

**CONTRA COSTA WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING
June 5, 2019**

MINUTES

CALL TO ORDER

President Borba called to order a regular meeting of the Board of Directors of the Contra Costa Water District (District) at 6:30 p.m., at 1331 Concord Avenue, Concord, the regular meeting place of the Board.

ROLL CALL

<i>Directors Present:</i>	Lisa M. Borba, President Connstance Holdaway, Vice President Ernesto A. Avila Bette Boatmun John A. Burgh
<i>Directors Absent:</i>	None
<i>General Manager:</i>	Jerry Brown
<i>Legal Counsel:</i>	Douglas E. Coty
<i>District Secretary:</i>	Mary A. Neher

PLEDGE OF ALLEGIANCE

Ms. Neher led the pledge of allegiance.

ADOPTION OF AGENDA

There were no changes to the agenda, and the Board adopted the agenda by rule.

CLOSED SESSION

1. Conference with Labor Negotiator as allowed under Government Code Section 54957.6:
 - a. Agency Negotiator: GM: Employee Organization: Local 39 Employees;
 - b. Agency Negotiator: GM: Employee Organization: Local 21 Employees;
 - c. Agency Negotiator: GM: Employee Group: Confidential Employees;
 - d. Agency Negotiator: GM: Employee Group: Unrepresented Employees; and
 - e. Agency Negotiator: GM: Employee: District Secretary.

Board of Directors Minutes

June 5, 2019

Page 2

At 6:32 p.m. President Borba announced the Board would move to a closed session regarding labor negotiations, as allowed under Government Code Section 54957.6, and that there were four additional attendees: Assistant General Manager-Administration Ron Jacobsma, Human Resources and Risk Manager Sonja Stanchina, Labor Attorney Joe Wiley, and Benefits Attorney Ed Bernard.

RECONVENE FROM CLOSED SESSION

2. Report on closed session.

At 7:43 p.m. President Borba reconvened the Board meeting and said the Board did not take a reportable action.

PUBLIC COMMENT (Please observe a three-minute time limit)

President Borba asked for public comments. There were none.

CONSENT CALENDAR

3. Approve Directors' Service/Business and Travel Expenses
 - a. Future Services – June 2019
 - b. Expenses – May 2019
4. Approve meeting minutes.
 - a. May 1, 2019
 - b. May 3, 2019
5. Approve the warrant register dated June 6, 2019.
6. Adopt Resolution No. 19-009 authorizing the execution and acceptance of an easement agreement with the San Francisco Bay Area Rapid Transit District.
7. Authorize execution of a professional services agreement with Public Policy Advocates for government relations services for FY20 in an amount not to exceed \$125,000.

President Borba asked if anyone wanted to remove an item from the consent calendar to be separately considered. No items were removed.

President Borba said she would abstain from voting on Agenda Item No. 4.b., regarding the May 3, 2019 meeting minutes, as she did not attend the meeting.

President Borba asked for Board questions and comments. There were none.

President Borba asked for public comments. There were none.

Board of Directors Minutes

June 5, 2019

Page 3

MOTION: Boatmun/Holdaway to approve the consent calendar, except for Agenda Item No. 4.b. The motion carried by a unanimous voice vote.

MOTION: Boatmun/Holdaway to approve agenda Item No. 4.b., May 3, 2019 minutes. The motion was approved by voice vote (Ayes: Avila, Boatmun, Burgh, Holdaway; Abstain: Borba).

ACTION

8. Award FY20 water treatment chemical bids to the companies listed on the Bid and Cost Summary at the indicated bid unit prices for a total cost not to exceed \$2,335,173.

Mr. Brown explained the chemicals were used by the District for water processing and land management. The District solicited chemical bids separately as well as through the Bay Area Chemical Consortium (BACC). The BACC continues to control and reduce chemical costs for the District. There were no bid controversies.

