



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/82965284923>
- Telephone dial-in: 1(669) 900-6833, meeting ID #829 6528 4923

ITEM NO. 12

PERSONNEL COMMITTEE AGENDA

**Monday, April 12, 2021
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. Brown Act Review**
(The Committee will review Brown Act revisions.)
- P5. General Manager's Performance Plan for 2021/2022**
(The Committee will provide input on the GM's Performance Plan.)
- P6. State Controller's Government Compensation in California, Calendar Year 2020**
(The Committee will review the report.)
- P7. Resolution to Approve Revisions to the Authority's Fiscal Year 2020/2021 Compensation Plan**
(The Committee will consider the resolution.)
- P8. Review of the Authority's Fiscal Year 2021/2022 Draft Compensation Plan**
(The Committee will review the draft FY 2021/2022 Compensation Plan.)
- 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

Agenda Explanation
East Bay Dischargers Authority
Personnel Committee
April 12, 2021

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 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, June 14, 2021 at 9:00 a.m.**

ITEM NO. P4 BROWN ACT REVIEW

Recommendation

Receive and review the foregoing updates to the Brown Act.

Background

The Ralph M. Brown Act (“Brown Act” or “Act”) (Gov. Code section 54950 et seq.), governs the public’s rights to attend and participate in meetings of local legislative bodies, and provides procedural requirements for such meetings. The Brown Act is updated from time to time by the State legislature, or Gubernatorial Orders. The Personnel Committee annually reviews the Ralph M. Brown Act for changes that may have an effect on how EBDA conducts its Committee and Commission meetings.

Discussion

EBDA’s legal counsel provided the following summary of updates to the Brown Act, including Governor’s Orders during the COVID-19 Shelter-in-Place.

Posting Agendas Online

Each legislative body of a local agency, including advisory committees, commissions, or boards, as well as standing committees of legislative bodies, must provide an agenda at least seventy-two (72) hours before the regular meeting. As of January 1, 2019, the meeting agenda must be posted in a physical location that is freely accessible to members of the public, and additionally posted via direct link on the agency’s home webpage. The agenda available online must be downloadable, indexable, electronically searchable, platform independent and machine readable, and available to the public free of charge. Alternatively, the agenda online may be posted on a dedicated webpage that provides agenda information. (Gov. Code §§ 54590 – 54963.)

Public Comment When Using A Translator

The Brown Act provides that every agenda for a regular meeting must provide an opportunity for members of the public to address the legislative body on any item under the subject matter jurisdiction of the body. The legislative body is allowed to adopt reasonable regulations, including regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. (Gov. Code section 54954.3(b).) If a legislative body does adopt regulations limiting the time for public comment, it must provide at least twice the allotted time to a member of the public who uses a translator. (Gov. Code § 54954.3(b)(2) – (3).)

Governor’s Orders – COVID-19

Executive Order N-29-20: Executive Order N-29-20 (“Order N-29-20”) was issued by the Governor on March 17, 2020. Order N-29-20 allows local legislative or state bodies to hold public meetings via teleconference without having to provide a physical location from which members of the public may observe the meeting and offer public comment, as long as members of the public are allowed to observe and address the meeting telephonically or otherwise electronically, subject to specified notice and accessibility requirements.

Here are a few of the highlights for the teleconference rules under Order N-29-20:

- Physical presence of members of the legislative body or of the public are not required as a condition of participation in or quorum for a public meeting.
- Notice is not required of each teleconference location from which a member will be participating in a public meeting.
- Teleconference location does not have to be accessible to the public.
- The possibility of members of the public addressing the body at each teleconference conference location is not required.
- Agendas do not have to be posted at all teleconference locations.
- During teleconference meetings, at least a quorum of the members of the legislative body are not required to participate from locations within the boundaries of the territory over which the legislative body exercises jurisdiction.

