



Pursuant to the Governor's Executive Order N-25-20 the Personnel Committee Meeting scheduled for May 19<sup>th</sup> at 2:30 p.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #914 0364 6880. Members of the public are encouraged to dial-in to the meeting using the same number.

**ITEM NO. 21**

**PERSONNEL COMMITTEE  
AGENDA**

**Tuesday, May 19, 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. Budget Oversight**  
(The Committee will discuss processes for oversight of staff's administration of the Authority budget.)
- P5. Fiscal Year 2020/2021 Commission Chair Rotation**  
(The Committee will discuss the rotation of the Commission Chair for FY 2020/2021.)
- P6. Committee Preference Form for Fiscal Year 2020/2021**  
(A Committee Preference form for will be provided for the Commissioners.)
- P7. Review Draft Rules of the Commission**  
(The Committee will consider and provide input on a draft of the Rules.)
- P8. Resolution Adopting the Amended Fiscal Year 2019/2020 Compensation Plan**  
(The Committee will consider a resolution amending the Compensation Plan.)
- P9. Resolution Adopting the Fiscal Year 2020/2021 Compensation Plan.**  
(The Committee will consider a resolution adopting the Compensation Plan.)
- P10. Adjournment**

Agenda Explanation  
East Bay Dischargers Authority  
Personnel Committee  
May 19, 2020

(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 [kymbao@ebda.org](mailto:kymbao@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 for July  
2020. Date & time to be determined.**

**ITEM NO. P4 BUDGET OVERSIGHT**

**Recommendation**

Provide input and direction to staff.

**Background**

At this month's meeting, the Commission will be asked to consider adoption of the Authority's Fiscal Year 2020/2021 Budget. In parallel, the Commission has been discussing potential changes to the Authority's Purchasing Policy. Specifically, the Commission has been considering whether to raise the approval authority provided to staff, which was set at \$10,000 in the 1974 Joint Powers Agreement. The Financial Management Committee recommended raising the General Manager's approval threshold to \$75,000 for expenditures included in the annual budget. Yet other Commissioners have expressed a desire for the more detailed oversight that comes with leaving a lower threshold in place.

**Discussion**

Staff is seeking input from the Personnel Committee on mechanisms, in lieu of or in addition to the purchasing threshold, by which the Commission can exert oversight of the Authority's expenditures and budget. For example, should the budget be presented with a higher level of detail? Are there mechanisms short of contract approval that could be used to ensure that the Commission is well-informed on purchases and projects? The intent of this discussion is to gather ideas that will inform future conversations on budget management, Commission oversight, and Purchasing Policy thresholds.

**ITEM NO. P5 FISCAL YEAR 2020/2021 COMMISSION CHAIR ROTATION**

**Recommendation**

Approve, by motion, the rotation of the Chair to Daniel Walters and Vice Chair to Ralph Johnson commencing July 1, 2020.

**Background**

In July 1999, the Commission approved Resolution 99-11 Establishing Policy for Commission Chair Rotation. The policy established an equitable system for rotation of the Commission Chair by agency in the following order: Union Sanitary District, Oro Loma Sanitary District, Castro Valley Sanitary District, City of San Leandro, and City of Hayward. The Vice-Chair shall be from the Agency scheduled to be the Chair in the following year. In fiscal year 2019/2020 the Chair and Vice-chair were Commissioners Pauline Russo Cutter, City of San Leandro, and Daniel Walters, Oro Loma Sanitary District, respectively.

**Discussion**

For Fiscal Year 2020/2021, if the historical rotation is followed, the Chair would be Daniel Walters, Oro Loma Sanitary District, and the Vice-chair would be Ralph Johnson, Castro Valley Sanitary District. Following approval, both officer positions will be effective July 1, 2020.

**ITEM NO. P6 COMMITTEE PREFERENCE FORM FOR FISCAL YEAR 2020/2021**

The Committee Preference form allows Commission members to indicate individual preferences for Committee assignments in FY 2020/2021. Completed forms should be emailed to [kyambao@ebda.org](mailto:kyambao@ebda.org) by Friday, May 29, 2020. The FY 2020/2021 Chairperson will consider Commissioners’ preferences and provide Committee assignments at the June 2020 Commission meeting.

- |                         |                         |
|-------------------------|-------------------------|
| 1 = highly interested   | 3 = not very interested |
| 2 = somewhat interested | 4 = not interested      |

	Financial Management Committee
	Operations and Maintenance Committee
	Personnel Committee
	Regulatory Affairs Committee

Committee meetings are generally held the week of the third Thursday of the month, though that can be modified based on the preferences of the Committee members. For the purposes of this form, please assume that week and rank your availability in the table below. If there is a different time or day that works better for you, please write that in.