President Borba asked for Board questions and comments. In response to Director Avila, staff said some chemicals in high demand were in short supply. In response to President Borba, staff explained where only one bid was received, the pricing was compared to last year's pricing, which were often the same vendors. Although the District's request for bids is opened to many vendors, transportation costs is one of the biggest decision factors whether a vendor bids or not.

President Borba asked for public comments. There were none.

MOTION: Avila/Holdaway to award FY20 water treatment chemical bids to the companies listed on the Bid and Cost Summary at the indicated bid unit prices for a total cost not to exceed \$2,335,173. The motion carried by a unanimous voice vote.

9. Authorize vendors for FY20 routine goods and services at the not-to-exceed amounts listed on the attachment for a total amount not-to-exceed \$1,251,000.

Mr. Brown said several items included were due to modified work scopes or vendor changes in this second year of the two-year procurement cycle. The sole-source selection is for Softchoice that assists the District with its Microsoft products, and the pricing is the same throughout the state due to a cooperative purchasing arrangement. The FY20 fuel costs were reviewed and the previously authorized amount is sufficient. The District is going through the procurement process to find a different paving and concrete repair services vendor, due to lack of performance from the current vendor, which will be brought to the Board.

President Borba asked the Board for questions and comments. There were none.

President Borba asked for public comments. There were none.

Board of Directors Minutes

June 5, 2019

Page 4

MOTION: Holdaway/Burgh to authorize vendors for FY20 routine goods and services at the not-to-exceed amounts listed on the attachment for a total amount not-to-exceed \$1,251,000. The motion carried by a unanimous voice vote.

10. Authorize execution of an amendment to the Memorandum of Understanding with U.S. Department of Interior, Bureau of Reclamation for Phase 2 of the Los Vaqueros Reservoir Expansion Project Feasibility Study

Mr. Brown reviewed the proposed amendments to the Memorandum of Understanding (MOU) with the Bureau of Reclamation (Reclamation) for the Los Vaqueros Reservoir Expansion Project (Project) Feasibility Study to adjust the MOU's local and federal cost share amounts to reflect the amount of appropriations received by the Project for Reclamation. A contracting invoicing issue with AECOM was reviewed.

President Borba asked for Board questions and comments. There were none.

President Borba asked for public comments. There were none.

MOTION: Burgh/Boatman to authorize execution of an amendment to the Memorandum of Understanding with U.S. Department of Interior, Bureau of Reclamation for Phase 2 of the Los Vaqueros Reservoir Expansion Project Feasibility Study. The motion carried by a unanimous voice vote.

11. Approve the creation of an Environmental Health and Safety Specialist classification with a salary range of \$7,748.00 to \$9,417.20 per month plus benefits.

Director of Engineering Rachel Murphy reviewed accomplishments of the health and safety program and improvements since the most recent safety perception survey. An update was provided on Cal/OSHA regulatory activities; they continue to introduce new and amend existing regulations while increasing the issuance of penalties for non-compliance or program deficiencies.

A review of the business case to add an Environmental Health and Safety Specialist was provided, which included the anticipated work focus for the position. The job description was developed following a survey of other safety positions at local public agencies. Because the position is recommended to be included within the Local 21 bargaining unit, Local 21 was consulted. A comparison of local agency safety staffing levels was provided. The fiscal impact for adding the permanent position and plan to maintain the 299.5 authorized staff positions were provided. Staff would like to align District resource needs with Board intern program goals, so an updated intern program may be brought to the Public Information and Conservation (PIC) Committee in October and to the Board in March 2020, which will allow for it to be incorporated into the FY21-FY22 budget.

President Borba asked for the Board for comments and questions.

