



NOTICE: Pursuant to the Governor's Executive Orders N-25-20 and N-29-20, the Personnel Committee meeting scheduled below will be accessible via Zoom video conferencing. Members of the public may participate in the meeting through the Zoom platform or phone number below.

- Zoom link: <https://us02web.zoom.us/j/85741391377>
- Telephone dial-in: 1(669) 900-6833, meeting ID #857 4139 1377

ITEM NO. 16

PERSONNEL COMMITTEE AGENDA

**Friday, February 12, 2021
10:30 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. Draft Classification Plan**
(The Committee will review the draft plan and associated staffing recommendations.)
- P5. FY 2021/2022 Budget Assumptions for Wages and Benefits**
(The Committee will review proposed recommendations.)
- P6. Review of the Commission Chair Rotation Policy**
(The Committee will review the policy.)
- P7. Closed Session**
(The Committee may meet in closed session pursuant to Government Code §54957(b)(1) to consider the General Manager's performance evaluation.)
- P8. Reconvene Open 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

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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 juanita@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, April 12, 2021 at 9:00 a.m.**

ITEM NO. P4 DRAFT CLASSIFICATION PLAN

Recommendation

Review draft Classification Plan and proposed staffing recommendations and provide feedback to staff.

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 and a half 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.

As part of the FY 2020/2021 budget, the Commission authorized a temporary part-time Administrative Assistant position. Consistent with staff's recommendation, that position was discontinued at the end of December 2020. At the Committee's November 2020 meeting, the Committee supported staff's recommendation to develop a new Classification Plan that reclassifies the Administrative Assistant position to better characterize current duties. The new Classification Plan would also create a new part-time entry-level administrative position to provide support for the administrative and accounting functions.

Discussion

A draft Classification Plan is attached for the Committee's review and discussion. Staff has made minor tweaks to the General Manager and Operations and Maintenance Manager position descriptions, e.g., changing the General Manager's duty from negotiating to implementing the Joint Powers Agreement.

Substantive changes to the position descriptions are in the administrative classes. Staff is recommending reclassifying the Administrative Assistant position as Administration Manager. The position retains the higher-level work associated with Clerk of the Commission functions as well as HR and administration, and continued support for the finance function. Staff further recommends adding an Administrative Technician position to support the Administration Manager and the contract accountant. This would be a lower-level administrative position directed by the Administration Manager.

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Reclassifying the current Administrative Assistant and adding an Administrative Technician meets several Authority needs:

- Frees current personnel up to focus on higher-level functions.
- Provides an opportunity for cross-training so that single individuals do not have all the Authority's knowledge of admin and accounting functions, thus reducing risk.
- Provides sufficient manpower to ensure that a backlog of administrative tasks does not accumulate.
- Creates opportunities for succession planning.

Salary data for similar positions at other special districts is presented below, including recommendations for the proposed positions. The Administrative Manager proposed salary represents a 7% increase from the current Administrative Assistant position salary. When agreed upon, the salary ranges for the new positions would be adopted into the Authority's Compensation Plan.

Position	Agency	Monthly Range
Director of Admin Services	Carpinteria SD	9,875 – 12,003
Director of Admin Services	Novato SD	11,034 – 13,412
Administrative Services Manager	OLSD	10,636 – 14,253
Director of Admin Services	CASA Survey (small agencies)	8,546 – 9,610
Administrative Manager - proposed	EBDA	7,933 – 9,644
Administrative Assistant	CVSan	5,986 – 7,276
Executive Assistant	CSDA Survey (median)	5,765 – 7,570
Administrative Technician	CVSan	5,423 – 6,592
Administrative Assistant - current	EBDA	7,415 – 9,013
Administrative Technician - proposed	EBDA	4,893 – 5,947
Administrative Assistant	CSDA Survey (median)	3,839 – 5,292
Administrative Support Specialist	OLSD	4,893 – 6,558
Analyst	Tam CSD	6,067 – 7,280
Accounting Technician I	USD	6,370 – 7,743
Administrative Specialist I	USD	6,226 – 7,568

Staff is recommending that the Administrative Technician be hired as a part-time position at the start. That will enable the Authority to continue to assess workload without committing to funding a full-time regular employee. Relative to the 1.5 FTE for the Administrative Assistant position included in the FY 2020/2021 budget, funding 1 FTE at the new Administrative Manager rate and 0.5 FTE at the proposed Administrative Technician rate results in a slight overall savings for the Authority.

