



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
SFCJPA.ORG

**Notice of Regular Meeting of the
BOARD OF DIRECTORS
June 25, 2020 at 3:30 p.m.**

Due to the risk of COVID-19 transmission, this meeting will be held remotely. If you require an accommodation pursuant to the Americans with Disability Act, please contact the Clerk of the Board at the phone number or email listed at the bottom of this Agenda by 10:00 am on the day of the meeting.

To join the meeting, click on: <https://us02web.zoom.us/j/89112746454>

Meeting ID: 891 1274 6454

Or by phone: 669-900-6833,,89112746454#

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: April 17, 2020 Special Finance Committee Meeting, April 23, 2020 Regular Meeting, May 08, 2020 Special Board Meeting, May 15, 2020 Special Board Meeting, May 22, 2020 Special Board Meeting and May 28, Regular Meeting
4. PUBLIC COMMENT: *Individuals may speak on any topic for up to three minutes; during any other Agenda item, individuals may speak for up to three minutes on the subject of that item.*
5. ACTION ITEMS:
 - a. Approval of Employment Agreement with Executive Director
 - b. Approval of updates to the SFCJPA Employee Handbook
6. CLOSED SESSION Conference with Legal Counsel — Initiation of Litigation
Government Code Section 54956.9(c), One Case
7. ADJOURNMENT

PLEASE NOTE: This Board meeting Agenda and supporting documents related to items on the Agenda can be viewed online by 3:30 p.m. on June 22, 2020 at sfcjpa.org -- click on the "Meetings" tab near the top. To be added to or removed from the Board Meeting distribution list, please e-mail jpa@sfcjpa.org.

NEXT MEETING: Regular Board meeting, July 23, 2020 at 3:30 PM, location to be determined

650-324-1972 * jpa@sfcjpa.org * 615 B Menlo Avenue * Menlo Park, CA 94025

San Francisquito Creek Joint Powers Authority

June 25, 2020 Regular Meeting of the Board

Agenda Item 3

Apr 17, 2020 Special Finance Committee Meeting Minutes

Director Pine called the meeting to order at 2:30 p.m. via live streaming video and teleconference call.

DRAFT

1) ROLL CALL

Members Present: Director Dave Pine, San Mateo Flood and Sea Level Rise Resiliency District
Director Alison Cormack, City of Palo Alto

JPA Staff Present: Len Materman, Executive Director
Miyko Harris-Parker, Staff

2) APPROVAL OF AGENDA

Director Cormack made a motion to approve the agenda. Director Pine seconded. Agenda was approved 2-0.

3) PUBLIC COMMENT

None.

4) REGULAR BUSINESS: DISCUSS THE PROPOSED FISCAL YEAR 2020-21 OPERATING BUDGET

Mr. Materman began by discussing the estimated Fiscal Year end 2019-2020 budget to the Committee members. Mr. Materman noted that Ms. Harris-Parker and the SFCJPA auditor have been working hard to have the FY 2018-2019 audit completed. Director Cormack asked that the completion of the FY2018-2019 audit be set as an action item to be completed by the end of July.

Mr. Materman presented the draft proposed Fiscal Year 2020-2021 budget to the Committee highlighting the increase in member agency dues from the current \$185,000 per member agency to \$330,000 per member agency. Mr. Materman explained that the increase in contributions includes one-time costs for the Upstream of Highway-101 project; a five percent salary increase for staff to align their salaries with comparable positions at other agencies, increases related to employee benefits, administrative expenses including hiring an IT consultant; replenishing the agency reserves which have been depleted due mainly to legal costs regarding the lawsuit and the fact that grant funds have been depleted due to the end of the Prop 1E grant funding.

Director Cormack stated that the proposed Executive Director Salary should be listed at no more than \$170,000 as the recruitment brochure that is posted has a salary range of \$130,000 - \$170,000. Director Pine concurred saying that if we are planning for no more than \$170,000 then we should cap the budget item at \$170,000.

Director Cormack expressed the need for careful thinking in terms of the proposed salary increases at this time. Director Pine expressed his uncertainty on if the salary increases should or should not be given at this time. Mr. Materman provided the Committee with a list of reasons to move forward with the proposed salary increase which included; SFCJPA staff salaries being lower than their counterparts at other agencies, SFCJPA staff not having retiree health benefits as an option, and lower CalPERS percentages. Mr. Materman urged the Committee to move forward with the proposed increase not as a merit increase but as a salary increase to bring staff salaries to the level of comparable staff. Director Cormack shared her concerns over presenting the increased budget to member agencies whose own jurisdictions are facing budget cuts. Director Cormack stated that this is a tough time to bring staff salaries to market and that staff salaries should have been taken care of previously. Director Pine agreed with Director Cormack's comments but expressed that he does not feel comfortable with moving the budget forward with a zero percent salary increase until there is more information on the economic status our member agencies. Director Cormack stated that she cannot be comfortable with a five percent increase even when more information is known, clarifying that her position is not based on staff not deserving the increase, but rather because we would be saying this is more important than what our cities and counties are doing. Mr. Materman asked the

San Francisquito Creek Joint Powers Authority

June 25, 2020 Regular Meeting of the Board

Agenda Item 3

Apr 17, 2020 Special Finance Committee Meeting Minutes

Committee if they were comfortable with a three percent increase amounting to \$10,212. Director Cormack suggested a limit of \$10,000 stressing the need to make it abundantly clear that this budget field may be end up being zero. Director Pine concurred and clarified that the Committee is prepared to say to the Board that should a salary increase for staff be approved, the Committee does not believe it should be more than three percent. Director Pine suggested budgeting for the \$10,212 as our budgets tend to show precise numbers. Director Cormack concurred.

Director Cormack questioned the proposed one-time expense for reimbursement of legal fees saying she is not comfortable with moving forward with the \$75,000 proposed for this line item to replenish the reserves. Director Pine acknowledged the need for the Board to create a reserves policy and he concurred with Director Cormack that this line item be removed from the proposed budget. Ms. Harris-Parker asked that the Committee take the lead with the Board to ensure a policy for reserves is established, as staff has brought the discussion to the Board numerous times and each time the discussion has been tabled. Director Pine concurred. Director Cormack asked Ms. Harris-Parker to prepare a proposal for the Committee to review and take to the Board.

Mr. Materman provided a brief summary of the one-time upstream of Highway 101 Project expenses which are for an EIR for upstream detention sites. Director Cormack asked if the funds would ensure the completion of the EIR in this next fiscal year. Mr. Materman said that he cannot commit to the EIR being a certified document next year noting that there are many EIRs that take longer than twelve months. Director Cormack asked how previous SFCJPA EIRs were funded. Mr. Materman explained that the EIR for the Bay-Highway 101 project was first funded between the Santa Clara Valley Water District and the San Mateo County Flood Control District, then the County pulled out, and the EIR that we just recently completed was funded one hundred percent by Valley Water. Mr. Materman shared that Valley Water staff has made it clear to him that they will not be offering to pay one hundred percent of the next EIR. Director Pine commented that he understood the same intent from Valley Water and that we either pay for it this way in our budget or delay the process by moving forward with a separate funding agreement. Director Pine said he would prefer to have this remain in the budget. Director Cormack concurred.

5) ADJOURNMENT

Special meeting of the Board Finance Committee adjourned at 3:18 pm.

Minutes drafted by Clerk of the Board: Miyko Harris-Parker.

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
April 23, 2020 Board Meeting Minutes
DRAFT

Director Kremen called the meeting to order at 3:31 p.m. via Zoom video and Zoom teleconference call.

DRAFT

1) ROLL CALL

Members Present: Director Gary Kremen, Valley Water District
Director Drew Combs, City of Menlo Park
Director Alison Cormack, City of Palo Alto
Director Ruben Abrica, City of East Palo Alto
Director Dave Pine San Mateo County Flood and Sea Level Rise Resiliency District

JPA Staff Present: Len Materman, Executive Director
Kevin Murray, Staff
Tess Byler, Staff
Miyko Harris-Parker, Staff

Legal Present: Trisha Ortiz

2) APPROVAL OF AGENDA

Director Pine arrived at 3:32 pm.
Director Cormack made a motion to approve the agenda. Director Abrica seconded. Agenda approved 4-0. Director Pine not present at the time of the vote.

3) APPROVAL OF March 26, 2020 REGULAR BOARD MEETING MINUTES

Director Cormack made a motion to approve the March 26, 2020 Regular Board meeting minutes. Director Pine seconded. The March 26, 2020 Regular Board meeting minutes were approved 5-0.

Roll call vote

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| Abrica | Aye |
| Director Combs | Aye |
| Director Cormack | Aye |
| Director Kremen | Aye |
| Director Pine | Aye |

4) PUBLIC COMMENT

None.

