CONTRA COSTA WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING
March 18, 2020

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 6:32 p.m., at 1331 Concord Avenue, Concord, the regular meeting place of the Board. Pursuant to Governor Newsom’s Executive Orders N-25-20 and N-29-20, one or more Directors participated in this meeting remotely. The meeting facilitation procedure was provided.

ROLL CALL

Directors Present: Lisa M. Borba, President
Connstance Holdaway, Vice President
Ernesto A. Avila
Bette Boatmun
John A. Burgh

Directors Absent: None

General Manager: Stephen J. Welch

Legal Counsel: Douglas E. Coty

District Secretary Mary A. Neher

PLEDGE OF ALLEGIANCE

President Borba led the pledge of allegiance.

ADOPTION OF AGENDA

Additional announcements and mandates from the federal, state, and county government agencies have occurred since the agenda posting related to COVID-19. Staff requested the Board to add an emergency agenda item regarding the COVID-19 pandemic (COVID-19) to the agenda. Mr. Coty reviewed Government Code Section 54954.2(b) that would allow the urgent item to be added and the requirement that four of the five Directors approved the item being added to the meeting agenda.

President Borba called for a motion and second to add an urgent agenda item, known as, Agenda Item No. 11 to adopt Resolution No. 20-003, proclaiming the existence of a local emergency resulting from COVID-19, and renumber agenda items that would follow the added matter. Director Boatmun made the motion, and Vice President Holdaway seconded the motion to add Agenda Item No. 11 to the agenda. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

The Board adopted the revised agenda by rule.
PUBLIC COMMENT *(Please observe a three-minute time limit)*

President Borba asked for public comments. There were none.

CONSENT CALENDAR

1. Approve Directors’ Service/Business and Travel Expenses
   a. Future Services – March/April 2020
   b. Expenses – February 2020
   c. Compensation – February 2020

2. Approval of February 19, 2020 meeting minutes.


4. Authorize the purchase of fault crossing hose and a hose storage reel from Allied Fluid Products in the amount of $187,049.

5. Authorize execution of the revised and restated Memorandum of Understanding for the Development of a Groundwater Sustainability Plan for the East Contra Costa County Sub-basin.

6. Authorize an increase in contract authority of $50,000 with Air Systems Service and Construction for heating, ventilation, and air conditioning services, for a revised total not to exceed $280,000 for FY20.

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

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

President Borba asked for public comments. There were none.

MOTION: Boatmun/Holdaway to approve the consent calendar. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

ACTION

7. Authorize the purchase of heavy vehicles and equipment for a total combined purchase price of $914,006, excluding sales tax and delivery.

Mr. Welch reviewed the procurement process used to identify vendors that could provide the necessary replacement vehicles and equipment. The funding was available through the vehicle and equipment replacement reserve fund.

President Borba asked for Board comments and questions. Director Boatmun acknowledged the detailed replacement information and funding source included in the report for the replacements.

President Borba asked for public comments. There were none.
**MOTION:** Boatmun/Burgh to authorize the purchase of heavy vehicles and equipment for a total combined purchase price of $914,006, excluding sales tax and delivery. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

8. Authorize execution of an amendment with Bold, Polisner, Maddow, Nelson & Judson (BPMNJ) for FY20 Contra Costa Canal Title Transfer legal counsel services not to exceed $350,000, for a revised agreement total not to exceed $1,310,000.

Mr. Welch said a presentation was available if desired by the Board. This amendment will enable BPMNJ to hire confidential real estate support services for the title transfer of the Contra Costa Canal to the District from the Bureau of Reclamation (Reclamation). The Board did not request the presentation.

President Borba asked for Board comments and questions. Staff confirmed that payment will be made on an hourly bases and only for services rendered and was not a lump sum payment. The title transfer process includes District review of tenant agreements held by Reclamation. There will be future reports and potential actions by the Board related to tenant agreement matters.

President Borba asked for public comments. There were none.

**MOTION:** Boatmun/Avila to authorize execution of an amendment with Bold, Polisner, Maddow, Nelson & Judson for FY20 Contra Costa Canal Title Transfer legal counsel services not to exceed $350,000, for a revised agreement total not to exceed $1,310,000. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

9. Authorize execution of a service agreement with the California Department of Fish and Wildlife, not to exceed $485,000, for Los Vaqueros Reservoir Expansion Project permitting support.