If there is support for the new part-time position, funds could be moved from the Special Projects contingency to the Operations and Maintenance budget to support filling the position in Q4 of this fiscal year. The agreed-upon staffing approach would also be integrated into the FY 2021/2022 budget.

**EAST BAY DISCHARGERS AUTHORITY
COMPENSATION PLAN**

Last updated: February 10, 2021

Per the Authority's adopted Personnel Policy:

The Classification Plan shall have written class specifications, which shall include concise descriptive titles, physical requirements and working conditions as required by the Americans with Disabilities Act, general descriptions of the essential duties and responsibilities of the class including job definitions, and statements of the required and desirable qualifications.

Each class specification outlines the main characteristics and qualification requirements of positions allocated to the class and gives examples of duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind or character or of lesser skills. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment as an aid in the preparation of competitive examination, and for use in determining the relative value of positions in one class with positions in other classes. Such personal characteristics as honesty, sobriety and industry are deemed to be included in all class requirements and need not be specifically mentioned.

CLASS TITLE: GENERAL MANAGER

BASIC FUNCTION: Under general policy direction, plans, organizes, coordinates and directs the operations and programs of the East Bay Dischargers Authority.

DISTINGUISHING CHARACTERISTICS: This class is responsible for the overall management of the Authority under the policy direction of the Commission.

REPRESENTATIVE DUTIES:

(It is important to note that the duties listed below are “representative only” and are not intended to cover the full range or scope of duties in this class.)

1. Coordinates member agency implementation of the Joint Powers Agreement.
2. Ensures that the Authority’s wastewater discharge meets prescribed water quality standards and reporting requirements established by the Regional Water Quality Control Board and the Environmental Protection Agency.
3. Prepares monthly, quarterly, and annual National Pollutant Discharge Elimination System (NPDES) reports for the Regional Water Quality Control Board and the Environmental Protection Agency.
4. Plans, coordinates, and directs the work of Authority staff.
5. Prepares agendas and minutes for the Commission committees and regular Commission meetings.
6. Serves as Treasurer for the Authority. Prepares the annual budget and maintains expenditures within allocated limits as approved by the Commission.
7. Reviews and approves all plans, specifications, and contract documents for construction and Authority-wide maintenance projects.
8. Reviews, monitors, and comments on water quality standards, regulations and related information that impacts the Authority and its member agencies.
9. Disseminates information to the Commission and member agency managers on regulatory requirements and other information critical to the effective and efficient operation of the Authority.
10. Serves on various boards and committees of professional organizations and associations, and keeps informed on legal, technical, legislative and administrative trends in the field of wastewater treatment and discharge requirements.

11. Represents the Commission in dealings with the public, member agencies, state and federal regulatory agencies, and professional organizations and associations.
12. Drafts, distributes and reviews responses to RFPs for Authority construction, maintenance, and services, and selects or recommends selection of contractors to the Commission.
13. Enforces all safety regulations and policies.
14. Trains, develops and evaluates subordinate staff.
15. Develops plans for future operation, capital asset replacements, and other projected needs of the Authority.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF:

Public administration including supervision, budget preparation and personnel; wastewater sampling techniques and mathematical and statistical analysis; pipeline design, chemical and bacteriological characteristics of industrial and domestic water and wastewater; pertinent health rules, regulations, and laws affecting treatment and discharge of wastewater; wastewater treatment plant operations and the treatment process; safety practices and requirements.

ABILITY TO:

Analyze, evaluate, develop coordinate and direct Authority programs, projects and operations; plan, coordinate, evaluate and direct the work of others; establish and maintain effective working relationships with others; read and interpret construction plans and blueprints; maintain records and prepare reports; communicate effectively both verbally and in writing.