5) REGULAR BUSINESS: EXECUTIVE DIRECTOR'S REPORT

Consider approving the proposed Fiscal Year 2020-21 Operating Budget

Mr. Materman presented the Fiscal Year 2020-2021 operating budget to the Board for approval. Mr. Materman provided the Board with summary of the proposed budget highlighting the increase in member contributions from the current \$185,000 per member agency to a proposed \$313,000 per member agency. Mr. Materman explained that the increased contributions would cover increased legal costs, estimated one-time costs for the project-level EIR for upstream detention basins on Stanford land, a tree survey and arborist report, increases and health and liability insurance, employer taxes, hiring an IT consultant, a three percent salary adjustment for staff and compensating for reduced grant funding with the completion of the Bay-Highway 101 project.

Director Pine thanked staff for the great presentation. Director Pine asked if there were optional ways to pay for the one-time costs associated with the upstream EIR. Mr. Materman responded that the members agencies could form another Six-Party Agreement like the one done for the downstream project. Mr. Materman stated that these costs were added to the proposed budget to

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
April 23, 2020 Board Meeting Minutes
DRAFT

alleviate any delays in the project as going the route of a Six-Party Agreement will take significant time to prepare and present and have approved at each member agency.

Director Pine stated that the Finance Committee which is composed of himself and Director Cormack met with Mr. Materman and Ms. Harris-Parker to go over the budget. Director Pine noted that the Finance Committee supported the budget increase for the most part but did have reservations regarding the staff salary adjustments due to the current climate of the economy as most agencies are going through layoffs. Director Pine stated that concern regarding the salary adjustments in no way reflects that staff is not deserving of the increases.

Director Cormack voiced her appreciation of Valley Water for paying for the first two EIRs. Director Cormack commented on the staff salary adjustments, stating that now may not be the appropriate time proceed with the staff adjustments. Director Cormack shared with the Board that the Finance Committee had removed seventy-five thousand dollars from the proposed budget. Director Cormack continued explaining that she is one who fully supports having reserves but at this time due to the economy, it may not be a priority to seek to replenish the reserves. Director Cormack asked what the levels of reserves have been historically. Mr. Materman responded that the Board has never acted on setting a reserves limit but that reserves have fluctuated between fifteen and twenty percent in the last ten years. Ms. Harris-Parker requested that Board prioritize creating a policy for a reserves limit. Director Cormack concurred and asked Ms. Harris-Parker to bring back a policy for the Board to consider.

Director Combs expressed his concern with approving the proposed budget today as it seemed to him that he would be obligating his governing body without giving his council and staff an opportunity to weigh in on the proposed budget.

Director Pine asked for clarification on the process questioning if the SFCJPA approved the proposed budget as presented means we are recommending to our member agencies but our member agencies do not have to agree; if the SFCJPA Board approves the proposed budget it does not create any legal obligation. Mr. Materman concurred.

Director Cormack asked Mr. Materman if he had met with senior staff from each member agency regarding the budget. Mr. Materman responded saying yes, he did meet with senior staff from each of the member agencies and encouraged all of them to discuss the proposed budget with their agency's SFCJPA Board representative.

Director Abrica stated that he was comfortable moving forward with the proposed budget as long as we continue to follow the same processes we have always followed being transparent and clear of what we are approving.

Director Kremen commented that everyone is looking sharper at their budgets as revenues have gone down so have some expenses, especially in construction. Director Kremen suggested postponing approving the proposed budget to give members of the Board time to speak with their senior staff. Mr. Materman reminded the Board that there we have to be sensitive to the budgetary processes of each of the member agencies as they will need our budget information within each of their own proposed budgets.

Trish Mulvey, Palo Alto resident, read from a prepared statement she sent to the Board and staff. Mrs. Mulvey requested that the Board consider asking the Finance Committee to work with the SFCJPA staff to document the description and purpose of the SFCJPA operating reserve at it was noted that staff has requested this in prior years during budget approval meetings. Mrs. Mulvey also

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
April 23, 2020 Board Meeting Minutes
DRAFT

requested that the Board consider asking the Personnel Committee to work with SFCJPA staff and member agencies to document the benchmark position and descriptions that are used as comparators for recommendations on SFCJPA staff compensation which should include salary, benefits, vacation and retirement provisions.

Heyward Robinson, Menlo Park resident; stated that it is important to emphasize to the member agencies that the four hundred-thousand-dollar line item in the budget is a one-time request so that the project work can continue.

Director Kremen asked if Valley Water staff has asked to pay a disproportionate contribution. Mr. Materman responded saying that Valley Water asked for the proposed EIR costs to be added the operational budget and that no requests for a disproportionate contribution have been made.

Director Cormack commented that not taking action might be appropriate for each of the Board members to have time to better understand the impact of their agencies own fiscal situations. Director Pine asked if the budget could be agendized for the May 28, 2020 regular Board meeting, and if this delay would cause significant time restraints or should we agendize a special meeting between now and the May 28 meeting date. Director Cormack suggested using the time now to quickly speak with member agency staff and then schedule a special meeting.

Director Pine suggested postponing the approval of the budget so that Board members can have the opportunity to meet with their staff regarding the budget. Director Pine suggested that if any of the Board members notify Mr. Materman that their member agency has a problem with the proposed budget then we can schedule a special meeting to discuss. Mr. Materman concurred and asked that the Board send him feedback by April 30, 2020.

Upstream of Highway 101 Project: Consider authorizing the Executive Director to execute a contract with Environmental Science Associates to develop a Mitigation and Monitoring Plan, restoration elements of the civil design, and a landscape design that are supported by regulatory agencies

Mr. Materman asked the Board to authorize him to execute a contract with Environmental Science Associates (ESA) to develop a Mitigation and Monitoring Plan, restoration elements of the civil design, and a landscape design that are supported by regulatory agencies.

Director Cormack asked if all three firms responded to the Request for Statements of Project Understanding and Cost Estimates. Mr. Murray responded saying that all three firms responded with intent and two of the three firms responded with costs. Director Cormack asked if the required site visit will cause any risk. Mr. Murray responded saying that all of the firms we engaged but especially ESA have procedures in place and they have assured us that they can do site visits with their team following the protocols set forth and recommended by the State; they can do their field work without interruption even at this time. Director Cormack asked if this would require us (SFCJPA) as the lead agency to certify that this is essential work. Trish Ortiz, SFCJPA Legal, replied that various agencies have determined what is essential work, but to her knowledge none have brought it back to their full Board. Mrs. Ortiz said that if the Board wanted to make that determination now at this time they could. Mr. Materman responded saying that this issue came up not to long ago when an arborist was on site and that the arborist created a document detailing why their work was essential, highlighting parts of the Governor's order that supported that claim. Mr. Materman said that the City of Menlo Park attorney reviewed the document and found it to be satisfactory. Mr. Materman said that staff will discuss the process and proceed with a process that ensures the work moves forward. Mrs. Ortiz commented that if the Board does approve the contract the Board can recognize that the work being done is determined to be essential. Director Cormack

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
April 23, 2020 Board Meeting Minutes
DRAFT

stated that she would be more comfortable if the Board was explicit in making the statement that the work is essential. Director Kremen concurred.

Director Cormack noted that the contract states that we will get to sixty percent of the plans when this work is done, and she asked how and when do we get to one hundred percent. Mr. Murray stated that the deliverable of sixty percent pertains primarily to the restoration features of the civil design and that the reason sixty percent is important is because that is where we can have enough of the design developed such that the regulatory agencies have confidence our concepts are inline with their policies. Mr. Murray stated this contract would not likely get us to construction drawings; we would likely have to get to that point either by another contract or contract extension with ESA or another firm or hand it back over to Valley Water who has the original civil design sheets for this project.

Director Kremen asked Mr. Murray when this contract was bid out. Mr. Murray said that the request went out March 10, 2020 with an April 1, 2020 submit date. Director Kremen requested staff to go back and talk to ESA about re-negotiating the costs as we are in critical times right now.

Director Cormack made a motion to authorize the Executive Director to execute a contract with Environmental Science Associates to develop a Mitigation and Monitoring Plan, restoration elements of the civil design, and a landscape design that are supported by regulatory agencies; indicating that this is essential work and requesting that the Executive Director check in with ESA to see if pricing can be modified given the current pandemic. Director Kremen seconded. Motion to authorize the Executive Director to execute a contract with Environmental Science Associates to develop a Mitigation and Monitoring Plan, restoration elements of the civil design, and a landscape design that are supported by regulatory agencies; indicating that this is essential work and requesting that the Executive Director check in with ESA to see if pricing can be modified given the current pandemic approved 5-0.

Roll call vote

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|------------------|-----|
| Abrica | Aye |
| Director Combs | Aye |
| Director Cormack | Aye |
| Director Kremen | Aye |
| Director Pine | Aye |

Director Abrica left at 4:41 pm.

