

**CONTRA COSTA WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING
July 7, 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 public may participate in the meeting in-person at the Board Room or through 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

President Borba 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 comment. Diablo Water District (DWD) Director Joe Kovalick announced participation via teleconference.

ADJOURN TO A MEETING OF THE CONTRA COSTA WATER AUTHORITY

At 6:37 p.m. President Borba adjourned to a meeting of the Contra Costa Water Authority Board of Directors meeting.

RECONVENE FROM THE CONTRA COSTA WATER AUTHORITY

At 6:47 p.m. President Borba reconvened the Contra Costa Water District Board of Directors meeting.

CONSENT CALENDAR

1. Approve Directors' Services/Business and Travel Expenses
 - a. Future Services – July 2021
2. Approval of June 2, 2021 meeting minutes.
3. Approve the warrant register dated July 8, 2021.

President Borba asked if anyone wanted to remove an item from the Consent Calendar to be separately considered. There were no items removed. There were no Board or public comments on the consent calendar.

MOTION: Holdaway/Avila 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

4. California Special Districts Association (CSDA) 2021 Board election for Bay Area Network, Seat A
 - a. Determine whether the District's representative will vote for the candidate of their choice;
 - b. If the Board chooses to direct its representative, designate which candidate will receive the vote for Seat A of the California Special Districts Association Bay Area Network Board of Directors.

General Manager Welch reviewed the Board's election handling process and noted that Director Burgh was the Board's representative for CSDA matters.

President Borba opened the floor to the Board. The Board acknowledged Director Burgh's experience and knowledge regarding CSDA matters and supported Director Burgh's selection of a candidate for the CSDA Seat A. Director Burgh thanked the Board for its support.

President Borba asked for public comment. There were none.

MOTION: Avila/Martinez to authorize the District's representative, Director Burgh, to vote for the candidate of their choice. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

5. Authorize individual procurements for FY22 routine goods and services, listed on Attachment 1, in combination with the initial FY22 Goods and Services docket dated June 2, 2021, for a new total amount not to exceed \$16,824,000.

General Manager Welch reviewed the competitive bid process completed for the FY22 routine goods and services. On June 2, 2021 when the majority of FY22 goods and services were brought to the Board, staff reported some procurements required additional time and would be brought to the Board separately. Those items were provided for Board for consideration.

President Borba asked for Board comment. There were none. President Borba asked for public comment. There were none.

MOTION: Holdaway/Martinez to authorize individual procurements for FY22 routine goods and services, listed on Attachment 1, in combination with the initial FY22 Goods and Services docket dated June 2, 2021, for a new total amount not to exceed \$16,824,000. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

6. Authorize execution of a contract with The Dutra Group, for construction of the Mallard Slough Dredging Project in the amount of \$1,212,375 with a change order authority of \$242,475 for a total amount not to exceed \$1,454,850.

General Manager Welch explained that the Mallard Slough had not been dredged in over 20 years and had become inoperable for most of the year. Following a competitive bid process, The Dutra Group, who is known for its dredging work in the Bay and Delta areas, was the lowest bidder at almost half of the engineer's estimate. The work needs to be completed before the permit allowing the dredging ends and winter arrives.

President Borba asked for Board comments. The Board supported the dredging work and timing and acknowledged the financial benefit to the District from the low bid. The higher amount of contingency was supported due to the potential for unforeseen circumstances arising during the work. President Borba asked for public comment. There were none.

MOTION: Martinez/Burgh to authorize execution of a contract with The Dutra Group, for construction of the Mallard Slough Dredging Project in the amount of \$1,212,375 with a change order authority of \$242,475 for a total amount not to exceed \$1,454,850. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

7. Review and comment on 2021 water supply and water conservation program update and initiate a Stage 1 water shortage level.

Assistant General Manager Planning, Water Resources, and Watershed & Lands – Jeff Quimby reported that the District's initial April water allocation, along with all other Central Valley Project (CVP) contractors, had been reduced due to significant changed conditions since the Bureau of Reclamation released the allocations in spring. Because of past water supply facility improvement investments and continued customer water conservation since the last drought, the District will have a sufficient water supply. Given the statewide conditions and potential for continued dry conditions next year, staff suggested for the District to request additional voluntary water conservation by customers. Staff will provide a water supply update and customer outreach plan.