EDUCATION AND EXPERIENCE:

Any combination equivalent to:

- 1) Possession of a baccalaureate degree from an accredited college or university with a major in Science or Engineering.
- 2) A minimum of five years of supervisory experience in the administration, operation and maintenance of wastewater systems.

LICENSES: Possession of a valid California Motor Vehicle Operator's License. Grade V Operators Certificate or Professional Engineering license a plus.

WORK DIRECTION, LEAD AND MANAGERIAL RESPONSIBILITIES: This class

reports to and receives policy direction from the East Bay Dischargers Authority Commission. Responsibilities include the management of the operation, maintenance and repair of the Authority's wastewater collection, treatment and discharge systems.

PHYSICAL EFFORT: Normal office environment.

CONTACTS: Commission and committee members; members of the public; co-workers; member agency managers and staff; other wastewater system agencies managers and staff; contractors, governmental regulatory agencies; environmental interest groups

WORKING CONDITIONS: Normal office environment.

NOTE: THIS CLASS IS EXEMPT UNDER FLSA PROVISIONS

DRAFT

CLASS TITLE: OPERATIONS AND MAINTENANCE MANAGER

BASIC FUNCTION: Under general direction, is responsible for the operation and maintenance of a regional wastewater treatment and discharge system that includes four pump stations, dechlorination facility, radio/computer monitoring and control system, and force main and outfall to San Francisco Bay.

DISTINGUISHING CHARACTERISTICS: This position has primary responsibility for the operation and maintenance of EBDA facilities. This class is distinguished from member agency Wastewater Treatment Plant Superintendents and related positions by its overall responsibility for the efficient and effective operation of the entire system, and the requirement to be available to monitor the system and respond to emergencies that can occur at any time.

REPRESENTATIVE DUTIES:

(It is important to note that the duties listed below are “representative only” and are not intended to cover the full range or scope of duties in this class.)

1. Ensures that the wastewater system meets the standards and regulatory reporting requirements established by the Regional Water Quality Control Board and EPA and further operates as required under the National Pollutant Discharge Elimination System permit.
2. Develops and implements preventative maintenance programs for wastewater systems. Evaluates performance of pumps, motors, control systems, and chlorination and dechlorination, and schedules operations to minimize power consumption and costs. Tracks and optimizes chemical usage.
3. Oversees and directs SCADA electrical and instrumentation.
4. Develops, tracks, and implements EBDA’s asset management program.
5. Plans and coordinates the work on Authority construction and maintenance projects.
6. Analyzes data, makes recommendations, and prepares a variety of reports for submission to the General Manager, Commission and state and federal regulatory agencies, including Bay Area Air Quality Management District and Alameda County Health Department.
7. Coordinates with EBDA and LAVWMA member agencies to actively manage joint facilities during wet-weather events.

8. Negotiates contracts with and oversees the work of engineering consultants and contractors.
9. Oversees and coordinates the operations and maintenance activities of member agencies, and meets regularly with their plant superintendents to coordinate EBDA activities.
10. Reports status of EBDA system monthly to the EBDA Commission and managers.
11. Enforces all safety regulations and policies.
12. Assists in the preparation of the annual budget, and monitors operations and maintenance costs.
13. Responds to Underground Service Alert notices when EBDA facilities are impacted.
14. Trains, develops, and evaluates subordinate or contractor staff as necessary.
15. Performs related duties as may be assigned.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF: The methods, materials and equipment used in the installation, maintenance, and repair of wastewater treatment systems, wastewater treatment plant operations and the treatment process; safety practices and requirements; budget preparation and personnel administration; wastewater sampling techniques and statistical analysis; chemical and bacteriological characteristics of wastewater; pertinent rules, regulations, and laws affecting treatment and disposal of wastewater.

