



ITEM NO. 16

PERSONNEL COMMITTEE AGENDA

**Tuesday, May 14, 2024
4:00 PM**

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

**This meeting will be teleconferenced from the following location:
4671 X Street, Sacramento, CA**

**Teleconference link: <https://us02web.zoom.us/j/85037576026>
Call-in: 1(669) 900-6833 and enter Webinar ID number: 850 3757 6026**

Committee Members: Azevedo (Chair), Simon

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Review of Retiree Medical Benefits**
(The Committee will discuss options for Authority benefits.)
- P5. General Manager Performance Review Template**
(The Committee will review the GM performance review form and process.)
- 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.

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>.

**Next Scheduled Personnel Committee meeting is
June 18, 2024 at 4:00 pm**

ITEM NO. P4 REVIEW OF RETIREE MEDICAL BENEFITS

Recommendation

Provide direction to staff on any changes to retiree medical benefits.

Strategic Plan Linkage

4. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
 - b. Proactively manage expenditures to stay within adopted budget.
5. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
 - b. Provide professional development opportunities and competitive pay and benefits to attract and retain high caliber staff.

Background

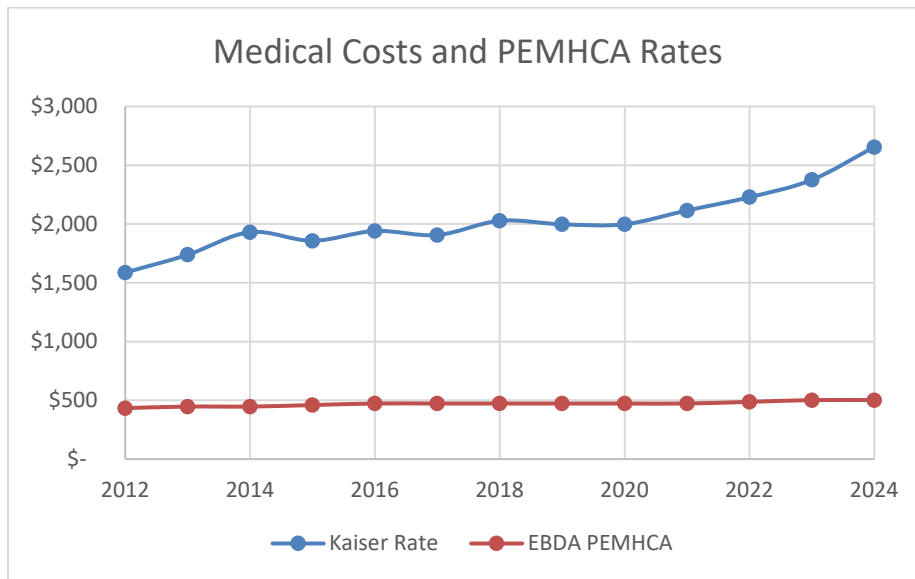
In reviewing benefits-related budget assumptions in February and staff's draft Compensation Plan in March, the Committee requested additional information on EBDA's current retiree medical benefits, trends of EBDA's benefits and medical costs, and practices for retiree medical benefits employed by other agencies.

The Authority provides medical benefits to its eligible retirees through the CalPERS Health Plan, which is governed by the Public Employees' Medical and Hospital Care Act (PEMHCA). In FY 2023/2024, the Authority pays up to \$502 per month toward the cost of the monthly medical premiums for the retired employee and dependents. Currently, six EBDA retirees participate in the health plan. Four participants receive the PEMHCA rate as their medical benefit, and two participants negotiated contracts to receive full reimbursement for two-party medical premiums. Actual cost for retiree medical ranges from \$448.15 (with Medicare subsidy) to \$2,042.82 (for employee and spouse without Medicare).

As presented in last month's Financial Management Committee, the Authority's California Employers Retiree Benefit Trust (CERBT) Fund to pre-fund other post-employment benefits (OPEB) is currently funded at 99%, exceeding the Commission's target funding level of 80%. The Authority has taken reimbursements from the CERBT to fully cover retiree medical disbursements each of the past several years.