Legislative bodies holding meetings via teleconferencing must still allow members of the public to observe and address the meeting telephonically or otherwise electronically. If a legislative body holds a meeting via teleconference and allows members of the public to observe and address the meeting, the body shall also:

- Have and advertise (each time meeting notice is given) a procedure for receiving and swiftly resolving requests for a reasonable accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act.
- Provide advance notice of the time of, and post the agenda for, each public meeting according to the timeframes prescribed by the Brown Act. Include the means by which members of the public may observe the meeting and offer public comment.

Executive Order N-35-20: Executive Order N-35-20 ("Order N-35-20") was issued by the Governor on March 21, 2020. Order N-35-20 allows members of a legislative body to receive updates ("including, but not limited to, simultaneous updates") from federal, state, and local officials relevant to the declaration emergency ("including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the emergency"). This means members of the legislative body may ask questions of those federal, state and local officials who provide the updates in order to stay apprised of emergency operations and the impact the emergency has on their constituents. However, members of the legislative body may not take action on, or discuss amongst themselves, any item of business that is within the subject matter jurisdiction of the legislative body without complying with otherwise-applicable requirements of the Brown Act.

Order N-35-20 states that members of a legislative body may "receive updates" and "ask questions," but they may not "discuss amongst themselves," nor may they "take action." While the meaning of taking action is clear, when receiving updates, members should be cautious not to discuss information, especially the answers to the questions that they ask. If the topic of a question feels like it will lead to a topic of a discussion, then the communication should be deferred to a future Brown Act compliant

meeting. Questions that only clarify are likely to be the most appropriate questions. While the update does not have to be brief, it should be conducted similar to a traditional press briefing or task force briefing, which are typically designed only to inform or educate.

Each of the before mentioned Executive Orders remain in effect, and the related exceptions to the Brown Act open meeting laws allowing for teleconference and video conference meetings still apply.

Proposed Assembly Bill 339

Assemblymembers Lee and Garcia introduced Assembly Bill 339 (“AB 339”) on January 28, 2021 in the California State Assembly. This bill would require all Brown Act meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and internet-based service option to be provided to the public. AB 339 would also require that at all meetings the public be provided the opportunity to comment on proposed legislation, and require a public agency provide translation services for the ten (10) most-spoken languages in California (other than English) in jurisdictions which govern a substantial number of non-English-speaking people. Additionally, AB 339 would require, even in the case of a declared state or local emergency, teleconferenced meetings to include an in-person public comment opportunity, and to have at least one member of the legislative body be physically present at the location specified in the meeting notice. AB 339 would also require all public meetings carried on by videoconference provide closed captioning services. This bill is still pending, and these provisions are not currently in effect. Staff will continue to monitor the progress of this legislation and provide input via the California Association of Sanitation Agencies and California Special Districts Association.

ITEM NO. P5 GENERAL MANAGER'S PERFORMANCE PLAN FOR 2021/2022

Recommendation

Review and provide feedback on the GM's proposed Performance Plan for the next year.

Background

The GM's hire date was February 28, and a performance review is conducted by the Commission annually following that date. The GM's performance is measured against a Performance Plan reviewed by the Personnel Committee and Commission.

Discussion

The attached Performance Plan reflects an update to last year's goals, as well as incorporation of the concept of "Stretch Goals," as requested by the Committee.

EBDA General Manager 2021/2022 Performance Plan

Updated April 7, 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.
2. **NPDES Permit Reissuance.** EBDA's current NPDES permit expires in June 2022, and the application package for the permit renewal is due in September 2021. The GM will coordinate the efforts of the expert consultant and the Member Agencies to develop a thorough and thoughtful Report of Waste Discharge and permit reissuance application for submittal to the Regional Water Board. The process will include vetting of potential requests for permit changes, including revisions to monitoring and reporting requirements. The GM will then work with the team to negotiate permit language favorable to the Authority and the members, including new provisions on toxicity and chlorine residual.
3. **Develop Strategic Plan.** Work with the MAC and Commission to develop a Strategic Plan for the Authority. The Strategic Plan would build on plans developed by the Member Agencies and aim to support the agencies in fulfilling their goals. The focus would be on the next 3-5 years, with a longer-term planning exercise to follow in a few years, after the agencies' long-term goals are further fleshed out.