Consider approving Resolution 20.4.23 of the Board of Directors adopting the 2019 Update to the Bay Area Integrated Regional Water Management (IRWM) Plan

Mr. Materman asked the Board to approve Resolution 20.4.23 of the Board of Directors adopting the 2019 Update to the Bay Area Integrated Regional Water Management (IRWM) Plan. Mrs. Byler provided the Board with a brief summary of the updates to the IRWM.

Director Pine made a motion to approve Resolution 20.4.23 of the Board of Directors adopting the 2019 Update to the Bay Area Integrated Regional Water Management (IRWM) Plan. Director Cormack Seconded. Motion to approve Resolution 20.4.23 of the Board of Directors adopting the 2019 Update to the Bay Area Integrated Regional Water Management (IRWM) Plan approved 4-0. Director Abrica not present at time of vote.

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
April 23, 2020 Board Meeting Minutes
DRAFT

Roll call vote

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|------------------|-----|
| Abrica | 0 |
| Director Combs | Aye |
| Director Cormack | Aye |
| Director Kremen | Aye |
| Director Pine | Aye |

6) BOARD MEMBER MATTERS

Director Kremen proposed that the Board approve Resolution # 23-04-20 Recognizing Len Materman for his service as Executive Director of the San Francisquito Creek Joint Powers Authority. Director Kremen read the Resolution. Members of the Board, public, staff and members from Mr. Materman's family spoke of Mr. Materman's successes and accomplishments as the Executive Director of the SFCJPA. Mr. Materman was presented with proclamations from Congress Woman Eshoo, Senator Jerry Hill, and Assemblyman Marc Berman.

Mr. Materman expressed his sincere appreciation for the kind words spoken on his behalf. Mr. Materman expressed his appreciation for being able to work at the SFCJPA and his appreciation of and for the Board, SFCJPA staff, his family and the many colleagues he has had the opportunity to work with in his time at the SFCJPA.

Adjourned to closed session at 5:15 pm.

7) CLOSED SESSION

Closed session opened at 5:15 pm.
Closed adjourned at 6:02 pm.
No report out.

8) REGULAR BUSINESS: Delegate authority to sign SFCJPA documents and disbursements in the absence of an Executive Director

This agenda item was moved at the request of the Chair to right before agenda item six.

Director Cormack volunteered to be the delegated authority to sign SFCJPA documents and disbursements in the absence of an Executive Director. Director Combs expressed appreciation on behalf of the rest of the Board for Director Cormack volunteering to be the delegated authority. Director Abrica not present at time of vote.

Roll call vote

| | |
|------------------|-----|
| Abrica | 0 |
| Director Combs | Aye |
| Director Cormack | Aye |
| Director Kremen | Aye |
| Director Pine | Aye |

9) ADJOURNMENT

Regular meeting session adjourned at 6:02 pm.
Minutes drafted by Clerk of the Board: Miyko Harris-Parker.

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
May 08, 2020 Special Board Meeting Minutes
DRAFT

Director Kremen called the meeting to order at 3:21 p.m. via live streaming video and teleconference call.

DRAFT

1) ROLL CALL

Members Present: Director Gary Kremen, Valley Water
 Director Drew Combs, City of Menlo Park
 Director Alison Cormack, City of Palo Alto
 Director Ruben Abrica, City of East Palo Alto
 Director Dave Pine, San Mateo County Flood and Sea Level Rise Resiliency District

JPA Staff Present: Miyko Harris-Parker, Staff

Legal Present: Trisha Ortiz

2) APPROVAL OF AGENDA

Director Cormack made a motion to approve the agenda. Director Abrica seconded. Agenda approved 5-0.

3) PUBLIC COMMENT

None.

4) CLOSED SESSION:

Adjourned to closed session at 3:22 pm.

Closed session adjourned at 5:00 pm.

No report out.

5) ADJOURNMENT

Regular meeting session adjourned at 5:00 pm.

Minutes drafted by Clerk of the Board: Miyko Harris-Parker.

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
May 15, 2020 Special Board Meeting Minutes
DRAFT

Director Kremen called the meeting to order at 12:37 p.m. via live streaming video and teleconference call.

DRAFT

1) ROLL CALL

Members Present: Director Gary Kremen, Valley Water
 Director Drew Combs, City of Menlo Park (not present at roll call)
 Director Alison Cormack, City of Palo Alto
 Director Ruben Abrica, City of East Palo Alto
 Director Dave Pine, San Mateo County Flood and Sea Level Rise Resiliency
 District (not present at roll call)

JPA Staff Present: Miyko Harris-Parker, Staff

2) APPROVAL OF AGENDA

Director Abrica made a motion to approve the agenda. Director Cormack seconded. Agenda approved 3-0. Director Combs and Director Pine not present at time of vote.

3) PUBLIC COMMENT

None.

4) CLOSED SESSION:

Adjourned to closed session at 12:38 pm.

Closed session adjourned at 3:30 pm.

No report out.

5) ADJOURNMENT

Regular meeting session adjourned at 3:30 pm.

Minutes drafted by Clerk of the Board: Miyko Harris-Parker.

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
May 22, 2020 Special Board Meeting Minutes
DRAFT

Director Kremen called the meeting to order at 3:07 p.m. via live streaming video teleconference call.

DRAFT

1) ROLL CALL

Members Present: Director Gary Kremen, Valley Water
 Director Alison Cormack, City of Palo Alto
 Director Ruben Abrica, City of East Palo Alto
 Director Dave Pine, San Mateo County Flood and Sea Level Rise Resiliency
 District (not present at roll call)

Members Absent: Director Combs, City of Menlo Park

JPA Staff Present: Miyko Harris-Parker, Staff

2) APPROVAL OF AGENDA

Director Abrica made a motion to approve the agenda. Director Cormack seconded. Agenda approved 3-0. Director Pine not present at time of vote. Director Combs not present.

3) PUBLIC COMMENT

None.

4) CLOSED SESSION:

Director Pine arrived at 3:09 pm
Adjourned to closed session at 3:09 pm.
Closed session adjourned at 6:09 pm.
No report out.

5) ADJOURNMENT

Regular meeting session adjourned at 6:09 pm.
Minutes drafted by Clerk of the Board: Miyko Harris-Parker.

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
May 28, 2020 Board Meeting Minutes
DRAFT

Director Kremen called the meeting to order at 3:31 p.m. via streaming video and teleconference call.

DRAFT

1) ROLL CALL

Members Present: Director Gary Kremen, Valley Water
Director Alison Cormack, City of Palo Alto
Director Ruben Abrica, City of East Palo Alto
Director Dave Pine, San Mateo County Flood and Sea Level Rise Resiliency District

Members Absent: Director Drew Combs, City of Menlo Park

JPA Staff Present: Kevin Murray, Staff
Tess Byler, Staff
Miyko Harris-Parker, Staff

Legal Present: Trisha Ortiz

2) APPROVAL OF AGENDA

Director Kremen made a motion to move agenda item 5b ahead of agenda item 5a. Director Cormack seconded. Motion to approve the agenda with change to move 5b ahead of 5a approved 3-0. Director Pine not present at time of vote. Director Combs not present.

3) PUBLIC COMMENT

None.

4) STAFF REPORT: BRIEF SUMMARY OF PROJECT RELATED UPDATES

The Board had no comments regarding the summary of project related updates. Director Pine arrived at 3:35 pm.

5) ACTION ITEMS:

Consider approving the proposed Fiscal Year 2020-21 Operating Budget

Director Kremen asked for comments from the Board on the proposed Fiscal Year 2020-2021 Operating Budget. Director Pine stated that the Finance Committee had a robust discussion on the proposed budget to be able to present a budget that each of the member agencies would be comfortable with moving forward.

Director Cormack stated that the although proposed SFCJPA budget is reflected in the City of Palo Alto budget scheduled for approval June 22, 2020, she proposed two changes: reducing the Executive Director salary by fifteen percent, and eliminating budget item 5b; the employee salary increases. Director Cormack said that it is difficult to make these suggestions because she believes the professionals who work for the SFCJPA are providing great service, but we have to be cognizant of the environment we are currently in. Director Abrica agreed with Director Cormack's suggestion. Director Pine expressed his concerns of losing a possible candidate for the Executive Director Position due to a lower salary. Director Cormack commented that a ten percent reduction would bring the salary to \$153,000. Director Kremen suggested setting the Executive Director Salary at a cap of \$153,000. Director Pine concurred.

Director Kremen asked for comments regarding Director Cormack's proposal of eliminating item 5b; employee salary increases. Director Pine explained that represented employees in San Mateo County will probably not see a decrease in their salaries or wages, and that it will be unrepresented employee positions who will be facing these cuts. Director Kremen shared with the Board that

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
May 28, 2020 Board Meeting Minutes
DRAFT

Director Combs was not able to attend the SFCJPA today as the City of Menlo City Council was in labor negotiations with the represented employees to discuss options to reduce salaries or seniority-based furloughs. Director Kremen stated that the Valley Water Board has been discussing possible staff furloughs, salary decreases and/or buyouts. Director Cormack stated that the City of Palo Alto's budget will have a decrease of seventy-four fulltime employees and one hundred part-time employees. Ms. Harris-Parker shared with the Board that the SFCJPA staff understands and is prepared to see salary adjustments eliminated from the proposed budget. Ms. Harris-Parker told the Board that the SFCJPA staff had spoken and are fully aware of the current economy, and understand the Board removing this item. Director Kremen clarified that the Board is not talking about furloughs for the SFCJPA. Director Cormack concurred.