Discussion

As discussed previously, the Authority's contributions to retiree medical coverage via PEMHCA rates have not kept up with escalating medical costs. EBDA first adopted a PEMHCA rate in 1976. The graph below shows EBDA's PEMHCA over time.



Last month, staff presented the Committee with a range of options for bringing EBDA’s retiree health benefits more in line with other agencies’. These included the following:

- Raising the PEMHCA.
- Establishing a health reimbursement agreement (HRA). Under this approach, EBDA would contribute a percentage of each employee’s salary to an account from which the employee could draw for medical benefits upon retirement.
- Providing a defined benefit equal to some portion of the current Kaiser medical premium.

Upon further evaluating these options, staff is recommending that the Commission employ the third option of providing a defined benefit. Government Code Section 22892(a) requires amendments to the Authority’s health contract, such as changes to the employer contribution (“PEMHCA rate”), be made by resolution submitted to CalPERS. By pegging the value of the benefit in relation to the premium, for example a percentage of the one-party rate, the benefit will automatically adjust. Modifying benefits outside of changes to the PEMHCA rate can be done administratively through the Authority’s Personnel Policy.

The current price of coverage for the retiree plus one without Medicare is \$2,043. For the retiree only, the price is \$1,021. As noted above, EBDA currently has four retirees that receive PEMHCA as their medical benefit, and two retirees that already receive retiree plus one medical coverage for themselves and their spouses based on their negotiated contracts. Most of EBDA’s retirees also qualify for Medicare, significantly lowering their premiums. The table below summarizes monthly costs for current retirees in FY 2023/2024.

Agenda Explanation
 East Bay Dischargers Authority
 Personnel Committee
 May 14, 2024

Retiree	Current Retiree Health Benefit	Medicare	Total Premium	EBDA Paid	Employee Paid
A	PEMHCA	X	\$ 896	\$ 502	\$ 394
B	PEMHCA	X	\$ 785	\$ 502	\$ 283
C	PEMHCA	X	\$ 448	\$ 448	
D	PEMHCA	X	\$ 448	\$ 448	
E	PEMHCA plus reimbursement		\$ 1,346	\$ 1,346	
F	PEMHCA plus reimbursement	X	\$ 650	\$ 650	
			\$ 4,574	\$ 3,896	\$ 678

As illustrated by the table, the overall cost to EBDA if the Authority were to move from the current PEMHCA-only system to covering the premium is \$678 per month. Note that in FY 2024/2025, the monthly medical premium for retiree “E” will be reduced by \$697 per month when their spouse becomes eligible for Medicare, thus offsetting the increase in cost associated with the change.

As discussed in April, the Committee may also consider increasing the vesting period for the retiree health benefits. EBDA’s current vesting requirement for its PEMHCA-based benefit is five years of continuous employment with the Authority. The Committee may wish to consider a gradually increasing vesting period tied to increasing benefits, similar to several of EBDA’s Member Agencies, as shown below:

Oro Loma Sanitary District
 (% of one-party rate)

YEARS	AGE	PERCENTAGE
Minimum Age 60		
15	60	50%
16	60	60%
17	60	70%
18	60	80%
19	60	90%
20	60	100%
Minimum age and service to collect benefits is 15 years at age 60.		

Table C

Castro Valley Sanitary District
 (% of one-party rate)

Years of Service	Percentage
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20	100

A summary of all member agencies' current retiree medical benefits is presented in the following table.

EBDA Member Agencies Retiree Medical Benefits for Management

Agency	Hire Date	Benefit	Eligibility Requirements	
			Health Vesting	Minimum Age
Castro Valley Sanitary District	After March 1, 2011	50% one-party rate, increasing 5% for each additional year, up to 100% @ 20 yrs	10	
Oro Loma Sanitary District	After June 27, 2011	50% one-party rate, increasing 10% each additional year, up to 100% @ 20 yrs	15	60
Union Sanitary District		\$475 @ 10 yrs, \$575 @ 15 yrs, \$675 @ 20+ yrs	10	50
City of San Leandro		Reimbursement up to \$360 including PEMHCA amount paid directly to CalPERS.	5	
City of Hayward		\$274.72	10	

Staff recommends that EBDA adopt a graduated benefit with increasing years of service, consistent with CVSan and Oro Loma's, as follows:

Years of CalPERS Service	Percentage of One-party Health Plan Cost
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20	100

Because EBDA's positions are management level, employees are unlikely to have started their careers with the agency. They are more likely to be closer to retirement, having moved up through the ranks at other agencies. For this reason, staff recommends vesting periods based on years of CalPERS service rather than years with the Authority. The five-year minimum service with EBDA would still apply for all retiree health benefits. Staff further recommends that any change to the vesting period apply to employees hired after January 1, 2013.