Stretch Goal: Work with the MAC to develop a framework for an EBDA regional biosolids collaboration. Development of an EBDA biosolids project would cost-effectively address the challenge of limited outlets for biosolids as the state implements regulations to keep organics out of landfills (including as Alternative Daily Cover) and land application options are constrained by public concern about contaminants of emerging concern, such as PFAS.

4. **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:
 - Recycled Water Policy
 - Reserve Policy
 - Appeals Policy
 - Member Agency Agreements
5. **Complete LAVWMA Agreement Renewal.** The current agreement with LAVWMA, including extensions, is scheduled to expire on June 30, 2021. The GM will work with LAVWMA to develop agreement language consistent with the adopted Term Sheet and bring the amended agreement to the Commission for consideration prior to June.
6. **Continue to Participate in SF Bay Nutrient Management Efforts.** Nutrient management is perhaps the most significant driver of wastewater agency decision-

making over the next decade in the Bay Area. The GM will work with the EBDA Member Agencies to continue understand and inform their strategies with respect to nutrient management. Over the past several years, BACWA worked closely with Regional Water Board staff to come to agreement a second nutrient watershed permit, which was adopted in 2019. GM efforts over the next year will include:

- Playing a lead role, working through BACWA, in continued development of the regional study on nature-based solutions to nutrients, and the regional water recycling study.
- Participating in the Nutrient Management Strategy Steering Committee to drive the science efforts toward actionable information.
- Working with BACWA to develop Key Tenets 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.

Stretch Goal: Serving as agency Project Manager for EBDA-led projects under the Transforming Shorelines Project. EBDA's efforts under this project, funded by an EPA Water Quality Improvement Fund grant, include design of the full-scale horizontal levee south of Oro Loma (the "First Mile" Project), and a nature-based solutions feasibility study at the Hayward Ponds. This year, the GM expects to complete the Hayward study and advance the First Mile Project through the majority of the 30% design process. Advancing the First Mile includes consultation on regulatory issues through the Bay Restoration Regulatory Integrated Team (BRRIT), with an aim of resolving regulatory conflicts and barriers.

The First Mile Project will include extensive coordination with East Bay Parks, who is the landowner. Both projects serve as part of the implementation of HASPA's Shoreline Master Plan, and thus the GM will also work closely with the HASPA team on next steps. This year, HASPA will be renewing its JPA, and they are considering the best ways to incorporate additional stakeholders who will be key to Master Plan implementation.

7. **Keep EBDA Commission and Agency Staff up to Date on Regulatory Issues and Regional Drivers.** An important role of the EBDA GM is to serve as the liaison between the member agencies and the regional wastewater community, and to provide progressive thought leadership on emerging issues and encourage innovation. The GM will engage with the Bay Area's regulators, scientists, and wastewater managers to influence policy direction in support of the EBDA agencies' goals. She will also work with the EBDA agencies to support their visions related to climate change resiliency, recycled water, energy independence, nutrient management, and other forward-looking initiatives in the context of regional drivers and opportunities. The GM will engage through BACWA and CASA in tracking and influencing new regulations for the benefit of the EBDA agencies. The GM will also assist agencies with project-specific regulatory and permitting strategy as requested.

8. **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 implementing the updated EBDA Staffing Plan, including hiring a new Administrative Support Specialist and supporting the Administration Manager in transitioning work. Efforts will also include continued succession planning for EBDA's accounting function.
9. **Stretch Goal: Cargill Project.** The GM will continue to coordinate efforts with Cargill, Inc. to bring this project to dispose of mixed sea salts through the EBDA outfall to fruition. This project provides for sustainable, climate-resilient management of the mixed sea salts, while providing an additional revenue stream to EBDA's Member Agencies. Efforts this year will include the following:
 - Serving as lead agency for CEQA analysis.
 - Coordinating with the cities of Union City, Fremont, and Newark on pipeline design and construction, including integration with Union City's Union City Boulevard bike path project.
 - Completing due diligence work, including developing a monitoring and accountability framework for water quality issues, and developing a strategy to protect EBDA infrastructure from accelerated corrosion.
 - Developing a long-term agreement with Cargill for the project, incorporating language to address all issues identified in due diligence, as well as financial terms consistent with the adopted Term Sheet.
10. **Financial Management.** Continue to manage EBDA operations and maintenance, as well as special projects, with an aim of optimizing expenditures for the benefit of the Member Agencies. This includes managing to EBDA's adopted budget, and also implementing special projects such as the Disinfection Master Plan, which has a goal of optimizing chemical dosing and associated expenses.