- 1 = I can meet at this time  
 2 = I can meet at this time but prefer to meet at (write in time).  
 3 = I cannot meet at this time but I can meet at (write in time).

	Monday	Tuesday	Wednesday
8:00 a.m. to 9:00 a.m.			
9:00 a.m. to 10:00 a.m.			
10:00 a.m. to 11:00 a.m.			
11:00 a.m. to 12:00 p.m.			
12:00 p.m. to 1:00 p.m.			
1:00 p.m. to 2:00 p.m.			
2:00 p.m. to 3:00 p.m.			
3:00 p.m. to 4:00 p.m.			
4:00 p.m. to 5:00 p.m.			

## **ITEM NO. P7 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. The Rules of the Commission document is intended to be a high-level guidance manual for the workings of the Commission.

Draft Rules were reviewed at the Personnel Committee's March 2020 meeting, and Committee and Commission input has been incorporated in the attached draft.

### **Discussion**

Attached for the Committee's review is an updated draft of the Rules of the Commission, prepared with the assistance of the Hanson Bridgett attorneys who assisted with JPA drafting. At its March 2020 meeting, the Committee provided the following feedback, which was incorporated into the updated draft:

- Voting Protocols - The Committee recommended that all motions, including procedural motions, should be subject to the majority and weighted voting process outlined in the JPA.
- Resolutions versus Motions - The Committee supported the concept of reserving resolutions for significant policy decisions and adopting contracts and other more routine items of business by motion.

In addition, the following edits were made in response to Committee feedback:

- Minimum number of meetings per year increased from one (required minimum in the JPA) to six.
- Clarification that the Chair has discretion to pull an item from the consent calendar at the request of a member of the public.
- Noted that roll call vote shall only be taken when voice vote is not unanimous.
- Reordered the list of agencies in Attachment 2 to make it alphabetical.

**EAST BAY DISCHARGERS AUTHORITY**

**RULES OF THE COMMISSION**

DRAFT

| ~~February~~ May 2020

**EAST BAY DISCHARGERS AUTHORITY**

**RULES OF THE COMMISSION**

	<b>Page</b>
RULE I. OFFICERS OF THE COMMISSION .....	1
A. Chair.....	1
B. Vice-Chair.....	2
C. General Manager.....	2
D. Treasurer and Auditor .....	2
E. Term.....	2
RULE II. MEETINGS OF THE COMMISSION.....	3
A. Call of Meetings.....	3
1. Regular Meetings.....	3
2. Special Meetings.....	3
3. Emergency Meetings .....	3
B. Notice of Meetings.....	3
C. Agenda of Meetings.....	3
D. Meetings Open to the Public.....	3
E. Order of Business.....	4
F. Procedure .....	4
1. Role of Chair.....	4
2. Convening the Meeting and Quorum.....	4
3. Consent Calendar.....	4
4. General Principles for Discussion or Debate.....	5
5. Motions .....	5
6. Voting .....	6
7. Time Limit on Meetings .....	6
8. Adjournment .....	6
9. Minutes .....	7
RULE III. COMMITTEES OF THE COMMISSION .....	8
A. Standing Committees.....	8
1. Financial Management Committee.....	8
2. Operations and Maintenance Committee.....	8
3. Personnel Committee.....	8
4. Regulatory Affairs Committee.....	8
B. Ad Hoc Committees.....	8
C. Committee Members and Alternates .....	8
RULE IV. COMMUNICATIONS TO THE COMMISSION.....	9
A. General.....	9
1. Agenda Items .....	9
2. Non-Agenda Items .....	9
B. Time Limits on Public Comments.....	9
RULE V. COMMISSIONER COMMUNICATIONS.....	10
A. Communications with Staff.....	10
B. Communications on behalf of EBDA.....	10
C. Communications with the Public.....	10



RULE VI. SUSPENSION/AMENDMENT/REPEAL ..... 11  
ATTACHMENT 1 - Chart Of Motion Practice  
ATTACHMENT 2 - Member Agency Votes Under Weighted Voting Calculation  
ATTACHMENT 3 - Commission Voting

DRAFT

WARNING: This section retains the original formatting, including headers and footers, of the main document. If you delete the section break above this message (which is visible ONLY in Normal View), any special formatting, including headers and footers for the Table of Contents/Authorities section will be lost.

If you delete the section break above the Table of Contents/Authorities, you will overwrite the headers and footers of the main document with Table of Contents/Authorities headers and footers.

To delete the Table of Contents/Authorities, begin your selection at the section break above the TOC/TOA section and continue through the end of this message.

