



EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841  
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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/89349170882>
- Telephone dial-in: 1(669) 900-6833, meeting ID #893 4917 0882

### **ITEM NO. 13**

#### **PERSONNEL COMMITTEE AGENDA**

**Tuesday, April 19, 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. General Manager Performance Plan for 2022/2023**  
(The Committee will provide input on the GM's Performance Plan.)
- P5. State Controller's Government Compensation in California Calendar Year 2021**  
(The Committee will review the report submitted to the State Controller's Office.)
- P6. Review of the Authority's Fiscal Year 2022/2023 Draft Compensation Plan**  
(The Committee will review the draft FY 2022/2023 Compensation Plan.)
- P7. Adjournment**

Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate

Agenda Explanation  
East Bay Dischargers Authority  
Personnel Committee  
April 19, 2022

alternative format, please contact Juanita Villaseñor at [juanita@ebda.org](mailto: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.

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>.

<p><b>The next Personnel Committee meeting will be held Tuesday, June 14, 2022 at 10:00 a.m.</b></p>
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**ITEM NO. P4 GENERAL MANAGER PERFORMANCE PLAN FOR 2022/2023**

**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, including incorporation of the concept of "Stretch Goals," as previously requested by the Committee. Future Performance Plans will be linked to the Authority's Strategic Plan, once developed.

## EBDA General Manager 2022/2023 Performance Plan

Updated April 13, 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.
2. **NPDES Permit Reissuance.** EBDA's current NPDES permit expires in 2022, and the application package for the permit renewal was submitted in September 2021. An administrative draft of the updated permit is expected in April 2022, with adoption likely scheduled for July 2022. The GM will coordinate the efforts of the expert consultant and the Member Agencies to develop a thorough and thoughtful review of all drafts and 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 further a framework for an EBDA regional biosolids collaboration. Development of an EBDA biosolids strategy and implementation plan 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. **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 fourth watershed permit, which is currently scheduled for adoption in 2024.

**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 identifying and addressing regulatory conflicts and barriers. The GM will also work with San Francisco Estuary Partnership on a parallel project aimed specifically at identifying and resolving regulatory challenges associated with implementation of multi-benefit nature-based solutions.

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 the GM will participate in that process with a goal of EBDA becoming a HASPA member in its new technical tier.

Lastly, the GM will work with collaborators from San Francisco Estuary Partnership, San Francisco Estuary Institute, and BACWA to develop a proposal for funding to support nutrient management and nature-based shoreline resilience work through the next round of EPA's Water Quality Improvement Fund.

5. **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.
6. **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 include succession planning.
7. **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, with a goal of EIR certification by early 2023.
  - Coordinating with the cities of Union City, Fremont, Newark, and Hayward, as well as the County and San Lorenzo community 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 documenting 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.
8. **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. P5 STATE CONTROLLER'S GOVERNMENT COMPENSATION IN CALIFORNIA CALENDAR YEAR 2021**

**Recommendation**

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

**Background**

Government Code section 53891 requires local agencies to submit a completed Government Compensation in California (GCC) report for the previous calendar year 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 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 2021

[Refer to the 2021 GCC Reporting Instructions for more details](#)

### Preparer Contact Information

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 2021-12500108500.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	5102785910
E-mail Address	juanita@ebda.org

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

							-- Total Wages Subject to Medicare (Box 5 of W-2): --				Applicable Defined Benefit Pension Formula		Retirement Plan: Employees' Share Paid by Employer	Deferred Compensation /Defined Contribution Plan	Health, Dental, Vision	
Line #	Elected Position Enter 'Y'	Department	Classification	Multiple Positions Footnote	Annual Salary Minimum	Annual Salary Maximum	Annual Regular Pay	Overtime Pay	Lump Sum Pay	Other Pay						
1.		Governing Body	Commissioner		0	0	0	0	0	2,160	N/A	N/A	N/A	N/A	N/A	N/A
2.		Governing Body	Commissioner		0	0	0	0	0	6,480	N/A	N/A	N/A	N/A	N/A	N/A
3.		Governing Body	Commissioner		0	0	0	0	0	5,760	N/A	N/A	N/A	N/A	N/A	N/A
4.		Governing Body	Commissioner		0	0	0	0	0	6,480	N/A	N/A	N/A	N/A	N/A	N/A
5.		Governing Body	Commissioner		0	0	0	0	0	3,120	N/A	N/A	N/A	N/A	N/A	N/A
6.		Governing Body	Commissioner		0	0	0	0	0	6,000	N/A	N/A	N/A	N/A	N/A	N/A
7.		Governing Body	Commissioner		0	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A
8.		Governing Body	Commissioner		0	0	0	0	0	0	N/A	N/A	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	N/A	N/A
10.		Governing Body	Commissioner		0	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A
11.		Administration	General Manager		211,884	257,547	253,018	0	0	0	2.5% @ 55	0	31,068	7,570	28,014	
12.		Administration	O&M Manager		158,418	192,559	167,012	0	2,957	12,693	2.5% @ 55	0	20,508	4,375	2,628	
13.		Administration	Administration Manager		97,100	118,026	114,349	0	0	0	2.5% @ 55	0	14,040	3,153	28,014	
14.		Administration	Administrative Support Specialist		57,120	69,430	4,394	0	0	0	2% @ 62	0	333	93	0	



## ITEM NO. P6 REVIEW OF THE AUTHORITY'S FISCAL YEAR 2022/2023 DRAFT COMPENSATION PLAN

### Recommendation

Provide guidance to staff for adoption of the FY 2022/2023 Compensation Plan.