ITEM NO. P6 STATE CONTROLLER'S GOVERNMENT COMPENSATION IN CALIFORNIA REPORT CALENDAR YEAR 2020

Recommendation

For the Committee's information only; no action is required.

Background

Government Code section 53891 requires that a completed Government Compensation in California (GCC) report for the previous calendar year be submitted to the State Controller's Office no later than April 30. In an effort to enhance the transparency of the compensation information published on the State Controller's GCC website, the following change has been implemented: beginning with the 2020 reporting year (due in 2021), the GCC report must include compensation paid to elected officials, reported on IRS Form 1099.

Discussion

The information reported is consistent with the Authority's Compensation Plan and Commissioner Compensation Policy. The report is attached for the Committee's review and knowledge of what has been submitted.

State Controller's Office - Local Government Programs and Services Division

Special Districts - Government Compensation Report - Calendar Year 2020

Preparer Contact Information

[Refer to the 2020 GCC Reporting Instructions for more details](#)

Entity Name	Alameda - East Bay Dischargers Authority		
Human Resources Web Page	www.ebda.org		
Employees Hold more than One Position?	No	(Enter 'Yes' or 'No')	'Save As' Filename 2020-12500108500.xlsx
Do the amounts in the Defined Benefit Plan column include payment toward the pension unfunded liability?	No	(Enter 'Yes' or 'No')	

Preparer Name	Juanita Villaseñor
Phone Number	(510)278-5910
E-mail Address	juanita@ebda.org

"----- Employer Contribution: -----"

-- Total Wages Subject to Medicare (Box 5 of W-2) --

Line #	Elected Position Enter 'Y'	Department	Classification	Multiple Positions Footnote	Annual Salary Minimum	Annual Salary Maximum	Annual Regular Pay	Annual Overtime Pay	Lump Sum Pay	Other Pay	Applicable Defined Benefit Pension Formula	Retirement	Deferred	Health, Dental, Vision	
												Plan: Employees' Share Paid by Employer	Compensation /Defined Contribution Plan		
1.		Governing Body	Commissioner		0	0	0	0	0	5,520	N/A	N/A	N/A	N/A	
2.		Governing Body	Commissioner		0	0	0	0	0	3,600	N/A	N/A	N/A	N/A	
3.		Governing Body	Commissioner		0	0	0	0	0	7,200	N/A	N/A	N/A	N/A	
4.		Governing Body	Commissioner		0	0	0	0	0	7,200	N/A	N/A	N/A	N/A	
5.		Governing Body	Commissioner		0	0	0	0	0	5,520	N/A	N/A	N/A	N/A	
6.		Governing Body	Commissioner		0	0	0	0	0	480	N/A	N/A	N/A	N/A	
7.		Governing Body	Commissioner		0	0	0	0	0	240	N/A	N/A	N/A	N/A	
8.		Governing Body	Commissioner		0	0	0	0	0	240	N/A	N/A	N/A	N/A	
9.		Governing Body	Commissioner		0	0	0	0	0	0	N/A	N/A	N/A	N/A	
10.		Governing Body	Commissioner		0	0	0	0	0	0	N/A	N/A	N/A	N/A	
11.		Administration	General Manager		205,196	249,418	237,541	0	0	0	2.5% @ 55	0	28,273	7,211	26,605
12.		Administration	O&M Manager		133,866	162,715	162,715	0	0	11,988	2.5% @ 55	0	19,367	4,275	2,628
13.		Administration	Administrative Assistant		87,893	106,834	86,712	0	0	0	2.5% @ 55	0	10,415	2,473	26,605
14.		Administration	Administrative Assistant (Temp)		87,893	106,834	63,938	0	0	0	2% @ 62	0	4,620	1,257	4,555

ITEM NO. P7 RESOLUTION TO APPROVE REVISIONS TO THE AUTHORITY'S FISCAL YEAR 2020/2021 COMPENSATION PLAN

Recommendation

Approve the resolution revising the FY 2020/2021 Compensation Plan.