Jerry Hearn, Portola Valley resident, expressed his understanding in the difficulty of this situation and that he appreciates the SFCJPA staff members volunteering to provide this opportunity to cut expenses. Mr. Hearn told the Board to keep in mind that the SFCJPA has stepped up to the plate to help the organization, and that in the future when things have improved, the SFCJPA employees should be taken care of. Director Abrica expressed his appreciation of the SFCJPA employees making the statement of understanding.

Director Pine suggested that these savings should be reflected in a reduced member contribution. Director Cormack made a motion to approve the FY 2020-2021 budget lowering the member contribution to \$308,000, adjust line item one the Executive Director Salary from \$170,000 to \$153,000 and remove item 5b staff salary adjustments. Director Kremen amended the motion to set the Executive Director salary at a cap of \$153,000. Director Kremen seconded the motion.

Director Pine stated that Board members need to communicate these changes to each of their member agencies and noted the generosity of the SFCJPA employees. Director Pine stated that in all his years of public service he cannot remember a time when he heard anyone make a statement like the SFCJPA employees made today.

Motion to approve the FY 2020-2021 budget lowering the member contribution to \$308,000, adjusting the Executive Director Salary from \$170,000 to \$153,000 and removing salary adjustments approved 4-0. Director Combs not present.

Roll Call Vote:

Director Abrica Aye
Director Combs 0
Director Cormack Aye
Director Kremen Aye
Director Pine Aye

Consider approving Resolution # 23-01-20 Recognizing Len Materman for his services as Executive Director of the San Francisquito Creek Joint Powers Authority

Director Kremen made a motion to approve Resolution # 23-01-20 recognizing Len Materman for his service as Executive Director of the San Francisquito Creek Joint Powers Authority. Director Abrica seconded. Upon a request from Director Kremen, the Clerk of the Board read the resolution into record. Director Kremen expressed his appreciation for Mr. Materman and thanked Mr. Materman for his service. Director Pine acknowledged the accomplishments of Mr. Materman as the Executive Director of the SFCJPA and he expressed how he is looking forward to continuing to work with Mr. Materman in his new role. Director Abrica and Director Cormack thanked Mr. Materman for his contributions. Motion to approve Resolution # 23-01-20 recognizing Len Materman for his service as Executive Director of the San Francisquito Creek Joint Powers Authority approved unanimously 4-0.

San Francisquito Creek Joint Powers Authority
June 25, 2020 Regular Meeting of the Board
Agenda Item 3
May 28, 2020 Board Meeting Minutes
DRAFT

Roll call vote

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|------------------|-----|
| Abrica | Aye |
| Director Combs | 0 |
| Director Cormack | Aye |
| Director Kremen | Aye |
| Director Pine | Aye |

Mr. Materman thanked the Board for the resolution and recognition. Mr. Materman spoke of how he enjoyed his time as the Executive Director for the SFCJPA, and how the accomplishments of the SFCJPA during his time as Executive Director were in large part due to the fact that he had a great staff. Mr. Materman thanked the Board and staff and said he is looking forward to continuing to work with the SFCJPA in his new role.

6) CLOSED SESSION

Adjourned to closed session at 4:09 pm.

Closed session adjourned at 5:30 pm.

7) ADJOURNMENT

Regular meeting session adjourned at 5:30 pm.

Minutes drafted by Clerk of the Board: Miyko Harris-Parker.



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

June 22, 2020

Ms. Margaret Bruce
260 Overlook Drive
Boulder Creek, CA 95006

Dear Margaret:

I am pleased to convey an offer of employment to you (Employee) to serve as the Executive Director of the San Francisquito Creek Joint Powers Authority (SFCJPA), at an annual salary of \$135,000 reporting to the Board of Directors (Board). Your pay schedule will be the same as that for all of the SFCJPA's employees.

In addition to your salary, you will also receive the following benefits:

- Enrollment in the California Public Employees Retirement System (CalPERS) on the same terms as extended to other SFCJPA employees.
- Same medical, dental and vision insurance coverage as extended to other SFCJPA employees.
- 160 hours of vacation annually.
- 96 hours personal time annually
- A yearly transportation allowance of \$5,000. This transportation allowance will constitute full compensation for all costs, expenses, mileage allowance, depreciation, maintenance, repairs, insurance, gas, tires, oil and all other incidental expenses associated with the use of Employee's personal automobile on SFCJPA business or her use of public transportation. Liability insurance maintained by Employee will be primary to any insurance or indemnification provided by the SFCJPA .

Your anticipated start date will be on or after June 26, 2020.

This offer of employment with the SFCJPA is contingent upon the results of full and complete background checks (which include reference checks, criminal checks, education verification, and Department of Motor Vehicle records approval). By signing below, you authorize the SFCJPA to conduct and use these background checks.

Your employment with the SFCJPA will be "at will." This means that you are free to resign at any time with or without cause or prior notice. Similarly, the SFCJPA is free to end our employment relationship with you at any time, with or without cause or prior notice.



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

Your position is exempt from any overtime requirements, including those under the Fair Labor Standards Act. As an exempt employee, you shall not be paid more than your annual salary as set forth above, regardless of time actually spent working.

Other terms and conditions of your employment are listed in the attached Appendix. They are binding on both parties.

If the above terms of employment are acceptable to you, please sign and date this letter below and return a copy to me.

We look forward to having you at the helm of the SFCJPA!

Sincerely,

Agreed By:

Gary Kremen
Chair, Board of Directors

Margaret Bruce
June __, 2020



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

Appendix

The following provisions are included in the letter agreement (Agreement) between the SFCJPA and Employee:

- Duties and Authority. The SFCJPA shall employ Employee as the Executive Director of the SFCJPA. Employee will have full power and authority to perform all of the duties of the Executive Director established by the SFCJPA Board and as set forth in the SFCJPA's Joint Powers Agreement, the SFCJPA's ordinances and resolutions, and the Employee Handbook adopted by the SFCJPA Board. Employee's duties shall include, but shall not be limited to, supervising the SFCJPA's personnel and financial matters, supervising the administration of all operations of the SFCJPA, and managing and conducting all of the business of the SFCJPA, subject to policies set, and directions given, by the Board. In addition, Employee shall perform any special duties assigned or delegated to her by the Board.
- Restrictions on Outside Business Activities and Conflicts. During her employment with the SFCJPA, Employee shall devote her full energies, interest, abilities, and productive time to the performance of her duties as the SFCJPA's Executive Director and shall not, without the SFCJPA's prior written consent, render other services of any kind for compensation, or engage in any other business activity in excess of five (5) hours per calendar week. In addition, Employee shall not engage in any activity, for compensation or otherwise, that would interfere or conflict with the performance of her duties as the SFCJPA's Executive Director, including activities that may reasonably be expected to conflict with the Executive Director's duties and the responsibility to advise the SFCJPA Board in connection with future projects, grants and other work. Without limitation to the foregoing, a conflict includes a conflict of interest under the California Political Reform Act, Government Code §1090 or other state or federal laws.
- Term. Unless earlier terminated as provided in this Agreement, the term of this Agreement shall commence on June 26, 2020 and end on June 25, 2021. If notice of non-renewal is not given by either party prior to the termination date, this Agreement shall renew for successive one-year terms, from June 26 to June 25 of succeeding years.
- Evaluation of Performance. The SFCJPA Board shall evaluate the performance of Employee at her one-year anniversary, or as soon as reasonably practicable thereafter, and at least once per year thereafter. Evaluations may be conducted more often at the SFCJPA Board's discretion. Employee will request and



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

schedule the minimum required evaluations as appropriate under the SFCJPA's agenda procedures or as otherwise directed by the SFCJPA Board. The granting of a merit salary increase will, or will not, be made entirely at the discretion of the SFCJPA Board. Either as part of the evaluation or otherwise, the SFCJPA may establish performance goals and objectives, for Employee as appropriate.