Assistant General Manager – Policy and External Affairs Marguerite Patil reviewed the permitting support needed by the California Department of Fish and Wildlife (CDFW) related to the Phase 2 Los Vaqueros Reservoir Expansion (LVE) Project to secure final permits by March 2021 per the current LVE Project schedule. The CDFW staffing services and term included in the agreement were reviewed. The agreement may be terminated by either party with a 30-day termination notice. The actual staff cost will be invoiced monthly up to $485,000 over the agreement term. Funding is available in the FY20 Water Resources budget for FY20. The California Water Commission Early Funding Agreement and LVE Project Multi-party Agreement with the Local Agency Partners will be used to reimburse the District for payments to CDFW. Future fiscal year funding is contingent upon District Board approval of the FY21-FY22 Strategic Initiatives budget. The CDFW work schedule was reviewed.

President Borba asked for Board comments and questions. Staff confirmed the District used a similar agreement for permitting services on the original Los Vaqueros Reservoir Project. This type of service agreement was pursued but not executed for the Phase 1 expansion of Los Vaqueros Reservoir.

President Borba asked for public comments. There were none.

**MOTION:** Boatmun/Burgh to authorize execution of a service agreement with the California Department of Fish and Wildlife, not to exceed $485,000, for Los Vaqueros Reservoir Expansion Project permitting support. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).
10. Authorize the General Manager to expand existing leave provisions in response to Coronavirus concerns and impacts to District employees until the conclusion of the State and/or Federal declared emergency, whichever is last, or unless extended by the Board; and to modify leave provisions to comply or complement State and/or Federal leave mandates for the duration of this declared emergency.

Mr. Welch reviewed state and local government restrictions related to school closures due to COVID-19. Because the current District leave policy does not include a childcare provision related school closure, this modification would allow staff leave to be used. Additional restrictions imposed by the state and county were set over the weekend and on Monday, March 16. Employees will be permitted to use various leaves consistent with work rules and per their Memorandum of Understandings to spend time with children, and if employees exhaust their leaves, they would be allowed to go into the negative while continuing to receive a paycheck. The additional leave would be tracked as a leave loan and repaid in the future.

President Borba asked for public comment.

Water Conservation Specialist Bob Eagle, Local 21 Chapter President, discussed how all District employees were essential to the delivery of and maintenance of the drinking water. Many other agencies had sent nonessential employees home with pay. Current District staffing levels could increase the risk of spreading COVID-19 and impact District business activities. Requiring staff to use all sick and vacation leaves to stay home would have negative impacts to staff. He requested for a more complete review of the leave amendment and for the District to send home nonessential employees now.

Water Conservation Specialist Cooper Reeves expressed his concerns about less essential employees continuing to work in the office and asked for those staff members to be sent home to shelter in place and self-isolate. There are many District employees who perform less-essential tasks still at work. He expressed concerns about the ability to adequately social distance while at work. The District has a responsibility to the safety of the public and employees because the more people in the building the higher the health risk. While at home, nonessential employees should be required to work. He reviewed the current preapproval process employees must follow in order to be allowed to work from home. There will be possible federal, state, and disaster relief funding available. He asked the Board, District, and management to follow District values and goals by directing management to immediately determine who is and is not essential, develop a work-from-home plan, and send nonessential employees home.

Senior Accountant Kathy Ringot discussed the need for social distancing and the work being done by the District to keep the public and employees safe while continuing to deliver water. While all District employees are critical to the mission to deliver clean safe water, not all employees are essential to the water delivery operations and maintenance. Expedited identification of essential vs. nonessential employees is needed so nonessential employees can work from home. Where it is not feasible for nonessential employees to work from home, she urged management and the Board to authorize emergency leave to allow employees to honor the shelter-in-place order without exhausting their existing accruals of leave. She thanked the Board and General Manager for everything being done during this chaotic and ever-changing time.

Local 21 Representative Jeff Duritz reviewed essential service employers and how all employees were essential to mission critical work. The public health order identifies infrastructure for operations and maintenance as essential. The negative sick leave provision included in this leave amendment is less than what other agencies are providing to their staff. Some local agencies provide COVID-19 paid leave for nonessential employees who cannot telework and are unable to provide other services at their agencies and for essential workers if they are
unable to work. He asked the Board to wait to decide on the matter, so it can consider a more robust leave amendment. He provided a letter to the District and Board late in the afternoon on March 18 with information on how other agencies are adjusting their leave and payroll processes, which is attached to the minutes. He asked for the Board to table the matter until it reviews the information.

Mr. Welch said the District needed to move forward now and can consider additional leave modifications in the future. The shelter-in-place was just ordered. Since the District’s leave policy does not allow for accrued leave to be used for childcare, the change will ensure those employees are paid doing so during the COVID-19 pandemic. Agenda Item No. 11, which proclaims the existence of a local emergency due to COVID-19, was added tonight to address urgent issues evolving from this situation including information provided as of yesterday from other local agency General Managers. The information provided this afternoon from Mr. Duritz is brand new. Mr. Duritz suggested that the District review what other agencies were doing before the Board makes a decision. Employees will want to know what the action taken by the Board, and he was concerned about employee morale.

