



EAST BAY DISCHARGERS AUTHORITY
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A Joint Powers Public Agency

NOTICE: In compliance with AB 361 (2021), 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 link or phone number below.

- Zoom link: <https://us02web.zoom.us/j/86570791282>
- Telephone dial-in: 1(669) 900-6833, meeting ID #865 7079 1282

ITEM NO. 14

PERSONNEL COMMITTEE AGENDA

**Tuesday, February 15, 2022
10:00 a.m.**

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

Committee Members: Johnson (Chair), Duncan

P1. Call to Order

P2. Roll Call

P3. Public Forum

P4. FY 2022/2023 Budget Assumptions for Wages and Benefits
(The Committee will review proposed recommendations.)

P5. General Manager Performance Self-Assessment
(The Committee will review the GM's self-assessment against the FY 2021/2022 Performance Plan in preparation for a performance review during the February 17, 2022 Commission Meeting.)

P6. 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 Juanita Villasenor at juanita@ebda.org or (510) 278-5910. 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.

Agenda Explanation
East Bay Dischargers Authority
Personnel Committee
February 15, 2022

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
Tuesday, April 19, 2022 at 10:00 a.m.**

ITEM NO. P4 FY 2022/2023 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 FY2022/2023 are summarized below for the Committee’s input.

Discussion

1. **Salary.** EBDA’s adopted Personnel Plan states the following:

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 may 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.

Data from the CPI-U for San Francisco-Oakland-Hayward is shown in the table below. The December to December comparison yields a 4.2% increase. Consistent with the Personnel Policy, staff recommends setting the cost-of-living adjustment (COLA) at 4%. Staff is presenting this information here to vet budget assumptions. The Commission will consider the COLA as part of the annual Compensation Plan adoption.

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

Month	2017		2018		2019		2020		2021	
	2-month	12-month								
February	0.8	3.4	1.4	3.6	0.5	3.5	0.9	2.9	0.5	1.6
April	1.1	3.8	0.8	3.2	1.2	4.0	-0.5	1.1	1.7	3.8
June	0.3	3.5	0.9	3.9	0.2	3.2	0.7	1.6	0.0	3.2
August	0.2	3.0	0.6	4.3	0.1	2.7	0.0	1.6	0.5	3.7
October	0.6	2.7	0.7	4.4	1.0	3.0	0.5	1.1	0.7	3.8
December	-0.1	2.9	0.1	4.5	-0.5	2.5	0.4	2.0	0.8	4.2

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. Currently, four EBDA retirees receive PEMHCA, and two retirees receive full medical based on their negotiated contracts. The effect of increasing the PEMHCA by 3% would be \$681 annually.

4. **Dental Insurance.** Rates are established on a calendar year basis by the provider and will remain flat through 2022. Staff recommends budgeting for a 2% increase in 2023.
5. **Vision Insurance.** Rates will remain flat through 2022. Staff recommends budgeting for a 2% increase in 2023.
6. **Disability Insurance.** Disability insurance includes Long & Short-Term effective January 1, 2018. Premiums are unchanged.
7. **CalPERS.** Annual valuation reports indicate the FY22/23 Employer Normal Cost Rates for the classic and PEPPRA plans will be 12.21% and 7.47% respectively. EBDA pays 0% of the Employee contribution rate.
8. **Deferred Compensation.** Employer contribution expenditures are assumed to increase 4%, commensurate with salary increases.
9. **Workers Compensation.** Premiums are based on classification rates multiplied by all discount modifiers from the CDI website.

ITEM NO. P5 GENERAL MANAGER PERFORMANCE SELF-ASSESSMENT

Recommendation

For the Committee's review and input to the Commission's performance assessment process for the General Manager (GM).

Background

The General Manager's performance is reviewed annually each February, corresponding with the month of her hire. The review takes place in Closed Session at the Commission Meeting. In advance of the review, the GM provides a self-assessment of performance against the goals established the previous year. The Commissioners are each provided with a scoring sheet to complete, all of which are then compiled by the Chair for use in the assessment.

Discussion

At the Commission Meeting on February 17, 2022, the Commission will meet in closed session to discuss the following:

Public Employee Performance Evaluation (Government Code §54957(b)(1))
Title: General Manager

Attached for the Committee's review and discussion is the GM's Performance Plan for FY 2021/2022, including a self-assessment capturing progress against goals.

EBDA General Manager 2021/2022 Performance Plan

Self Assessment – January 2022

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. Awarded contract for and initiated development of Disinfection Master Plan to further optimize chlorine dosing and minimize bacterial risks. Preliminary conclusions of the Master Plan will be discussed with the MAC in February 2022, with implementation expected to begin in Summer 2022.*
- *Continued regular meetings of EBDA's Lab Committee and supported lab managers in moving toward TNI compliance.*
- *Began customization and implementation of a new Laboratory Information Management System for managing compliance data, in collaboration with City of San Leandro. This system will improve laboratory compliance as well as data quality and reliability. It is also easier to query than EBDA's current data management system, making it a useful tool for tracking trends and developing charts and reports.*

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.

