

**CONTRA COSTA WATER DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING  
May 19, 2021**

**MINUTES**

***CALL TO ORDER***

President Borba called to order a regular meeting of the Board of Directors of the Contra Costa Water District (District or CCWD) at 6:30 p.m., at 1331 Concord Avenue, Concord, the regular meeting place of the Board. Pursuant to Governor Newsom's Executive Orders, the meeting was open to the public via teleconference, and Board member participation was in-person and via the teleconference.

***SAFETY BRIEFING***

The safety protocols completed by Board and staff participating in-person were provided.

***ROLL CALL***

Directors Present:	Lisa M. Borba, President Ernesto A. Avila, Vice President John A. Burgh Connstance Holdaway Antonio Martinez
Directors Absent:	None
General Manager:	Stephen J. Welch
Legal Counsel:	Douglas E. Coty
District Secretary	Mary A. Neher
Executive Management Analyst	Shelly Wise

***PLEDGE OF ALLEGIANCE***

Vice President Avila led the pledge of allegiance.

***ADOPTION OF AGENDA***

The Board Future Services Calendar, Agenda Item No. 1.a., was amended to include additional meetings scheduled since the agenda was posted and distributed. The Board adopted the agenda by rule.

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

President Borba asked for public comment. Diablo Water District Director Joe Kovalick announced that he was in attendance.

***CONSENT CALENDAR***

1. Approve Directors' Services/Business and Travel Expenses

- a. Future Services – May/June 2021
  - b. Expenses – April 2021
  - c. Compensation – April 2021
2. Approval of meeting minutes:
    - a. April 7, 2021
    - b. April 21, 2021
  3. Approve the warrant register dated May 20, 2021.
  4. Approve continuation of lease at 2336 Stanwell Circle from July 1, 2021 through December 31, 2021 from AAB Family Partnership.
  5. Authorize execution of a professional services agreement with SGA Marketing to develop a Marketing Strategy and Plan for FY21 and FY22 in a total amount not to exceed of \$120,000.

President Borba asked if anyone wanted to remove an item from the consent calendar to be separately considered. The Board did not have any comments. President Borba asked for public comment on the Consent Calendar. There were none.

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

**ACTION**

6. 2020 Urban Water Management Plan and Public Hearing
  - a. Conduct a public hearing on the 2020 Urban Water Management Plan; and
  - b. Consider public comments received during the public hearing.

At 6:38 p.m. President Borba called the 2020 Urban Water Management Plan Public Hearing to order.

Senior Engineer – Facilities Planning Jill Mosley presented the District’s 2020 Urban Water Management Plan (UWMP) and reviewed the requirement to update the District’s UWMP every five years per the California Water Code. The 2020 UWMP includes water use and supply, demand projections, water supply reliability analysis, water use efficiency and recycling programs, and water shortage contingency plan and demonstrates the District is meeting SBX7-7 2020 targets for reductions in per capita water use. The update process and requirements were provided in detail. The 2020 UWMP addresses two new requirements: 1) demonstration of the District’s reduced reliance on Delta water supplies and 2) an energy intensity evaluation. The staff and consultant labor and services were paid through the Planning Department’s adopted FY21 budget. The 2020 UWMP process schedule was provided.

President Borba asked for Board comment. The Board thanked staff for providing the UWMP update. Staff confirmed that the 2020 UWMP meets the updated drought contingency period of five years, which was an increase from the three-year requirement of the previous UWMP. A discussion ensued regarding the data included in the future water demand calculations and the benefits from coordinating with cities, county, and wastewater agencies.

President Borba asked for public comment. DWD Director Kovalick reviewed the UWMP update completed at DWD.

**MOTION:** Holdaway/Martinez to close the 2020 Urban Water Management Plan Public Hearing. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

At 6:57 p.m. President Borba closed the Public Hearing. President Borba acknowledged the Board had conducted the Public Hearing and received public comments. Adoption of the 2020 Urban Water Management Plan will be considered by the Board on the June 2, 2021.

7. Authorize an amendment to the Dam Monitoring Services Agreement with GEI Consultants, Inc. in the amount of \$586,000, for a revised total not to exceed \$1,314,000.