President Borba asked for Board comments and questions.

Director Avila reviewed how past emergency situations required an all-hands situation and the challenges of being a disaster service worker. Private companies have begun employee layoffs. Staff initially considered nonessential may be repurposed into other critical positions. He supported the change in leave policy and noted the importance to keep an open dialog and work together.

Director Boatmun expressed concerns about waiting to make a decision until updates from other agencies are reviewed as the situation continues to change.

Director Burgh concurred with Director Avila and Director Boatmun. He asked the District to examine possible options to allow protection of customers and employees. He valued all the comments, which will help the District get through this difficult time.

Vice President Holdaway expressed the need for careful review and consideration of all options to develop a plan during this unprecedented time with continuously changing conditions.

President Borba acknowledged the value and service provided by employees to customers and the difficulty to take care of your family and work during this crisis. She thanked Mr. Duritz for providing the additional information from other agencies. There will be additional actions needed as more information becomes available. It is important to modify the leave policy to allow parents to stay home with kids who are well.

**MOTION:** Avila/Boatmun to authorize the General Manager to expand existing leave provisions in response to Coronavirus concerns and impacts to District employees until the conclusion of the State and/or Federal declared emergency, whichever is last, or unless extended by the Board; and to modify leave provisions to comply or complement State and/or Federal leave mandates for the duration of this declared emergency. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

11. **Adopt Resolution No. 20-003,** proclaiming the existence of a local emergency resulting from the COVID-19 pandemic.

Mr. Welch explained the District will continue to comply with any federal, state, and county laws and plans to bring the local emergency declaration to every Board meeting until we get past this crisis. As the pandemic has
evolved, it became apparent that additional authority was needed by his office to meet the growing crisis. This declaration provides administrative flexibility to adjust work rules and work procedures to enable items such as telecommunicating. The District activated its Emergency Operations Center.

President Borba asked for public comment. There were none.

President Board asked for Board comments and questions.

Director Avila reviewed the business flexibility provided by the emergency declaration such as not disconnecting services if customers are financially impacted from COVID-19.

President Borba reviewed the importance for the emergency declaration to help customers, as they do not have a choice of water service providers. This matter will be reviewed at every Board meeting.

Vice President Holdaway reviewed the need to provide the General Manager with the flexibility included in the emergency declaration to allow urgent critical decisions to keep the District running.

**MOTION**: Avila/Boatmun to Adopt Resolution No. 20-003, proclaiming the existence of a local emergency resulting from the COVID-19 pandemic. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

**REPORTS FOR DISCUSSION**

1. Schedule Future Meeting Dates and Times

There were no meetings added.

**REPORTS**

13. General Manager

Mr. Welch reported that the emergency operations team was activated and working hard on the pandemic that could potentially impact the entire work force. Staff has prepared an emergency work plan and will continue update it to respond to the changing circumstances.

14. Legal Counsel

Mr. Coty reviewed Governor Newsom's Executive Order Nos. N-25-20 and N-29-20. The N-29-20 order allows for public meetings to be held via teleconferencing as long as the public is able to participate in the Board meeting. The rest of the Brown Act remains in effect. The requirement for social distancing will impact the work and how it is performed by the District.

15. Board

Director Avila requested for the Board to be provided with a summary of Governor Newsom’s Executive Orders. He reported that he had attended the Mayors’ Conference on March 5 and the Operations and Engineering Committee meeting on March 11.

Director Boatmun reported that she had attended the Mayors’ Conference on March 5.
Director Burgh reported that he had attended the Mayors' Conference on March 5. He expressed support for the continuation of the kids' art contest for the District calendar.

Vice President Holdaway reported that she had provided a presentation to the Brentwood Rotary Club on March 9 and had met with General Manager on March 13. She thanked Senior Information Specialist Oliver Symonds for his assistance at the rotary presentation.

President Borba announced that the March 20 Board Study Session was cancelled. She reported that she had attended the Contra Costa County's California Department of Insurance Roundtable on March 5 and had met with the General Manager on March 10 and 17.

CLOSED SESSION


At 7:59 p.m. President Borba announced the Board would move into a closed session on a matter regarding potential litigation and did not require announcement of additional attendees.

RECONVENE FROM CLOSED SESSION


At 8:44 p.m. President Borba announced that the Board did not take any reportable action on the matter.

