CALL TO ORDER

President Borba called to order a regular meeting of the Board of Directors of the Contra Costa Water District (District) at 6:33 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, all 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

Executive Management Analyst: Jamie Elsberry

PLEDGE OF ALLEGIANCE

President Borba led the pledge of allegiance.

ADOPTION OF AGENDA

Agenda Item No. 1.a. – Future Services Calendar was updated to reflect additional meetings scheduled since the agenda packet was distributed. The Board adopted the agenda as presented.

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 – May 2020

2. Approval of April 1, 2020 meeting minutes.

President Borba asked if anyone wanted to remove an item from the consent calendar to be separately considered. President Borba requested for the Board to provide comments and questions. There were none.

President Borba asked for public comments. There were none.

**MOTION:** Boatmun/Avila 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**

4. Adopt Resolution No. 20-006: certifying the Final Supplement to the Final Environmental Impact Statement/Environmental Impact Report for the Phase 2 Expansion; adopting the California Environmental Quality Act (CEQA) findings, mitigation measures, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations; and approving the 275-thousand acre-foot Expansion Alternative (Alternative 1B).

President Borba recused herself from the discussion and consideration of this item due to a potential conflict of interest related to her employer’s business. She handed the meeting over to Vice President Holdaway. Staff confirmed that President Borba’s phone had been muted.

Assistant General Manager – Policy and External Affairs Marguerite Patil introduced the item and the presenter, Planning Manager Fran Garland. The Phase 2 of the Los Vaqueros Reservoir Expansion is a modification of the 160,000 acre-foot expansion and requires a Supplement to the Final Environmental Impact Study/Environmental Impact Report (Final Supplement) prepared in 2017 showing that Phase 2 did not result in new or substantially more severe impacts, or require new mitigation or alternatives not previously identified. The potential local agency partners (LAPs) and state and federal beneficiaries for the Phase 2 expansion were reviewed. The Final Supplement includes four potential project alternatives, which were reviewed. Comments on the Draft Supplement were received, analyzed, and included in the Final Supplement. Alternative 1B is recommended for approval because it meets the project objectives and maximizes the potential project benefits to the LAPs and wildlife refuges.

Alternative 1B provides a reasonable balance of meeting project objectives and minimizing environmental impacts. The environmental impacts and mitigations were provided. By adopting Resolution No. 20-006, the Board finds that the benefits outweigh the unavoidable environmental impact of the project. An overview of the benefits was provided. The public review process for the document draft was provided and resulted in 132 unique comments that are included in the document, which were reviewed. This proposed project would not impact existing bike paths nor add any new bike paths. A separate process outside of the proposed project could be used at a future time to study a potential increase to the current 18-miles of bike paths within the Los Vaqueros Watershed.

There is no direct fiscal impact to the District for the CEQA process. Certifying the Phase 2 CEQA document does not authorize the implementation or funding of project construction. Major project milestones through 2023 were provided.

Vice President Holdaway asked for public comment. There were no live comments. The District received 10 written comments on the Final Supplement for inclusion in the official record, which were provided to the
Board. Seven of the 10 comments included a request to be read during this meeting. Staff read the seven comments, which are attached to these meeting minutes.

Vice President Holdaway asked for Board comments. In response to the Board questions, staff explained that the East Contra Costa Irrigation District (ECCID) currently enjoys senior water rights and an excellent settlement agreement with the Department of Water Resources. This project would not provide ECCID with a high enough level of benefit for the cost to participate. While the Los Vaqueros Reservoir is empty during project construction, the District would meet its customers’ water demands through its four existing intakes and could, in an emergency, use the intertie with East Bay Municipal Utility District. A discussion ensued regarding the existing recreational opportunities in the Los Vaqueros Watershed. Staff confirmed that Mr. Leland Frayseth, a Concord resident, had submitted a comment for the official record and had not requested for his comment to be read. The Board thanked staff for providing a detailed and clear report. Staff have reviewed the comments received and believe they have been previously addressed in the response to comments and elsewhere in the administrative record. The Environmental Impact Report fully complies with CEQA, and the environmental documents are supported by substantial evidence.