Working with staff from all of the Member Agencies and consultant EOA, submitted EBDA's 433-page Report of Waste Discharge and application for NPDES permit reissuance on September 30, 2021. This application included summary and analysis of water quality data from the past four years. The application also discussed potential changes to EBDA's discharge related to the Cargill brine project and implications for the permit. A draft of the new permit is expected in Spring 2022, with adoption by June 30, 2022.

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.

Strategic Planning process was postponed due to COVID-19 restrictions on in-person meetings, as well as Member Agency staffing constraints. That said, I presented a proposed approach and schedule for Strategic Planning beginning in July 2022 and have begun gathering background information such as Member Agencies' Strategic Plans and industry trends.

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.

Worked with the MAC to begin development of a joint EBDA biosolids management strategy and/or facility to improve certainty and predictability in biosolids outlets and costs for the member agencies. I developed a summary of current Member Agency practices and management costs, and then calculated potential land requirements for agricultural land application. I also summarized advantages, disadvantages, and issues associated with land application as well as compost. I then began discussions with potential partners including StopWaste, land acquisition consultants, and companies with biosolids management solutions including Synagro, Anaergia, Waste Management, and Republic Services. These efforts culminated in distribution in December 2021 of a primer summarizing current practices and desired outcomes for the project and seeking partner presentations.

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

The following policies were updated or created and approved in the past year:

- *Brine*
- *Electronic Signature*
- *Personnel*
- *Commissioner Compensation*
- *Rules of the Commission*

- *Records Management and Retention*
- *Administrative Appeals*
- *Purchasing*
- *Emergency Reserves*
- *Budget*

The Recycled Water Policy will be updated following the Strategic Planning process. Updates to the Member Agency Agreements are in process.

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.

After a contentious negotiation, EBDA and LAVWMA signed an Amended and Restated Master Agreement, effective June 1, 2021. This agreement increases both LAVWMA's share of EBDA's expenses and LAVWMA's responsibilities in the event of a force main failure on the segment of pipe LAVWMA uses. The long-term agreement expires coincident with EBDA's Joint Powers Agreement.

In May 2021, the Commission also approved an agreement with LAVWMA-member Dublin San Ramon Services District (DSRSD) regarding discharge of brine from Zone 7 Water Agency's demineralization facility. Though this brine has been discharged through EBDA's system for many years, EBDA had never before been compensated for it. The agreement included payment to EBDA of a \$60,000 review fee, as well as ongoing annual payments of \$20,000. The agreement also gives EBDA the right to review water quality data and to suspend discharges.

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 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 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 third 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.

As an active participant in the Nutrient Management Strategy Steering Committee, I've continued to advocate for scientific inquiries to focus on management questions. I have also pressed for more management and Board-focused communications on the findings of each scientific study that BACWA is funding. A summary communication piece is currently under development in response to this request and will be shared with the MAC and Commission when it is available.

As part of BACWA leadership, I've also served a key role in shaping BACWA's Key Tenets for the third watershed permit. In particular, I brought forward the concept of a "one-Bay" approach for the permit. Previous discussions had centered on sub-embayments and apportioning dischargers' nutrient load to different segments of the Bay. This partitioning of the Bay limits potential trading partners for EBDA and provides slimmer margins to address variability in loads without exceeding a sub-regional load cap. Given that Water Board staff stated the third watershed permit would be based on a no net loading "antidegradation" approach rather than establishing impairment, there did not appear to be a scientific basis or need for defining geographic boundaries. I was able to successfully convince the BACWA membership and Water Board staff that a Baywide load cap is consistent with current goals and scientific knowledge and is the appropriate approach for the watershed permit. There is now consensus on the one-Bay approach, and this will be documented in the Key Tenets.

BACWA and Water Board staff have also reached consensus that because the third watershed permit will be based on antidegradation, additional scientific studies do not need to be concluded prior to permit issuance. Therefore, the permit will be reissued on time in 2024. This is a positive outcome for BACWA and hence EBDA, in that the permit reissuance will be fully overseen by Water Board leadership with whom BACWA has positive working relationships prior to anticipated retirements.

In addition, I have continued to actively participate in the Steering Committee for development of BACWA's Nature-based Solutions report under the current watershed permit and have engaged in discussions between BACWA's consultant and EBDA members. I also served on the Planning Committee and participated in a Bay Area One Water Network Round Table on furthering Nature-based Solutions.

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.

As Project Manager for EBDA-led projects under the Transforming Shorelines Project, I worked with the consulting team to advance the First Mile Horizontal Levee at Oro Loma Marsh and study nature-based treatment systems at Hayward. These projects are being undertaken in close coordination with project partners including East Bay Regional Park District and San Francisco Estuary Partnership. Efforts this year for the First Mile Project included biological surveys, development of preliminary design options, and an initial presentation to the BRRIT. The team is also collaborating on a parallel effort to identify and work through permitting barriers to horizontal levee implementation. This included a kick-off presentation to the Policy Management Committee overseeing the BRRIT to launch a collaborative process to identify permitting pathways and resolve barriers.

