



Staff Report - Consent Item 6

TO: East Bay Community Energy Board of Directors
FROM: Inder Khalsa, EBCE General Counsel
SUBJECT: **Amended Employment Agreement with Chief Executive Officer**
DATE: January 17, 2018

Recommendation

Adopt a Resolution authorizing the Chair to execute an amended Employment Agreement for Chief Executive Officer (“CEO”) between EBCE and Nicolas Chaset to allow the CEO to remain on COBRA medical insurance until January 1, 2019.

Background

The East Bay Community Energy Authority and CEO Nicolas Chaset executed an Employment Agreement on June 21, 2017. The Employment Agreement includes a transition health benefit provision requiring Mr. Chaset to participate in EBCE’s medical insurance program once the program is established.

Analysis & Discussion

The proposed Amended Employment Agreement modifies the transition health benefit provision to allow Mr. Chaset to elect to retain COBRA medical insurance coverage until the sooner of January 1, 2019, or the date he elects to participate in the EBCE medical insurance program.

Attachment:

1. Resolution Authorizing the Chair of the Board to execute an amended Employment Agreement
2. Amended Employment Agreement

Attachment 6A

RESOLUTION EBCE R-2018 -

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY
COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHAIR OF THE
BOARD TO EXECUTE AN AMENDED EMPLOYMENT AGREEMENT FOR
CHIEF EXECUTIVE OFFICER**

THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. On June 21, 2017, the Board of Directors of the East Bay Community Energy Authority ("EBCE") adopted Resolution EBCE R-2017-8 to appoint Nicolas Chaset as the Chief Executive Officer and direct the Chair of the Board to execute an employment agreement.

Section 2. On June 21, 2017, the EBCE and Nicolas Chaset entered into an Employment Agreement for Chief Executive Officer.

Section 3. The parties desire to amend the Employment Agreement to modify the transition health benefit provision.

Section 4. The Chair of the Board is directed to execute the Amended Employment Agreement for Chief Executive Officer, in substantially the form attached to the Agenda Report that accompanied this Resolution, on behalf of the EBCE, and is authorized to take all other actions necessary to implement the Amended Employment Agreement.

ADOPTED AND APPROVED this 17th day of January, 2018.

Scott Haggerty, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board

AMENDMENT TO EMPLOYMENT AGREEMENT FOR CHIEF EXECUTIVE OFFICER, MODIFYING TRANSITION HEALTH BENEFIT

THIS AMENDMENT TO EMPLOYMENT AGREEMENT (“Agreement”), dated January 17, 2018, is entered into by and between the East Bay Community Energy Authority (“EBCE”) and Nicolas Chaset, an individual (“EMPLOYEE”). EBCE and EMPLOYEE are collectively referred to herein as the “PARTIES.” The Parties agree as follows:

1. Section 7.a. of the Agreement is amended as follows:

“EBCE will reimburse EMPLOYEE for the full COBRA premiums EMPLOYEE pays to maintain group health coverage for himself and eligible family members until EMPLOYEE elects to participate in EBCE’s own medical insurance program. This transition health benefit will end the sooner of January 1, 2019 or the date on which EMPLOYEE elects to participate in EBCE’s own medical insurance program.”

2. All other provisions of the Agreement shall remain in effect.

IN WITNESS WHEREOF, the PARTIES hereto have executed this Amendment to Agreement.

Scott Haggerty, Chair
East Bay Community Energy Authority

Nicolas Chaset

DATE: _____, 2018

DATE: _____, 2018

APPROVED AS TO FORM:

Inder Khalsa, Interim General Counsel

ATTEST:

Stephanie Cabrera, Clerk of the Board