Water Resources Manager Lucinda Shih provided a water supply update. The low precipitation and snowpack runoff did not make it into the reservoirs as originally anticipated, primarily due to ground absorption and evaporation. The Executive Orders issued by Governor Newsom to respond to the drier conditions and lower runoff were discussed. The statewide water supply was reviewed, which included low levels in all upstream reservoirs. The CVP water supply allocations were reviewed. The District's initial allocation of 55 percent of historical use was reduced to 25 percent of historical use or public health and safety. The public health and safety allocation along with the East Contra Costa Irrigation District supply and releases from the Los Vaqueros Reservoir would provide the District with a sufficient water supply to meet customer demands. The historical Los Vaqueros Reservoir storage, which is currently 125,000 acre-feet, was provided. Many neighboring water agencies are not in as good a position as the District. The previously Board-authorized water exchanges and transfers to help regional water partners were already set aside and are above what is needed for District customers during this drought. A review of the water transfers and exchange responsibilities and agreements was provided. Based upon the reduced CVP water allocation and in response to the current drought that may extend into next year, staff recommends for the Board to initiate a Stage 1 water shortage level calling for voluntary customer conservation of up to 10 percent compared to last year's water use.

In response to the Board question about the water allocation percentage assumed for a dry year in 2022, staff responded that a similar allocation was included in the 2022 water supply estimation. The Board supported the use of a conservative estimate. The Board thanked staff for including the graph on Los Vaqueros storage that shows the benefits provided to the District's customers from their investment in storage. Staff confirmed that additional compensation paid to the District in lieu of returning CVP water exchanged with a partner would be placed in the general fund and the Board would control the future allocation of those funds based upon the District's needs at that time. Staff confirmed that amount of compensation included a calculation on the price to purchase the water at the time the water is due to be returned.

Director of Public Affairs Jennifer Allen reviewed the messages to be provided to customers regarding water supply conditions and the stage 1 water shortage plan. Water conservation tools available to customers were reviewed. Communication tools were also reviewed including letters to community leaders, On-Tap newsletter, website updates and social media posts. The wasteful water use prohibitions adopted by the Board during the last drought and codified into the District's regulations were reviewed. The Board was requested to provide its comments on the 2021 water supply and water conservation program update and to initiate a stage 1 water shortage level.

President Borba asked for Board comment. The Board commended the ratepayers for their prudent investment in the Los Vaqueros Reservoir and thanked them for their continued water conservation. The Board acknowledged the benefits of the leak detection and repair programs to help customers be more water efficient. The Board supported the contingency planning used for water supply and resources. A discussion ensued about the regional benefits provided through the District's water transfer/exchange program. The benefits to the ratepayers from Los Vaqueros Reservoir today and through its expansion were discussed. A discussion ensued regarding the water conservation tools and communications to customers. Staff explained the leak and water waste reporting process. The Board expressed support for the voluntary 10 percent conservation being asked of customers because District customers have been more than responsive to such requests in the past.

President Borba asked for public comment. DWD Director Kovalick asked if the Los Vaqueros Reservoir would be drained all at once or if there were target volumes between now and 2026 in preparation for the expansion project. DWD recently revised its water efficiency guidelines to include new language to prohibit non-productive turf for new commercial and residential development, which DWD plans to provide to the Association of California Water Agencies and the City of Oakley. Staff explained water use scenarios, which were under development, for the Los Vaqueros Reservoir leading up to expansion. The various water sources available when the reservoir is drained were reviewed.

MOTION: Martinez/Burgh to initiate a Stage 1 water shortage level based upon the review and comments to the 2021 water supply and water conservation program update. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

8. Approve the latest revision of the Board Procedures Manual.

Executive Management Analyst Wise reviewed the Board Procedures Manual (BPM) update process and timeline. There were three remaining significant updates to be reviewed.