- Miscellaneous Provisions.

a. Integration. Subject to all applicable Government Code sections, this Agreement contains the entire agreement between the parties and supersedes all prior oral and written agreements, understandings, commitments and practices between the parties including all prior employment agreements, whether or not fully performed by Employee before the date of this Agreement. No amendments to this Agreement may be made except in writing signed by the parties.

b. Severability. If any provision of this Agreement is held invalid or unenforceable, the remainder of the Agreement shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to particular circumstances it shall nevertheless remain in full force and effect in all other circumstances.

c. Notices. Any notices required or permitted under this Agreement must be in writing and shall be deemed effective on the earlier of personal delivery (including personal delivery by facsimile, email or similar means intended to provide actual delivery on the same day) or the third day following mailing by first class mail to the recipient. Notice to the SFCJPA shall be addressed to the Secretary of the Board of Directors at the SFCJPA's then principal place of business. Notice to Employee shall be addressed to her home address, as then shown in the SFCJPA's files.

d. Agreement is Binding. This Agreement shall be binding upon and inure to the benefit of the SFCJPA, its successor and assigns, and shall be binding upon Employee, her administrators, executors, legatees, heirs, and assigns.

e. Waiver. The failure of either party to insist on strict compliance with any terms, covenants or conditions of this Agreement by the other party shall not be deemed a waiver of that term, covenant or condition, nor a waiver or relinquishment of any right or power.



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
SFCJPA.ORG

DRAFT

Employee Policies Handbook

Revised ~~September 2013~~ June 25, 2020

Table of Contents

- I. Introduction to Employment
 - a. Nondiscrimination/Equal Employment Opportunity policy
 - b. Employee Classifications
 - c. Probationary Period
 - d. Pay Rates
 - e. Work Hours
 - f. Performance Evaluations
 - g. Reclassifications
 - h. Access to Personnel Records

- II. Payroll Administration
 - IX. Employee Self Services
 - X. Paydays
 - XI. Payroll Deductions
 - XII. Direct Deposit/Pay Day
 - XIII. Changing Personal Information

- III. Employee Benefits
 - I. Introduction
 - II. Medical, Dental, Vision
 - III. Life
 - IV. Disability Insurance
 - V. COBRA/Cal-COBRA
 - VI. Workers Compensation
 - VII. CALPERS (Retirement Benefits)
 - VIII. Educational/Training Assistance

- IV. Paid Leave
 - a. Holidays
 - b. Vacation
 - c. Personal Leave
 - d. Administrative Leave
 - e. Cash Out
 - f. Emergency Response Compensation
 - g. Jury Duty and Subpoenas
 - h. Military Leave
 - i. Compensatory Leave

- V. Unpaid Time off
- VI. Employee Relations
 - a. Harassment Policy
 - b. Reporting and Investigation (Complaint Procedures)
 - c. Alcohol-Drug Free Workplace
 - d. Workplace Violence
- VII. Anti Fraud/Ethics Policy
- VIII. Safety
 - a. Workplace Violence
 - b. Request for Reasonable Accommodation
- IX. Staff Reimbursement Guidelines
- X. Acceptance of At-Will Employment and acknowledgement of receipt of Employee Policies Handbook

This handbook and all of its contents are the property of the
San Francisquito Creek Joint Powers Authority

I. INTRODUCTION to EMPLOYMENT

a. Nondiscrimination/Equal Employment Opportunity Policy

The San Francisquito Creek Joint Powers Authority (SFCJPA) is an equal opportunity employer. The SFCJPA will not discriminate against qualified applicants or employees ~~with~~-based on race, color, national origin, ancestry, sex, gender, gender identity or gender expression, sexual orientation, age (40 or older), religion, creed, physical or mental disability, medical condition, marital status, citizenship status, military ~~service or veteran~~ status, or any other basis protected by state or federal law.

b. Employee Classifications

SFCJPA employees who have successfully completed the sixty (60) day probationary period will be classified in one the following categories:

1. Full-Time Exempt Employee

Permanent employees who have successfully completed the sixty (60) day probationary period and are paid on a salary basis for work performed.

Full-Time Exempt Employees are eligible for CALPERS, vacation, personal leave and holiday time off.

2. Executive Exempt Employee

The SFCJPA has one Executive Exempt Employee, the Executive Director. This permanent employee is paid on a salary basis for work performed.

The Executive Exempt Employee is eligible for such CALPERS, vacation, personal leave, holiday time and; transportation allowance, ~~and forty (40) hours of administrative leave~~^[RTG1].

3. Consultant^[RTG2]

The SFCJPA may at times need assistance with projects beyond the scope of the agency's ~~usual course of business~~^{staff capacity}. At these times the SFCJPA will pursue the hiring of a consultant or group of consultants who meet the required eligibility standards necessary ~~for the project completion to perform the project~~. The San Francisquito Creek Joint Powers Authority will conduct the search and hiring of a consultant or group of consultants in accordance with all applicable labor laws and agency policies including but not limited to monitoring the enforcement of the SFCJPA Labor Compliance Code for all employees assigned by "hired" contractors during the course of and to the completion of the project or contract agreement. (See Labor Compliance Code).

4. Part-time Non-Exempt/ Temporary

Employees who have successfully completed the sixty (60) day probationary period and are assigned a work schedule of less than 30 hours per week for an indefinite period of time. Part-time regular employees may be eligible for vacation, sick leave, and holiday time off.

Temporary employees are hired to perform a specific task for a temporary period of time and are not eligible for health benefits but may be eligible for participation in the CALPERS Retirement program.

Part-Time Non-Exempt and Temporary employees are paid on an hourly basis and therefore not exempt from overtime. The Executive Director must approve all work beyond normal shift hours. Overtime is paid at a rate of one-and-one-half (1 1/2) times the normal hourly rate.

c. Probationary Period

New employees will be subject to an evaluation period of sixty (60) days. This period will be utilized for closely observing the employee's work, and evaluating whether the employee's work is performed in an effective and capable manner.

~~The probation period for a consultant subsequently hired by the SFCJPA^[RTG3] may include time worked leading up to the hire date, providing the work done by said consultant has been on a full time basis and performed in a contiguous sixty day period immediately prior to the hire date.~~

The Probationary period for new employees ~~other than consultants described in the above circumstance~~ will begin with the hire date and run for sixty (60) days, during which time the employee will be classified as a "new hire." At least one month prior to permanent appointment, the SFCJPA shall begin to review the work of the probationary employee to determine whether to:

1. certify him/her for the position,
2. extend the probation, or
3. reject him/her for the position

The San Francisquito Creek Joint Powers Authority will take action on this determination by the last day of the probation period by notifying the employee in writing. If the SFCJPA fails to take action on this determination by the last day of the probation period, the probation period shall be considered extended on a month-to-month basis. If the service of the probationary employee is unsatisfactory or otherwise does not meet the standards or needs of the SFCJPA or if the SFCJPA otherwise determines that the employment is no longer desirable, he/she will receive a letter of rejection from the San Francisquito Creek Joint Powers Authority prior to the last day of the probation period. Said letter may contain the reasons for rejection.

Probationary employees shall have the same rights as permanent employees under the nondiscrimination policy contained in this document. During the probation period and for the entire term of employment, all employees are at-will employees. The designation of a probation period or designation of an employee as "probationary" or "permanent" does not change the at-will nature of employment.

d. Pay Rates

The salary of a new full-time employee will be determined by the Executive Director and publicly released at the time of the opening of the new position. ~~A nNewly hired full-time employee will work on an hourly basis during his/her probationary period and his/her salary will become effective at the end of that employee's probationary period^[RTG4].~~ A worker employed on a part-time basis or as a consultant, or a new employee in his/her probation period, will not be considered a permanent employee and will be compensated at an hourly rate to be determined prior to employment.

e. Work Hours

The regular work period for all permanent employees shall consist of eight hour work days between the first day of the month and fifteenth day of each month, and between the sixteenth and final day of each month. The normal work hours are Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays.

A portion of the hours of the regular work period may be completed outside of the office when necessary upon approval of the Executive Director. Work completed in the field, attendance of scheduled meetings, or any other assigned duties outside of the office shall be considered part of the employees regular work period. It is the responsibility of the employee to log all hours worked for purposes of hours and attendance tracking. Work schedules for each employee shall be assigned by the Executive Director, and timesheets shall be submitted to the Executive Director for approval at the end of each work period.

Full-time exempt and Executive exempt employees are not eligible for overtime pay requirements. Exempt employees may, under special circumstances or by assignment, should duties and responsibilities of his/her position exceed a full-time work schedule, and those duties and responsibilities necessitate that said employee work greater than eighty (80) hours in a given work period, work and track the additional hours of work upon approval of the Executive Director and the employee. Additional hours will be accrued, tracked and reported on a semi-monthly basis, beginning with and ending in congruence with each work period. The additional hours accrued by an exempt employee may be compensated for with paid leave to be documented and accounted in any of the subsequent work weeks of that month, pending prior submittal to and approval of the Executive Director. Additional hours accrued in a particular month may not be transferred to the following month for compensatory leave.