ADJOURNMENT

At 8:45 p.m. President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on April 1, 2020 commencing at 6:30 p.m. in the Board Room located at 1331 Concord Avenue in Concord and by teleconference.

Lisa M. Borba, President

Attest:

Mary A. Neher, District Secretary
March 18, 2020

Steve Welch  
General Manager  
Contra Costa Water District  
1331 Concord Avenue  
Concord, CA 94520

Re: Economic Protection and Peace of Mind During COVID-19 Emergency

Dear Steve,

I’m writing to follow up on our Monday afternoon meeting. I want to first express on behalf of the Union that your sincere desire to protect District employees during this global pandemic and local public health emergency is very much appreciated. Your approach is a welcome contrast to disappointing interactions we have had with previous District administrations.

You explained that you do not want a situation after the crisis ends where employees find themselves without remaining vacation time to refresh and recharge, and that granting an advance of 80 hours sick leave for those without enough vacation and sick leave to cover COVID-19 related absences would ensure that employees remain paid. You let us know that you would be seeking Board authority to allow for such a negative sick leave balance and the matter therefore is on the Board’s agenda docket for this evening.

The Local 21 team advocated strongly that no employee should be forced to enter negative leave territory. Our point is that when the health emergency finally ends, the District will emerge fine organizationally. Revenue may even go up during the shelter-in-place period, since more people will be staying home in the County. We therefore see no reason any employee should emerge from the public health emergency any worse off financially, including by having lost vacation leave. We asserted that our March 13, 2020 proposal would solve this problem and spare people the additional psychological stress of getting into negative sick leave territory. We understand you hadn’t fully considered this approach before our meeting.

Since Monday evening, a stream of information has come in indicating that the District’s negative sick leave proposal falls strikingly short of what other Bay Area public employers are providing to both
economically protect and provide peace of mind for their employees. The following list of examples is by no means exhaustive:

- Contra Costa County has agreed that employees who are unable to report to work for any COVID-19 related reason will continue to be paid without the use of any accruals (attachment enclosed).
- Santa Clara Valley Water District has agreed that all non-essential employees who cannot telework, or any employee affected by COVID-19, will be paid according to a newly-created timecode that will not impact existing leaves (attachment enclosed).
- City and County of San Francisco has agreed that any non-essential employees who cannot be reasonably redeployed will be placed on paid furlough (attachment enclosed).
- Alameda County has created new payroll code “COVID-19 Paid Administrative Leave” to cover any COVID-19 related absence. This payroll code will provide full pay without the loss of any other paid leave. Documentation will be distributed this evening.
- City of San Leandro non-essential employees who cannot telework are on paid emergency leave for three weeks, which does not affect any accrued leave banks (attachment enclosed).
- Berkeley Unified School District has sent all non-essential employees home on paid status. Any Local 21-represented employee who is called in to work will receive pay plus a 5% differential (attachment enclosed for employees later called back to work).
- San Francisco Courts have sent all employees home. Employees who volunteer to come to work in order to maintain essential functions are being paid at 1.5x.
- EBMUD’s General Manager and others have had joint daily conference calls with all employee Unions to maintain dialog and coordination, and have also established a joint task force with the Unions. An agreement is expected by the end of the week. All parties expect an outcome in keeping with those described above given the high degree of transparency and collaboration.

With all this in mind, Local 21 will attend tonight’s Board meeting to urge the Directors to table the negative sick leave proposal and instead authorize a measure in accordance with those described above. Such a measure, even if approved at a future Board meeting, could be applied retroactively to cover the period of the six-county Public Health Order, i.e., March 17, 2020-April 7, 2020. We will also urge the Board to grant you authority to continue such a provision in the event the County Public Health Officer extends the existing shelter-in-place Order.

Finally, we will ask the Board to consider the difference between essential and non-essential District employees. There is unanimous agreement that the District is an essential public service. We believe that all District employees are critical to the District’s goals and mission. In the interest of public health, this must be distinguished from the group of employees who are essential to the District’s “operations and maintenance,” as described in subsection c) of page 4 of the enclosed Order.
Sincerely,

Jeff Duritz
Representative/Organizer

C: CCWD Board of Directors
   Sonja Stanchina, HR and Risk Manager
ORDER OF THE HEALTH OFFICER
OF THE COUNTY OF CONTRA COSTA DIRECTING
ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR
PLACE OF RESIDENCE EXCEPT THAT THEY MAY LEAVE TO
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR
ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES;
EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS FROM
THE SHELTER IN PLACE ORDER BUT URGING THEM TO FIND
SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT;
DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO
CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN
THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS
OF ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF
ALL NON-ESSENTIAL TRAVEL