ITEM NO. P5 GENERAL MANAGER PERFORMANCE REVIEW TEMPLATE

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 year in February or March, corresponding with her hire date of February 28. The review takes place in Closed Session at the Commission Meeting.

Discussion

At the Commission Meeting in June, 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 performance review template that has been used for the Commission's GM performance review process for the past several years. Following any feedback from the Committee, the template will be distributed to the Commission via email as a spreadsheet to be completed and returned to EBDA Administration Manager for compilation. This same template has been used for the past four years, and provides a means for tracking progress and trends over time. As discussed previously, in lieu of individual performance goals for FY 2022/2023, the GM will be compared to the Commission's Strategic Plan goals, which were adopted in September 2023. Section D of the template provides an opportunity for Commissioners to provide that assessment. A copy of the adopted Strategic Plan is attached for reference. The General Manager's self-assessment for FY 2023/2024 will be provided to the Committee for consideration as part of the process in June.

DRAFT EBDA GM Performance Review

Performance Review - EBDA General Manager								
2023-24								
In the spaces provided (under your agency's name) rate the General Manager using the following criteria: 1= unsatisfactory 2= needs improvement 3=competent 4= very good 5= outstanding n/a= not applicable								
	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average	
A	Accountability and Fiscal Responsibility							
1						0	#DIV/0!	Manages staff to produce high quality, accurate work, using resources efficiently and effectively.
2						0	#DIV/0!	Meets all deadlines, follows up on detail, completes projects on time and within budget.
3						0	#DIV/0!	Gives regular project and strategic planning goal updates at relevant meeting.
4						0	#DIV/0!	Conducts thorough research and analyzes data for informed decision making.
5						0	#DIV/0!	Actively anticipates, solves problems, and is forthright about mistakes.
6						0	#DIV/0!	Models a high level work ethic.
7						0	#DIV/0!	Has in depth, comprehensive knowledge, and keeps up-to-date on policies, regulations, and laws.
8						0	#DIV/0!	Represents organization accurately, positively, and in a professional manner in public.
9						0	#DIV/0!	Actively implements improvements by reducing expenditures and increasing efficiency.
	0	0	0	0	0	0	0.0	
Comments:								

DRAFT EBDA GM Performance Review

	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average	
B	Leadership							
1						0	#DIV/0!	Fully involves appropriate stakeholders in shaping plans and decisions that effect them.
2						0	#DIV/0!	Actively demonstrates creative and strategic thinking and planning at meetings.
3						0	#DIV/0!	Solicits feedback from others on own performance on a regular basis.
4						0	#DIV/0!	Is consistently open and non-defensive when receiving feedback.
5						0	#DIV/0!	Is proactive in assisting in day-to-day problem solving.
6						0	#DIV/0!	Exhibits flexibility in decision making associated with changing priorities.
7						0	#DIV/0!	In crisis situations, makes excellent, timely decisions.
8						0	#DIV/0!	Communicates a purpose and clear direction for all projects.
9						0	#DIV/0!	Fully tracks progress of all contracts and holds them accountable
	0	0	0	0	0	0		
							Comments:	