Non-exempt employees will be paid overtime as required under the Fair Labor Standards Act, as applied to public agencies. Non-exempt employees must receive prior authorization from their supervisor before working overtime. No non-exempt employee may work overtime hours without the Executive Director's approval and accurately recording and reporting their overtime hours.

f. Performance Evaluations

The Executive Director will conduct performance evaluations within the first sixty (60) days of employment for probationary employees and periodically for each permanent employee. The frequency of evaluations may be altered for purposes of advancement, demotion or termination as determined by the Executive Director, but will occur at least annually. The employee will receive a copy of the evaluation, accompanied by suggestions for performance improvement if applicable.

g. Reclassifications

The Executive Director may, if significant and observable changes in the duties or responsibilities of an employee have occurred or been assigned, authorize to petition the reclassification of that employee. Reclassification may include a change in job title, job description, salary or scheduled work hours and/or days. Any reclassification will occur in congruence with a performance evaluation and is subject to approval by the Board of Directors.

Reclassification of an employee may also occur, if the employee is not capable of completing the duties of the position, or is no longer capable of working a full-time schedule as a result of compelling circumstances reviewed and approved by the Executive Director. The employee may return to his/her previous job classification upon request and review of the San Francisquito Creek Joint Powers Authority when and if circumstances are remedied or expired.

h. Access to Personnel Records

The Administrative Manager shall maintain personnel records for each employee showing the name, title of position held, salary, changes in employment status, attendance records, accrued personal leave balance and other information as may be considered pertinent. The Executive Director shall maintain records containing employee performance evaluations and all paperwork regarding employee disciplinary actions.

The San Francisquito Creek Joint Powers Authority shall notify the employee of any adverse material placed in his/her personnel file if that material has not been reviewed by the employee.

Personnel files of individual employees are confidential information and shall be used or exhibited only for administrative purposes, or as otherwise required by law. The San Francisquito Creek Joint Powers Authority will release information to creditors or other persons upon proper identification of the inquirer and acceptable reasons for the inquiry. Information then given from personnel files is limited to verification of employment, length of employment and verification and disclosure of salary range information. Release of more specific information may be authorized in writing by both the employee and Executive Director. An employee may review his/her personnel file by submitting a request to the Administrative Manager or Executive Director.

II. PAYROLL ADMINISTRATION

a. Employee Self Services

Employees can access payroll information by logging into [https://workforce.intuit.com/viewmypaycheck.intuit.com-\(updated 06/25/2020\)](https://workforce.intuit.com/viewmypaycheck.intuit.com-(updated 06/25/2020)). Employees can also access their CALPERS information by logging into my.calpers.ca.gov. Employees can access health benefit information my logging into www.jpia.bswift.com. Employees should contact the Administrative Manager for information on accessing these websites.

b. Payroll Deductions

State and Federal laws require the [SFCJPAJPJA](#) to make proper deductions on its employees' behalf. Amounts withheld vary according to earnings, marital status, and number of exemptions claimed. Required deductions include Federal Income Tax, FICA "Medicare Only" Contribution, State Income Tax and [CalPERS](#).

c. Direct Deposit/Pay Day

The San Francisquito Creek Joint Powers Authority uses direct deposit to distribute employee paychecks. The Administrative Manager will enroll all employees for this service. All employees must bring a voided check in order to enroll in the direct deposit service. Payroll is processed on the 15th and last day of every month. When a payday falls on a weekend or federal holiday, paychecks will be deposited the business day directly prior. For example, if the pay date falls on a Sunday, employees will receive their direct deposit the preceding Friday.

d. Changing Personal Information

Your current address and phone number are essential for many purposes. These changes should be noted in writing or via email as soon as possible. You are solely responsible to notify the Director of Administration of changes in your personal status including, but not limited to:

- Name and/or marital status
- Address and/or telephone number
- Number of eligible family members
- Payroll tax deductions
- Emergency Contact Information

III. EMPLOYEE BENEFITS

a. Introduction

The San Francisquito Creek Joint Powers Authority provides medical, dental, vision, life insurance, and CALPERS benefits to eligible employees at no cost (excluding all plan co-pays, deductibles, prescriptions and applicable fees). Eligible employee's spouses/domestic partners are covered under the employee's medical, dental and vision benefits at no cost (excluding all plan co-pays, deductibles, prescriptions and applicable fees). Eligible employee's children are covered under the employee's dental and vision at no cost (excluding all plan co-pays, deductibles, prescriptions and applicable fees.) Eligible employee's children are covered under the employee's medical plan up to 75% agency paid cost. Eligible employees are responsible for a 25% cost-share of their eligible children's medical care and all plan co-pays, deductibles, prescriptions and applicable fees. (See note below from ACWA/JPIA)

* AB1083, California's version of the Affordable Care Act, requires that medical plans offered by employers of all sizes have waiting periods no longer than 60 days. (The Affordable Care Act cites 90 days.) Since JPIA plans are effective on the first day of the month, a new hire waiting period of first of the month following 30 days would be the longest period that ensured compliance. Therefore, all JPIA medical plan waiting periods will be changed to the first of the month following 30 days. Those with shorter waiting periods, such as the first of the month following hire, will remain unchanged. This change only impacts medical plans. *

Eligible employees are defined as full-time exempt and executive exempt employees (see Sect. I. b).

Eligible dependents are defined as the following:

- Spouse;
- Children to their 26th birthday including stepchildren, Domestic partnership children, and children placed in home due to legal guardianship.
- Children eligible for coverage as a result of a valid qualified medical child support order.
- Domestic Partner as defined by the State of California for state registration requirements.
- Those designated according to the law.
- For an eligible dependent to be eligible for coverage, a copy of a marriage license, State of California Declaration of Domestic Partnership form (NP/SF DP-1), birth certificate, or other identifying paperwork is required.

NOTE: It is the employee's responsibility to notify the San Francisquito Creek Joint Powers Authority upon divorce, termination of ~~d~~Domestic ~~p~~Partnership, over-age dependent, or any event that changes the status of dependency.

The following is a brief description of the plans available and is not meant to replace the actual wording of the policy, which makes the final determination of the benefits to be provided.

b. Medical, Dental, Vision

1. Persons Eligible: Full-time exempt and executive exempt employees and their eligible dependents.
2. Waiting Period: First day of the month following thirty (30) days of continuous employment for medical. First day of the month following sixty (60) days of continuous employment for dental and vision benefits.
3. Employee Contribution: 25% medical cost-share for eligible children.
4. Employer Contribution: Total cost for employee and spouse/domestic partner. Total cost for dental and vision for eligible children and 75% of total cost for medical for eligible children.
5. Medical Benefits Provided:

- Anthem Blue Cross: Classic PPO, Advantage PPO, COBRA/CalCare HMO, Value HMO and Account Based HP
- Kaiser: HMO, HMO with Optical, Senior Advantage, Value HMO and Account Based HP

6. Vision and Dental Benefits Provided:

- Vision benefits are provided through VSP
- Dental benefits are provided through Delta Dental

Filing Claims: As provided by carrier or see the Administrative Manager.

c. Life Insurance

The San Francisquito Creek Joint Powers Authority provides eligible employees with basic life and accidental death insurance through The Standard Insurance Company at a flat level of \$50,000. Waiting period First day of the month following sixty (60) days of continuous employment

d. Disability Insurance

The San Francisquito Creek Joint Powers Authority provides disability insurance through a third-party carrier. Short-term and Long-term disability insurance is provided through The Standard Insurance Company.

e. COBRA/Cal-COBRA

COBRA was enacted to protect employees and their eligible family members by allowing them to continue their group health insurance under the employer's plan. COBRA applies to employers and group health plans that cover 20 or more employees and lets you keep your plan for 18 months. Cal-COBRA is a State of California law that is like the Federal COBRA law and it applies to employers and group health plans that cover 2 – 19 employees. Cal-COBRA lets you keep your plan for 36 months.

Employees are given information regarding their rights under COBRA/Cal-COBRA during the hiring process. Employees are responsible for notifying the Administrative Manager of any qualifying event (see below) within 60 days of the event. Any San Francisquito Creek Joint Powers Authority employee/eligible family member who loses regular group eligibility because of a qualifying event is eligible for enrollment under COBRA for eighteen (18) months then transfer to Cal-COBRA for eighteen (18) months. See below note from ACWA/JPIA

*Both COBRA and Medicare rules vary based on whether employers have more or less than twenty employees. However, when participating in a multi-employer group health plan, it is the size of the largest employer in the pool that should determine which Medicare and COBRA rules apply. Kaiser does not recognize the less than twenty employer size in our pool. Anthem recognized the small sized employers but requires constant reminders and intervention to have the small employer rules apply. Medicare will sometimes make exceptions on an individual basis annually. For consistency, simplicity, and clear legal compliance with the law, all groups in the pool will be treated as employers with twenty or more employees.

- Qualifying events are defined by COBRA regulations include loss of coverage due to: termination of employment; reduction of hours; death of employee; employee's Medicare entitlement; divorce or legal separation; child ceasing to be eligible; bankruptcy of employer.