General Manager Welch explained that when the District takes title of facilities from the United States Bureau of Reclamation (Reclamation), the jurisdiction of the Contra Loma and Martinez Dams will move from Reclamation to the California Division of Safety of Dams (DSOD). Currently the District is working to reach agreement to move the two facilities to DSOD's oversight and the DSOD has provided its requirements to accept oversight of the dams. The District would like for GEI Consultants, who has provided similar work to the District, to prepare the necessary materials for DSOD, which were detailed in the docket.

President Borba asked for Board comment. The Board expressed support of the amendment and acknowledged that GEI Consultants employs previous DSOD staff, which will be beneficial to the process.

President Borba asked for public comment. DWD Director Kovalick expressed support for dam safety.

**MOTION:** Avila/Martinez to authorize an amendment to the Dam Monitoring Services Agreement with GEI Consultants, Inc. in the amount of \$586,000, for a revised total not to exceed \$1,314,000. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

8. Consultant Agreements for the Canal Modernization Project
  - a. Authorize an amendment to the professional services agreement with Carollo Engineers (Carollo) for the Canal Modernization Project (Project) in the amount of \$301,000 for a revised total amount not to exceed \$3,128,000; and
  - b. Authorize a services agreement with Public Financial Management (PFM) for Canal Modernization Project financial planning in the amount of \$180,000.

General Manager Welch said staff restarted the analysis and study of the Canal Modernization Project following the emergency that had occurred at Mile Post 25 on the Contra Costa Canal. Technical design engineering by Carollo will analyze the specific canal modernization needs of the Canal segment near the Concord Naval Weapons Station and the Town of Clyde. Additionally, the need for financial planning services by PFM to evaluate Project funding alternatives were reviewed. The results from the studies and analyses for long-term solutions for the Canal will be brought to the Board for review.

President Borba asked for Board comment. The Board expressed support for the work recommendations and importance of the Contra Costa Canal to the District and its customers. The Board looked forward to continuing the public outreach and getting customer feedback on the project.

President Borba asked for public comment. DWD Director Kovalick supported upgrading the Canal and the potential to utilize federal funds from the Build Back Better Initiative.

**MOTION:** Burgh/Holdaway to authorize an amendment to the professional services agreement with Carollo Engineers for the Canal Modernization Project in the amount of \$301,000 for a revised total amount not to

exceed \$3,128,000; and authorize a services agreement with Public Financial Management for Canal Modernization Project financial planning in the amount of \$180,000. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

9. Adopt Resolution 21-008 authorizing appointment of the Director and Alternate to serve on the Los Vaqueros Reservoir Joint Powers Authority (JPA) Board of Directors.

Assistant General Manager (AGM) – Policy and External Affairs Marguerite Patil explained the next step in the Los Vaqueros Reservoir JPA process was the selection of the JPA Board of Directors, which will consist of one representative from each of the JPA members. The JPA Board will adhere to the Brown Act requirements, and the anticipated meeting locations, duration, and initial issues to be considered by the JPA Board were provided. To ensure meeting quorums and continuity, each JPA member will appoint a Director and an Alternate and determine the term length for its appointees. JPA Board meeting compensation and associated expenses are the responsibility of the JPA member, and CCWD has sufficient funds in its FY22 budget to cover its JPA appointees' participation in the JPA Board.

A review of Los Vaqueros Reservoir JPA funding was provided. A third amendment to the Multi-Party Cost Share Agreement will likely be needed to continue to fund the ongoing project activities and JPA administrative staff costs, and remaining funds can be transferred to the JPA once it takes over the fiscal management responsibilities for the JPA. The JPA formation schedule was reviewed. The CCWD Board may appoint its JPA Board Director and Alternate appointments tonight or wait for a future Board meeting. If the CCWD Board moves forward with the appointment, the appointees' names may be added to Resolution No. 21-008. President Borba asked for Board comment on the presentation. Staff confirmed that CCWD's FY22 budget included funds so that CCWD's JPA Board Director and Alternate could attend the JPA Board meetings if so authorized by the CCWD Board, and CCWD did not know how the other JPA members were planning to manage compensation for their appointees.

President Borba asked for public comment. There was none. President Borba opened the floor to the Board to discuss the appointment of the JPA Director and Alternate.