I have actively engaged with the Technical Advisory Committee of the Hayward Area Shoreline Planning Agency (HASPA) as HASPA contemplates its JPA renewal and implementation of its Shoreline Master Plan. Based on feedback from EBDA and other stakeholders, HASPA staff is recommending to its Trustees a secondary level of membership in HASPA that allows EBDA to participate in technical collaboration but does not commit us to high dues or administrative responsibilities. In addition, through significant outreach, EBDA now has an open dialogue with Alameda County Flood Control District staff on shoreline planning, and monthly meetings have been taking place.

To further EBDA's interests in regional planning for sea level rise, I have also participated in work groups for the development of the Bay Conservation and Development Commission's BayAdapt Joint Platform, the Bay Area Climate Adaptation Network (BayCAN), and other regional forums.

- 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 engaged in numerous efforts to influence regulations, primarily through CASA and BACWA. I served as the Chair of CASA's Air, Climate, and Energy Work Group, and actively 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) included:

- Chlorine Residual Basin Plan Amendment – Working with the Regional Water Board through the Bay Area Clean Water Agencies, successfully concluded the formal process to remove the 0.0 mg/L chlorine residual limit from the Basin Plan and adopt a blanket permit amendment changing EBDA's chlorine limit to 0.98 mg/L as a one-hour average. This change will result in significant dechlorination savings.*
- 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. Staff has been working with Regional Water Board staff on permit language implementing the new provisions. Depending on the timing of the state's final approval of the provisions, EBDA's may be one of the first permits in the region to incorporate the new language.*
- 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. Also worked through CASA and San Leandro lab staff to pilot test methods for effluent sampling.*
- 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.*
- BAAQMD Collaboration – Worked with Chair Cutter to organize a meeting between BACWA and BAAQMD senior management regarding amendments to Regulation 2. The discussion resulted in adoption of a BAAQMD Resolution to initiate a POTW Work Group. This Work Group will allow wastewater agencies and BAAQMD staff to collaborate early in rule development and permitting processes to ensure that air quality and water quality protection efforts are aligned.*

- 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.

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

Began implementation of a long-term Staffing Plan, including approval of revisions to EBDA's Classification Plan to revise the job description for the current Administrative Assistant, propose a new classification for an entry-level Administrative Support Specialist, and update the Operations & Maintenance Manager classification. Recruited and onboarded the new Administrative Support Specialist.

- 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.

Continued the due diligence process with Cargill for this brine disposal project, which is expected to generate \$5 million in capacity revenue and an additional \$1.4 million in annual flow-based charges for EBDA. Work included the following:

- *Extensive evaluation of the potential for corrosion of the force main and options to protect it. This included numerous force main shutdowns to facilitate inspections, two force main tours, and a dissolved oxygen study along the force main. Successfully convinced Cargill that corrosion*

mitigation to protect EBDA's assets would be a necessary element of the project. Work then included a systematic evaluation of potential corrosion protection measures, concluding that sliplining would be the lowest cost and lowest risk approach.

- Development of the "parallel pipe" approach to extend the brine pipeline to OLEPS rather than connecting north of USD. This approach has significantly lower risks and impacts to EBDA, as it prevents brine from interacting with EBDA's transport system in the most vulnerable segments where there is air entrainment and flows are lowest.*
- Currently working with Cargill to assess multiple potential routes for the parallel pipe, including a street route along Union City Boulevard and Hesperian, and a Bayside route following the Cargill ponds and EBDA's transport system easement.*
- Legal analysis of ownership and franchise rights, resulting in determination that EBDA's risk is reduced if Cargill owns the pipeline and seeks franchise rights with the cities as needed.*
- Legal analysis of EBDA's ability to allow Cargill to utilize its easements for the purpose of installing the brine pipeline.*
- Initiation of a technical assessment of the corrosion risks at OLEPS and MDF. This study will lead to recommendations on the location for brine mixing at OLEPS and for materials selection at both facilities.*
- Initiation of a laboratory study analyzing the brine impacts on disinfection and chlorine demand. This information will be used to negotiate compensation from Cargill for additional chlorine dosing that may be required.*
- Kick-off of the CEQA review process, including consultant selection, development of project objectives and project description, and two CEQA-focused site visits. We are on track to complete CEQA for the pipeline street route by the end of this calendar year to align with Union City's Union City Boulevard bike path project.*
- Coordination with the jurisdictions that the new pipeline will cross, including Union City, Fremont, Newark, Hayward, Alameda County, East Bay Parks, and the agencies that manage Eden Landing and other refuge areas.*

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 EBDA's adopted budget and implementing special projects such as the Disinfection Master Plan, which has a goal of optimizing chemical dosing and associated expenses.

Completed Fiscal Year 2020/2021 25% under budget, resulting in over \$850,000 returned to the Member Agencies.

This included continued efforts to optimize operations, resulting in cost reductions that offset labor cost increases. At MDF, for example, actual labor costs for FY 2020/2021 were lower than those in FY 2014/2015 or any year since, despite the fact that hourly labor rates have increased by 6% each year excluding last year (3% annual salary increases, plus markup).

EBDA also transitioned to new auditors – Cropper Accountancy – and received a successful Unmodified Audit opinion of the Authority's Financial Statements.