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. In March 2021, the Commission adopted a new Classification Plan for the Authority. The Classification Plan includes four positions. The General Manager and Operations & Maintenance Manager positions are largely unchanged. The Administrative Assistant position was replaced by an Administration Manager position, and an Administrative Support Specialist position was added.

Discussion

To align with these updates to the Classification Plan, staff is recommending revisions to the Authority's Compensation Plan for the remainder of FY 2020/2021. If approved, the changes would take effect on May 1, 2021. These changes align with the recommendations included in the Compensation Plan for FY 2021/2022 described in Item No. P8.

Salary data for similar positions at other agencies is presented below, including recommendations for the proposed positions. The Administration Manager proposed salary represents a 7% increase from the current Administrative Assistant position salary.

Position	Agency	Monthly Range
Director of Admin Services	Novato SD	11,034 – 13,412
Administrative Services Manager	OLSD	10,636 – 14,253
Director of Admin Services	Carpinteria SD	9,875 – 12,003
Director of Admin Services	CASA Survey (small agencies)	8,546 – 9,610
Administration Manager - proposed	EBDA	7,933 – 9,644
Administrative Assistant - current	EBDA	7,415 – 9,013
Analyst	Tam CSD	6,067 – 7,280
Accounting Technician I	USD	6,370 – 7,743
Administrative Specialist I	USD	6,226 – 7,568
Administrative Assistant	CVSan	5,986 – 7,276
Executive Assistant	CSDA Survey (median)	5,765 – 7,570
Administrative Technician	CVSan	5,423 – 6,592
Administrative Support Specialist - proposed	EBDA	4,893 – 5,947
Administrative Support Specialist	OLSD	4,893 – 6,558
Administrative Clerk II	City of Hayward	4,838 – 5,746
Administrative Assistant II	City of San Leandro	4,760 – 5,786
Administrative Assistant	CSDA Survey (median)	3,839 – 5,292

Agenda Explanation
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As discussed in February 2021, staff is recommending that the Administrative Support Specialist 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. Upon approval of this resolution, staff will begin recruitment for the new position.

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

MONTHLY SALARY RANGE

	Step 1	Step 2	Step 3	Step 4	Step 5
Administration Manager	7,933.00	8,329.66	8,746.14	9,183.44	9,642.62
Administrative Support Specialist	4,760.00	4,998.00	5,247.90	5,510.30	5,785.82
General Manager	17,310.80	18,176.35	19,085.17	20,039.45	21,041.42
Operations & Maintenance Manager	11,293.21	11,857.88	12,450.78	13,073.34	13,727.01

SUMMARY OF BENEFITS

Benefit	EBDA Provided Portion
Medicare Tax	Employer contribution only, 1.45% of monthly salary.
CalPERS Miscellaneous Plan (2.5% @ 55 Formula; 1 year final compensation)	Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. Classic Member ¹ shall contribute 100% of the plan's Employee Contribution.
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 ² 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.

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.

¹Definition 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.

²Definition 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.

Revised: 04/15/2021

EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 21-03

INTRODUCED BY _____

**RESOLUTION TO APPROVE REVISIONS TO THE AUTHORITY'S
FISCAL YEAR 2020/2021 COMPENSATION PLAN**

WHEREAS, the Authority's Personnel Policy requires the establishment of a written Compensation Plan of all positions within the Authority service; and

WHEREAS, in March 2021, the Commission adopted Resolution 21-02 approving revisions to the Authority's Classification Plan; and

WHEREAS, the new Classification Plan includes two new classifications: Administration Manager and Administrative Support Specialist; and

WHEREAS, the Authority wishes to align its Compensation Plan with the adopted Classification Plan and add compensation for these two new positions; and

WHEREAS, the Personnel Committee has reviewed the revised Compensation Plan and recommends approval.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the East Bay Dischargers Authority does hereby adopt the revised FY 2020/2021 Compensation Plan, effective May 1, 2021.