DATE OF ORDER: MARCH 16, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a
misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety
Code § 120295, et seq.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS
101040, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA
(“HEALTH OFFICER”) ORDERS:

1. The intent of this Order is to ensure that the maximum number of people self-isolate in
their places of residence to the maximum extent feasible, while enabling essential
services to continue, to slow the spread of COVID-19 to the maximum extent
possible. When people need to leave their places of residence, whether to obtain or
perform vital services, or to otherwise facilitate authorized activities necessary for
continuity of social and commercial life, they should at all times reasonably possible
comply with Social Distancing Requirements as defined in Section 10 below. All
provisions of this Order should be interpreted to effectuate this intent. Failure to comply
with any of the provisions of this Order constitutes an imminent threat to public health.

2. All individuals currently living within Contra Costa County (the “County”) are ordered to
shelter at their place of residence. To the extent individuals are using shared or outdoor
spaces, they must at all times as reasonably possible maintain social distancing of at least
six feet from any other person when they are outside their residence. All persons may
leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

3. All businesses with a facility in the County, except Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 10. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.

4. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. Nothing in this Order prohibits the gathering of members of a household or living unit.

5. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 10, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus.
Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

7. This Order also is issued in light of the existence of 29 cases of COVID-19 in the County, as well as at least 258 confirmed cases and at least three deaths in the seven Bay Area jurisdictions jointly issuing this Order, as of 5 p.m. on March 15, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Health Officer will re-evaluate it as further data becomes available.

8. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 10, 2020 Resolution of the Contra Costa County Board of Supervisors declaring the existence of a Local Emergency in Contra Costa County.

9. This Order comes after the release of substantial guidance from the County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.

10. Definitions and Exemptions.

   a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

      i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a
health care professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.

c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically
exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. For the purposes of this Order, “Essential Businesses” means:
   i. Healthcare Operations and Essential Infrastructure;
   ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
   iii. Food cultivation, including farming, livestock, and fishing;
   iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
   v. Newspapers, television, radio, and other media services;
   vi. Gas stations and auto-supply, auto-repair, and related facilities;
   vii. Banks and related financial institutions;
   viii. Hardware stores;
   ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
   x. Businesses providing mailing and shipping services, including post office boxes;
   xi. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
   xii. Laundromats, drycleaners, and laundry service providers;
xiii. Restaurants and other facilities that prepare and serve food, but only for
delivery or carry out. Schools and other entities that typically provide free
food services to students or members of the public may continue to do so
under this Order on the condition that the food is provided to students or
members of the public on a pick-up and take-away basis only. Schools
and other entities that provide food services under this exemption shall not
permit the food to be eaten at the site where it is provided, or at any other
gathering site;
xiv. Businesses that supply products needed for people to work from home;
xv. Businesses that supply other Essential Businesses with the support or
supplies necessary to operate;
xvi. Businesses that ship or deliver groceries, food, goods or services directly
to residences;
xvii. Airlines, taxis, and other private transportation providers providing
transportation services necessary for Essential Activities and other
purposes expressly authorized in this Order;
xviii. Home-based care for seniors, adults, or children;
xix. Residential facilities and shelters for seniors, adults, and children;
xx. Professional services, such as legal or accounting services, when
necessary to assist in compliance with legally mandated activities;
xxi. Childcare facilities providing services that enable employees exempted in
this Order to work as permitted. To the extent possible, childcare facilities
must operate under the following mandatory conditions:
   1. Childcare must be carried out in stable groups of 12 or fewer
      (“stable” means that the same 12 or fewer children are in the same
      group each day).
   2. Children shall not change from one group to another.
   3. If more than one group of children is cared for at one facility, each
group shall be in a separate room. Groups shall not mix with each
other.
   4. Childcare providers shall remain solely with one group of children.

g. For the purposes of this Order, “Minimum Basic Operations” include the
following, provided that employees comply with Social Distancing Requirements
as defined this Section, to the extent possible, while carrying out such operations:
i. The minimum necessary activities to maintain the value of the business’s
   inventory, ensure security, process payroll and employee benefits, or for
   related functions.
   ii. The minimum necessary activities to facilitate employees of the business
       being able to continue to work remotely from their residences.
h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.
   i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
   ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
   iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
   iv. Travel to or return from a place of residence outside the jurisdiction.
   v. Travel required by law enforcement or court order.
   vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.

j. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

11. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat to public health.