DRAFT

## 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.

DRAFT

## **RULE II. MEETINGS OF THE COMMISSION**

### **A. Call of Meetings**

1. **Regular Meetings.** The Commission will hold at least ~~one~~-~~six~~ regular meetings each year. The date upon which, and the hour and place at which each such regular meetings 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 Commission<sup>1</sup>. 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.

---

<sup>1</sup> 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 Commission 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. In the event a member of the public requests that a matter on the Consent Calendar be considered and acted upon separately, the Chair has full discretion to determine whether or not such 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 action~~ 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, including passing a main motion, except for unanimous or other special voting protocols 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 voice vote shall be taken first on all motions subject to weighted voting. If the voice vote is not unanimous, 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~~action 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.

DRAFT

### **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.

DRAFT

**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.

DRAFT

**ATTACHMENT 1**

**CHART OF MOTION PRACTICE**

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

**Comment [JZ1]:** Note that no motion to adjourn is necessary in the following situations (chair simply declares the meeting adjourned in these situations):

- When the hour adopted for adjournment has arrived
- The body has reached the end of the agenda and no one offers any additional business to discuss when prompted by the chair
- Emergency requiring participants to leave the meeting

\* 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. Except where noted, for purposes of this motion practice, weighted voting does not apply.

ATTACHMENT 2 -

**MEMBER AGENCY VOTES**  
**UNDER WEIGHTED VOTING CALCULATION**

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

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, **and all agencies will be informed**, 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 **of the JPA** 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. P8 RESOLUTION ADOPTING THE AMENDED FISCAL YEAR 2019/2020  
COMPENSATION PLAN**

**Recommendation**

Adopt a resolution approving revisions to the FY 2019/2020 Compensation Plan.

**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. The Plan includes discussion of the Authority's retirement plans. 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. Required contributions are different for Classic Members (enrolled before 2013) and Public Employees' Pension Reform Act or PEPRA Members (enrolled after 2013).

**Discussion**

In the Authority's FY 2019/2020 Compensation Plan, the contribution rates listed for PEPRA employees were incorrect. This was the first year that the Authority employed any PEPRA Members. Staff recommends deleting the specific rates to correct this error and readopting the Plan.

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

<b>MONTHLY SALARY RANGE</b>					
	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
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

<b>SUMMARY OF BENEFITS</b>	
<b>Benefit</b>	<b>EBDA Provided Portion</b>
Medicare Tax	Employer contribution only, 1.45% of monthly salary.
P.E.R.S. Classic Member <sup>1</sup> (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 <sup>2</sup> (2% @ 62 Formula; 3 years final compensation)	<del>Authority shall contribute the required Employer contribution of 6.555% of payroll and the employee shall contribute 6.250% per payroll period.</del> -Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. New Member <sup>2</sup> 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  
 May 19, 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.

<sup>1</sup> 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.

<sup>2</sup> 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 COMMISSION**  
EAST BAY DISCHARGERS AUTHORITY  
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-12

INTRODUCED BY \_\_\_\_\_

**RESOLUTION ADOPTING THE AMENDED  
FISCAL YEAR 2019/2020 COMPENSATION PLAN**

**WHEREAS**, the East Bay Dischargers Authority Personnel Policy provides that annually, prior to the beginning of the fiscal year, a Compensation Plan shall be presented to the Commission; and

**WHEREAS**, the FY 2019/2020 Compensation Plan was adopted in June 2019 under Resolution 19-27; and

**WHEREAS**, staff identified an error in the required pension contribution rates listed in the adopted FY 2019/2020 Compensation Plan; and

**WHEREAS**, the Authority's policy is to pay 100% of the required employer contribution and to require the employee to pay 100% of the required employee contribution to employee's pension plans, noting that those required rates may change from time to time; and

**WHEREAS**, staff recommends, and the Personnel Committee supports removing specific contribution levels from the plan; and

**WHEREAS**, the Personnel Committee reviewed the Amended Compensation Plan and recommends its adoption, effective retroactive to July 1, 2019.

**NOW, THEREFORE, BE IT RESOLVED**, the Commission of the East Bay Dischargers Authority hereby adopts the Amended FY 2019/2020 Compensation Plan attached hereto.

**SAN LORENZO, CALIFORNIA, MAY 21, 2020, ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
**CHAIR**  
**EAST BAY DISCHARGERS COMMISSION**

**ATTEST:** \_\_\_\_\_  
**GENERAL MANAGER**  
**EAST BAY DISCHARGERS AUTHORITY**  
**EX OFFICIO SECRETARY**

**ITEM NO. P9 RESOLUTION ADOPTING THE FISCAL YEAR 2020/2021  
COMPENSATION PLAN**

**Recommendation**

Adopt a resolution approving the FY 2020/2021 Compensation Plan.

