

**CONTRA COSTA WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING
July 15, 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 6:33 p.m., at 1331 Concord Avenue, Concord, the regular meeting place of the Board.

President Borba announced that the teleconference was being held pursuant to Governor Newsom’s Executive Orders. The meeting facilitation procedure was provided.

SAFETY BRIEFING

Mr. Welch provided a COVID-19 safety briefing.

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

Director Avila led the pledge of allegiance.

ADOPTION OF AGENDA

Mr. Welch reviewed the changes made to Agenda Item Nos. 1.a. and 7. The Board adopted the agenda by rule.

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

President Borba asked for public comments. There were no public comments.

CONSENT CALENDAR

1. Approve Directors' Service/Business and Travel Expenses
 - a. Future Services – July/August 2020
 - b. Expenses – June 2020
 - c. Compensation – June 2020
2. Approval of June 17, 2020 meeting minutes.
3. Approve the warrant register dated July 16, 2020.
4. Adopt the San Francisco Bay Area Integrated Regional Water Management Plan.
5. Adopt Resolution No. 20-012 authorizing the execution of quitclaim deeds to 1) Concord Healthcare Center, Inc., 2) Costco Wholesale Corporation, 3) San Francisco Bay Area Rapid Transit District, 4) Taubman Land Associates, LLC, 5) Tri Pointe Homes, Inc., and 6) MGP X DVC, LLC, to relinquish easement rights no longer needed by the District.
6. Authorize payment to Bank of the West for service fees incurred for Letters of Credit associated with Los Vaqueros Reservoir and Canal Replacement Project mitigation requirements in an amount not to exceed \$164,000 in FY21.
7. Authorize execution of an agreement with Construction Testing Services, Inc. for materials testing services in the amount of \$203,000 in FY21, with an option for continued services in the amount of \$219,000 in FY22, for a total amount not to exceed \$422,000.

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

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/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

8. Adopt District positions for the following: H.R. 2 and H.R. 7073.

Director of Public Affairs Jennifer Allen reviewed the state budget and agreement reached between Governor Newsom and the state legislators regarding the major budget provisions needed. Greenhouse Gas Reduction Fund auctions are the primary funding source for the Safe and Affordable Drinking Water Fund. The next Greenhouse Gas Reduction auction is scheduled for August. As previous auctions have provided low results, the District continues to follow the issue in case talks regarding a tax-based funding source begin. An update on SB 1386 related to Proposition 218 fire service issues was provided. The Senate and Assembly delayed their return to the Capitol due to Covid-19 positive testing until at least July 27.

Federal legislators continue to discuss another economic stimulus package. The Energy and Water Appropriations bill continues development and includes water storage funding. An update on the Water for Tomorrow Act, which is for water sustainability for disadvantaged communities, was provided. A review of H.R. 2 - Moving Forward Act that would provide \$1.5 trillion in federal funding for infrastructure investment in transportation, water, aviation, broadband, healthcare, and energy was provided. The tax parity issue related to conservation rebates is also included in the bill. The District recommended to take a *Support* position. A review of H.R. 7073 - Special Districts that would give special districts access to key resources available to local governments under the Coronavirus Relief Fund was provided. The District recommended to take a *Support* position.

President Borba asked the Board for comments. Director Burgh reviewed a news article from the *East Bay Times* about the state budget. Director Boatmun reported that the California Special Districts Association (CSDA) also supports H.R. 7073. Staff agreed to let CSDA know about the position taken and to provide the Board positions to the applicable legislators.

President Borba asked for public comments. There were none.

MOTION. Boatmun/Burgh to adopt District positions for the following: H.R. 2 – *Support* and H.R. 7073 – *Support*. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

9. Cease Declaration of Local Emergency Related to COVID-19 Pandemic and Approve Extension of COVID-19 Related Leave Provisions
 - a. Adopt Resolution No. 20-013, ending the proclaimed existence of a local emergency resulting from the COVID-19 pandemic and rescinding Resolution No. 20-003;
 - b. Authorize continued automatic payout of excess accrued vacation and administrative leave through December 27, 2020; and
 - c. Set a negative leave balance cap at 96 hours, after which an employee may request leave without pay at the discretion of the General Manager, with an end date of December 27, 2020 for accruing any additional negative leave.