First, the Committee Appointments section needed to be updated to reflect the addition of the Los Vaqueros Reservoir Expansion (LVE) Joint Powers Authority (JPA) Board Director and Alternate, which occurred on May 19, 2021. The draft language adding the new committee (BPM, page 4) was reviewed. Second, the previous BPM version included Appendix A regarding the Email Communication Procedure. The Email Communication Procedure was incorporated into the BPM with additional new language regarding the District-issued iPad devices that will be provided to the Board in July 2021. The updated section (BPM, pages 6 through 8) includes responsibilities and recommendations regarding the iPad devices. The new section is entitled The District-Owned

Mobile Devices and Electronic Communications. Third, a new section entitled Public Communication During Potential Litigation was created by District's legal counsel in response to Board comments from the March 26, 2021 Board Study Session (BSS) (BPM, page 17).

President Borba asked for Board comment. A discussion ensued regarding the new public communications section pertaining to potential or existing litigation matters. A discussion ensued regarding potential challenges for Directors with multiple accounts for the same app and the importance to keep the District's business separate from personal business. The Board acknowledged the need for further discussions at a future BSS regarding the roles, authority, and rotation for the LVE JPA Board Director and Alternate. The frequency of the LVE JPA Board rotation may need adjusting to mitigate potential impacts from the CCWD Directors' election terms of office to ensure continuity within the JPA Board. The Board expressed appreciation for the continued participation by all the Directors in the BPM update process. With the additional time needed as the Director on the LVE JPA Board, President Borba reported that Director Martinez agreed to be appointed to the Operations and Engineering Committee, and the committee update will be brought to the next Board meeting.

President Borba asked for public comment. There were none.

MOTION: Avila/Holdaway to approve the latest revision of the Board Procedures Manual. The motion was approved by roll-call vote (Ayes: Avila, Borba, Burgh, Holdaway, Martinez; Noes: None; Abstain: None; Absent: None).

REPORTS FOR DISCUSSION

9. Committee Report(s):
 - a. Joint Meeting of the Retirement and Other Post-Employment Benefits Committees Post-Meeting Report (05/20/2021)
 - b. Operations and Engineering Committee Post-Meeting Report (05/26/2021)
 - c. Finance Committee Post-Meeting Report (05/28/2021)
10. Schedule Future Meeting Dates and Times

There were no comments on the committee meeting reports. No items were added to the calendar.

REPORTS

11. General Manager

General Manager Welch reported that a new Contra Costa County Sheriff will start at the Los Vaqueros Watershed in a couple of weeks. Assistant General Manager – Engineering and Operations & Maintenance Rachel Murphy will be the Acting General Manager July 17 through 25.

12. Legal Counsel

Legal Counsel Coty did not have a report.

13. Board

Director Martinez did not have a report and commended General Manager Welch and staff for their efforts related to COVID for getting the District back to normal while protecting the health and safety of the employees and public.

Director Burgh did not have a report and thanked DWD Director Kovalick for participating in the Board meeting, especially for District and DWD partnership comments.

Vice President Avila reported attendance at and provided comments on a meeting with General Manager Welch on June 22; the Association of California Water Agencies Federal Affairs Committee on June 24; the annual meeting with the District's auditors on June 29; and the District Secretary interviews on June 30.

Director Holdaway reported attendance at and provided comments on a meeting with General Manager Welch on June 21.

President Borba reported attendance at and provided comments on a meeting of the East Bay Leadership Council Board on June 18; three meetings with General Manager Welch on June 22, June 29, and July 6; a Water Exchange Meeting with Central Contra Costa Sanitary District and Santa Clara Valley Water District on June 29; and Mayors' Conference on July 1.

CLOSED SESSION

14. 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 8:12 p.m. President Borba announced the Board would move into a closed session regarding labor negotiations, and there were three additional attendees: Assistant General Manager – Planning, Water Resources, and Water Shed & Lands Jeff Quimby, Human Resources and Risk Manager Kristen Cunningham, and labor legal counsel Joe Wiley of Wiley, Price & Radulovich.

RECONVENE FROM CLOSED SESSION

15. Report on closed session.

At 8:50 p.m. President Borba announced the return of the Board from closed session and no reportable action was taken.

ADJOURNMENT

At 8:51 p.m. President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on Wednesday, July 21, 2021 commencing at 6:30 p.m. and held via teleconference.



Lisa M. Borba, President

Attest:



Mary A. Neher, District Secretary