Vice President Holdaway asked for public comment on the substance of this motion. There were none.

**MOTION:** Burgh/Boatmun to adopt Resolution No. 20-006: certifying the Final Supplement to the Final Environmental Impact Statement/ Environmental Impact Report for the Phase 2 Expansion; adopting the California Environmental Quality Act findings, mitigation measures, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations; and approving the 275-thousand acre-foot Expansion Alternative (Alternative 1B). The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Burgh, Holdaway; Noes: None; Recused: Borba; Absent: None).

Vice President Holdaway requested for President Borba to be unmuted and handed the meeting facilitation back to President Borba.

5. **Authorize an amendment to the Early Funding Agreement with the California Water Commission, for a revised total funding amount not to exceed $22,950,000.**

Assistant General Manager – Policy and External Affairs Marguerite Patil reviewed the early funding agreement with the California Water Commission (CWC). Work is progressing faster than originally planned at the time the CWC agreement was proposed in 2017. The work scope was reviewed. LAPs have increased engagement in the process. Federal funding has accelerated. An additional request of $83 million of federal funding for pre-construction costs has been submitted. An agreement is being executed with the California Department of Fish and Wildlife to ensure it has the staffing necessary for the permitting process. Monthly invoices are submitted to the CWC to ensure there is cash available to fund ongoing expenses. The proposed CWC amendment would increase the project’s early funding up to the maximum amount allowed of 5% for a total early funding of $22.95 million. The remaining agreement terms would be unchanged. This approach is consistent with other early funding agreements on both Sites and Pacheco reservoir projects. The schedule through September 2020 was provided.

President Borba asked for Board comments. The Board expressed its support of the action and thought this was a positive action.

President Borba asked for public comments. Mr. Antonio Martinez, an Antioch resident, explained he was not able to get into the speaker queue during the certification of the CEQA document agenda item and wanted to applaud the Board and staff on the work done so far on the Los Vaqueros Reservoir Expansion.
President Board asked for additional Board comments. There were none.

President Borba asked for public comments on the substance of the motion. There were none.

**MOTION:** Boatmum/Avila to authorize an amendment to the Early Funding Agreement with the California Water Commission, for a revised total funding amount not to exceed $22,950,000. The motion was approved by roll-call vote (Ayes: Avila, Boatmum, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

6. Adopt Resolution No. 20-007: approving designation of the District’s agents to apply for funding, provide assurances, and execute agreements for the purpose of obtaining federal financial assistance under Public Law 93-288 and/or state financial assistance under the California Disaster Assistance Act.

Mr. Welch explained the District was required every three years to renew its agents who may obtain federal and/or state financial assistance. The District wishes to designate Director of Finance Lizz Cook, Assistant General Manager – Administration Ronald Jacobsma, and General Manager Steve Welch as its agents.

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

President Borba asked for public comments. There were none.

President Borba asked for additional Board comments. There were none.

President Borba asked for public comment of substance on the motion. There were none.

**MOTION:** Avila/Boatmum to adopt Resolution No. 20-007: approving designation of the District’s agents to apply for funding, provide assurances, and execute agreements for the purpose of obtaining federal financial assistance under Public Law 93-288 and/or state financial assistance under the California Disaster Assistance Act. The motion was approved by roll-call vote (Ayes: Avila, Boatmum, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

7. Adopt recommended position on SB 1386.

Director of Public Affairs Jennifer Allen explained that the state legislators began to return to Sacramento at the beginning of May. Committee hearings are limited to one hearing each and are focused on priority bills only. Many bills of initial interest to the District have been put on hold. Governor Newsom’s May budget revise is expected to be released on May 14 and will likely be focused on the emergency conditions and economic recovery, and a projected $54 billion budget deficit is projected. A further budget revision is expected in July or August. There may be a climate resiliency bond included in the November ballot. Ms. Allen summarized SB 1386 as a bill that would confirm water rates that include fire service are consistent with Proposition 218. This is important due to recent lawsuits filed against over 80 water agencies statewide, including the District. It is recommended to take a position of Support to allow the District to sign the collation letter ahead of the bill’s committee hearing.