DRAFT EBDA GM Performance Review

	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average	
C	Teamwork & Cooperation							
1						0	#DIV/0!	Fully cooperates with others to find win-win solutions.
2						0	#DIV/0!	Gives credit & acknowledgment without fail to those deserving.
3						0	#DIV/0!	Keeps all time agreements: meetings, projects, appointments, and is fully prepared.
4						0	#DIV/0!	Works collaboratively to solve problems.
5						0	#DIV/0!	Regularly encourages, supports, and contributes to other's success.
	0	0	0	0	0	0		
	Comments:							
	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average	
D	Achievement relative to goals							
1						0	#DIV/0!	Regulatory Compliance: Proactively meet or exceed regulatory requirements for protection of the environment and public health.
2						0	#DIV/0!	Operations & Maintenance: Ensure reliable operations & maintenance of the EBDA system to protect public health and the Bay.
3						0	#DIV/0!	Financial: Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
4						0	#DIV/0!	Sustained Organization: Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
5						0	#DIV/0!	Resilience: Champion resilience for communities and the environment through regional leadership and advancing priority programs to support the Member Agencies in achieving their sustainability goals.
6						0	#DIV/0!	Internal Collaboration: Expand cooperation among EBDA Member Agencies to improve economies of scale, reduce duplication of effort, and enhance each Agency's capacity.
7						0	#DIV/0!	External Collaboration: Collaborate with external stakeholders to build strong relationships for joint problem-solving and to expand EBDA's and its Member Agencies' reach.
	0	0	0	0	0	0		
	Comments:							

DRAFT EBDA GM Performance Review

	CVSan	San Leandro	OLSD	USD	Hayward	Total	Average		
E	Personal Characteristics (Character, Trust, Integrity)								
1						0	#DIV/0!	Actively listens, without judgment or defense. Checks facts vs. making assumptions.	
2						0	#DIV/0!	Keeps others informed in a timely manner. Avoids "surprises."	
3						0	#DIV/0!	Writes and speaks clearly and concisely.	
4						0	#DIV/0!	Habitually uses constructive feedback & positive body language.	
5						0	#DIV/0!	Keeps open lines of communication, speaking his/her convictions.	
6						0	#DIV/0!	Takes the time to be available to listen to stakeholders	
7						0	#DIV/0!	Never has hidden agenda (5pts = never)	
8						0	#DIV/0!	Is completely truthful and trustworthy.	
9						0	#DIV/0!	Is fair in all dealings, listens and reports all sides of issue.	
10						0	#DIV/0!	Treats others equally, not showing any favoritism.	
	0	0	0	0	0	0			
Comments:									
Give your overall rating and reasons for this rating, citing any other relevant examples									
CVSan	0	0	0	0	0	0	0.0		
San Leandro	0	0	0	0	0	0	0.0		
OLSD	0	0	0	0	0	0	0.0		
USD	0	0	0	0	0	0	0.0		
Hayward	0	0	0	0	0	0	0.0		
						Totals	Possible		
Accountability and Fiscal Responsibility						0	225	0.0%	
Leadership						0	225	0.0%	
Teamwork & Cooperation						0	125	0.0%	
Achievement						0	175	0.0%	
Personal Characteristics (Character, Trust, Integrity)						0	250	0.0%	
						0	1000	Overall Average = %	
								0.0%	
Comments:									



EBDA Strategic Plan

Adopted September 21, 2023

Mission

East Bay Dischargers Authority is a Joint Powers Agency of five local governments that efficiently and reliably manages the wastewater resources of one million East Bay residents and thousands of businesses to protect human and environmental health.

Vision

East Bay Dischargers Authority recognizes that wastewater management is the foundation of protecting and extending the health and wellbeing of our collective San Francisco Bay communities and wildlife habitat. We innovate and advance beneficial use of wastewater resources to support resilient, vibrant communities for the 21st century and beyond.

Goals and Objectives

1. **Regulatory Compliance:** Proactively meet or exceed regulatory requirements for protection of the environment and public health.
 - a. Represent EBDA and the Member Agencies’ interests by preemptively engaging in development of emerging regulations and permits and advocating for reasonable, science-based decisions.
 - b. Maintain consistent compliance with EBDA’s National Pollutant Discharge Elimination System (NPDES) Permit.
 - c. Ensure compliance with non-NPDES permits and regulatory requirements, including air quality and hazardous waste.
 - d. Continue our leadership in exceeding requirements where feasible to achieve our Vision of *protecting human and environmental health*.

CHAIR
Anjali Lathi
Union S.D.

VICE-CHAIR
Fred Simon
Oro Loma S.D.

COMMISSIONER
Ralph Johnson
Castro Valley S.D.