12. This Order shall become effective at 12:01 a.m. on March 17, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.

13. Copies of this Order shall promptly be: (1) made available at Office of the Director of Health of Contra Costa County, 1220 Morello Ave, Martinez CA 94553; (2) posted on the County Public Health Department website www.cchealth.org; and (3) provided to any member of the public requesting a copy of this Order.
14. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the reminder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

15. Questions or comments regarding this order may be directed to Contra Costa Health Services at 1-844-729-8410.

IT IS SO ORDERED:

Chris Farnitano, MD
Health Officer of the County of Contra Costa County

Ori Tzvieli, MD, Deputy Health Officer

Dated: March 16, 2020
Dear Katherine,

We applaud the Mayor for taking swift and decisive action to mitigate the spread of COVID-19 and implement protections for our members.

In response to our request, the Mayor is issuing the following orders, effective until April 17th:

- In the event of facility closures or reduced need for services resulting from the COVID-19 emergency, we will first attempt to redeploy employees whom we do not need for their normal duties. This may include work at a different location or on a different shift than usual, and/or different assignments, or deployment as a Disaster Service Worker.

- For regularly scheduled City employees who cannot work remotely, and for whom we have no work, the City plans to release these employees on paid furlough. They must continue to be available to come to work during this period, which may end at any time.

While we appreciate the steps being taken in the short-term, this pandemic has the potential to impact our communities, and our work, far beyond the date of April 17th. We are asking the City Administration to guarantee that as long as there are closures or reduced services, our members will be paid.
We also know that many Local 21 members will be deemed essential and still required to go to work as usual. Many others are volunteering as Disaster Service Workers on the front line of tracking and managing positive cases. It is crucial that these workers are protected and safe.

We want to thank and recognize all the members who are reorganizing their lives to confront the coronavirus — sheltering at home, telecommuting, providing essential services, and volunteering on the front lines. We know everyone should have the right to economic security. As dedicated public servants, we are always ready to serve our communities — especially in times of crisis.

**If you have any questions or issues, please contact your labor representative.**

In Solidarity,

Gus Vallejo

IFPTE Local 21 President
Employee Communications

From: EOC Director Tina Yoke

Re: Revised Telework Guidelines due to Shelter in Place Orders

Date: March 16, 2020

The following message supersedes and replaces the All Employee Message issued earlier today (March 16, 2020).

As you may be aware, the County of Santa Clara, alongside the counties of Alameda, San Mateo, Contra Costa, Marin and San Francisco, issued a “shelter in place” order this afternoon to take effect at midnight tonight (March 17), and to last for a period of three weeks (April 7). During this three week period, those individuals that are identified as performing non-essential functions at Valley Water shall be required to telecommute, if possible, or perform work remotely as assigned by their manager to the greatest extent possible, and should use their regular project numbers and enter Time Reporting Code #50 – “Telecommuting Regular Earnings.”

If no telecommute work is possible, the individuals identified will be required to stay home to meet the shelter in place order, and they will charge their time to:

Project # 60601013 “COVID-19” Time Code: #45 – “Emergency Leave with Pay.” The employee will be paid, with no deduction taken from their sick leave balance.

For work that has been determined by the Chiefs and BAOs as essential, those individuals performing those functions will be required to report to work as scheduled and receive assignments from their Unit Manager. If there are times when those performing essential functions can telecommute, those opportunities will be explored and assigned by management as appropriate. Each Chief and BAO will communicate with their direct reports to inform all staff of their status.

If those employees on telecommute status and charging to their regular projects become ill, or have to cease work for some other COVID-19 related issues, or for those employees that will be reporting to work to perform essential functions, the following guidance is also provided for the situations as described:

COVID-19 related absence reporting codes

Employees are to notify their supervisor or manager of any COVID-19 related and non-related absences. If the absence is COVID-19 related (sick, caring for an affected family member, providing childcare or unable to telecommute or work onsite), please use the following codes on your timesheet:

The employee will be paid, with no deduction taken from their sick leave balance. One of the three task codes listed below will need to be entered, and the proper documentation sent to Natalie Vye, Benefits, to meet the conditions of COVID-19 paid time off.

**Task Codes:**

**#1370** – Sick, or in isolation and unable to telecommute.

**#1371** – Quarantined due to:

- An immediate household family member confirmed, or physician suspected of COVID-19 illness. (documentation required).

- Recent return travel from a listed restricted region and unable to telecommute.

**#1372** – Childcare due to a COVID-19 related school or day-care closure, and unable to telecommute (please maintain school or day-care closure documentation).

Please be advised that Valley Water must notify employees about their rights and responsibilities under FMLA/CFRA. If you feel you need protected leave under FMLA/CFRA, please contact Benefits at employeeservices@valleywater.org.