Mr. Welch explained that while he no longer required the additional authority granted by the Board in Resolution No. 20-003 to respond to the COVID-19 pandemic, he recommended continuation of two emergency actions through December 27, 2020, which were the automatic pay out of administrative leave beyond the maximum accrual rate and the ability for employees to accrue up to 96 hours of negative sick leave before taking unpaid leave.

The District's 180-days past due bill account total has reached \$60,000 that had averaged \$15,000 prior to COVID-19. The District continues outreach to customers struggling to pay their bills and encourages them to pay what they can. Some water agencies' past due bill payments total in the millions. Costs from implementation of COVID-19 safety measures continue to accumulate and will be reported to the Board. Adjustments to the Safe Return to Work Plan Phase 3 (Work Plan) were reviewed. The implementation of the Work Plan is on hold due to the spike of positive cases in the county. The Unions' feedback on the Work Plan is expected soon. One District employee has tested positive, and the District's response process was reviewed.

President Borba asked for Board comments. The Board expressed support to redeclare the emergency and additional General Manager authority, if needed. Staff was commended for providing the Board with the detailed reports. Staff confirmed the District's network and software provided additional cybersecurity to

employees working from home. The Board sent well wishes to the employee that had tested positive. The Board expressed appreciation for the work done by the entire staff in response to the COVID-19 pandemic.

President Borba asked for public comments. There were none.

MOTION: Avila/Boatmun to adopt Resolution No. 20-013, ending the proclaimed existence of a local emergency resulting from the COVID-19 pandemic and rescinding Resolution No. 20-003; authorize continued automatic payout of excess accrued vacation and administrative leave through December 27, 2020; and set a negative leave balance cap at 96 hours, after which an employee may request leave without pay at the discretion of the General Manager, with an end date of December 27, 2020 for accruing any additional negative leave. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

REPORTS FOR DISCUSSION

10. Schedule Future Meeting Dates and Times

A discussion regarding Board compensation for participation in real time and through viewing of recordings of the Association of California Water Agencies virtual conference ensued.

REPORTS

11. General Manager

Mr. Welch did not have a report.

12. Legal Counsel

Mr. Coty did not have a report.

13. Board

Director Avila reported that he had attended the Mayors' Conference on July 9.

Director Boatmun reported that she had attended the Mayors' Conference on July 9. She attended the July 13 California Special Districts Association joint meeting of the Alameda Chapter and Contra Costa Chapter.

Director Burgh reported that he had provided a presentation to the Martinez Rotary Club on July 15.

Vice President Holdaway did not have a report.

President Borba reported that she had met with the General Manager on July 7 and 14. On July 7 she attended a townhall hosted by Congressperson DeSaulnier. She attended, along with Director Avila, the Operations and Engineering Committee meeting on July 8.

A discussion ensued about the desire for the Board to review its procedure manual at a future Board study session.

CLOSED SESSION

14. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: Various Parcels comprising the Los Vaqueros Reservoir Expansion Project; CCWD Negotiator: General Manager; Negotiating Party: Various; Under Negotiation: Price and Terms of Payment for Water Storage and Conveyance Capacity.
15. Conference with Legal Counsel – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (one case).

At 7:23 p.m. President Borba announced that the Board would move into a closed session on two matters. The first matter was regarding real property negotiations and included one additional attendee, Assistant General Manager – Planning and Water Resources Jeff Quimby. The second matter was regarding exposure to litigation and did not require announcement of any additional attendees.

RECONVENE FROM CLOSED SESSION

16. Report out on closed session.

At 9:06 p.m. President Borba announced the Board did not take any reportable actions during the closed session.


ADJOURNMENT

At 9:07 p.m. President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on August 5, 2020 commencing at 6:30 p.m. and will be held by teleconference.



For Lisa M. Borba, President
By Constance Holdaway, Vice President

Attest:



Mary A. Neher, District Secretary