- Additional information regarding COBRA-Cal COBRA can be found at:
www.hmohelp.ca.gov/dmhc_consumer/hp/hp_cobra.aspx

f. Workers Compensation

The San Francisquito Creek Joint Powers Authority provides worker's compensation to employees who sustain a work related injury as required by law. Employees involved in work related injuries must immediately report their injuries to the Executive Director. In the event of an emergency call 911. Questions, comments or concerns regarding worker's compensation should be directed to the Administration Manager.

g. CALPERS (Retirement Benefits)

The San Francisquito Creek Joint Powers Authority provides retirement benefits to eligible employees through the California Public Employee's Retirement System (CALPERS). In 2012 legislation passed the Public Employee's Pension Reform Act (PEPRA) of 2013 which has resulted in a two tier employee setup; employees hired before January 1, 2013 and employees employed on and after 2013. A brief description of the CALPERS retirement benefits are below. Additional information may be found at www.calpers.ca.gov and or by emailing the San Francisquito Creek Joint Powers Authority [Finance & Administration Manager at mhparker@sfcjpa.org](mailto:mhparker@sfcjpa.org).

1. Eligible employees consist of full-time employees, part-time employees who meet the minimum hour commitment and employees who are already a CALPERS member who have completed the six (6) month probationary period.
2. Tier 1 provides members 2% @ 55 with a 2% annual COLA increase. San Francisquito Creek Joint Powers Authority pays the 7% required employee contribution for Executive Exempt staff and 5-6% of the required employee contribution for Full-time exempt staff.
3. Tier 2 provides members 2% at 62 with a 2% annual COLA increase. San Francisquito Creek Joint Powers Authority pays the 6.25% employee contribution for tier 2 employees.

h. Educational/Training Assistance

Upon the approval of the Executive Director, an employee may be required to attend courses, conferences or other events for purposes of training, education, experience or exposure. As attendance of said events will be considered to improve knowledge and skill level with respect to duties of his/her position, attendance is considered part of the employees regular work week and will be logged and tracked as paid time.

Employees who wish to further their educational background by obtaining a higher degree and or certificate by attending college courses that will improve their knowledge and skill level with respect to duties of his/her position will be reimbursed for expenses related to tuition, book fees and other fees associated with higher education upon approval of the Executive Director. Employees will submit to the Executive Director a request for reimbursement that will include receipts and detailed class information. Attendance of these courses is not considered work and will not be logged and tracked as paid time.

IV. Paid Leave

a. Holidays

Except as otherwise provided, permanent employees shall have the following holidays with pay:

- New Year' DayJanuary 1
- Martin Luther King Day Third Monday in January
- President's Day Third Monday in February

| | |
|------------------------------|-----------------------------|
| Memorial Day | Last Monday in May |
| Independence Day | July 4 |
| Labor Day | First Monday in September |
| Veteran's Day | November 11 |
| Thanksgiving | Fourth Thursday in November |
| Day after Thanksgiving | Fourth Friday in November |
| Christmas Eve | December 24 |
| Christmas Day | December 25 |

Two additional "floating" holidays may be taken by each employee annually, pending prior submittal to and approval of the Executive Director. Employee shall not accrue more than two floating holidays, and not additional floating holidays will be granted until and employee's balance falls below two floating holidays.

In the event that any of the aforementioned days, except December 24, falls on a Sunday, the following Monday shall be considered a holiday. In the event that any of the aforementioned days falls on a Saturday, the preceding Friday shall be considered a holiday. In the event that December 24 falls on a Sunday, the preceding Friday shall be considered a holiday.

b. Vacation

_____ Each permanent employee, except the Executive Director, shall be entitled to an annual paid vacation, accrued as follows:

Less than three (3) years of service – 112 hours per year

Three (3) to five (5) years of service – 128 hours per year

Six (6) to ten (10) years of service – 144 hours per year

Over 10 years of service – 160 hours per year

The Executive Director shall receive 160 hours of vacation per year (updated 06/25/2020)

Vacations may not be taken prior to the first six (6) months of employment; however the probationary period counts for purposes of vacation accrual.

Vacation days will be based on an eight (8) hour workday. Vacation time will continue to accrue if unused to a maximum of two hundred eighty (280) hours, however no more than thirty (30) days may be requested as vacation at one time. The Executive Director must approve an employees requested vacation schedule a minimum of thirty (30) days prior to the first day of the vacation.

Reasonable efforts will be made to accommodate vacation requests, however a request may be denied if the requested leave conflicts with _____ staffing and/or workload constraints.

Upon separation, employees shall be paid for all vacation time accrued and not taken up to a maximum of 280 hours.

c. Personal Leave

Personal leave is a form of protection to pay for times when an employee is ill, being treated by a physician or dentist or otherwise incapacitated due to health problems. With limitations, personal leave may also be used to take care of a member of the employee's immediate family, or as bereavement leave. Personal leave may also be applied, upon approval of the Executive Director, for personal obligations of urgent and compelling importance, which cannot be addressed outside of normal working hours. Personal leave is earned at a rate of 96 hours per year, and can accrue to a maximum of 180 hours.

d. Administrative Leave

~~In recognition of the extra hours the Executive Director works over their regular schedule, at the beginning of each fiscal year the Executive Director will be credited forty (40) hours of administrative leave.— (updated 06/25/2020)~~

e. Cash Out

In excess of forty (40) hours and up to one hundred twenty (120) hours of ~~any combination of~~ accrued vacation leave ~~and accrued administrative leave~~ may be converted to cash, payable to an employee once during each fiscal year at a time requested by the employee.

Upon separation, employees shall be paid for all vacation time accrued and not taken up to a maximum of two hundred eighty (280) hours. (updated 06/25/2020)

f. Emergency Response Compensation

During or after an emergency event, which may include but is not limited to flood, creek related structure failure, or any natural or induced event or act of vandalism, terrorism or negligence that adversely affects the creek bed, water flow or induces human or habitat endangerment that requires urgent and timely action, employees will be obligated to work additional hours, when necessary, for purposes of emergency response. These obligations are not limited by time of day or length of shift, provided the employee is physically capable of performing emergency response. Permanent employees will be compensated for such services at an emergency response hourly rate (ERH rate) dependent upon that employee's single pay period regular salary (SPPRS), consistent with the equation below. $SPPRS/80 \times 1.5 = ERH \text{ rate}$. For purposes of this determination, the SPPRS will be equal to the amount of the gross pay from the most recent pay period. Following an emergency response event, an employee may take personal leave or leave without pay as necessary to recuperate as approved by the Executive Director.

g. Jury Duty and Subpoenas

An employee required to report for jury duty or answer a subpoena as a witness, provided the witness has no financial interest in the case, shall be granted a leave of absence with pay until released by the court, up to a maximum of two (2) weeks, provided the employee remits all fees received from such duties other than mileage or sustenance allowances within 30 days from the termination of jury service.

h. Military Leave

Military leave of absence shall be granted and compensated in accordance with all applicable laws. Workers entitled to military leave shall give the appointing power an opportunity, within the limits of military regulation, to determine when such leave shall be taken.

i. Compensatory Leave

A permanent (exempt) employee may, under special circumstances or by assignment, should duties and responsibilities of his/her position exceed a full-time work schedule, and those duties and responsibilities necessitate that said employee work greater than eighty (80) hours in a given work period, work and track the *additional hours* of work upon approval of the Executive Director and the employee. *Additional hours* will be accrued, tracked and reported on a bi-weekly basis, beginning with and ending in congruence with each work period. The *additional hours* accrued by a permanent employee may be compensated for with paid leave to be documented and accounted in any of the subsequent work weeks of that month, pending prior submittal to and approval of the Executive Director. *Additional hours* accrued in a particular month may not be transferred to the following month for compensatory leave.

V. Unpaid Time off

Additional leave time for an employee may be granted by the San Francisquito Creek Joint Powers Authority Executive Director in the event of uncontrollable circumstances, when provided a serious and compelling reason for the leave. Duration of leave will be determined on an individual basis.

Except as otherwise required by law, such approved leave time may not be considered personal leave, and as such, will be classified as “leave without pay.”

Compensation for an employee during a “leave without pay” period may be considered by the Executive Director should the employee be capable of addressing a portion of the responsibilities of his/her position while on leave. Compensation will be calculated as an estimated time allotment proportional to that employee’s regular salary.