Thanks for your adherence to these time reporting guidelines. If you have questions or concerns, please contact Natalie Vye at nvye@valleywater.org or by calling ext. 3028.
Local 21 Update on Public Health Order in Contra Costa County

Dear Katherine,

We applaud the Board of Supervisors for taking swift and decisive action to mitigate the spread of COVID-19 and implement protections for our members.

In response to our request, the Board of Supervisors is implementing the following policies, effective until April 7th:

- Departments need to identify essential employees immediately. Effective tomorrow, March 17, 2020, non-essential employees should stay home for the duration of the Public Health Order. Consistent with previous guidance, essential employees should work from home whenever possible. Essential employees who are not able to work from home should continue to report to work.
- For the time being, Departments should endeavor to follow the social distancing guidelines and maintain a minimum 6-feet separation between essential employees whenever possible. Essential employee work locations may need to be adjusted accordingly.
- Non-essential employees who are told they should not report to work shall continue to receive their regular pay (base pay) for the duration of the Order.
- Hourly, temporary, and per diem employees shall be paid for 3/16-3/31 (and any subsequent pay periods) based upon their pay for the prior pay period (2/1-2/29). Departments can contact the Auditor-Controller if individual adjustments are necessary.
- Department need not enter time for hourly, temporary, and per diem employees.
Essential employees eligible for overtime and temporary upgrades due to the nature of their work will be paid through the normal payroll process (time entered into Kronos).

Effective immediately, the use of accruals is suspended for the duration of the Order. Employees who are unable to report to work for any reason will be paid as described above without the use of accruals. Employees who need to take time off due to illness, caring for a family member, or childcare due to school closures may do so without using accruals.

While we appreciate the steps being taken in the short-term, this pandemic has the potential to impact our communities, and our work, far beyond the date of April 7th. **We are asking the County to guarantee that as long as there are closures or reduced services, our members will be paid.**

We also know that many Local 21 members will be deemed essential and still required to go to work as usual. Many others are volunteering as Disaster Service Workers on the front line of tracking and managing positive cases. It is crucial that these workers are protected and safe.

We want to thank and recognize all the members who are reorganizing their lives to confront the coronavirus — sheltering at home, telecommuting, providing essential services, and volunteering on the front lines. We know everyone should have the right to economic security. As dedicated public servants, we are always ready to serve our communities — especially in times of crisis.

**If you have any questions or issues, please contact your labor representative, Sean Stalbaum.**

In Solidarity,

Gus Vallejo

IFPTE Local 21 President
Subject: Impacts of COVID-19 Pandemic

In order to promote public health and the stability of employees, and to reduce the negative financial impacts on employees Local 21 and BUSD have agreed on the following:

1. When any bargaining unit member is directed to be absent from their school or worksite by order of any Federal, State or Local agency, including the school district, the employee shall receive full pay and benefits for so long as the Federal, State or Local agency requires the quarantine. No employee will be charged sick leave or vacation or other paid leave or docked pay if the school or worksite is closed for health and safety reasons.

2. If a bargaining unit member is ill, the bargaining unit member can use sick leave. If the employee exhausts their sick leave they will be placed on Extended Sick Leave for up to 100 days (per school year) with full pay and benefits.

3. A bargaining unit member in a high-risk group, or who lives with someone in a high-risk group can use sick leave to be absent from work. If the employee exhausts their sick leave they will be placed on Extended Sick Leave for up to 100 days (per school year) with full pay and benefits.

4. The above provisions apply to non-substitute bargaining unit members.

5. For substitute employees, if the substitute is assigned to a long-term substitute assignment and was pre-assigned to work during dates of school or district closure the substitute will receive full pay. During a school or district closure, day-to-day substitutes will receive a prorated amount of pay based on their pay for the prior three full months of work.

6. If the need for this MOU as it is related to COVID-19 extends beyond June 30, 2020, Local 21 and BUSD will renegotiate this agreement for the 2020-2021 school year based on the continuity of state funding for the closure.

This is a one-time, non-precedent setting agreement.

For Local 21:

Angela Long

Date 3-12-2020

For BUSD:

Samantha Tobias-Espinosa, Assistant Superintendent

Date 3-12-2020
CITY OF SAN LEANDRO
MEMORANDUM

DATE: March 16, 2020

TO: All City Employees

FROM: Jeff Kay, City Manager

SUBJECT: Coronavirus (COVID-19) – Mandatory Shelter in Place

MANDATORY SHELTER IN PLACE
The Alameda County Public Health Department, along with six other Bay Area public health jurisdictions, has issued an order all Alameda County residents to shelter in place to slow the spread of novel coronavirus (COVID-19) and preserve critical health care capacity across the region. The legal order is directing their respective residents to shelter at home for three weeks beginning Tuesday, March 17, 2020. The order limits activity, travel and business functions to only the most essential needs. The guidance comes after substantial input from the U.S. Centers for Disease Control and Prevention (CDC) and best practices from other health officials around the world.