The federal legislators are focused on COVID-19 economic stimulus packages, and the next round of stimulus packages may include funding for special districts. The District continues to monitor future water infrastructure bills.

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 recommended position on SB 1386, Support. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

8. Receive update and approve continuation of the local emergency, as declared in Contra Costa Water District Resolution No. 20-003, resulting from the COVID-19 pandemic.

Mr. Welch reviewed the steps and procedures being taken to allow more workers to begin reporting back to work. The expenses involved were included in the report. The cost for several water treatment chemicals is expected to increase, as they are needed by emergency facilities such as hospitals. The development of the back-to-work plan has been reviewed with both unions, who provided a request for a 10% hazard pay premium and reduced return-to-work plan, which were not accepted by the District. Staff has been providing comments on the return-to-work process. Field staff are scheduled to fully return to work next week. Phase 3 will return office staff to work. The District is setting up a pilot employee COVID-19 testing program before offering testing District-wide. Trespassing has increased along the canal and at the distribution center. Additional security at facilities has been instituted. Generator rentals have been secured for the anticipated PG&E Public Safety Power Shutoffs.

President Borba asked for Board comments and questions. The Board thanked staff for the update and for the transparency by providing the information on the District’s website. Staff confirmed the generator rentals last year had been higher than budgeted this year.

President Borba asked for public comments. There were none.

**MOTION:** Avila/Burgh 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).

**REPORTS FOR DISCUSSION**

9. Committee Report(s):
   b. Public Information and Conservation Committee Post-Meeting Report (04/08/2020)

10. Schedule Future Meeting Dates and Times

There were no comments on the committee reports.

Director Boatmun said she will attend the PG&E time-of-use teleconference through Association of California Water Agencies (ACWA) on May 7 and the Southern California Water Coalition and East County Water Management Association meetings on May 14. She is signed up for the California Special District Association State Legislative briefing and webinars scheduled the week of May 18-22.

**REPORTS**

11. General Manager
Mr. Welch reported that the ACWA Spring 2020 conference has been changed to a virtual format. The Court intervened on the biological opinions by the federal government for Delta operations, and an update was provided.

12. Legal Counsel

Mr. Coty reported that the District has entered into formal litigation as instructed by the Board, intervening in two cases pertaining to Central Valley Project (CVP) contractors and the recently adopted federal Biological Opinions for CVP operations. The District has intervened in a limited capacity, and the Board will be updated (the two cases are in the Eastern District Federal Court: Case No. 1:20-CV-00431-DAD-SAB and Case No. 1:20-CV-00426-DAD-EPG).

13. Board

Director Avila reported that he attended the East Bay Leadership Council – Water Task Force on April 21. On April 22 he attended the ACWA Federal Affairs Committee Infrastructure Funding Workgroup. He had a meeting with the General Manager on April 28. On May 7 he attended the Multi-state Salinity Coalition Board meeting.

Director Boatmun reported that she attended the ACWA Business Development meeting on April 17. She attended the East Bay Leadership Council – Water Task Force on April 21. On April 22 she attended the East Bay Leadership Council Healthcare Task Force. She participated in ACWA webinar that focused on Brown Act compliance for board meetings held through teleconference format on April 23. On April 28 she participated in the East Bay Leadership Council – Economic Development Task Force.

Director Burgh did not have a report. He asked Director Boatmun about the status of the Kennedy-King scholarship awards. Director Boatmun said the group will publish a booklet acknowledging the scholarship recipients and supporters and would not hold a formal event due to COVID-19.

Vice President Holdaway reported that she had met with the General Manager on April 21. On May 1 she and Director Burgh had attended the Finance Committee.

President Borba reported that she had attended the East Bay Leadership Council Board meeting on April 17. She had met with the General Manager on April 17, 21, and 28 and May 5 and 12. She attended the May 7 Mayors’ Conference.

ADJOURNMENT

At 8:33 p.m. President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on May 20, 2020 commencing at 6:30 p.m. and will be held by teleconference.

