

**CONTRA COSTA WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING
April 1, 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 6:30 p.m., at 1331 Concord Avenue, Concord, the regular meeting place of the Board. Pursuant to Governor Newsom's Executive Orders N-25-20, N-29-20, and N-33-20, 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

Vice President Holdaway led the pledge of allegiance.

ADOPTION OF AGENDA

The Board adopted the agenda by rule.

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

President Borba asked for public comments. Mr. Bird Morningstar, a Concord resident, reviewed rainfall measurements taken at his home and water conservation tools he provides to his business customers.

CONSENT CALENDAR

1. Approve Directors' Service/Business and Travel Expenses
 - a. Future Services – April 2020
2. Approval of March 4, 2020 meeting minutes.
3. Approve the warrant register dated April 2, 2020.

4. ~~Request for Modified Pressure Service at 2740 Cherry Lane, Walnut Creek~~
 - a. ~~Designate 2740 Cherry Lane (APN 172-062-005) as a Modified Pressure Service Area; and~~
 - b. ~~Authorize a conditional Modified Pressure Service Agreement for the two parcels created by the proposed subdivision.~~

5. Adopt Resolution No. 20-004 authorizing the execution of a non-exclusive easement to Byron Bethany Irrigation District for an irrigation pipeline over the Old River Pipeline near Milepost 5.50.

6. 2020 Public Safety Power Shutoff Preparedness
 - a. Approve an increase in contract authority with Power Plus for emergency generator rentals in the amount of \$33,000 for the remainder of FY20, for a total amount not to exceed \$183,000;
 - b. Approve contract authority with Power Plus for emergency generator rentals in the amount of \$267,000 for FY21; and
 - c. Authorize the purchase of three new generators utilizing the Sourcewell government purchasing cooperative in the amount of \$492,553.28, plus tax and freight.

President Borba asked if anyone wanted to remove an item from the consent calendar to be separately considered. Director Boatman removed Agenda Item No. 4. regarding the modified pressure service. Director Burgh said he would abstain on Agenda Item No. 2 regarding meeting minutes, as he 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.

MOTION: Boatman/Avila to approve the consent calendar, Agenda Item Nos. 1, 3, 5, and 6. The motion was approved by roll-call vote (Ayes: Avila, Boatman, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

MOTION: Boatman/Avila to approve Agenda Item No. 2 regarding the March 4, 2020 meeting minutes. The motion was approved by roll-call vote (Ayes: Avila, Boatman, Borba, Holdaway; Noes: None; Abstain: Burgh; Absent: None).

ACTION

4. Request for Modified Pressure Service at 2740 Cherry Lane, Walnut Creek
 - a. Designate 2740 Cherry Lane (APN 172-062-005) as a Modified Pressure Service Area; and
 - b. Authorize a conditional Modified Pressure Service Agreement for the two parcels created by the proposed subdivision.

Director Boatman asked about main breaks in this portion of the service area. Staff explained this portion of the service area had not experienced many main breaks. A discussion regarding the pipeline replacement program for the service area ensued. Because the existing home would be demolished, the reconstructed home and new accessory dwelling unit would be subject to the current building codes that require fire sprinklers. This property and surrounding development have lower water pressure since they are situated between service area zones. The required backflow prevention devices further reduced the water pressure requiring pump systems to be added. President Board asked for additional Board comments. There were none.

President Borba asked for public comments. There were none.

MOTION: Boatmun/Holdaway to designate 2740 Cherry Lane (APN 172-062-005) as a Modified Pressure Service Area; and authorize a conditional Modified Pressure Service Agreement for the two parcels created by the proposed subdivision. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

7. Adopt Resolution No. 20-005 authorizing execution of Amendment No. 4 to the Amended and Restated Retirement Plan Trust Agreement to incorporate the employee contribution rate increases previously approved by the Board of Directors effective retroactively to the dates that those increases were operationally implemented.

