividing the employee's actual monthly salary rate by 173.33, which is considered to be the average number of working hours per month. The Authority shall pay any Fair Labor Standards Act overtime worked by non-exempt employees in a manner consistent with the Fair Labor Standards act.
Use of Authority Vehicle	The General Manager may authorize the use of Authority vehicles by employees for business travel when determined that such use would be in the best interest of the Authority.
Flexible Spending Accounts (FSA)	Benefit eligible employees may enroll in the Authority's FSA to make pre-tax salary contributions up to the IRS limits.

¹ Definition of a Classic Member - A classic member is defined as:

- An existing member of a California public retirement system as of December 31, 2012. Please note, however, that because new member determination is based on an appointment-by-appointment basis, upon appointment, new hires will be required to self-certify their classic member status by submitting a form that tests against the new member definition and which may ultimately result in a change in status to new member.

² Definition of a New Member - A new member is defined as any of the following:

- A new hire who is brought into a California public retirement system membership for the first time on or after January 1, 2013, and who has no prior membership in a California public retirement system.
- A new hire who was an active member of a California public retirement system and who, after a break in service of more than six months, returned to active membership in that system.

**EAST BAY DISCHARGERS AUTHORITY
 FY2020/21 COMPENSATION PLAN
 JULY 1, 2020 TO JUNE 30, 2021**

MONTHLY SALARY RANGE					
	Step 1	Step 2	Step 3	Step 4	Step 5
Administrative Assistant	7,414.80	7,785.52	8,174.80	8,583.53	9,012.71
General Manager	17,310.80	18,176.35	19,085.17	20,039.45	21,041.42
Operations & Maintenance Manager	11,293.21	11,857.88	12,450.78	13,073.34	13,727.01

SUMMARY OF BENEFITS	
Benefit	EBDA Provided Portion
Medicare Tax	Employer contribution only, 1.45% of monthly salary.
CalPERS Miscellaneous Plan (2.5% @ 55 Formula; 1 year final compensation)	Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. Classic Member ¹ shall contribute the plan's Employee Contribution Rate of 8%.
CalPERS PEPRA Plan (2% @ 62 Formula; 3 years final compensation)	Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. New Member ² shall contribute the plan's Employee Contribution Rate.
Medical Coverage	Insurance premiums paid by Authority; the maximum premium paid for medical shall not exceed the premium for Kaiser California Bay Area Employee and 2+ Dependents. No recompense will be made for employees who enroll as Employee Only or Employee +1 Dependent.
Post-Retirement Medical (October 1, 2015)	The Authority contributes up to a maximum of \$473 per month for enrollment in a CalPERS health benefit plan for EBDA annuitants. The fixed employer contribution of \$473 per month includes the PEMHCA minimum. The minimum qualification for retiree health benefits is five years of continual employment at EBDA.
Dental & Vision Care	Employer pays dental and vision insurance premiums up to date of permanent separation from EBDA.
Life Insurance	Maximum policy value is equal to 1x the employee's annual salary.
Disability Insurance (2/3 salary after all accrued leave is depleted)	Employer pays Short Term and Long Term Disability insurance premiums up to the date of permanent separation from EBDA. Note: EBDA does not pay into State Disability Insurance.

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 Personnel Committee
 March 17, 2020

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- A new hire who was an active member of a California public retirement system and who, after a break in service of more than six months, returned to active membership in that system.

ITEM NO. P5 ADMINISTRATIVE ASSISTANT STAFFING CONSIDERATIONS

Recommendation

Provide direction to staff on staffing levels for the remainder of FY 19/20 and for FY 20/21.

Background

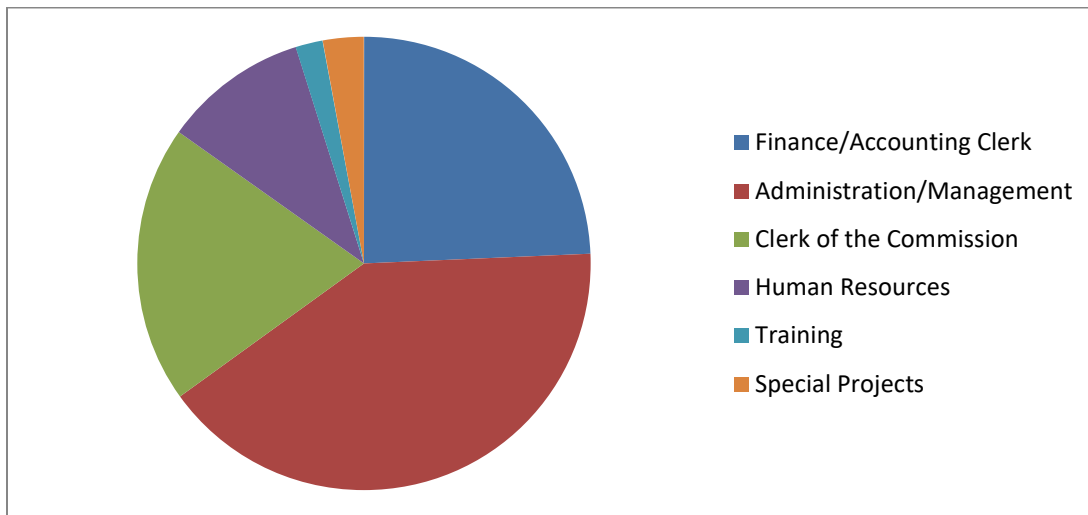
The Authority currently has three full-time staff positions – General Manager, Operations & Maintenance Manager, and Administrative Assistant. The Authority also contracts with a part-time Accountant.

The Administrative Assistant position is a unique role. Because the agency is small, that position wears several hats – Clerk of the Commission, Finance/Accounting Clerk, Office Manager, Human Resources (HR) Manager, and Administrative Lead. Over the past two years due to the Administrative Assistant’s medical leave, the Authority has had a combination of temporary staff supporting these functions.

Though the Authority is a small agency, the administrative workload is not entirely scalable to the operating budget or number of staff. The reporting requirements for public agencies are the same irrespective of the size of the agency. The level of effort associated with ensuring consistent compliance with all non-water quality regulations falls to the Administrative Assistant and is significant.