Director Holdaway nominated President Borba as the JPA Director and Vice President Avila as the Alternate.

Director Martinez expressed interest in serving on the JPA Board and suggested that the Board defer a decision on its appointments until CCWD gets more information about if other JPA members were planning to select only Board members or a combination of Board and staff to the JPA Board Director and Alternate positions.

Director Burgh commented that CCWD Board members would represent CCWD well on the JPA Board and was willing to wait before selecting CCWD's representatives if time allowed. CCWD appointees will need to dedicate a lot of time for participation on the JPA Board, especially in the beginning stage.

Vice President Avila commented that the CCWD Board was made up of high caliber, enthusiastic individuals, who had the ability to make policy decisions needed for JPA Board and thought the JPA Director and Alternate should be CCWD Board members. The CCWD Board will need to determine how to establish a rotation process for JPA participation across the full Board in the long term.

President Borba reviewed critical decisions made by CCWD through the JPA formation process. CCWD's initial selection of the President and Vice President, as the JPA Director and Alternate, respectively, shows its commitment and dedication to the success of the JPA. The JPA Director and Alternate should be included in the CCWD Board Committee rotation process.

Director Burgh moved to select President Borba to be CCWD's JPA Director and Vice President Avila to be the Alternate, and Director Holdaway seconded the motion. Vice President emphasized the important for CCWD Board to develop the rotation process for future JPA Board Director and Alternate appointments. Because the rotation process was not currently in place, Director Martinez said he would respectfully abstain. Staff will provide updates on the JPA members' selections of their JPA Directors and Alternates and additional information on upcoming JPA Board meetings when available.

**MOTION:** Burgh/Holdaway to adopt Resolution 21-008 authorizing appointment of President Lisa Borba as the Director and Vice President Avila as the Alternate to serve on the Los Vaqueros Reservoir Joint Powers Authority Board of Directors. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway; Noes: None; Abstain: Martinez; Absent: None).

10. Authorize an amendment to the professional services agreement with Stantec Consulting Services Inc. for the Phase 2 Los Vaqueros Reservoir Expansion Project in the amount of \$423,000, for a revised total not to exceed \$1,153,000.

General Manager Welch explained that the additional needed design services were funded through the JPA partners and California Water Commission (CWC) funding. The additional scope of work included in the staff report is to keep the project on schedule to meet the CWC project funding process deadlines.

President Borba asked for Board comment. There were none.

President Borba asked for public comment. There were none.

**MOTION:** Avila/Martinez to authorize an amendment to the professional services agreement with Stantec Consulting Services Inc. for the Phase 2 Los Vaqueros Reservoir Expansion Project in the amount of \$423,000, for a revised total not to exceed \$1,153,000. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

11. Adopt recommended legislative positions on AB 979, AB 1434, AB 1500, SB 45, SB 223, and H.R. 2979.

Director of Public Affairs Jennifer Allen reviewed the state policy and fiscal committee deadlines for bills being considered by the legislature. The Governor's May revise budget was released and includes \$100 billion for the California Comeback Plan, which includes \$5.1 billion for drought response and water resilience and \$1 billion for payment of water bills in arrears. The details of how the funds for past due bills will be distributed have not been provided. The budget bill deadline is June 14.

An update of various state legislative bills was provided. AB 979 proposes to add another climate change analysis upon proposed Delta projects, which is duplicative of regulations already in place, and the District recommended taking a *Not Favor* position. AB 1434 proposes to establish new indoor residential water use standards that reduce standards established a few years ago by AB 1668 and SB 606. Because this proposed reduced water use standard is not based on science and eliminates a public stakeholder collaboration process included when AB 1668 and SB 606 were passed, the District recommended taking an *Oppose* position. AB 1500 and SB 45, which are similar bond proposals, were reviewed. The District recommended taking a *Support if Amended* position to allow the District to provide feedback on these bond proposals requesting the focus on infrastructure, safe drinking water, regional reliability, and inclusion of the Integrated Regional Water Management Program. SB 223 proposes to limit a water agency's ability to shutoff residential water service for non-payment that requires water agencies to use non-rate revenues to fund an arrearage management plan, including debt forgiveness, which impacts other programs that currently use non-rate revenues. The District recommended to change from a *Watch* to *Oppose* position.