ABILITY TO: Plan, coordinate and direct the work of others; establish and maintain effective working relationships; maintain good public relations; read and interpret construction plans and blueprints; maintain records and prepare reports; identify and describe material resources required for system repairs; establish and implement effective preventive maintenance programs; oversee the maintenance and repair of electrical control systems, SCADA systems, and mechanical equipment including pumps and motors; and ability to communicate written and oral material for public and technical oversight.

EDUCATION AND EXPERIENCE:

Any combination equivalent to: 1) Possession of a baccalaureate degree in Civil or Mechanical Engineering or closely related field and 2) Five years of experience in the operation and maintenance of water or wastewater treatment

facilities (two years supervisory experience desirable), or an acceptable combination of the above education and experience.

Substitution: Additional qualifying experience can be substituted for the required education on a year for year basis; a minimum of two years of college is required.

LICENSES:

- 1) Possession of a Valid California Class C Motor Vehicle Operator's License.
- 2) Grade III WTPO Certification from SWRCB (preferred).

WORK DIRECTION, LEAD AND SUPERVISORY RESPONSIBILITIES: The Operations and Maintenance Manager reports to and receives work direction from the General Manager. Responsibilities include coordinating and overseeing the work of member agency employees, temporary workers and contractors engaged in the operation, maintenance and repair of the Authority's wastewater treatment systems.

PHYSICAL EFFORT: May perform physically demanding manual work including lifting, pushing or pulling heavy objects; shoveling, climbing, standing and walking for sustained periods of time; and operating, repairing and maintaining water supply and wastewater plant equipment such as pumps, motors and other mechanical equipment.

CONTACTS: Commissioners, co-workers, members of the public, member agency staff, contractors and governmental regulatory agencies' staff.

WORKING CONDITIONS: Subject to adverse weather conditions, toxic agents, and hazards associated with the operation and maintenance of wastewater plant equipment and chemicals.

NOTE: THIS CLASS IS EXEMPT UNDER FLSA PROVISIONS.

CLASS TITLE: ADMINISTRATION MANAGER

BASIC FUNCTION: Under general direction, performs professional and technical administrative duties and responsibilities in human resources, payroll, records management, purchasing, and accounting, and provides secretarial services to the General Manager and the Authority Commission.

DISTINGUISHING CHARACTERISTICS: This class is distinguished by its responsibility for the office management and related administrative activities of the Authority under policy guidelines established by the General Manager and the Commission.

REPRESENTATIVE DUTIES:

(It is important to note that the duties listed below are "representative only" and are not intended to cover the full range or scope of duties in this class.)

1. Performs a wide variety of administrative and secretarial duties, and assists the General Manager and Operations and Maintenance Manager in the conduct of the Authority's business operations.
2. As Clerk of the Commission, assists in the preparation of Commission agendas, resolutions, and reports; attends and facilitates Commission meetings; and prepares, distributes, and maintains the minutes thereof.
3. Administers personnel programs, including contacts with PERS regarding retirement, health, and related benefit programs; performs salary and benefit surveys; and conducts special studies as directed.
4. Reviews and revises administrative manuals, policies, and records as directed by the General Manager or Commission, and as required by changes in federal and state regulations.
5. Performs confidential secretarial duties and responsibilities for the General Manager and for Commission members as needed, including scheduling of meetings and arranging travel.
6. Assists in the preparation of the budget.
7. Responsible for the preparation of payroll and accounts receivable.
8. Provides administrative and technical support to the Authority's accountant, including generating financial reports and assisting with the annual audit process.
9. Maintains Authority files and records utilizing a specialized computer database system.

10. Maintains the Authority's website.
11. Prepares letters, memoranda, and miscellaneous correspondence.
12. Trains, develops, directs, and evaluates subordinate staff.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF: Principals and practices of public administration; automated office methods including computer-based management and word processing systems; technical accounting and payroll administration.

ABILITY TO: Maintain accurate records and prepare reports; establish and maintain effective working relationships with co-workers and the public; communicate effectively both orally and in writing; plan, coordinate, evaluate, and direct the work of subordinate staff; read and interpret governmental laws, regulations, and related materials; maintain complex filing systems; process invoices and maintain accurate records relating thereto; direct the work of others.