VI. Employee Relations

a. Harassment Policy

The San Francisquito Creek Joint Powers Authority is committed to providing a workplace that is free of discrimination. In keeping with this policy, the San Francisquito Creek Joint Powers Authority is also committed to providing a workplace that is free of sexual harassment (~~including harassment based on gender, pregnancy, childbirth or related medical conditions~~) as well as harassment based on such factors as race, color, national origin, ancestry, sex (including pregnancy, childbirth, or related conditions), sexual orientation, gender, gender identity or gender expression, age (40 years or older), religion, creed, physical or mental disability, medical condition, marital status, citizenship status, military ~~service or veteran~~ status or any other protected status under state or federal law. The San Francisquito Creek Joint Powers Authority strictly prohibits and will not tolerate harassment of employees by officers, managers, supervisors or co-workers. Similarly, the San Francisquito Creek Joint Powers Authority will not tolerate harassment by its employees of non-employees with whom San Francisquito Creek Joint Powers Authority employees have a business, service or professional relationship. ~~Prohibited Conduct~~ Harassment includes means verbal, physical, ~~and~~ visual, or other conduct based on a protected status that creates an intimidating, offensive or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when:

Submission to or rejection of the conduct is used as the basis for an employment decision; or
The harassment interferes with an employee’s work performance or creates an intimidating, hostile or offensive work environment.

Harassing conduct can take many forms and includes, but is not limited to, the following:

1. Slurs;
2. Jokes;
3. Statements;
4. Gestures;
5. Assault;
6. Impeding or blocking another’s movement or otherwise physically interfering with normal work; or
7. Pictures, drawings or cartoons based on an employee’s sex, race, color, national origin, ancestry, sexual orientation, gender, gender identity or gender expression, age (40 years and older), religion, creed, physical or mental disability, medical condition, marital status, citizenship status, military ~~service or veteran~~ status or any other protected status under state or federal law. Sexually harassing conduct includes all of these prohibited actions as well as other unwelcome conduct such as requests for sexual favors, conversation containing sexual comments, and unwelcome sexual advances. Sexually harassing conduct can be by a person of either the same or opposite sex.

b. Reporting and Investigation (Complaint Procedures)

Any incident of harassment, including work-related harassment by any San Francisquito Creek Joint Powers Authority personnel or any other person, shall be reported promptly to the

Executive Director, who is responsible for investigating the matter. The Executive Director may delegate any portion of the investigation to another employee or to an outside party, but shall remain responsible for assuring proper completion of the investigation. An employee is not required to complain first to the Executive Director if ~~the Executive Director that person~~ is the individual who is harassing the employee. Instead, the employee may report the harassment to any member of the Board of Directors. Under such circumstances, the involved Board Member shall promptly consult with the General Counsel to assure proper investigation of the matter.

~~Every reported complaint of h~~Harassment complaints will be investigated thoroughly and, promptly and in a confidential manner ~~Efforts will be made to keep the complaint and investigation confidential; however, absolute confidentiality cannot be guaranteed.~~ In addition, the San Francisquito Creek Joint Powers Authority will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint ~~to the Executive Director or any member of the Board of Directors of unlawful harassment.~~

In the case of San Francisquito Creek Joint Powers Authority employees, if harassment is established, the San Francisquito Creek Joint Powers Authority will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including immediate termination, depending on the circumstances.

Sexual harassment and retaliation for opposing sexual harassment or participating in investigations of sexual harassment are illegal. While the San Francisquito Creek Joint Powers Authority encourages use of the internal procedure described above for harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (DFEH) which has authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is ~~one-three years~~ from the date of the alleged ~~—~~unlawful conduct. If the DFEH believes that a complaint is valid, ~~per SB-1038~~ the DFEH may bring civil actions on behalf of a complainant directly in court and/or require mandatory dispute resolution. An employee can contact the nearest office of the DFEH at the locations listed on the San Francisquito Creek Joint Powers Authority's DFEH poster or by checking the state government listings in the local director.

c. Alcohol-Drug (substance) Free Workplace

As an employee of the San Francisquito Creek Joint Powers Authority you have a responsibility to ensure that you are not in any capacity being negligent of all applicable laws and regulations regarding a "substance free workplace."

Employees of the San Francisquito Creek Joint Powers Authority will not report to work or conduct any business during any workday or work event including offsite meetings, trainings or conferences under the influence of any alcohol or illegal drug ~~related substance, that will result in a confirmed positive alcohol or drug test.~~

Employees of the San Francisquito Creek Joint Powers Authority will not use alcohol or illegal drugs ~~substances~~ nor have in their possession any open containers of alcohol or illegal drugs while on duty.

Employees of the San Francisquito Creek Joint Powers Authority will not in any way, shape or form, manufacture, distribute, dispense, sell or provide illegal drugs to any person while on duty.

The San Francisquito Creek Joint Powers Authority recognizes that there are times when an employee may be ill or have a health issue that requires the use of prescription medication. In the event an employee of the San Francisquito Creek Joint Powers Authority is required to use prescription medication and the use of that prescription medication conflicts with the duties of the required job and creates an unsafe working condition, the employee will notify the Administrative Manager prior to reporting to work. Reassignment, medical examinations, or other actions specified by applicable statutes and regulations may occur if an employee's ~~job performance is as a result constrained is not able to safety and effectively perform their job due to use of a legally prescribed medication.~~

VII. Anti Fraud/Ethics Policy

Employees of the San Francisquito Creek Joint Powers Authority are expected to comply with all laws and regulations as applicable to working for a government agency in the state of California. If at any time an employee is in doubt and or has confusion of the application or interpretation of any law or regulation he/she must make every reasonable effort to seek clarification by contacting the Executive Director.

VIII. Safety

a. Work Place Violence

The San Francisquito Creek Joint Powers Authority strives to provide a safe and secure workplace environment for all employees, and visitors of the agency. Harmful acts including but not limited to:

- negligent and unsafe behavior
- threatening behavior,
- acts of violence
- any related conduct which disrupts co-workers or agency operations including but not limited to; phone calls, faxes, e-mails, mailed letters/notes or packages, text messages and any other form of communication will not be tolerated and any such person whether an employee or visitor may be removed from the premises upon determination of fault.

Any employee who violates the San Francisquito Creek Joint Powers Authority safety policy will face disciplinary action that may include SFCJPA who violates the agency's safety policy may be barred from agency property and future SFCJPA activities.

The San Francisquito Creek Joint Powers Authority expects employees to be responsible and report any harmful acts or unfit behaviors that they have witnessed, received, or have been told that another person has witnessed or received.

If an employee of the San Francisquito Creek Joint Powers Authority receives a protective or restraining order that lists the SFCJPA premises as a protected area, that employee is required to provide the Director of Administration with a copy of such order.

b. Request for Reasonable Accommodation

The SFCJPA ~~strives to comply~~ complies with applicable laws ensuring equal employment opportunities to qualified individuals with a disability and will make reasonable accommodations for any known physical or mental ~~limitations disability~~ of an otherwise qualified individual ~~with a disability who is an applicant or an employee~~ unless undue hardship would result.

Any applicant or employee of the SFCJPA who requires an accommodation in order to perform the essential functions of the job should contact the Executive Director to discuss the accommodation need.

IX. Staff Reimbursement Guidelines

San Francisquito Creek Joint Powers Authority recognizes that there may be out-of-pocket expenses incurred by employees in connection with agency business including but not limited to; office supplies, equipment, meeting supplies and off-site travel fees. As referenced from the San Francisquito Creek Joint Powers Authority Financial Management and Accounting Policies, employees can purchase up to \$1,000 per transaction on behalf of the agency and be reimbursed with appropriate documentation and approval of the Executive Director. All purchases must be within the approved budget. (See San Francisquito Creek Joint Powers Authority Financial Management and Accounting Policies for more information.)

X. Acceptance of At-Will Employment and acknowledgement of receipt of Employee Policies Handbook

All employees of the San Francisquito Creek Joint Powers Authority ~~other than the Executive Director~~ are employed “at-will.” This means that any employee, or the Executive Director as authorized by the Board of Directors to act as the employer, have the right to terminate employment at any time, with or without cause and with or without advance notice. No one, other than the Board or Directors, has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time or to make any arrangement contrary to this policy. Any such agreement or arrangement must be in writing and approved by the Board of Directors to be effective.

This Employee Policies Handbook is provided to inform and guide employees of the San Francisquito Creek Joint Powers Authority. It is a summary of the San Francisquito Creek Joint Powers Authority’s policies, benefits and work rules and supersedes previous written or unwritten policies, benefits or work rules. The policies and practices in this Handbook are not intended to imply a contractual relationship and are not intended to create any legally enforceable obligations on the part of the San Francisquito Creek Joint Powers Authority, its directors, officers or employees. All contents within this handbook are considered confidential and should not be shared, copied or reproduced. Contents within this handbook can and may be changed at anytime.

Please read this handbook carefully and become familiar with its contents. If you have any questions about the San Francisquito Creek Joint Powers Authority’s policies and practices, please send your questions to the Administrative Manager or the Executive Director.

ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the San Francisquito Creek Joint Powers Authority Employee Policies Handbook. I understand that I am responsible for reading the Handbook and for knowing and complying with its contents. I also understand and agree that my employment with the San Francisquito Creek Joint Powers Authority is “at-will,” meaning that either the Executive Director of the San Francisquito Creek Joint Powers Authority or I may terminate our employment relationship at any time, with or without cause and with or without advance notice.

Date: _____

Signature: _____

Printed Name: _____