SAN LORENZO, CALIFORNIA, APRIL 15, 2021, ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIR
EAST BAY DISCHARGERS AUTHORITY

ATTEST: _____
GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY

ITEM NO. P8 REVIEW OF THE AUTHORITY’S FISCAL YEAR 2021/2022 DRAFT COMPENSATION PLAN

Recommendation

Provide guidance to staff for adoption of the FY 2021/2022 Compensation Plan.

Background

As discussed in February 2021, staff makes a number of assumptions regarding compensation and benefits each year that are incorporated into the annual budget, a draft of which is presented in Item No. FM7. Each year, the Commission adopts a Compensation Plan that reflects the salaries and benefits provided to Authority employees. The Compensation Plan is generally adopted in May in parallel with the budget.

Discussion

A draft Compensation Plan for FY 2021/2022 is attached for the Committee’s review. The Compensation Plan reflects the changes to positions described in Item No. P7. The only other change from the current FY 2020/2021 Compensation Plan is the reflection of a cost-of-living adjustment (COLA) of 2% based on EBDA’s practice of using a December to December comparison of the local Consumer Price Index, as shown in the table below.

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	2-month	12-month	2-month	12-month	2-month	12-month	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

The Authority’s adopted Personnel Plan states the following with respect to COLA:

Appropriate consideration shall be given to adjustments of the cost of living as measured by the Consumer Price Index for All Urban Consumers (CPI-U), the base figure for comparison shall be the San Francisco-Oakland-Hayward, CA 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. Beginning with FY 2020/2021, the cost of living adjustment (COLA) shall be based on the above index within a floor-to ceiling-range of 0% - 4.0%. The COLA range shall be reviewed every three years. In adopting a COLA, the Commission should also consider the short- and long-term financial status of the Authority. Effective July 1, by adoption of an amended Compensation Plan, adjustments shall be applied to the salary range of each position to reflect the COLA.

In order to provide stability and maintain morale for staff, the GM recommends providing a COLA each year based on the established CPI-U within the adopted range.

Agenda Explanation
East Bay Dischargers Authority
Personnel Committee
April 12, 2021

Based on previous direction from the Committee, staff also gathered information on the anticipated FY 2021/2022 COLA for each Member Agency, for context and assessment of the Authority's financial status. While one member is anticipating no COLA for staff next year, the other four agencies are expecting to provide COLAs in the range of 2.0-3.25%. Note that for several agencies, the information provided represents management estimates, given that labor negotiations are still underway.

**EAST BAY DISCHARGERS AUTHORITY
FY2021/22 COMPENSATION PLAN
JULY 1, 2021 TO JUNE 30, 2022**

MONTHLY SALARY RANGE					
	Step 1	Step 2	Step 3	Step 4	Step 5
Administrative Support Specialist	4,855.20	5,097.96	5,352.86	5,620.52	5,901.54
Administration Manager	8,091.66	8,496.26	8,921.06	9,367.12	9,835.48
General Manager	17,657.02	18,539.88	19,466.88	20,440.24	21,462.26
Operations & Maintenance Manager	11,519.08	12,095.04	12,699.80	13,334.80	14,001.56

SUMMARY OF BENEFITS	
Benefit	EBDA Provided Portion
Medicare Tax	Employer contribution only, 1.45% of monthly salary.
CalPERS Miscellaneous Plan (2.5% @ 55 Formula; 1 year final compensation)	Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. Classic Member ¹ shall contribute 100% of the plan's Employee Contribution.
CalPERS PEPRA Plan (2% @ 62 Formula; 3 years final compensation)	Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. New Member ² shall contribute 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.

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.

¹Definition 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.

²Definition 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.