EDUCATION AND EXPERIENCE:

Any combination equivalent to: 1) Possession of a baccalaureate degree from an accredited college or university with a major in business or public administration or a related field; 2) a minimum of three years of experience in local government administration or office management.

Substitution: Additional qualifying experience can be substituted for the required education on a year for year basis; a minimum of two years of college is required.

LICENSES: Possession of a valid California Motor Vehicle Operator's License.

WORK DIRECTION: This class reports to and receives policy direction from the General Manager, provides support as needed to the Operations and Maintenance Manager, supervises the Administrative Technician, and closely coordinates financial management with consultants and auditors.

PHYSICAL EFFORT: Normal office environment.

CONTACTS: Commission members; members of the public; co-workers; member agency staff; vendors; financial consultant and auditors; governmental regulatory agencies.

WORKING CONDITIONS: Normal office environment

NOTE: THIS CLASS IS EXEMPT UNDER FLSA PROVISIONS

CLASS TITLE: ADMINISTRATIVE TECHNICIAN

BASIC FUNCTION: Under general direction, performs a variety of office support activities including administrative and accounting duties; performs related work as required and other duties as assigned, following established policies and procedures.

DISTINGUISHING CHARACTERISTICS: This class is distinguished by its role in supporting administrative and accounting functions as directed by the Administration Manager.

REPRESENTATIVE DUTIES:

(It is important to note that the duties listed below are “representative only” and are not intended to cover the full range or scope of duties in this class.)

Accounting:

1. Provides support for the accounting functions, including accounts payable, accounts receivable, and general journal entries.
2. Processes vendor invoices for payment, including maintaining vendor files and reconciling discrepancies.
3. Assists in the preparation of quarterly and year-end financial reporting.
4. Processes bank deposits and credit card receipts, allocates revenue to appropriate accounts.
5. Assists in processing payroll, including reviewing timesheets and entering data.

Administration:

6. Maintains and stores a variety of records, files, logs and reports; periodically reviews and purges files in accordance with the Authority's Records and Information Management Policy.
7. Provides technical support in website content, records management, and project administration.
8. Proofreads and checks materials for accuracy and completeness, and ensures materials are in compliance Authority policies.
9. Assists with the Clerk of Commission duties, as needed.
10. Performs other related duties as assigned.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF: Basic administrative accounting principles, practices, and procedures relating to payroll, accounts payable/receivable, or other standard accounting office functions; correct English language usage; records management principles and practices; standard office practices and procedures; a variety of computer software applications; the operation of office equipment.

ABILITY TO: Perform detailed administrative accounting work accurately; learn and apply the methods, policies, and procedures pertaining to the work; understand and carry out written and oral instructions in English; maintain confidentiality of information; use tact and discretion in establishing and maintaining effective working relationships; work under time pressures and critical deadlines; use initiative and sound independent judgement within established guidelines; work independently under limited supervision.

EDUCATION AND EXPERIENCE:

EDUCATION: Equivalent to the completion of the twelfth grade; completion of community college or business college courses is desirable, with coursework in business, accounting, finance, office procedures, or office administration.

EXPERIENCE: Two years of clerical experience, including experience with or understanding of accounts payable and payroll processing.

Substitution: A baccalaureate degree may be substituted for clerical experience.

LICENSES: Possession of a valid California Motor Vehicle Operator's License.

WORK DIRECTION, LEAD AND MANAGERIAL RESPONSIBILITIES: This class reports to and receives policy direction from the Administrative Manager.

PHYSICAL EFFORT: Normal office environment. The employee may occasionally lift and/or move up to 50 pounds. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

WORKING CONDITIONS: Indoors in a climate-controlled office environment working around computer monitors. Works with or around others, or alone. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

CONTACTS: Commission members; members of the public; co-workers; member agency staff; vendors; financial consultant and auditors.