Discussion

To support decision-making on staffing levels going forward, staff performed a workload analysis for the Administrative Assistant position. As noted above, the Administrative Assistant wears a number of hats. The overall breakdown of work is shown in the following figure:



Staff’s estimates of the hours required to appropriately perform the tasks of the role are provided in the following table. These hours include a combination of hours actually

recorded and estimates of hours to complete tasks that have not been performed due to staffing constraints.

Work Category	Example Tasks	Hours/Year
Finance/Accounting Clerk	Accounts Payable, Accounts Receivable, Banking, Financial System Data Entry	832
Administration/Management	Website Maintenance, Policy and Procedure Development and Review, Records Management, Reporting	1392
Clerk of the Commission	Agendas, Minutes	677
Human Resources	Payroll, Personnel/Labor Policies	353
Training	CalPERS/CSDA/Safety Training	66
Special Projects	Grant Management, Records Retention Schedule	100
Total		3420
Full Time Equivalent (FTE)		1.97

As shown at the bottom of the table, this analysis concluded that approximately 2 full time staff would be required to fully support the workload demand. This is consistent with staff’s observation that certain tasks such as records management/filing, policy and procedure updates, and website maintenance are routinely not getting done, and there have been extremely limited opportunities for training.

Staff considered several options for addressing this shortfall in staffing capacity:

- **Member Agency support for finance function:** The Member Agencies each have their own staffing constraints, and none currently has excess capacity. In discussing options with the MAC members, no agency was interested in using their staff resources to supplement the Authority’s for accounting or finance support at this time. Several agencies offered to help if the Authority had no other good options, but staff is not recommending this path.
- **Contract support for finance function:** As has been discussed in prior meetings, staff is beginning to plan for the retirement of the Authority’s long-time contract Accountant. In doing so, staff has received proposals from several firms that offer contract accounting. The Authority’s Accountant is currently planning to retire following the FY 20/21 year end close and audit. Staff recommends that in FY 20/21, the Authority retain a contract firm or accountant to begin a transition. In FY 20/21, the contractor could begin offloading certain tasks from the Accountant and Administrative Assistant while gearing up to take over the Accounting function in FY 21/22. Staff anticipates that while this approach has some potential to take some workload off of the Administrative Assistant, administrative support would still be needed, particularly in light of the need for segregation of duties for internal controls.
- **Member Agency support for HR function:** Staff has also discussed with the Member Agencies opportunities to provide human resources support. The HR function breaks down into two primary areas – payroll and general HR support. The majority of the time

spent on HR is related to payroll and associated reporting. Staff has analyzed payroll workflow and determined that outsourcing it to a Member Agency or private company would not likely cut down on the resources required. Even if another entity were handling payroll, Authority staff would still need to compile and review the information. Transmitting data to a Member Agency or contractor would therefore be similar workload to inputting it into a payroll system. Staff does see an opportunity on general HR support for the Member Agencies to provide assistance. Tracking relevant laws and trends is time consuming and is already done by the Member Agencies for their own staff. Both Oro Loma and Union have expressed openness to supporting the Authority on tracking, policy implementation, and recruitment when needed. Staff intends to discuss opportunities further with these agencies.

- **Contract support for HR function:** Staff received a proposal from one company that performs outsourced work for both accounting and HR. As discussed above, staff does not see outsourcing payroll to be cost-effective, and outsourcing of other HR functions to a Member Agency is preferable to outsourcing them to a private company.
- **Add administrative staff:** To address the workload demand, the Authority could retain an additional administrative staff member. This option could be implemented in combination with the additional accounting and HR support outlined above.

Having considered these options, staff recommends the following staffing approach for the remainder of the current fiscal year and for FY 20/21:

Current Fiscal Year

The Authority's permanent Administrative Assistant, Juanita Villasenor, returned to work on March 2, 2020. She is currently working 5 hours per day as she continues her recovery. Staff recommends that for now, the Authority retain Kalena Yambao, the temporary Administrative Assistant, on a full-time schedule. Kalena would continue to manage the day to day functions of the agency, and Juanita would work primarily on special projects including a records management project to update the Records Retention Schedule and clear backlog of work that has built up. This allows Juanita to rebuild her strength and ramp up her hours at a low pressure pace, and benefits the Authority by clearing a backlog of work. Staff proposes to keep the Committee updated on this workload balance and whether any changes are warranted between now and the end of this fiscal year.

Fiscal Year 20/21

Staff anticipates that by the start of FY 20/21, Juanita will be up to full-time and able to resume her core duties. To address the excess FTE of Administrative Assistant workload, staff recommends the following strategy:

- Contract with an accounting firm or individual on a limited part-time basis to begin shadowing the Authority's current contract accountant, Debbie Quinn, in anticipation of her retirement. In this process, staff would identify tasks that the Administrative Assistant currently performs in support of the accounting function that could be transferred to a contract accountant.
- Enlist the assistance of Oro Loma and/or Union for general HR support.
- Retain Kalena on a half-time basis. Kalena is already up to speed on the Authority's workflow and can efficiently supplement Juanita's efforts, ensuring that all Authority administrative tasks are completed and new backlog is not built up.

Staff recommends piloting this approach for the first half of FY 20/21 and keeping the Committee apprised of the workload balance. Staff would assess workload in December 2020 to determine whether 1.5 FTE is the appropriate long-term Administrative Assistant staffing level, or whether further changes are warranted. Throughout this process, staff will continue to work to identify opportunities to streamline workflow and gain efficiencies.

The staffing approach outlined above has been incorporated in the preliminary draft FY 20/21 budget presented in Item No. FM6. \$15,000 has been included for contract accounting support. The inclusion of an additional 0.5 FTE Administrative Assistant adds for the whole fiscal year would add \$45,000 in labor. Half of this has been added to the line item for salaries, and the other half has been added as a contingency Special Study. Pending the mid-year needs assessment, a mid-year budget adjustment could be used to access these funds for extending the salary, if desired. The part-time Administrative Assistant will not be entitled to benefits, per the Authority's Personnel Policy.

ITEM NO. P6 REVIEW DRAFT RULES OF THE COMMISSION

Recommendation

Provide input to staff on Draft Rules of the Commission.

