



EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
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*A Joint Powers Public Agency*

Pursuant to the Governor's Executive Order N-25-20 the Personnel Committee Meeting scheduled for August 17<sup>th</sup> at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #886 8335 2750. Members of the public are encouraged to dial-in to the meeting using the same number. <https://us02web.zoom.us/j/88683352750>

## **ITEM NO. 15**

### **PERSONNEL COMMITTEE AGENDA**

**Monday, August 17, 2020  
9:00 a.m.**

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

**Committee Members: Lamnin (Chair), Toy**

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Biennial Review of the Authority's Conflict of Interest Code**  
(The Committee will review the conflict of interest code.)
- P5. Review of Authority Accomplishments for FY 2019/2020**  
(The Committee will review a summary of staff accomplishments.)
- P6. Review of Draft Personnel Policy Revisions**  
(The Committee will review proposed revisions to the Policy.)
- P7. 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](mailto: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 will be held  
Monday, October 12, 2020 at 9:00 a.m.**

**ITEM NO. P4 BIENNIAL REVIEW OF THE AUTHORITY'S CONFLICT OF INTEREST CODE**

**Recommendation:**

For the Committee's review only, no action needed.

**Background**

The Political Reform Act requires every local government agency to review its Conflict of Interest Code (Code) for accuracy biennially and to notify the County Board of Supervisors whether it does or does not need to be amended. The Biennial Notice must be submitted to the County Board of Supervisors no later than October 1, 2020.

**Discussion**

Updates to the Authority's Code were approved by the Alameda County Board of Supervisors on November 22, 2016. Since the 2016 review, EBDA has not had any changes to its organizational structure. EBDA's legal counsel has reviewed and determined that no changes are needed from a legal perspective. Therefore, staff advises that no amendment is required during this review period. The current code is attached for reference.

## CONFLICT OF INTEREST CODE

### OF EAST BAY DISCHARGERS AUTHORITY OF ALAMEDA COUNTY

**SECTION 1. Purpose.** Pursuant to the provisions of Government Code sections 87300 *et seq.*, EAST BAY DISCHARGERS AUTHORITY OF ALAMEDA COUNTY (the “EBDA”) hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the California Political Reform Act of 1974.

**SECTION 2. Incorporation of Regulation.**

The California Fair Political Practices Commission adopted a regulation (Title 2 California Code of Regulations section 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency’s code. Therefore, the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the California Fair Political Practices Commission are hereby incorporated herein by this reference. The provisions of Title 2 California Code of Regulations section 18730 and the provisions below, designating officials and employees and establishing disclosure categories, along with the applicable sections of the California Political Reform Act, shall constitute the Conflict of Interest Code of EBDA.

**SECTION 3. Designated Positions and Disclosure Categories.** The positions listed in this Section 3 are designated positions. Officers and employees holding these positions are designated public officials, and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on an economic interest of the designated public official. Each designated public official shall file an annual statement disclosing that public official’s interests in investments, interests in real property, and business positions held or received during the previous calendar year, as required by the disclosure category applicable to that public official.

<u>Designated Position</u>	<u>Category</u>
Commission Member	1
General Manager	1
Treasurer/Controller	2
Consultant	3

**Category 1:** Persons in this category shall disclose all of the following interests: investments, interests in real property within EBDA’s jurisdiction\*, business positions held or received during the previous calendar year and income—including loans, gifts and travel payments—from all sources.

**Disclosure Category 2:** Persons in this category shall disclose all of the following interests: investments, business positions held or received during the previous calendar year, interests in real property within EBDA’s jurisdiction\*, and income—including loans, gifts and travel payments—from all sources.

**Consultant Disclosure Category 3:** Consultants shall disclose all of the interests required to be disclosed pursuant to Disclosure Category 1, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

\*EBDA’s jurisdiction is Alameda County. For the purposes of this Conflict of Interest Code, an interest in real property is located within the jurisdiction of EBDA if any part of the property is located in, or within two miles of, the County, or if the property is located within two miles of any land owned or used by EBDA.

#### **SECTION 4. Place, Manner and Time of Filing.**

(a) All designated public officials shall file statements of economic interests with the EBDA’s Administrative Assistant. Upon receipt of the statements, the Administrative Assistant shall make and retain a copy and forward the original of the statements to the Alameda County Clerk of the Board of Supervisors. Statements of Economic Interests are public records available for public inspection.