Attest:

Mary A. Neher, District Secretary

Lisa M. Borba, President
In my previous comments I overlooked the fact that allowed power boating is limited to electric power. However, boaters often throw stuff overboard thus making them possibly more of a pollution hazard than bicyclists who need to keep their hands on the handlebars, especially when riding on dirt or gravel.

Richard M. Anderson

On Mon, May 11, 2020, 6:02 PM Dick Anderson < wrote:

I believe bicycling should be allowed between the watershed visitor centers:
(1) Cattle are allowed with portions of their waste rain washed into the reservoir.
(2) Motorboats are allowed which leave oil discharge.
(3) Swimming is allowed which could contribute to human waste.
(4) Bicycling, limited between visitor centers would be far less of a pollution problem than the previous three allowed conditions.

Richard M. Anderson
Request: This 3-minute presentation be read into the record
NOTE: MY DETAILED ANALYSES IS INCLUDED SEPARATELY

Dam physics
Water pressure (PSI) pushing against a dam-face is determined by piling additional water directly above the water directly underneath. A column of water 6 inches thick at dam-face exerts the same PSI as a lake stretching 10-miles in back of the dam, as long as water-depth at the dam-face is equal. Raising dam-height to 275 feet was not anticipated in the original design. This new raising requires draining all water to reinforce the dam base - on the inside face. And, of course, pumping 275,000 a/f of fresh water to refill the reservoir

Dates and dollars
- Los Vaqueros was completed in 1998 to hold 100,000 acre-feet of water. The dam was 190-feet high: Project cost: $450,000,000 (or $2.4 Million/foot of dam height).
- Just 14 years later, in 2012, CCWD raised the dam to 224-feet to store another 60,000 a/f. Cost: $150,000,000 ($4.4 Million/added foot).
- CCWD now plans to add 55-feet, making the dam 279 feet high, to hold an additional 115,000 a/f. Cost estimate (2017): $800,000,000. Revised estimate (2018): $914,000,000 ($16.6 Million/added foot). This will add just 115,000 a/f of storage.

This final height-raising is the step too far. The dam must be almost completely rebuilt. 150,000 a/f of water, now in the reservoir, will be drained. LV will remain empty until 2027 while greatly strengthening the dam-base from the ground up (on the interior side) – to bear the weight of that additional 55 feet of dam, plus, increased water pressure on the dam-face. That water could, if sold at CCWD present residential rates, bring in $350,000,000 – dumping it is really an added cost of the project.

There is NO need for this ‘upgrade’. Let LV STAY AT 160K AF.
A better solution is in plain sight, 10-miles away.

In 2004, a levee from one Delta farm, Jones Tract (upper/lower), breached. 160,000 a/f filled the Tract in 3-days. The State dumped that water (worth $300,000,000, and spent another $100,000,000 to rebuild the levee and restore the farm.)

Jones, as have all Delta island-farms that started at river-level 170 years ago, has been sinking 1-3 inches a year. The peat-soil blows away with farming. Jones could, with modifications, become a managed reservoir holding 650,000 acre-feet of water. LV presently can store 160,000 a/f.

15-18 other island-farms are on government ‘DO NOT REPAIR’ lists, if breached. Using these in-ground farm-sculptures as reservoirs, a I am recommending, could provide water-needs for 25-30,000,000 people with no new dams.

Joe Moran
I respectfully request that the proposed construction of the enlargement of the Los Vaqueros Reservoir include a paved trail to allow bicyclists and hikers the ability to travel from one end of the reservoir to the other. This would greatly improve the recreational and health benefits while using the facilities and also provided a faster response in case of emergencies.

Dave Stoeffler
From: Scott Bartlebaugh
To: Mary Neher
Subject: Agenda Item 4: Comment to the board of directors
Date: Wednesday, May 13, 2020 1:09:46 PM

Agenda Item 4: Comment to the board of directors
(Please read this statement to the board during the 5-13-2020 meeting)

"Dear Board members of the Contra Costa Water District,

Thank you for allowing me to comment on the draft EIS-EIR for the expansion of the Los Vaqueros Reservoir. As a culture, we need water storage, and you as the leaders of this organization are doing well to expand the capacity of this reservoir.