Mr. Welch explained the resolution would amend the Retirement Plan Agreement to reflect previous Board authorized and implemented contribution increases by the Unrepresented employee group. The amendment will bring the trust document into compliance with Internal Revenue Service regulations.

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

President Borba asked for public comments. There were none.

MOTION: Boatmun/Burgh to adopt Resolution No. 20-005 authorizing execution of Amendment No. 4 to the Amended and Restated Retirement Plan Trust Agreement to incorporate the employee contribution rate increases previously approved by the Board of Directors effective retroactively to the dates that those increases were operationally implemented. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

8. Approve the Memorandum of Understanding (MOU) Regarding Service to the City of Brentwood (City) from the District's Los Vaqueros Facilities.

Assistant General Manager - Planning and Water Resources Jeff Quimby explained that the City desires to improve its water quality and obtain emergency storage benefits that could be achieved through a buy-in to existing District facilities. This would be in lieu of the City continuing as a Local Agency Partner (LAP) in Phase 2 of the Los Vaqueros Reservoir Expansion (LVE) Project. The proposed MOU will memorialize the approach and define the principles for a future water service agreement. Information regarding existing service agreements between the District and City were reviewed. The approval and review by the Contra Costa Local Area Formation Commission (LAFCO) and Reclamation were reviewed. The City's water supply is provided primarily through a contract with the East Contra Costa Irrigation District (ECCID), as well as some groundwater. The MOU does not prevent a future annexation of the City into District service area, if both parties so desire. The City will pay the associated costs for the LAFCO and Reclamation processes. The proposed principles for a future water service agreement were reviewed.

The buy-in cost would be based upon the benefits the City would receive using the same rational and methodology for the District's existing customers. As the District delivers ECCID water to the City, the comingling through the District's facilities provides the water quality benefits. More releases from Los Vaqueros Reservoir would be needed to meet the City's water quality goals, and the City would pay for the benefits received. Staff was not aware of another group with its own water supply that is adjacent to the District in need of a similar service. Water use efficiency measures and land use changes since the original Los Vaqueros Reservoir was built has made capacity available to provide the service without diminishing the original benefits to District customers. The proposed MOU memorializes the approach for the District to provide benefits to the

City and establishes broad principles for a future water service agreement with the City. Staff responded to Board members questions regarding future operations and the quantity of water required from Los Vaqueros to serve the City. As the future agreement terms are defined, the Board will be provided with City water demand estimates and the opportunity to provide input on agreement terms to ensure District customer benefits are protected. Once the LAFCO and Reclamation criteria are met, the final water service agreement will be brought to the Board for review and approval. In response to questions from the Board, it was noted that the City is not able to sell or store its ECCID water supply. The fiscal impacts were reviewed, and the anticipated process schedule was provided.

President Borba asked for additional Board comments and questions. The Board commended staff for developing a plan to provide benefits to the City of Brentwood and District.

President Borba asked for public comments. There were none.

MOTION: Boatmun/Holdaway to approve the Memorandum of Understanding Regarding Service to the City of Brentwood from the District's Los Vaqueros Facilities. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

9. Receive update and approve continuation of the local emergency, as declared in Contra Costa Water District Resolution 20-003, resulting from the COVID-19 pandemic.

Mr. Welch provided an update on work and staffing. The Contra Costa County (County) released a new order further defining the people required to be physically present at the workplace. The District is procuring more computers for at home workers and increasing sanitation efforts at its facilities. Future Board updates will include costs. The emergency operations team organizational chart was reviewed. A review of potential work risk equity conflicts for represented staff was provided. The District continues to provide a reasonable amount of service without putting employees at risk. Staff are encouraged to bring comments and concerns to supervisors to allow management to reassess how things are being handled.

President Borba asked for Board comments and questions. The Board acknowledged the need for continued flexibility to address the emergency as it changes to ensure that critical operations and maintenance continue. Staff reviewed the work and coordination with other local agencies on operations and potential assistance between agencies.