Background

While EBDA has adopted individual policies regarding conduct of Commission business, the Authority does not have formal Rules of the Commission. The Joint Powers Agreement (JPA) also contained content regarding the conduct of the Commission and meeting protocols. That language was removed in the Amended and Restated JPA in favor of creating Rules of the Commission that would cover the details of Commission business and could be more easily modified than the JPA.

Discussion

Attached for the Committee's review is an initial draft of the Rules of the Commission, prepared with the assistance of the Hanson Bridgett attorneys who assisted with JPA drafting. The document is intended to be a high level guidance manual for the workings of the Commission, which replaces the language previously in the JPA as well as the need for adopting certain policies by Resolution, as has been past practice. Staff is particularly interested in the Committee's feedback on the following topics:

- **Voting Protocols.** The draft Rules specify that certain procedural motions, for example to postpone consideration of an item or to adjourn a meeting, would be subject to a vote of a majority of the members and not the flow-weighted voting outlined in the JPA. Staff's goal in recommending this is to keep things simple and streamline the meeting process, and use the JPA voting process for substantive decisions. However, all votes could be made subject to majority and weighted voting if that is the desire of the Commission.
- **Resolutions versus Motions.** As discussed at the February 2020 Commission meeting, EBDA has historically used resolutions for all substantive decisions. However, the legal effect of resolutions and motions is the same. Staff is therefore proposing to reserve resolutions for significant policy decisions and adopt contracts and other more routine items of business by motion.

EAST BAY DISCHARGERS AUTHORITY

RULES OF THE COMMISSION

February 2020

EAST BAY DISCHARGERS AUTHORITY

RULES OF THE COMMISSION

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EAST BAY DISCHARGERS AUTHORITY COMMISSION

RULES OF THE COMMISSION

The Commission of the East Bay Dischargers Authority (“EBDA”) adopts these Rules pursuant to Section 7(j) of the Amended and Restated Joint Exercise of Powers Agreement dated July 1, 2020 (“Amended and Restated JPA”).

The Commission is the legislative body that governs EBDA and is accountable to the member agencies for the following actions:

- Establish policies for EBDA operations;
- Establish and oversee the EBDA's finances and its budgets, programs, and performance; and
- Provide the resources needed by staff to carry out EBDA policy.

These Rules are designed solely to facilitate the Commission’s conduct of its own meetings and proceedings. They are not intended to, and do not, create procedural or substantive rights in any person.

The Rules are subordinate to state and federal law.

RULE I. OFFICERS OF THE COMMISSION

- A. Chair. The Commission shall elect a Chair from among its members annually at the regular meeting in June. Until otherwise determined by the Commission, current Commission policy is to provide for the equitable rotation of the Chair position among members (see Resolution 99-11).

The Chair shall preside at all meetings of the Commission.

The Chair's duties shall include calling meetings to order, adjourning meetings, announcing the business before the Commission in order in which it is to be acted upon, recognizing members and non-members entitled to the floor, putting to vote all questions moved and seconded, announcing results of votes, maintaining the rules of order, executing documents on behalf of the Commission when duly approved for action, and such other powers and duties as are provided elsewhere in these Rules or delegated by the Commission. The Chair shall be entitled to exercise his or her full voting rights on all questions before the Commission and need not relinquish the chair to discuss a question before the Commission.

The Chair may appoint members of the Commission to standing and ad hoc committees of the Commission and may designate the chairs of such committees. The Chair may also appoint members of the Commission to serve as the

representative of EBDA to other groups and organizations, unless the law requires such appointments to be made by action of the full Commission.

- B. Vice-Chair. The Commission shall elect a Vice-Chair from among its members annually at the regular meeting in June.

The Vice-Chair shall perform the duties of the Chair in the Chair's absence or incapacity. In the case of a vacancy of the office of the Chair, the Vice-Chair shall succeed to that office. In the case of a vacancy of the office of the Vice-Chairperson, an election shall be held at the next regular meeting to fill the vacancy.

- C. General Manager. The General Manager's duties and authority shall be as specified in Section 7(f) of the Amended and Restated JPA.

- D. Treasurer and Auditor. The Treasurer's and Auditor's duties and authority shall be as specified in Section 7(g) of the Amended and Restated JPA.

- E. Term. The term of officers shall be for one year commencing on July 1 of each and every Fiscal Year.

RULE II. MEETINGS OF THE COMMISSION

A. Call of Meetings

1. Regular Meetings. The Commission will hold at least one regular meeting each year. The date upon which, and the hour and place at which each such regular meeting will be held, will be fixed by resolution of the Commission. The date and/or time of a particular regular meeting may be changed by the Commission as needed to accommodate scheduling conflicts, subject to the notice requirements in Rule II.B below.
2. Special Meetings. Special meetings of the Commission may be called by the Chair or by a majority of the members of the Commission¹. The notice of the meeting shall state the particular business to be conducted. The Commission may not consider other business at such meetings.
3. Emergency Meetings. The majority of the members of the Commission may call an emergency meeting in the case of an “emergency situation,” as defined in the Brown Act.

B. Notice of Meetings. A notice stating the time and place of the meeting shall be sent to each Commissioner no later than the time the agenda is required to be distributed by Rule II.C. If the date, time or place of a regular meeting is changed, notice of the change shall be sent at least 72 hours in advance of the regular meeting date or the rescheduled date, whichever is earlier, to each member and to all newspapers of general circulation and radio and television stations that have requested notice of meetings pursuant to the Brown Act.

C. Agenda of Meetings. The General Manager shall prepare the agenda of all meetings of the Commission, in consultation with the Chair.

A copy of the agenda shall be posted in a location freely accessible to the public, EBDA's website, and delivered to each member, at least 72 hours before each regular meeting and at least 24 hours before each special meeting.

A copy of the agenda, and of all documents (other than those exempt from disclosure under the Public Records Act) distributed to the members with the agenda, shall be available for public inspection at EBDA's office at least 72 hours before each regular meeting and at least 24 hours before each special meeting. A copy of the agenda and such supporting documents shall also be available for public review at the meeting.

D. Meetings Open to the Public. All meetings of the Commission shall be open and public and conducted in accordance with the Brown Act.

¹ Special meetings may be called in accordance with Government Code Section 54956; weighted voting does not apply.