ITEM NO. P5 FY 2021/2022 BUDGET ASSUMPTIONS FOR WAGES AND BENEFITS

Recommendation

The Committee may provide guidance/approval to staff on wages and benefits assumptions.

Background

Each year’s budget makes a number of assumptions on wages and benefits. The proposed assumptions for FY2021-2022 are summarized below for the Committee’s input.

Discussion

1. **Salary.** As shown in the table below, data from the BLS Urban CPI for San Francisco-Oakland-Hayward exhibits significant variability. Staff recommends setting the cost-of-living adjustment (COLA) at 2% based on EBDA’s history of using a December to December comparison.

Table A. San Francisco-Oakland-Hayward, CA, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted

Month	2016		2017		2018		2019		2020	
	2-month	12-month								
February	0.9	3.0	0.8	3.4	1.4	3.6	0.5	3.5	0.9	2.9
April	0.7	2.7	1.1	3.8	0.8	3.2	1.2	4.0	-0.5	1.1
June	0.6	2.7	0.3	3.5	0.9	3.9	0.2	3.2	0.7	1.6
August	0.7	3.1	0.2	3.0	0.6	4.3	0.1	2.7	0.0	1.6
October	0.9	3.6	0.6	2.7	0.7	4.4	1.0	3.0	0.5	1.1
December	-0.3	3.5	-0.1	2.9	0.1	4.5	-0.5	2.5	0.4	2.0

2. **Medical Premiums.** Premium rates are estimated to increase 5.4% based on the National Health Expenditure projections for 2019-2028.
3. **PEMHCA.** The Authority’s fixed contribution under the Public Employees’ Medical and Hospital Care Act (PEMHCA) is \$473 per month for each annuitant. The PEMHCA rate was last updated in 2018, and the Commission may consider increasing it up to 3% annually.
4. **Dental Insurance.** Rates are established on a calendar year basis by the provider and will remain flat through 2021. Budget assumes a 2% increase in 2022.
5. **Vision Insurance.** Rates will remain flat through 2021. Budget assumes a 2% increase in 2022.
6. **Disability Insurance.** Disability insurance includes Long & Short-Term effective January 1, 2018. Premiums are unchanged.
7. **CalPERS.** Annual valuation reports indicate the FY21/22 Employer Normal Cost Rates for the classic and PEPRA plans will be 12.20% and 7.59% respectively. EBDA pays 0% of the Employee contribution rate.
8. **Deferred Compensation.** Employer contribution expenditures are assumed to increase 2%, commensurate with salary increases.
9. **Workers Compensation.** Premiums are based on classification rates multiplied by all discount modifiers from the CDI website. Rates are expected to increase less than 0.5%.

ITEM NO. P6 REVIEW OF THE COMMISSION CHAIR ROTATION POLICY

Recommendation

Review the policy and provide direction to staff.

Background

In Resolution 99-11, the Authority adopted a Commission Chair Rotation Policy, which states the following:

1. Effective July, 1999, the Chair shall rotate annually 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.
2. The Vice-Chair shall be from the Agency scheduled to be the Chair in the following year.

The Amended and Restated Joint Powers Agreement (JPA) states, “The members of the Commission will select from the Commission a Chair and Vice-Chair who will hold office for a period of one year, commencing July 1 of each and every Fiscal Year; provided, however, that in the event that an Agency removes from the Commission a member serving as an officer or an officer resigns his or her position, the Commission will select a member of the Commission to fill that vacant office for the remainder of that Fiscal Year.”

Discussion

Over the past few years, several EBDA Commissioners have been replaced by their Member Agencies following the November election process. These changes in the December timeframe have necessitated mid-year changes to Chair and Committee roles and assignments. The Commission therefore suggested that staff consider changing the Chair rotation and Committee assignment processes to a calendar year basis to align with election cycles.

Because the JPA explicitly specifies that the Chair selection process occurs on a fiscal year basis, Authority Counsel has advised that changing the Chair selection timing would necessitate a modification of the JPA, which would need to be approved by the Member Agencies’ governing bodies. Staff is therefore presenting the following options for the Committee’s consideration in making a recommendation to the Commission:

- Move forward with a JPA amendment to revise the Chair selection process to follow a calendar year schedule.
- Retain the fiscal year schedule for the Chair selection process and continue to make adjustments following elections as required.