### Background

As discussed in February 2022, 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 2022/2023 is attached for the Committee's review. The Compensation Plan has been streamlined, with significant wording changes from previous versions to improve clarity. For this reason, the Plan is not shown with tracked changes as compared to the FY 2021/2022 Plan. The substantive changes are as follows:

- The proposed Salary Schedule includes of a cost-of-living adjustment (COLA) 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	2017		2018		2019		2020		2021	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	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

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. The proposed COLA this year is 4%.

Based on previous direction from the Committee, staff also gathered information on the anticipated FY 2022/2023 COLA for each Member Agency, for context and assessment of the Authority's financial status. EBDA's members are providing COLAs ranging from 3.2% to 6% for FY 2022/2023, with the average COLA being 4.5%.

- The Authority's Public Employees' Medical and Hospital Care Act (PEMHCA) contribution has been increased by 3% to \$487, as adopted by the Commission in March 2022.

Pending feedback from the Committee, a final Compensation Plan will be proposed for the Commission's consideration in May.

**EAST BAY DISCHARGERS AUTHORITY  
COMPENSATION PLAN  
JULY 1, 2022 TO JUNE 30, 2023**

MONTHLY SALARY SCHEDULE					
CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
Administration Manager	8,415.34	8,836.12	9,277.90	9,741.80	10,228.90
Administrative Support Specialist	4,950.40	5,197.92	5,457.82	5,730.72	6,017.26
General Manager	18,363.30	19,281.48	20,245.56	21,257.86	22,320.76
Operations & Maintenance Manager	13,729.60	14,416.08	15,136.90	15,893.74	16,688.42

SUMMARY OF BENEFITS	
BENEFIT	DESCRIPTION
Medicare	The employee and the Authority each pay the Medicare tax rate of 1.45% on taxable earnings.
Retirement – CalPERS Classic Members	Benefit Formula: 2.5% @ 55, 1 year final average compensation Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. Classic Members <sup>1</sup> shall contribute 100% of the plan's Employee Contribution Rate.
Retirement – CalPERS New Members	Benefit Formula: 2% @ 62, 3 years final average compensation Authority shall contribute 100% of the required Employer Normal Cost Rate as determined by the CalPERS annual actuarial valuation. New Members <sup>2</sup> shall contribute 100% of the plan's Employee Contribution Rate.
Medical Coverage – CalPERS Kaiser Permanente	Insurance premiums paid by Authority for employees and their eligible dependents enrolled in the employer sponsored health plan.
Retiree Medical Coverage – CalPERS	Authority contributes up to a maximum of \$487 per month for EBDA retirees and their eligible dependents enrolled in the employer sponsored health plan. The fixed employer contribution includes the PEMHCA minimum. The minimum qualification for retiree health benefits is five years of continual employment at EBDA.
Dental & Vision Care	Authority pays dental and vision insurance premiums for employees and their eligible dependents enrolled in the employer sponsored programs.
Basic Life Insurance and AD&D	Benefit: 1 x Annual Salary Authority provides basic life insurance and accidental death & dismemberment coverage.
Short Term/Long Term Disability Insurance	Benefit: 66 2/3% of salary Authority provides coverage up to the date of permanent separation from EBDA. Employee must exhaust all available leave. Note: EBDA does not pay into State Disability Insurance.

<b>SUMMARY OF BENEFITS (Continued)</b>	
<b>BENEFIT</b>	<b>DESCRIPTION</b>
Deferred Compensation	An Authority-sponsored deferred compensation plan is available to employees. For participants that defer 0.32% of gross earnings, the Authority contributes 2.32% to the employee's plan account. In addition, employees may elect to defer a voluntary dollar amount to which the Authority will match \$0.50 for each \$1, up to a maximum employer contribution of \$500 per calendar year, per employee.
Holidays	11 paid holidays plus 28 hours of floating holiday annually.

<b>MISCELLANEOUS</b>	
Prorated Benefits	An employee hired or placed into a part-time position will receive prorated benefits proportionate to their scheduled work hours.
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. The Authority shall pay overtime worked by non-exempt employees in a manner consistent with the Fair Labor Standards Act.</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.
Use of Authority Vehicle	The General Manager may authorize the use of Authority vehicles by employees for business travel when determined that such use would be in the best interest of the Authority.
Flexible Spending Accounts (FSA)	Benefit eligible employees may enroll in the Authority's FSA to make pre-tax salary contributions up to the IRS limits.

<sup>1</sup> Definition of a Classic Member – A classic member is defined as:

- An existing member of a California public retirement system as of December 31, 2012. Please note, however, that because new member determination is based on an appointment-by-appointment basis, upon appointment, new hires will be required to self-certify their classic member status by submitting a form that tests against the new member definition and which may ultimately result in a change in status to new member.

<sup>2</sup> Definition of a New Member – A new member is defined as any of the following:

- A new hire who is brought into a California public retirement system membership for the first time on or after January 1, 2013, and who has no prior membership in a California public retirement system.
- A new hire who was an active member of a California public retirement system and who, after a break in service of more than six months, returned to active membership in that system.