E. Order of Business. The Order of Business shall generally be as follows:

Call to Order
Pledge of Allegiance
Roll Call
Public Forum
Consent Calendar
Regular Calendar
Reports
Commissioners' Comments and/or Agenda Requests
Closed Session (if any)
Adjournment

A member may request that an item be taken out of order. The Chair may take any item out of order in response to a request by a member or on his or her own initiative, subject to the right of a member to appeal.

F. Procedure.

1. Role of Chair. Authority for conduct of meetings is assigned to the Chair, who shall be responsible for timely, fair and reasonable conduct of the meeting's business. Decisions of the Chair on questions of procedure are final, except that any ruling may be appealed to a vote of the Commission.

In the event both the Chair and Vice-Chair are absent from a meeting which otherwise would constitute a quorum and a Chair pro tem was not designated by the Chair at the last regular meeting, any member may call the meeting to order and a chair pro tem may be elected by majority vote, as set forth in Section 7(c)(1) of the Amended and Restated JPA, to serve until the Chair or Vice-Chair is present. In such case, the Chair pro tem is authorized only to conduct meetings of the Commission pursuant to these Rules and is not authorized to add items the Agenda for any meeting of the Commission or exercise any other duties of the Chair or Vice-Chair of the Commission.

2. Convening the Meeting and Quorum. A majority of the full Commission (or, in the absence of a member, that member's alternate) constitutes a quorum for the conduct of business. The Chair shall be responsible for ascertaining and announcing the presence of a quorum and the due convening of the meeting. In the event a majority of the Commission is not also a majority of the commissioner and weighted voting calculations pursuant to Section 7(c)(1) of the Amended and Restated JPA, the Commission may convene and hold a meeting to receive reports and information, but it may not take action to approve any item.
3. Consent Calendar. Matters to be included on the Consent Calendar are those that are regularly presented to the Commission and are routine in

nature, such as approval of minutes. All matters on the Consent Calendar may be acted upon by a single vote. Any member may request that a matter on the Consent Calendar be removed for comment only, prior to a single vote on the entire Consent Calendar. If any member requests that a matter on the Consent Calendar be considered and acted upon separately, the matter shall be removed from the Consent Calendar. Such matters shall be separately considered immediately after approval of the remainder of the Consent Calendar, subject to the Chair's authority to take up the matter later in the meeting.

4. General Principles for Discussion or Debate. Discussion of any issue is subject to regulation by the Chair to assure adequate consideration of relevant points of view in the best interests of EBDA. The objectives of discussion are to:
 - Determine the will of the Commission.
 - Assure sufficient discussion and consideration of issues so that all pertinent points of view are considered.
 - Maintain the dignity and decorum of the meeting so that each recognized speaker's views are made known to the members and to ensure that appropriate respect is accorded all members and the public.
 - Present the consideration of business in a manner understood by all participants.
5. Motions. The Commission prefers a flexible format for meetings and does not insist that its meetings be conducted strictly in accordance with formal rules of procedure. The conduct of the Commission's meetings will be informed by Robert's Rules of Order, but the Commission will not be obligated to strictly comply with Robert's Rules.

The following rules of motion practice are to be applied as a guide to the Chair in disposition of motions. If a member believes that adequate order is not being maintained or that the procedures being followed do not allow for adequate and orderly discussion of an item, the member may raise a point of order to the Chair. If the member is not satisfied with the ruling of the Chair, the member may appeal to the full Commission.

All matters requiring Commission action must be presented in the form of a motion. In order for a vote to be taken on a motion, the motion must be seconded by another member. When a motion has been made and seconded, it shall be stated by the Chair for consideration by the Commissioners.

In general, every agenda item requiring action will be presented with a written staff report and clear recommendation; however, approval may be by motion and reflected in the minutes. In certain circumstances, statutory law requires Commission action by written resolution, such as matters related to CalPERS. Furthermore, in practice, the Commission may choose to adopt significant governing policies, such as a Reserve Policy and Procurement Policy, by written resolution. In each case, the Chair will call for a motion to adopt such action.

Under these Rules, motions should be limited to those set forth on the Chart of Motion Practice (Attachment 1). Motions on Attachment 1 are listed in order of precedence. When a motion is pending, any motion listed above it on the chart is in order, but those below it are out of order.

6. Voting. The affirmative vote of (a) three or more commissioners; and (b) greater than fifty percent of the weighted votes based on Maximum Flow Rate Capacity is required to adopt any action, except as set forth in Sections 7(c)(2) and 7(c)(3) of the Amended and Restated JPA is necessary to pass a main motion. A roll call vote shall be taken on all motions subject to weighted voting.

A roll call shall be taken on the vote on all main motions associated with an ordinance or resolution and on any other motion when requested by a member. All votes will be recorded.

The number of votes assigned to each member for purposes of weighted voting is shown on Attachment 2.

Voting related to implementation of these Rules, meeting motion practice, extension of time limit on meetings, etc., will be by a majority of the Commission and weighted voting will not apply.

7. Time Limit on Meetings. When a meeting of the Commission has lasted two and one quarter hours or more, no new item of business may be taken up for discussion or action unless the Commission votes to extend the meeting. This provision may be invoked by the Chair or any member. However, it has no effect on the validity of any action taken by the Commission unless and until it is invoked.
8. Adjournment. Upon completion of the meeting's agenda, or upon conclusion of a meeting pursuant to Rule II.G.7, the Chair shall adjourn the meeting. Adjournment may be accomplished by a motion or announcement of the Chair.
9. Minutes. The General Manager shall prepare minutes of each Commission meeting, which shall be submitted for approval at a subsequent meeting. Minutes shall record the ayes and nays on roll call votes. Minutes should not include the text of ordinances and resolutions,

which shall be maintained by the General Manager in separate volumes. Minutes are intended to be a record of Commission action and a brief summary of discussion; they should not be an exhaustive record of deliberation.

