



Staff Report Item 17

TO: East Bay Community Energy Board of Directors

FROM: Inder Khalsa, General Counsel

SUBJECT: Chief Executive Officer Salary: Cost of Living and Merit Increase

DATE: October 20, 2021

Recommendation

Adopt a Resolution approving a 2% cost of living adjustment and 5% merit increase to the Chief Executive Officer Nick Chaset's salary, as allowed under his Employment Agreement, effective July 1, 2021.

Background and Discussion

The Third Amendment to the EBCE's Employment Agreement with Nick Chaset provides that the CEO will receive an automatic annual cost of living adjustment (COLA) increase, which will be either 2% or another amount allowed by law, whichever is lower, and up to a 5% merit increase at the discretion of the Board.

The Board commenced performance evaluations of Nick Chaset in July, 2021. After meeting in closed session, the Board directed staff to prepare a resolution authorizing a 2% COLA increase and 5% merit increase as directed by law.

Fiscal Impact

The proposed COLA and merit increase was contemplated in the EBCE's 2021-2022 Budget.

Attachments

- A. Resolution to Approve a Cost of Living and Merit Increase to the Chief Executive Officer's Salary

RESOLUTION NO. __

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO APPROVE A COST OF LIVING AND MERIT INCREASE TO THE CHIEF EXECUTIVE OFFICER'S SALARY

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS EBCE and Nicolas Chaset entered into an employment agreement on June 21, 2017 (the “Employment Agreement”), providing for the employment of Nicolas Chaset as Chief Executive Officer; amended by Amendment No. 1, approved on or about October 17, 2018; amended by Amendment No. 2, approved on or about December 16, 2019; amended by Amendment No. 3, approved on or about July 15, 2020; and amended by Amendment No. 4, approved on or about September 16, 2020.

WHEREAS EBCE desires to adjust the Chief Executive Officer’s salary reflecting an annual cost of living increase and a merit increase.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. This Board finds and determines that the forgoing recitals are true and correct.

Section 2. This Board approves the annual Cost of Living Adjustment increase of 2%, and a merit increase of 5%, effective July 1, 2021, as provided for in Section 5 of the Agreement, as amended.

ADOPTED AND APPROVED this _____ day of _____, 2021.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board