COMMISSIONER
Bryan Azevedo
City of San Leandro

COMMISSIONER
Angela Andrews
City of Hayward

GENERAL MANAGER
Jacqueline T. Zipkin
LEGAL COUNSEL
Eric S. Casher

- e. Track and share scientific and regulatory developments related to emerging contaminants, and advocate for source control.
2. **Operations & Maintenance:** Ensure reliable operations & maintenance of the EBDA system to protect public health and the Bay.
 - a. Implement EBDA’s Asset Management Plan.
 - b. Proactively manage wet weather conditions.
 - c. Protect EBDA’s infrastructure, including the easement and force main.
 3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers’ resources.
 - a. Operate EBDA’s system efficiently.
 - b. Proactively manage expenditures to stay within adopted budget.
 - c. Identify and manage opportunities for revenue generation.
 - d. Secure grant funding for innovative projects.
 4. **Sustained Organization:** Sustain a functional, productive, resilient organization to ensure EBDA can strive to achieve its Mission and Vision.
 - a. Foster partnership between the Commission and staff to jointly achieve EBDA’s Mission and Vision.
 - b. Provide professional development opportunities and competitive pay and benefits to attract and retain high caliber staff.
 - c. Develop and implement succession plans for each staff role.
 - d. Partner with Member Agencies to augment staff resources.
 5. **Resilience:** Champion resilience for communities and the environment through regional leadership and advancing priority programs to support the Member Agencies in achieving their sustainability goals.
 - a. Promote the Member Agencies’ interests by furthering regional support for water recycling and “one water.”
 - b. Advance concepts for shoreline adaptation and climate resilience.

- c. Implement renewable energy where feasible and cost-effective.
 - d. Continually adapt disaster preparedness strategies.
 - e. Facilitate innovative brine management projects that leverage EBDA’s existing infrastructure.
6. **Internal Collaboration:** Expand cooperation among EBDA Member Agencies to improve economies of scale, reduce duplication of effort, and enhance each Agency’s capacity.
- a. Engage in proactive communication with Commission and Managers Advisory Committee (MAC).
 - b. Facilitate partnerships for joint projects and advancing new technologies through pilots.
 - c. Advance a joint Biosolids Management Strategy.
 - d. Provide a forum for training and sharing of best practices, including
 - i. Equitable and inclusive community engagement
 - ii. Technical information
 - iii. Business practices
7. **External Collaboration:** Collaborate with external stakeholders to build strong relationships for joint problem-solving and to expand EBDA’s and its Member Agencies’ reach.
- a. Provide industry leadership through active engagement with wastewater associations including Bay Area Clean Water Agencies (BACWA), California Association of Sanitation Agencies (CASA), California Water Environment Association (CWEA), and Water Environment Federation (WEF).
 - b. Partner with regulators to develop and implement permits and programs leading with science and lessons learned.
 - c. Represent wastewater through participation in regional associations such as East Bay Leadership Council, Bay Planning Coalition, Bay Area Climate Adaptation Network (BayCAN), San Francisco Estuary

Partnership (SFEP), and Coastal Hazards Adaptation Resiliency Group (CHARG).

- d. Support shoreline resilience through engagement in the Hayward Area Shoreline Planning Agency (HASPA) Technical Advisory Committee.
- e. Promote and share knowledge from research and technology innovation, including participation in Advanced Quantitative Precipitation Information (AQPI) Project, Regional Monitoring Program, Nutrient Management Strategy, and Water Research Foundation.
- f. Fund and promote Bruce Wolfe Memorial Scholarship to promote opportunities for underrepresented community members in wastewater technical fields.
- g. Develop a Communication and Engagement Plan with priorities for public education and outreach.
 - i. Engage through BACWA, non-governmental organizations (NGOs), and community-based organizations (CBOs) to ensure community input on regional wastewater issues.
 - ii. Serve as a regional liaison and assist BACWA on Regional Public Communication Strategy for relevant joint messaging and collateral development (e.g. flushing wipes).
 - iii. Facilitate collaborative legislative advocacy to secure funding for priority projects.
 - iv. Raise profile and celebrate our members' and EBDA's successes (e.g. CASA Awards program)