CLOSING OF CITY NON-ESSENTIAL SERVICES
The City of San Leandro will be closing City Hall to the general public, closing all other non-essential City offices to the public and notifying all non-essential staff members that they should remain at home. These conditions will remain in effect for the next three weeks, at which time the situation will be reassessed. We are taking this unprecedented action in order to protect the safety and wellbeing of our employees and the public by reducing the opportunities for person-to-person transmission of the virus.

During this period, City of San Leandro employees will effectively fall into one the following categories:

1. **Essential personnel that must report to work as usual:** These employees will report to work as usual. Examples of these employees would be Police Officers, Public Safety Dispatchers, Water Pollution Control Plant Operators, and essential infrastructure personnel who keep the basic services of the City of San Leandro operational. Your Department Management teams will be working with you to clarify, if necessary, who falls into this category and to develop new service delivery strategies to mitigate the risk of exposure to COVID-19 when you are at work and in the field.

2. **Personnel that can perform work remotely:** These employees are directed to work from home to continue performing the services that keep San Leandro operational. Examples of effective telework employees could include an employee at any level of the
organization for which a productive project can be identified. The City has suspended its conventional telework rules and will be assigning telework whenever possible.

3. **All other personnel that cannot perform telework**: Regular employees that cannot perform telework, and for whom no other work has yet been identified, will be placed on paid emergency leave at this time. Paid leave comes with certain expectations as in the Questions and Answers listed below.

We acknowledge that this new action may cause confusion and service disruption. While we do not have answers to all questions that may arise during this time of uncertainty, below is a preliminary list of questions and answers that we hope will help to address some of the most immediate questions:

1. **How do I know what my work status is right now?** Many employees will already know what work category they fall in, either because they are essential safety personnel or because they have already had discussions about telework with their managers. If you don’t know your status, talk to your manager as soon as possible to determine your status.

2. **Can I come to work to get my computer or important belongings?** Yes, you may come to work to get your belongings. Many employees will need to transition or make arrangements to work from home. Some management teams may need to have a final face-to-face meeting before virtual work begins, which is appropriate. However, please engage in social-distancing while in the workplace and try to keep yourself and your co-workers healthy.

3. **What does it mean if I am placed on paid emergency leave?** If you are placed on paid emergency leave, this means you have not been designated to provide essential in-person services and no appropriate telework has yet been identified for you. Full-time employees will be paid their regular salary and will not be required to use accrued leave during this three week period. Part-time employees will be also be paid their salary for the hours they would normally work in that period.

   Employees on paid emergency leave are required to remain local, accessible by phone and ready to perform telework or report to work if notified that appropriate or essential work has been identified. You should also remain at home and self-quarantine as best you can to slow the spread of the virus.

   **Timesheets**: For the March 16-31 pay period, timesheets will be open by March 19, 2020. Employees on should code their paid emergency leave as regular pay, and include “COVID-19” in the Comments section. Supervisors should approve timesheets by March 27. Following is the link to the online timesheet: [https://ch-webext.sanleandro.org/edenweb/](https://ch-webext.sanleandro.org/edenweb/)

**WHAT ELSE CAN I DO TO HELP?**
This action is an extreme organizational challenge for our City and everyone can help each other get through these first few days.
1. **Be patient:** It will take the City a few days to establish support and services for this new business model. IT will be strained by telework demand and many normal avenues of business will be interrupted. Work creatively with your team. We are finding our way, but we will get there.

2. **Check email and help disseminate information:** We encourage employees to continue to check their City email for updated information. The City will distribute this message broadly to employees using all known contacts, but please call, text or email this message to your co-workers you suspect will not receive it otherwise.

3. **Don’t come to work sick!** If you are sick, stay home and self-quarantine. Follow your doctor’s advice.

4. **Limit contact with others:** The purpose of taking this extreme action is to reduce exposures as much as possible and to keep people healthy. If you can stay home, please stay home!

**DISASTER SERVICE WORKER**

Please remember, all City of San Leandro personnel are Disaster Service Workers and may be required to report to work if conditions change.

We understand that you will have more questions and we will continue to keep employees informed of any updates. If you have HR questions, the best way to contact us during this period will likely be email at hr@sanleandro.org. We are in this together and we will get through it together.