RULE III. COMMITTEES OF THE COMMISSION

- A. Standing Committees. The Commission may establish standing committees that have continuing jurisdiction over a particular subject matter, or a set meeting schedule pursuant to the Brown Act. Rules II.B, C, D, and E shall apply to all meetings of a standing committee. Until otherwise determined by the Commissions, the current policy is that the physical presence of a single Standing Committee member is sufficient to constitute a quorum (see Resolution 05-13). Standing committees may include, but shall not be limited to the following:
1. Financial Management Committee. The Financial Management Committee advises the Commission and General Manager regarding financial matters applicable to EBDA and its related budget and expenses.
 2. Operations and Maintenance Committee. The Operations and Maintenance Committee advises the Commission and General Manager on long range objectives of EBDA and the operation and maintenance of its facilities.
 3. Personnel Committee. The Personnel Committee advises the Commission and General Manager regarding personnel matters before the Commission.
 4. Regulatory Affairs Committee. The Regulatory Affairs Committee advises the Commission and General Manager on regulations and legislation at the local, State and Federal level which may affect EBDA, requirements of regulatory agencies, coordination with environmental and water quality organizations in and about San Francisco Bay, and other EBDA policy decisions.
- B. Ad Hoc Committees. The Commission, or the Chair on his or her own initiative, may establish ad hoc advisory committees to undertake special, specific or limited assignments on behalf of the Commission pursuant to the Brown Act.
- C. Committee Members and Alternates. Following the submission of each member's preference, the Chair may appoint members to standing and ad hoc committees of the Commission and may designate the chairs of such committees. Such appointments are effective on July 1 of each and every Fiscal Year. In the event of an absence of a Committee member, including the designated chair, that commissioner's agency appointed alternate will represent the Committee member, including serving as chair, if designated. In the event of a vacancy of a designated chair of a committee, the Commission Chair will designate a new committee chair.

RULE IV. COMMUNICATIONS TO THE COMMISSION

A. General. Members of the public should address comments and questions to the Chair.

1. Agenda Items. Members of the public may speak on any item on the agenda, after receiving recognition from the Chair.
2. Non-Agenda Items. Members of the public may speak on matters not on the agenda during Public Forum. The Commission will take no immediate action on matters which are not on the Agenda. Such items raised by the public may be referred to staff for review and analysis and may be reported back to the Commission at a subsequent meeting. Members and staff may also briefly respond to statements or questions made during Public Forum or take any other action permitted by law.

If a speaker refers to any document, writing, record, picture, or other exhibit, the General Manager shall request a copy so that it can be included in the record.

B. Time Limits on Public Comments. The Chair may impose time limits on each speaker.

RULE V. COMMISSIONER COMMUNICATIONS

- A. Communications with Staff. Members should endeavor to direct all questions and requests to the General Manager for delegation to staff, as needed. Members, by making a request to the General Manager, shall have access to information relative to the operations of EBDA, including but not limited to statistical information, information serving as the basis for certain actions of staff, justification for staff recommendations, etc. Members should receive any information from staff as preliminary and be cautious with the use of the information until the General Manager makes a formal recommendation for action.

- B. Communications on behalf of EBDA. Individual members have no authority and should not make any promises on behalf of the Commission or EBDA. Only the Commission may commit EBDA to an action or a policy. If a member is speaking on behalf of EBDA at another agency's public meeting, he/she should always clearly state that what he/she is saying has been approved by the Commission and not deviate from the message and/or position. If a member speaks as a private citizen at a public gathering, he/she should clearly state that he/she is doing so in an individual capacity.

- C. Communications with the Public. Commissioners may always speak with members of the public regarding EBDA matters. It is advisable to inform the General Manager as soon as practicable regarding complaints and concerns from members of the public. Only the Chair and General Manager are authorized to speak with the media regarding EBDA matters. All media requests should be directed to the General Manager.

RULE VI. SUSPENSION/AMENDMENT/REPEAL

A Rule may be suspended at any Commission meeting by a majority vote of the Commission. The Rules may be amended or repealed by a vote of the Commission.

ATTACHMENT 1

CHART OF MOTION PRACTICE

Motion	Second Required?	Debatable?	Amendable?	Vote Required*
MEETING CONDUCT (PRIVILEGED) MOTIONS				
Point of Privilege	No	No	No	None
Point of Order	No	No	No	None
To Appeal Ruling of Chair	No	Yes	No	Majority
To Recess	Yes	Yes	Yes	Majority
To Adjourn	Yes	Yes	No	Majority
DISPOSITION (SUBSIDIARY) MOTIONS				
To Withdraw a Motion	No	No	No	None
To Postpone Consideration (Table)	Yes	Yes	Yes	Majority
To Refer to Committee	Yes	Yes	Yes	Majority
To Amend	Yes	Yes	Yes	Majority
To Limit or Close Debate (Call the Question)	Yes	Yes	Yes	2/3
MAIN MOTIONS				
To Take Action; To Reconsider	Yes	Yes	Yes	Majority

* For privileged and subsidiary motions, required vote refers to those present and voting. Main motions require a majority of the full Commission, whether or not present and voting. For purposes of this motion practice, weighted voting does not apply.

ATTACHMENT 2

MEMBER AGENCY VOTES
UNDER WEIGHTED VOTING CALCULATION

<u>Name of Agency</u>	<u>No. of Votes</u>
Union	42.10
Oro Loma	19.14
Castro Valley	10.30
Hayward	14.72
San Leandro	13.74

In the event one or more Agencies adjusts its Maximum Flow Rate Capacity as set forth in Section 11 of the Amended and Restated JPA, this attachment will be recalculated pursuant the Amended and Restated JPA. After such recalculation, a revised Attachment 2 will be automatically incorporated in these Rules.

ATTACHMENT 3

COMMISSION VOTING

A. Weighted Voting:

Except as set out in B and C below, every action will be subject to two vote calculations.

- 1) A calculation of commissioner's votes where each commissioner is allocated one vote; and
- 2) A calculation of weighted votes as set forth in Attachment 2.

B. Unanimous Voting:

The following actions require unanimous approval:

- 1) Amendment of the Amended and Restated JPA;
- 2) Termination during the Term;
- 3) Approval of modifications to, or extension of, the Master Agreement between the Livermore-Amador Valley Water Management Agency ("LAVWMA") and the Authority, dated April 26, 2007;
- 4) Approval of any agreement that would result in the utilization of the Facilities to dispose of brine pursuant to Section 23(b)(1) of the Amended and Restated JPA;
- 5) Changes to the ownership of Authority Facilities; and
- 6) Approval of the Authority Policies and Procedures regarding purchasing and brine.