With regard to federal issues, there are several drinking water and wastewater infrastructure bills under development, which include funding from the Drinking Water State Revolving Fund and Water Infrastructure Finance and Innovation Act. The Senate has passed bills and the House is still reviewing. The Board will be provided with an update. H.R. 2979 would extend the maximum Water Infrastructure Finance and Innovation Act loan term up to 55 years for projects depending upon the life of the project. The District recommended to take a *Support* position. This bill will likely be folded into a larger infrastructure bill.

President Borba asked for Board comment. A discussion ensued regarding the lack of a proposal to paydown any portion of the large state employee retirement unfunded debt even though the State of California has over \$100 billion of surplus funds. A discussion ensued regarding water agencies support for and benefits from H.R. 2979.

President Borba asked for public comment. DWD Director Kovalick expressed appreciation for the information and will be reviewing AB 979 further for any potential impacts on development in the City of Oakley.

**MOTION:** Holdaway/Avila to adopt recommended legislative positions of AB 979 – Not Favor; AB 1434 – Oppose; AB 1500 – Support if Amended; SB 45 – Support if Amended; AB 223 – Oppose; and H.R. 2979 – Support. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

#### **REPORTS FOR DISCUSSION**

12. Committee Report(s):
  - a. Public Information and Conservation Committee Post-Meeting Report (04/14/2021)
13. Schedule Future Meeting Dates and Times

There were no comments on the committee report, and no meetings added to the calendar.

#### **REPORTS**

14. General Manager

General Manager Welch reported that the Bureau of Reclamation has reduced the amount of its projected water supply by 500,000 to 600,000 acre feet, which means the District's water allocation of 55 percent of historical average will likely be reduced. The Board will be updated once there is more information and brought possible conservation goals, if needed, for the coming year. The District continues to work toward returning 100 percent of staff back to work in accordance with state and local COVID restrictions and guidelines.

15. Legal Counsel

Legal Counsel Coty did not have a report.

16. Board

Vice President Avila reported attendance at and comments on a meeting with the General Manager on May 18; East Bay Leadership Council – Water and Environment Task Force on May 18; Association of California Water Agencies (ACWA) 2021 Spring Virtual Conference on May 12, 13, and 14; ACWA Region 5 Membership meeting on May 6; and City of Concord presentation on May 11.

Director Burgh reported attendance at and comments on a meeting of the California Special Districts Association, Contra Costa Chapter on May 17 and Martinez Rotary Club presentation on May 19.

Director Holdaway did not have a report.

Director Martinez reported attendance at and comments on the ACWA 2021 Spring Virtual Conference on May 12, 13, and 14.

President Borba reported attendance at and comments on the ACWA Region 5 Membership meeting on May 6; ACWA/Joint Insurance Powers Authority on May 10; meetings with the General Manager on May 11 and 18; and ACWA 2021 Spring Virtual Conference on May 12, 13, and 14.

**CLOSED SESSION**

17. Conference with Labor Negotiator as allowed under Government Code Section 54957.6.
  - a. Agency Negotiator: General Manager; Employee Organization: Local 39 Employees; and
  - b. Agency Negotiator: General Manager; Employee Organization: Local 21 Employees.

At 8:18 p.m. President Borba announced the Board would move to a closed session regarding labor negotiations, and there were three additional attendees: Assistant General Manager – Planning, Water Resources, and Watershed and Lands Jeff Quimby; Human Resources and Risk Manager Kristen Cunningham; and District Labor Counsel Joe Wiley of Wiley, Price & Radulovich. Board members participating in the closed session were instructed to call the special closed session teleconference number, and the Board teleconference would be on hold until the Board returns from closed session.

**RECONVENE FROM CLOSED SESSION**

18. Report on closed session.

At 8:56 p.m. President Borba announced the Board had returned from closed session and did not take any reportable action.

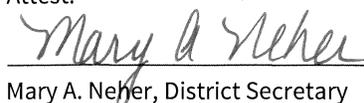
**ADJOURNMENT**

At 8:57 p.m. President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on Wednesday, June 2, 2021 commencing at 6:30 p.m. and held via teleconference.



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Lisa M. Borba, President

Attest:

  
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Mary A. Neher, District Secretary