(b) All designated public officials shall comply with the provisions of Title 2 California Code of Regulations section 18730 along with the applicable sections of the California Political Reform Act, (and as that section may be amended), which contains detailed instructions regarding the scope and types of interests to be reported as well as the manner of reporting them. The regulation can be found online at:  
<http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>.

(c) Within 30 days after the effective date of this Code, all designated public officials shall submit an initial statement disclosing all reportable investments, business positions held or received during the previous calendar year, interests in real property, and income received during the 12 months before the effective date of this Code.

(d) Employees assuming any designated position shall submit an initial statement disclosing all reportable investments, business positions held on the date of assuming

office, interests in real property, and income received during the 12 months before assuming office, within 30 days of assuming said designated position.

(e) Employees leaving any designated position shall submit an initial statement disclosing all reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office, within 30 days of leaving said designated position.

(f) All designated public officials shall submit an annual statement. Such statements shall cover the period of the preceding calendar year. Annual statements shall be filed no later than April 1 following the end of the preceding calendar year.

**SECTION 5. Disqualification.** Designated public officials must disqualify themselves from making, participating in the making, or in any way attempting to use his or her official position to influence the making of any governmental decision which he or she knows or has a reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on any reportable interest of the public official as defined in Title 2 California Code of Regulations section 18730(b)(9).

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## **ITEM NO. P5 REVIEW OF AUTHORITY ACCOMPLISHMENTS FOR FY 2019/2020**

### **Recommendation**

For the Committee's review only, no action needed.

### **Background**

The end of the Fiscal Year presents an opportunity to take inventory of key accomplishments for the Authority.

### **Discussion**

Later this year, the MAC and Commission will undertake a strategic planning exercise for the Authority to map out priorities now that the new JPA is complete. Following that exercise, staff anticipates reporting annually (or more frequently if desired) on progress and accomplishments against strategic initiatives and goals. In the interim, staff is presenting here a broad summary of accomplishments for the fiscal year.

Staff notes the following milestones and accomplishments for FY 2019/2020:

- Joint Powers Agreement (JPA) – JPA Extension and Amended and Restated JPA were both executed prior to January 1, 2020.
- COVID-19 Response – Through teamwork and flexibility, staff has risen to the challenges of conducting business during the COVID-19 pandemic. Staff work from home and adjust their schedules to maintain social distancing and accomplish daily tasks.
- Compliance – Continued compliance with permit bacterial indicators through proactively managing chlorine residual, in close communication with Member Agencies. Also, timely and thorough response to overflow events in May decreased the Authority's exposure to fines resulting from non-compliance.
- Shoreline Resilience – Signed a \$650,000 funding agreement with the Association of Bay Area Governments (ABAG) for grant support to design and permit a horizontal levee project at Oro Loma Marsh and study nature-based treatment systems at Hayward.
- Chlorine Residual Basin Plan Amendment – Working with the Regional Water Board through the Bay Area Clean Water Agencies, completed planning documents and initiated the formal process to remove the 0.0 mg/L chlorine residual limit from the Basin Plan, which will result in significant dechlorination savings.
- Cargill Project – Negotiated a Term Sheet with Cargill, Inc. for a brine disposal project that is expected to generate \$5 million in capacity revenue and an additional \$1.4 million in annual flow-based charges for the Authority.
- Completed the following capital projects:
  - OLEPS Redundant Emergency Power Project and OLEPS Flow Improvement Project (new effluent valves on Pumps #1 & 4) – These projects were critical to improving reliability at OLEPS and preventing potential overflows under emergency conditions.
  - SCADA System Upgrade: This project modernized the Authority's SCADA system, improving its reliability and security.

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- HEPS MCC Project: This project, which is 99.99% complete, was the largest project undertaken by the Authority in a decade, and it significantly improved the HEPS facility, beyond just the MCC.
- Admin Building Window and Dry Rot Upgrades: The Authority is responsible for providing a safe and healthy workplace. Repairing the dry rot in the managers' offices ensures a healthy workplace for staff. The addition of sliding windows improved the circulation and outdoor airflow in the building, consistent with CDC recommendations for a safer work space in response to COVID-19.
- Completion of numerous smaller projects such as pump rebuilds/replacements, equipment upgrades and safety improvements.
- Cyber Security Upgrade – Developed and implemented a Cyber Security Plan, resulting in significant improvements including real-time monitoring and upgraded network equipment.
- Underground Service Alerts (USAs) – Updated EBDA's USA Polygons resulting in reduced USA tickets, staff time, and fees:

Year	2016/2017	2017/2018	2018/2019	2019/2020
USA Fees	\$828.13	\$680.07	\$848.52	\$256.50
Average Tickets/Month			90.7	28.9

- Emergency Preparedness – Completed Disaster Cost Recovery Plan, which better prepares the Authority for FEMA reimbursement in the event of a disaster. Also, WEKO-Seals & Sleeves were delivered in June, and a 60-Inch Encapsulating Repair Coupling is on order. These parts will enable EBDA to quickly repair the Force Main following an earthquake.
- Optimized operations, resulting in cost reductions that offset labor cost increases (exemplified in the table below):

**CSL Labor Costs**

	SLEPS	MDF	CSL FM	Labor Increase
FY 15/16	\$ 51,661.73	\$ 157,677.70	\$ 157,222.83	7/1/15 – 6% 1/1/16 – 6%
FY 16/17	\$ 62,779.23	\$ 177,092.72	\$ 172,916.88	1/1/17 – 6%
FY 17/18	\$ 50,414.51	\$ 117,293.05	\$ 155,835.58	1/1/18 – 6%
FY 18/19	\$ 54,455.14	\$ 114,742.45	\$ 136,984.18	1/1/19 – 6%
FY 19/20	\$ 54,518.49	\$ 117,087.16	\$ 124,078.59	1/1/20 – 6%

- Website – Staff collaborated with Computer Courage to redesign and launch the Authority's website. This was long overdue, as the website was running on outdated programming.
- Policy Updates – Staff continues to work with the Commission to update the Authority's finance and other policies.
- ADP Payroll Conversion – In October 2019, the conversion to ADP from Wells Fargo's payroll system was completed. Staff worked with ADP to ensure that the various payroll and benefit programs were set up correctly. Staff also integrated ADP's systems with the

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Authority's accounting software and general ledger. The effort was more complex and time-consuming than originally anticipated.

- Financial Edge Purchase Order Module – The implementation of the Financial Edge purchase order module improves efficiency. Previously, purchase orders were generated, tracked and logged in various computer applications.
- Wells Fargo Bank Treasury Services – Account conversion and implementation of Treasury Management services including fraud prevention services took place in the last quarter of FY2020. The value of Positive Pay was realized on July 17, when a fraudulent check was presented to Wells Fargo in the amount of \$4,855.86. The Authority did not incur the loss with the fraud manager services in place.
- Closure of Construction Fund – The Transfer of the Fund 41 Capital Projects Fund Net Position @ June 30, 2020, to the Fund 31, Renewal and Replacement Fund including necessary general ledger entries required to accomplish the fund's closure, tied up a loose end in the Authority's accounting that had long been needed.
- Financial Audit – EBDA received another successful Unmodified Audit opinion of the Authority's Financial Statements by our auditors, Maze & Associates.



## **ITEM NO. P6 REVIEW OF DRAFT PERSONNEL POLICY REVISIONS**

### **Recommendation**

Review proposed changes and provide feedback to staff.

### **Background**

The Authority's Personnel Policy was last revised in January 2020. Prior to that, tweaks were made in August 2019 and October 2018. In reviewing the Compensation Plan for Fiscal Year 2020/2021, the Commission directed staff to make revisions to the Personnel Policy to clarify the process for determining the cost-of-living-adjustment (COLA). Upon reviewing the Personnel Policy, staff determined that a more comprehensive set of updates to the Policy was warranted.

### **Discussion**

In this review of the Personnel Policy, staff updated various sections to reflect current laws and regulations. In addition to minor formatting and grammatical changes, redundant language was removed. A clean and a redlined copy are attached. The following items were addressed, and where needed, changes were made to reflect current practices:

- Gender-specific pronouns were replaced with neutral terminology
- The Compensation Plan section was revised to include the Personnel Committee's COLA recommendation of using the consumer price index (CPI) with a floor and ceiling
- The Appointments section was updated to reflect current laws
- Employment statuses were clarified, including benefit eligibility
- Hours of work were updated to be more in-line with Member Agencies, to address varying schedules, and to clearly define overtime
- Leaves and Vacations – Updates to this section include stating which employment statuses are eligible to receive leave benefits
- Anti-Harassment Policy was updated to reflect that as of January 1, 2020, Government Code 12950.1 requires that all employees receive anti-harassment training
- Lactation Accommodation Policy was added in compliance with SB 142