Board of Directors Minutes

June 5, 2019

Page 5

In response to Director Boatmun, staff explained the Environmental Health and Safety Specialist would take over much of the documentation and program tracking to maintain safety compliance to provide the Manager of Health and Safety more time to work directly with staff and address more complicated safety issues. PIC Committee members, Director Avila, Chair, and Director Boatmun, suggested to schedule a PIC Committee meeting in July to review the intern program and funding options. In response to President Borba's suggestion to use an existing vacant District position to temporarily fund the new position, staff explained the funding proposal for the new position was not an elimination of the intern program. Staff wants additional time to reevaluate and update the intern program. The authorized unfilled positions are mission-critical positions and from vacancies due to staffing changes, such as promotions, retirements, and separations. Staff reviewed how the intern program could be a budgeted expenditure and not included in the employee count, as interns are temporary, hourly staff without benefits. The intern program funding could be determined at the mid-cycle budget review in August. The action to approve the Environmental Health and Safety Specialist position does not eliminate the intern program. In response to Director Avila, staff confirmed it would like the Board to take an action on the proposed new safety position tonight. Director Avila said he supported the District's safety needs and retention of the intern program and understood an affirmative vote would not end the intern program.

President Borba asked for public comments.

Mr. Bob Eagle, President of the Contra Costa Water District Chapter of Local 21, said that Local 21 supported the addition of the position and thanked management for bringing it to Board. All staff see the need for the new position. The issue of interns and full-time employees is a matter he would like to discuss further with the Board at a later date.

In response to President Borba, Mr. Coty said the recommended action as stated in the agenda was sufficient and that the minutes will reflect the Board and staff commitments regarding the intern program.

MOTION: Avila/Boatmun to approve the creation of an Environmental Health and Safety Specialist classification with a salary range of \$7,748.00 to \$9,417.20 per month plus benefits. The motion carried by a unanimous voice vote.

12. Adopt recommended positions on: AB 134, SB 13, SB 200, H.R. 2473, and Drought Resiliency and Water Supply Infrastructure Act.

Director of Public Affairs Jennifer Allen reported that the state legislative committee hearings have resumed, and the legislative schedule was provided.

Ms. Allen provided an update on bills related to safe and affordable drinking water and proposed changes to the current positions. In response to Director Avila, staff confirmed there is no sunset included on the water tax proposed in the Governor's budget and other bills. In response to President Borba, staff confirmed if a tax were implemented, the state would review the amount annually and could modify the amount based on the state's needs. In response to Director Boatmun,

Board of Directors Minutes

June 5, 2019

Page 6

staff explained the use of the general fund was not a long-term solution but a place to start until additional needs analysis may be completed, which could take two years. Staff noted that with \$0.50 tax per month per connection, the District would pay the state approximately \$450,000 per year.

AB 134 is a bill dealing with the policy side of the safe and affordable drinking water, and it has been joined with AB 217, which deals with the \$0.50 tax. Both bills must pass for this safe drinking water policy to move forward. Because the District has previously taken a position of *Oppose Unless Amended* on AB 217, it is recommended to take an *Oppose Unless Amended* position on AB 134. The District will continue to monitor both bills.

SB 200 is a bill that will establish a framework identifying eligible entities to receive funding from a Safe Drinking Water Fund and is joined with the Senate's budget proposal as the funding mechanism. The framework lays out how the money will be collected and distributed and sets distribution limits for the State Water Board. Previously the District had a *Watch* position on SB 200, and it is recommended to go to a *Support* position.

SB 13 is a bill regarding accessory dwelling units (ADUs), which has been significantly amended. Based upon the current language to limit water and sewer impact fees and connection fees, it is recommended to change from a *Watch* position to an *Oppose Unless Amended* position. In response to Director Boatman, staff said the definition of an impact fee is not well defined in the current language. Mr. Coty said the definition is currently broad enough to include connection fees and fees similar to the District's facility reserve charge.

On the federal side, the District has submitted a request for FY20 in the amount of \$29 million from the Water Infrastructure and Investment for the Nation (WIIN) Act for the Los Vaqueros Expansion Project.