When this reservoir was first conceived and then when it was expanded the first time, one of the pluses touted when "selling" the project and obtaining money for its construction was the increased opportunities for recreation. Now, again, when selling this second expansion of the storage capacity of the reservoir to the citizens, to the grant-providers, to the money lenders, and to the water-using agencies, you are promising that recreational opportunities will be expanded.

I would find it helpful and useful if you could see your way clear to expand the opportunities for riding a bicycle in the watershed. In particular, it would be good if families could bicycle between the south recreation area (the marina) and the north recreation area (the visitor center).

As part of this $800 million dollar expansion, the cost of constructing a paved path that could also be used by reservoir staff during routine maintenance would be a trifle . . . not even warranting a line-item in the budget.

Additionally improving trail connectivity with Round Valley Regional Park and Morgan Territory Regional Preserve and unpaved narrow trail bike loop opportunities within the watershed would be valuable recreation assets as well.

Thank you for considering this request.

Regards,
Scott Bartlebaugh
Dear Contra Costa Water District Board of Directors (CCWD):

I am a Brentwood resident and a cyclist. As far as I can remember, this is the third time CCWD is offering to "expand opportunities for recreation" in the watershed. In the past, my one and only chance to participate in recreational activities in this area, other than ride from the north entrance to the dam has been overlooked or denied. After suffering severe traumatic injuries to most of the right side of my body I am unable to walk more than about half a block because of severe pain. But I can ride a bicycle. There are untold thousands of individuals who are like me. Injured soldiers, law enforcement and fire fighters, victims of industrial accidents or vehicle crashes, and those born with disabilities, to name a few, miss out on the many recreational activities that would otherwise benefit their health and well-being. There are even those that are confined to wheelchairs that would benefit. Many of those chairs are even capable of navigating unpaved trails. Most of these people just resolve themselves to their lot in life. They are not the ones who show up to these types of meetings to plead their case.

Please think of these people when considering the changes you make and consider how it can positively affect them. Adding both paved and unpaved (mountain bike) trails that are open to bicycle use would expand many people's ability to enjoy this beautiful area and I hope you join me in believing it is the right thing to do. Please consider providing these trails for those of us who are not blessed with the ability to hike or walk.

Thank you,
Lawrence Keady
Dear Board members of the Contra Costa Water District,

Thank you for allowing me to comment on the draft EIS-EIR for the expansion of the Los Vaqueros Reservoir. As a culture, we need water storage, and you as the leaders of this organization are doing well to expand the capacity of this reservoir.

You probably read recently that scientists have determined that we are in a mega-drought, one that occurs every 1200 years or so and that could last for up to a century. Climate-change is certainly not our friend at this time.

When this reservoir was first conceived and then when it was expanded the first time, one of the pluses touted when "selling" the project and obtaining money for its construction was the increased opportunities for recreation. Now, again, when selling this second expansion of the storage capacity of the reservoir to the citizens, to the grant-providers, to the money lenders, and to the water-using agencies, you are promising that recreational opportunities will be expanded.

I would find it helpful and useful if you could see your way clear to expand the opportunities for riding a bicycle in the watershed. In particular, it would be good if families could bicycle between the south recreation area (the marina) and the north recreation area (the visitor center).

As part of this $800 million dollar expansion, the cost of constructing a paved path that could also be used by reservoir staff during routine maintenance would be a trifle . . . not even warranting a line-item in the budget.

Thank you for considering this request.
Note: I drink CCWD-provided water straight out of the tap and LOVE it. You guys are doing well, keep up the good work.

All best wishes,

Bruce Ohlson
Contra Costa Water District Board of Directors (CCWD):

I am a resident of Brentwood and a bicyclist. I am writing to urge the Board of Directors to allow bicyclists access to the watershed between the south visitor area (marina) and the north visitor area (dam and visitor center). As I understand it, horse riding, cattle grazing, fishing, and boating are allowed, but bicycling is not.

For the third time in my memory, CCWD is offering to "expand opportunities for recreation in the watershed." Please add bicycling to the permitted use list as a part of the supplemental environmental impact review.

Thank you,

Michael E. Thomas