Committee assignments have generally been made on a fiscal year basis, however that timeline is not codified in the JPA. Therefore, the Commission may consider whether to change the Committee assignment process to a calendar year basis, irrespective of the timing of Chair selection.

ITEM NO. P7 CLOSED SESSION

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

Public Employee Performance Evaluation (Government Code §54957(b)(1))

Title: General Manager

EBDA General Manager 2020/21 Performance Plan

Updated February 19, 2020

Self-Assessment January 21, 2021

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.

Maintained consistent compliance. Key accomplishments included:

- *Avoided 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. Initiated Disinfection Master Plan to further optimize chlorine dosing and minimize bacterial risks. Request for Proposals was issued in December 2020, with contract approval expected in February or March 2021.*
- *Continued regular meetings of EBDA's Lab Committee.*
- *Selected and began implementation of a new Laboratory Information Management System for managing compliance data, in collaboration with City of San Leandro.*
- *Provided Regional Water Board staff with thorough explanatory reports following two unauthorized bypass events in May 2020. The reports outlined EBDA's preventative and mitigating actions sufficiently that Water Board staff did not refer either event for enforcement.*
- *Kicked off process for 2022 permit renewal, including onboarding an experienced consultant for application preparation and negotiation assistance, and holding a kick-off meeting with the MAC to review information needs, schedule, and strategy.*

2. **Develop Strategic Plan.** Work with the Commission to develop a Strategic Plan for the Authority.

Delayed due to COVID and to accommodate new Commissioner following 2020 election. Kick-off planned for mid-2021 or when in-person meetings resume.

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*

Completed the following new and revised policies:

- *Rules of the Commission*
- *Brine Policy*
- *Purchasing Policy*
- *Wet Weather Standard Operating Procedure (SOP)*
- *Commissioner Compensation (Reimbursement) Policy*
- *Personnel Policy*
- *Investment Policy*
- *Records Management Policy (currently under review)*

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.

After significant back and forth, including legal engagement, EBDA and LAVWMA staff have now conceptually agreed to terms, and Term Sheet approval by EBDA's Commission and LAVWMA's Board is expected in February 2021. Following Term Sheet approval, the agreement will be drafted, with a goal of adoption by June 2021.

During this negotiation process, successfully approved two additional extensions to the existing agreement, including updated financial provisions.

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 to 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 on 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 (NBS) to nutrients, and the regional water recycling study.

As a member of the Contract Management Group for the NBS study, I have participated in periodic status meetings and provided critical input to San Francisco Estuary Institute staff on their desktop feasibility evaluation process and on draft reports and figures. I have also 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. See goal 9 regarding water recycling.

- Participating in the Nutrient Management Strategy Steering Committee to drive

the science efforts toward actionable information.

Through the Steering Committee, I have continued to provide direction to ensure that the scientific work is focused on answering management questions. This includes modeling to evaluate subembayment boundaries and the contribution of each discharger to each subembayment.

- Work 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.

Engaged in active debate among BACWA members on negotiation strategy, including whether or not to push back on the concept of subembayment nutrient limits in the next watershed permit. I drove development of a BACWA survey of current and planned nutrient reductions that will enable us to assess regional and sub-regional compliance with proposed limits and inform our negotiation strategy.

- 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.

In close coordination with East Bay Parks, HASPA, and San Francisco Estuary Partnership, facilitated a Request for Proposals process for the First Mile and Hayward feasibility projects. Led negotiation with preferred consultant, resulting in contract approval in December 2020. The projects are being kicked off in January 2021.

Also participated as a panel speaker in a workshop with the Regional Water Board and Bay Conservation and Development Commission organized by the Executive Officers of those organizations. The workshop was focused on funding needs and strategies for implementing multi-benefit shoreline projects.