C. Other Actions:

For the purpose of Commission actions related to effluent violations addressed in Section 16(b) of the Amended and Restated JPA, the unanimous vote requirement will not include the violating Agency(ies) and the commissioner from the violating Agency(ies) will not be permitted a vote.

For the purpose of voting related to implementation of these Rules, meeting motion practice, extension of time limit on meetings, and other procedural actions, voting will be by a majority of the Commission and weighted voting will not apply.

ITEM NO. P7 CLOSED SESSION

The Committee may meet in closed session to discuss the following:

Public Employee Performance Evaluation (Gov. Code §54957(b)(1))

Title: General Manager

**East Bay Dischargers Authority
MEMORANDUM**

TO: East Bay Dischargers Authority Commission

FROM: Jacqueline Zipkin, General Manager

DATE: January 17, 2020

SUBJECT: GENERAL MANAGER 2019/20 PERFORMANCE PLAN SELF-ASSESSMENT

The following memo outlines accomplishments under the key performance objectives endorsed by the Commission in March 2019, highlights other initiatives on which EBDA made progress, and a breakdown of how I spent my time this year. Included at the end of the memo is a draft of FY 20/21 Performance Objectives for the Commission's consideration.

Key Objectives

1. **Complete JPA Renewal.** Amendment and extension of the EBDA JPA continues to be the most significant and consequential undertaking for EBDA this year. The new GM will build on the efforts completed to date to facilitate agreement on an updated JPA document, with a goal of final JPA approval by the agencies before January 1, 2020.

JPA Extension and Amended and Restated JPA were both executed prior to January 1, 2020.

2. **Maintain consistent NPDES Compliance.** The GM will work closely with the member agencies to continue EBDA's record of consistent permit compliance.

Maintained consistent compliance. Key accomplishments included:

- *Avoiding any compliance concerns related to bacterial contaminants – enterococcus and fecal coliform. Implemented a strategy of managing chlorine residual in close communication with Member Agencies to prevent outbreaks. Initiating Disinfection Master Plan to further optimize chlorine dosing and minimize bacterial risks.*
- *Continuing regular meetings of EBDA's lab committee.*
- *Successfully initiating a Toxicity Identification Evaluation to demonstrate that observed acute toxicity was a result of ammonia and therefore was not a violation. A new plan for acute toxicity testing was subsequently put in place to prevent future concerns.*

3. **Continue to participate in SF Bay nutrient management efforts.** Nutrient management is perhaps the most significant driver of wastewater agency decision-making over the next decade in the Bay Area. The GM will work with the EBDA

Member Agencies to continue understand and inform their strategies with respect to nutrient management. Over the past several years, the Bay Area Clean Water Agencies (BACWA) worked closely with Regional Water Board staff to come to agreement a second nutrient watershed permit, to be adopted in May 2019 at the conclusion of the current watershed permit. GM efforts over the next year will include:

- Working with the Member Agencies to continue compliance under the new permit, including implementing changes in monitoring requirements.

Transition to new monitoring requirements was successful through coordination with EBDA lab staff.

- Playing a lead role, working through BACWA, in developing the Scoping Plans for the regional study on nature-based solutions to nutrients, and the regional water recycling study.

Provided critical input to the Scoping and Evaluation Plans for both nature-based solutions and recycling. The Plans were submitted on schedule, and the Water Board provided minimal comments.

On the nature-based solutions study, I have played a critical role serving as a liaison between the BACWA team, the team working on Phase 2 of the Adaptation Atlas, and the Transforming Shorelines team (see below). These three projects are integrally linked, and ensuring they continue to complement each other and not overlap is key to effective use of funds. I have also coordinated with HASPA on their related Shoreline Master Plan.

On water recycling, I served on the planning committee for a Bay Area One Water Network workshop that brought together representatives of wastewater agencies, drinking water agencies, academics, regulators, and other stakeholders to advance water recycling in the Bay Area. Following on from this workshop, I am leading BACWA to proactively reach out to the drinking water and stormwater communities for more effective integrated planning.

- Participating in the Nutrient Management Strategy Steering Committee to drive the science efforts toward actionable information.

Through the Steering Committee, I have provided direction to ensure that the scientific work is directed toward answering management questions. We were successful in getting verbal concurrence from Water Board staff to extend the existing Watershed Permit by a year or two from its current expiration of 2024 in order to allow for completion of the current Science Plan and incorporation of the results.

- Serving as agency Project Manager for the Transforming Shorelines Project, assuming a Water Quality Improvement Fund grant is awarded by EPA. This project will include design of the next mile of horizontal levee at Oro Loma, continue research at Oro Loma's horizontal levee pilot, advance pilot

wetlands projects at San Leandro and Hayward, and build capacity for nature-based solutions among Bay Area wastewater agencies.

As noted above, I've served as an effective liaison between this project and related efforts. I also secured cooperation from East Bay Regional Park District for the first mile project.

- 4. Continue to participate in BACWA's efforts regarding potential chlorine residual Basin Plan Amendment.** BACWA is working with Regional Water Board staff on the concept of revising the chlorine residual effluent limit in the Basin Plan, which is currently 0.0 mg/L. Consistently meeting this limit as written leads to significant overdosing of sodium bisulfite by EBDA and other agencies, resulting in extra costs and extra chemicals to the Bay. The GM will work with BACWA's consultant, along with BACWA and Regional Water Board leadership to advance this effort, with an ultimate goal of an effluent limit that is protective of the Bay while not resulting in conservative overdosing of dechlor chemicals.

The approach to the Basin Plan Amendment has been confirmed with Regional Water Board staff and documents are complete. The agency approval process (Regional Water Board, State Water Board, EPA, Office of Administrative Law) is expected to run through 2020 with adoption in permit terms in 2021.