H.R. 2473 is a bill to secure increased WIIN Act funding for such projects related to groundwater recharge planning, Reclamation Infrastructure Finance and Innovation Act pilot program, feasibility studies, rural water supply reauthorization, water recycling and reuse, and water technology and innovation. It is recommended to take a *Support* position on this bill. In response to President Borba, staff confirmed it did include funding for storage projects.

Senator Feinstein has asked for District input on draft bill language related to the drought resiliency and water supply infrastructure act. This would be joined with H.R. 2473. It is recommended to take a *Support* position, if the bill remains consistent with draft form language.

President Borba asked for the Board for comments and questions.

Director Avila asked if there are discussions to minimize impact fees for ADUs from other impact fee sources such as park and school fees. Staff confirmed the relief being sought for the ADUs included other fees and items such as parking impacts.

President Borba asked for public comments. There were none.

Board of Directors Minutes

June 5, 2019

Page 7

MOTION: Boatmun/Holdaway to adopt recommended positions on: AB 134, SB 13, SB 200, H.R. 2473, and Drought Resiliency and Water Supply Infrastructure Act. The motion carried by a unanimous voice vote.

DISCUSSION AND INFORMATION

13. Review and comment on status report on drinking water regulations.

Water Operations Manager Dave Huey reported that the District is in full compliance with all drinking water regulations. A review of the District's regulatory compliance strategy was provided. A summary of the Triennial Report on Public Health Goals 2016-2018 was reviewed. Updates for the District's lead sampling in California schools, lead service line inventory, and distribution system lead and copper testing programs were provided. In response to President Borba, staff said the homes selected to participate in the lead and copper program were determined by the regulatory criteria. The District also tests for other unregulated contaminants per the Unregulated Contaminant Monitoring Rule 4. The findings are reported to the state, who will use the data to determine future regulatory requirements. A summary of the findings was provided.

The Operations and Maintenance Department's FY19/FY20 budget has sufficient funds to support the ongoing monitoring efforts required under current regulations.

President Borba asked for Board comments and questions. There were none.

President Borba asked for public comments. There were none.

The Board thanked staff for the drinking water regulations update.

REPORTS FOR DISCUSSION

14. Future meeting dates and times.

Director Boatmun said the Association of California Water Agencies (ACWA) Business Development Committee will have a meeting sometime in July.

REPORTS

15. General Manager

Mr. Brown reported that the District will provide tours of its facilities and Los Vaqueros Reservoir to the Water Education Foundation's Bay-Delta Tour, which will include 80-100 people, on June 6.

16. Legal Counsel

Mr. Coty did not have a report.

Board of Directors Minutes

June 5, 2019

Page 8

17. Board Members

Director Burgh did not have a report.

Vice President Holdaway reported that she had attended the May 3 joint Board meeting with Santa Clara Valley Water District. She attended the ACWA Spring 2019 Conference on May 7-9. On May 24 she met with the General Manager. She attended the May 31 Finance Committee meeting.

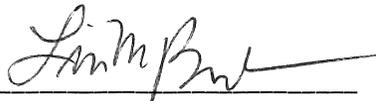
Director Boatman reported that she attended the Industrial Association Forum on May 22. On May 30, she attended the ACWA Business Development Committee meeting. She attended the May 31 ACWA Board meeting.

Director Avila reported that he attended the Multi-state Salinity Coalition Board meeting on May 16-17. He met with the General Manager on May 20. He provided the Walnut Creek City Council with a presentation on May 21. He attended the Operations and Engineering (O&E) Committee meeting on May 22.

President Borba reported that she attended the Other Post-Employment Benefits Committee and Retirement Committee meetings on May 17. She had met with the General Manager on May 21, May 28, and June 4. She attended the O&E Committee meeting on May 22.

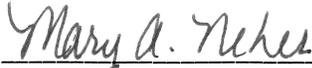
ADJOURNMENT

At 9:12 p.m., President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on June 19, 2019 commencing at 6:30 p.m. in the Board Room located at 1331 Concord Avenue in Concord.



Lisa M. Borba, President

Attest:



Mary A. Neher, District Secretary