**Background**

Each year, the Authority adopts a Compensation Plan that lays out the compensation package for employees, including salaries and benefits.

**Discussion**

For the FY 2020/2021 Compensation Plan, staff is recommending the following updates, which were reviewed with the Personnel Committee at its March 2020 meeting:

- **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 December to December Consumer Price Index (CPI) for the San Francisco Bay Area. The Authority's Personnel Policy, last amended in January 2020, states the following under Compensation Plan:

In preparing the tentative plan, the General Manager shall take into consideration class-by-class salary comparisons with Member Agencies and other comparable agencies to be designated by the Personnel Committee and across-the-board compensation adjustments received by Member Agencies since the last EBDA adjustment. Appropriate consideration shall be given to adjustments of the cost of living as measured by the National Consumer Price Index Pacific Cities, the base figure for comparison shall be the SF-Oakland-SJ city for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. The approved salary adjustments shall be applied to all of the classifications, effective the following July 1, to the current salary of each employee on that date and the salary ranges for each classification shall be adjusted a like amount by adoption of an amended Compensation Plan.

The most recent December to December CPI is 2.5%, which is reflected in the budget presented in Item No. FM10 and the proposed FY 2020/2021 Compensation Plan. Member Agencies' COLA projections at the time of writing are as follows:

- CVSan – No COLA due to COVID-19-based economic concerns
- Hayward – Executive staff are foregoing a planned 2.5% COLA due to COVID-19-based economic concerns. Negotiations with bargaining groups are underway
- Oro Loma – COLA based on CPI to be reported mid-May
- San Leandro – Negotiations ongoing, resolution expected in June

Agenda Explanation  
East Bay Dischargers Authority  
Personnel Committee  
May 19, 2020

- USD – COLA based on CPI to be reported in December. Increases for unclassified staff are set by the Board and based on merit.
  
- **Clarifying CalPERS Rates:** To prevent the potential for mistakes on the CalPERS rates as happened last year (See Item No. P7), staff proposes to refer simply to the Employer Normal Cost Rate. The FY 2020/2021 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%.

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

<b>MONTHLY SALARY RANGE</b>					
	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
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

<b>SUMMARY OF BENEFITS</b>	
<b>Benefit</b>	<b>EBDA Provided Portion</b>
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 <sup>1</sup> shall contribute 100% of the plan's Employee Contribution Rate.
CalPERS PEPPRA 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 <sup>2</sup> shall contribute 100% of 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.

Agenda Explanation  
 East Bay Dischargers Authority  
 Personnel Committee  
 May 19, 2020

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.

<b>MISCELLANEOUS</b>	
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.

<sup>1</sup> 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.

<sup>2</sup> 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 COMMISSION**  
EAST BAY DISCHARGERS AUTHORITY  
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 20-13

INTRODUCED BY \_\_\_\_\_

**RESOLUTION ADOPTING THE  
FISCAL YEAR 2020/2021 COMPENSATION PLAN**

**WHEREAS**, the East Bay Dischargers Authority Personnel Policy provides that annually, prior to the beginning of the fiscal year, a Compensation Plan shall be presented to the Commission; and

**WHEREAS**, the FY 2020/2021 Compensation Plan, prepared in consideration of salary comparisons with member agencies and changes to the San Francisco-Oakland Consumer Price Index, provides a 2.5% cost-of-living adjustment for all classifications listed in the Compensation Plan; and

**WHEREAS**, the Authority's policy is to pay 100% of the required employer contribution and to require the employee to pay 100% of the required employee contribution to employee's pension plans, noting that those required rates may change from time to time; and

**WHEREAS**, staff recommends, and the Personnel Committee supports, removing specific required pension contribution levels from the Compensation Plan and instead stating that the Authority will pay 100% of the required Employer Normal Cost Rate and the Employee will pay 100% of the Employee Contribution Rate; and

**WHEREAS**, the Personnel Committee reviewed the Compensation Plan and recommends its adoption effective July 1, 2020.

**NOW, THEREFORE, BE IT RESOLVED**, the Commission of the East Bay Dischargers Authority hereby adopts the FY 2020/2021 Compensation Plan attached hereto.

**SAN LORENZO, CALIFORNIA, MAY 21, 2020, ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
**CHAIR**  
**EAST BAY DISCHARGERS COMMISSION**

**ATTEST:** \_\_\_\_\_  
**GENERAL MANAGER**  
**EAST BAY DISCHARGERS AUTHORITY**  
**EX OFFICIO SECRETARY**