- 5. Keep EBDA Commission and agency staff up to date on regulatory issues and regional drivers.** An important role of the EBDA GM is to serve as the liaison between the member agencies and the regional wastewater community, and to provide progressive thought leadership on emerging issues and encourage innovation. The GM will engage with the Bay Area's regulators, scientists, and wastewater managers to influence policy direction in support of the EBDA agencies' goals. She will also work with the EBDA agencies to support their visions related to climate change resiliency, recycled water, energy independence, nutrient management, and other forward-looking initiatives in the context of regional drivers and opportunities. The GM will engage through BACWA and California Association of Sanitation Agencies (CASA) in tracking and influencing new regulations for the benefit of the EBDA agencies. This includes not only water quality regulations that will affect NPDES permitting, but also air quality regulations such as BAAQMD's Rule 11-18 and biosolids regulations including CalRecycle's implementation of SB 1383 on organics diversion. The GM will also assist agencies with project-specific regulatory and permitting strategy as requested.

I actively engaged in efforts to influence regulations, primarily through CASA and BACWA. I facilitated the CASA Executive Board Strategic Planning Session, served as the Chair of CASA's Air, Climate, and Energy Work Group, and participated in CASA's Regulatory Work Group. I also participated in BACWA's Permits and Recycled Water Committees in addition to serving on the BACWA Executive Board. Through this engagement, I provided comments on new regulatory proposals and met regularly with regulatory agency staff. I discussed the status of new regulations frequently with MAC members, seeking their input on wastewater sector positions. I kept the Commission informed of developments through staff reports and Regulatory Affairs Committee discussions.

Key regulatory initiatives I provided input on (in addition to nutrients and chlorine) included:

- *State Water Board Toxicity Provisions – These provisions will change the way toxicity is regulated in EBDA’s permit. We successfully secured provisions allowing reduced monitoring for agencies like EBDA with good compliance records.*
- *SB 1383 Regulations – These regulations by CalRecycle will require diversion of organic waste from landfill. The regulations have the potential to positively affect EBDA agencies by providing incentives for codigestion of organic solid waste at wastewater treatment plants, increasing the value of products derived from organic waste including digester gas. The regulations will also constrain biosolids management options by precluding use of biosolids as alternative daily cover at landfills, a practice currently employed by several EBDA Member Agencies. We were successful in getting CalRecycle to ban restrictive county ordinances on land application of biosolids.*

6. **Advance asset management.** Strategic asset management is key to efficient use of resources for maintenance and capital projects. The GM will work with EBDA and Member Agency staff to complete the update to the existing Asset Management Plan (AMP), and to effectively implement it, including using it to develop a five-year Capital Improvement Plan (CIP). Following completion of the updated AMP Update, the GM will work with the consultant to identify strategic follow-on efforts, including evaluating the balance between preventative maintenance measures and capital budgeting.

Completed AMP Update, including providing input to the JPA process. CIP is in development.

7. **Implement strategy for emergency response.** Recent natural disasters, including hurricanes and flooding in Texas and Puerto Rico, as well as fires in California closer to home, have highlighted the need for wastewater utilities to be prepared to respond to emergencies. In particular, affected agencies have emphasized the need to thoughtfully prepare documentation for FEMA so that recovery-related expenses can be reimbursed. The EBDA Commission and MAC have also encouraged focus on readiness to respond to force main breaks in the event of an earthquake. The GM will work with consultants to complete development of the Disaster Cost Recovery Plan and Transport System Seismic Reliability Plan. The GM will then work with the Commission and MAC to prioritize and implement key follow-on recommendations stemming from the Plans.

Completed Disaster Cost Recovery Plan and associated training for Member Agency staff. As an outcome of the Plan, developed FEMA compliant contracts and a plan to issue RFPs for emergency response including engineering and construction. Also incorporated Disaster Cost Recovery Plan input in relevant sections of the Amended and Restated JPA. Completed Transport System Seismic Reliability Plan, and in the process of purchasing back-up repair fittings for the transport system to maintain on the shelf in case of emergency.

8. **Manage and mentor personnel.** EBDA's small staff team is critical to ensuring success on all of the above objectives. The GM will work with each staff member to establish and meet performance goals and to mentor staff members to support them in reaching their full potential. Work this year will also include implementing a strategy for transitioning accounting services upon the current accountant's retirement.

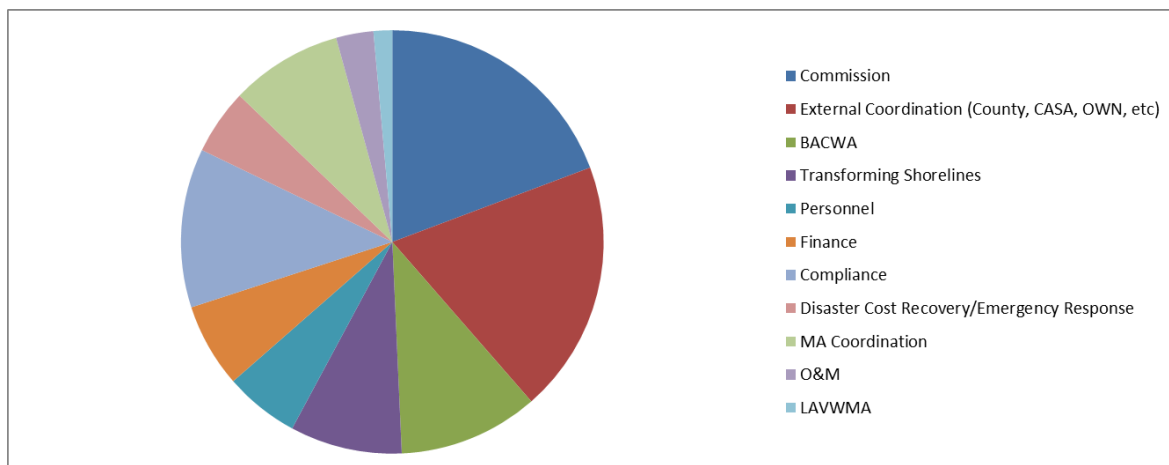
Effectively managed EBDA's small but competent staff through transitions including phasing out of Maria Buckley's service, onboarding Kalena Yambao, and coordinating with Juanita Villasenor on part time support during medical leave. Began succession planning and options analysis for accounting services as well as HR support.

Additional Highlights

- **Regular and proactive communication with MAs.** I continued to work closely with the Member Agency GMs and staff to understand and address their operational needs.
- **Positive budget performance.** EBDA completed FY2018/19 under budget by 21%. We have improved processes for account coding and expense tracking, as well as process streamlining.
- **AQPI Project.** Completed the Cooperative Agreement for the East Bay radar under the Advanced Quantitative Precipitation Information (AQPI) Project, which is now scheduled for installation in March 2020. Also completed a regional planning agreement for the next phase of work.