- 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.

Basin Plan Amendment was adopted by the Regional Water Board on November 18, 2020. Following testimony by the EBDA GM and several other BACWA representatives, the Water Board was very supportive and enthusiastic about the adoption as a positive example of collaboration between the Water Board and the wastewater community. The new chlorine residual effluent limit will be incorporated in EBDA's NPDES Permit Renewal in 2022, with a possibility of sooner implementation through a regional permit amendment if state and federal approvals of the Basin Plan Amendment move quickly.

- 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.

I actively engaged in efforts to influence regulations, primarily through CASA and BACWA. I 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. The Provisions were adopted in December 2020.*
- *Microplastics – Engaged in ongoing discussions with the Ocean Protection Council on strategies to prevent plastics from entering waterways. Maintained focus on pollution prevention and stormwater management, not wastewater treatment.*
- *PFAS – Participated in successful effort to exempt Bay Area wastewater agencies from statewide PFAS monitoring requirements for influent, effluent, and biosolids.*

Instead, Bay Area agencies are engaging in a regional study to more holistically evaluate sources of PFAS loading to the Bay and potential impacts.

- 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.

Couplings and seals have been procured and are being stored at EBDA and Member Agency facilities for use in emergencies. The GM is working closely with USD staff on development of one or more requests for proposals to pre-qualify engineers and contractors for emergency work. OLSD and CVSan are also participating in the joint procurement process.

- 9. 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.

Continued engagement in BACWA's Recycled Water Committee and the Bay Area One Water Network. Opportunities for relationship-building between water and wastewater agencies were somewhat limited by the pandemic, but discussions on how to better coordinate continued.

Supported Member Agencies in discussions with senior Water Board staff regarding grants and loans and how best to position plant upgrades and water recycling projects for funding.

Implemented first year of statewide recycled water volume reporting through Geotracker database, and streamlined Member Agency data request for future years.

- 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.

Continued to mentor and guide EBDA staff through regular communication. This included implementing COVID response protocols, remote work arrangements, and staggered schedules to keep staff safe.

Developed and implemented an interim Staffing Plan, including extension of the temporary Administrative Assistant through calendar year 2020 to assist with backlog work. Began development of a long-term Staffing Plan, including recommending revisions to EBDA's Classification Plan to revise the job description for the current Administrative Assistant and propose a new classification for an entry-level administrative and accounting clerk. Draft Classification Plan and Staffing Plan updates will be reviewed with the Personnel Committee in February 2021. Also continued discussions with EBDA's contract accountant, who now plans to stay at least through Fiscal Year 2021/2022 prior to retirement.

In addition to the goals outlined above, the following focus areas garnered attention this year:

COVID Response. *As noted above, in response to the pandemic, we took steps to ensure a safe work environment for EBDA staff, including putting into place health self-assessment, social distancing, and mask protocols; staggering work schedules; and providing laptops to facilitate remote work arrangements. Also implemented zoom format for all Committee and Commission meetings.*

Through the MAC, facilitated regular information exchange among Member Agencies on the topic of COVID work protocols and best practices.

Led collaboration with UC Berkeley, Alameda County Public Health Department, EBMUD, and others regarding development of strategies for implementing wastewater-based epidemiology approaches in Alameda County and across the Bay Area.

Cargill Project. *Managed negotiation with Cargill Inc. on a Term Sheet for a long-term project to accept mixed sea salt brine for discharge through the EBDA system. The Term Sheet includes a \$5M capacity fee and approximately \$35M in additional revenue over the 20-year life of the project. Managed a thorough due diligence process to assess potential regulatory and infrastructure risks to EBDA of accepting Cargill brine. This process is ongoing and is expected to yield mitigation and monitoring measures that ensure protection of EBDA's transport system if/when the project is implemented.*

Financial Management. *Completed Fiscal Year 2019/2020 16% under budget, resulting in over \$500,000 returned to the Member Agencies.*

ITEM NO. P8 RECONVENE OPEN SESSION

The Chair will report any actions taken in closed session.