President Borba asked for public comments. Mr. Morningstar commended the District's work during the pandemic. In response to Mr. Morningstar, staff confirmed the Los Vaqueros Watershed was closed to the public and patrolled by the County Sheriff and that other District facilities were also closed.

The Board expressed appreciation for the on-going work done by the emergency operations team to address the continued changes and efforts to keep employees safe.

MOTION: Holdaway/Boatmun to approve continuation of the local emergency, as declared in Contra Costa Water District Resolution 20-003, 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).

10. Review and comment on the water supply update.

Water Resources Manager Dr. Lucinda Shih reported the statewide precipitation level is at 57% of average for this time of year. Because of previous years' precipitation, Shasta storage is about average. The District

received an initial Central Valley Project water supply allocation of 75% of historical use in February. The allocation and other District water supplies would provide the District with a sufficient water supply for this year. Filling opportunities for Los Vaqueros Reservoir were anticipated in April and May. As water conservation remains the California way of life, the District needs to continue investment in its water supply reliability to prepare for future dry years and help customers conserve water.

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

President Borba asked for public comments. Mr. Morningstar said that water conservation is still a California way of life and a lifestyle and habit that will last a lifetime.

REPORTS FOR DISCUSSION

11. Schedule Future Meeting Dates and Times

Director Avila reported that he would like to participate in the Association of California Water Agencies (ACWA) Federal Affairs Committee's newly formed Infrastructure Workgroup that will focus on the federal stimulus bill being developed. Director Boatman reported that she had participated in the March 31 East Bay Leadership Council (EBLC) Economic Task Force meeting.

REPORTS

12. General Manager

Mr. Welch reported the District would work with Reclamation over the next few days to convert its repayment contract and reviewed items to be addressed. The converted contract will provide additional financial security to the District. The District's federal lobbyist will be involved in the stimulus package pertaining to infrastructure. Although the District has an opportunity to fill Los Vaqueros Reservoir in April, it plans to forego the opportunity and retain those funds to address impacts from the COVID-19 pandemic, such as the costs related to the Emergency Paid Sick Leave and Emergency Family and Medical Leave Acts.

13. Legal Counsel

Mr. Coty reported that the California courts remain closed. The County court closures will impact ongoing cases and any new cases, especially related to personal injury cases.

14. Board

Director Avila did not have a report. He commended staff for its dedication, flexibility, and resiliency dealing with impacts from COVID-19 to ensure the District is prepared to handle it as well as other upcoming issues.

Director Boatman reported that she had attended the ACWA Board meeting on March 27. On March 31 she attended the EBLC Economic Task Force meeting.

Director Burgh did not have a report. He anticipates the teleconferencing of Board meetings will become easier with each meeting.

Vice President Holdaway did not have a report. She thanked staff for all the hard work being done to address the pandemic.

President Borba reported that she had met with the General Manager on March 24 and 31. She had attended the March 20 EBLC Board meeting. She suggested for the benefits to the District from the census be included on its website.

CLOSED SESSION

15. Conference with Legal Counsel – Consideration of Initiation of Litigation, pursuant to Paragraph 4 of Subdivision (d) of Government Code section 54956.9: (one case).

At 7:58 p.m. President Borba announced the Board would move into a closed session on a matter regarding the consideration of initiation of litigation and did not require the announcement of additional attendees.

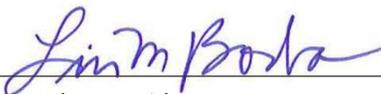
RECONVENE FROM CLOSED SESSION

16. Report on closed session.

At 8:31 p.m. President Borba announced that the Board returned from closed session and authorized the District legal counsel to intervene in an existing legal action. Once formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry.

ADJOURNMENT

At 8:32 p.m. President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on April 15, 2020 commencing at 6:30 p.m.



Lisa M. Borba, President

Attest:



Mary A. Neher, District Secretary