Time Breakdown

Aside from core activities including Commission meetings and preparation, BACWA engagement, and permit compliance, my time in 2019 was dominated by JPA negotiations. The chart below shows a breakdown of my time from mid-November 2019 through mid-January 2020, which is more representative of the likely distribution going forward.



DRAFT EBDA General Manager 2020/21 Performance Plan

Key Objectives

1. **Maintain consistent NPDES Compliance.** The GM will work closely with the member agencies to continue EBDA's record of consistent permit compliance.
2. **Develop Strategic Plan.** Work with the Commission to develop a Strategic Plan for the Authority.
3. **Develop Authority Policies.** The recently adopted JPA calls for a number of Authority policies to be revisited or developed. The GM will work with the MAC and the Commission to develop or revise policies including the following:
 - Rules of the Commission
 - Brine Policy
 - Recycled Water Policy
 - Purchasing Policy
 - Reserve Policy
 - Wet Weather Standard Operating Procedure (SOP)/Policy
 - Reimbursement Policy
 - Appeals Policy
4. **Complete LAVWMA Agreement Renewal.** The current agreement with LAVWMA is scheduled to expire on June 30, 2020. The GM will work with the MAC and the Commission to develop positions and a Term Sheet for renewal of the agreement and then will negotiate language with a goal of completing the new agreement prior to expiration.
5. **Continue to participate in SF Bay nutrient management efforts.** Nutrient management is perhaps the most significant driver of wastewater agency decision-making over the next decade in the Bay Area. The GM will work with the EBDA Member Agencies to continue understand and inform their strategies with respect to nutrient management. Over the past several years, BACWA worked closely with Regional Water Board staff to come to agreement a second nutrient watershed permit, which was adopted in 2019. GM efforts over the next year will include:
 - Playing a lead role, working through BACWA, in developing the regional study on nature-based solutions to nutrients, and the regional water recycling study.
 - Participating in the Nutrient Management Strategy Steering Committee to drive the science efforts toward actionable information.
 - Working with BACWA to begin exploration with the Regional Water Board on terms for the fourth watershed permit, including seeking written commitment to extend the term of the current permit beyond 2024 to allow time for implementation of the science plan.

- Serving as agency Project Manager for the Transforming Shorelines Project. This project, funded by an EPA Water Quality Improvement Fund grant, will include design of the full scale horizontal levee south of Oro Loma, continue research at Oro Loma's horizontal levee pilot, advance pilot wetlands projects at San Leandro and Hayward, and build capacity for nature-based solutions among Bay Area wastewater agencies. The focus for this year is selection of a consultant to support EBDA's technical efforts under the EPA grant and initiating design efforts on the full scale horizontal levee. These efforts will include extensive coordination with HASPA on its Shoreline Master Plan, as well as with East Bay Parks, who is the landowner.
6. **Continue to participate in BACWA's efforts regarding potential chlorine residual Basin Plan Amendment.** BACWA is working with Regional Water Board staff on the concept of revising the chlorine residual effluent limit in the Basin Plan, which is currently 0.0 mg/L. Consistently meeting this limit as written leads to significant overdosing of sodium bisulfite by EBDA and other agencies, resulting in extra costs and extra chemicals to the Bay. The GM will work with BACWA's consultant, along with BACWA and Regional Water Board leadership to advance this effort, with an ultimate goal of an effluent limit that is protective of the Bay while not resulting in conservative overdosing of dechlor chemicals.
 7. **Keep EBDA Commission and agency staff up to date on regulatory issues and regional drivers.** An important role of the EBDA GM is to serve as the liaison between the member agencies and the regional wastewater community, and to provide progressive thought leadership on emerging issues and encourage innovation. The GM will engage with the Bay Area's regulators, scientists, and wastewater managers to influence policy direction in support of the EBDA agencies' goals. She will also work with the EBDA agencies to support their visions related to climate change resiliency, recycled water, energy independence, nutrient management, and other forward-looking initiatives in the context of regional drivers and opportunities. The GM will engage through BACWA and CASA in tracking and influencing new regulations for the benefit of the EBDA agencies. The GM will also assist agencies with project-specific regulatory and permitting strategy as requested.
 8. **Implement strategy for emergency response.** Recent natural disasters have highlighted the need for wastewater utilities to be prepared to respond to emergencies. In particular, affected agencies have emphasized the need to thoughtfully prepare documentation for FEMA so that recovery-related expenses can be reimbursed, and as part of the JPA negotiation, the EBDA Commission encouraged focus on readiness to respond to force main breaks in the event of an earthquake. The GM will implement the recommendations in the Disaster Cost Recovery Plan and Transport System Seismic Reliability Plan. These include procuring couplings and seals to have on hand for force main repairs. Efforts will also include issuing RFPs and establishing on-call lists of contractors and engineers that have been pre-qualified and are available to assist in a

disaster. This pre-qualification procurement process is critical for FEMA reimbursement.

9. **Facilitate and Encourage Water Recycling.** Momentum has continued to build in California in support of increased water recycling. The GM will continue to facilitate and encourage water recycling by the member agencies and across the Bay Area. This includes participating in BACWA's Recycled Water Committee to stay up to date on legislation and regulations and keeping member agencies informed. It includes continued engagement in ReNUWI's Bay Area One Water Network, and in implementation of EPA's Water Reuse Action Plan. Finally, it includes working through BACWA and other venues to encourage regional collaboration between water and wastewater agencies for recycled water planning.
10. **Personnel Management and Planning.** EBDA's small staff team is critical to ensuring success on all of the above objectives. The GM will work with each staff member to establish and meet performance goals and to mentor staff members to support them in reaching their full potential. Work this year will also include developing and presenting to the Commission an updated EBDA Staffing Plan for implementation in the FY20/21 budget. This Plan will include a summary of administrative workload and associated FTE requirements, as well as a strategy for transitioning accounting services upon the current accountant's retirement.

ITEM NO. P8 RECONVENE OPEN SESSION/REPORT FROM CLOSED SESSION

The Committee Chair will report any actions taken in closed session.