

**CONTRA COSTA WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING
August 5, 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 6:31 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

Vice President Holdaway led the pledge of allegiance.

ADOPTION OF AGENDA

Since the distribution of the agenda, one meeting was added to the Board Future Services Calendar, Agenda Item No. 1.a. The Board adopted the agenda by rule.

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

President Borba asked for public comment. There were none.

CONSENT CALENDAR

1. Approve Directors' Service/Business and Travel Expenses
 - a. Future Services – August 2020
2. Approval of meeting minutes:
 - a. June 19, 2020
 - b. July 1, 2020
3. Approve the warrant register dated August 6, 2020.
4. Authorize execution of an agreement with GEI Consultants, Inc. for professional services for the Untreated Water Facilities Improvements Program in the amount of \$331,000 in FY21, with an option for continued services in the amount of \$373,000 in FY22, for a total amount not to exceed \$704,000.
5. Authorize execution of an agreement with HDR Engineering, Inc. for consulting services for the Treated Water Master Plan in an amount not to exceed \$320,000.

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 comment. There were none.

MOTION: Avila/Boatmun 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

6. Authorize execution of an agreement with HDR Engineering, Inc. for construction management services in the amount of \$1,082,000 in FY21, with an option for continued services in the amount of \$662,000 in FY22, for a total amount not to exceed \$1,744,000.

Principal Engineer Luis Llamas explained the use of construction management services to augment staff on large projects and reviewed the services typically provided through this services agreement. The District received 12 Statement of Qualifications (SOQ) from construction management firms; the top three firms received a Request for Proposals (RFP). The SOQ and RFP evaluation process was discussed. HDR Engineering, Inc. was identified as the most qualified firm. The FY21 and FY22 Engineering Department budget includes the necessary funds within the 12 programs and projects included during these fiscal years.

President Borba asked the Board for comments. Staff confirmed that the District used this firm for the Middle River Pump Station Project. The Board thanked Mr. Llamas for the report.

President Borba asked for public comment. There were none.

MOTION: Avila/Holdaway to authorize execution of an agreement with HDR Engineering, Inc. for construction management services in the amount of \$1,082,000 in FY21, with an option for continued services in the amount of \$662,000 in FY22, for a total amount not to exceed \$1,744,000. The motion was approved by roll-call vote (Ayes: Avila, Boatman, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

DISCUSSION AND INFORMATION

7. Review and comment on status report on drinking water regulations.

Water Quality Superintendent Andrea Flores reported that the District is in full compliance with all drinking water regulations and provided a review of the District's regulatory compliance strategy. A review of the District's school lead sampling testing, in accordance with the 2017 lead sampling in California Schools regulations, was provided. Two public schools had detections above the action level, and the fixtures were immediately removed from service. A discussion regarding the sampling outreach process ensued. The Board expressed concern about the low number of lead sampling requests received from private schools and requested staff conduct additional outreach to the private schools that have been non-responsive.

The District lead service line inventory completed by the District did not identify any lead service lines within its distribution system. In response to the Board's request, staff will review the lead service report filed with the State of California by Golden State Water Company regarding Bay Point and provide an update to the Board. The testing process and results from the June 2019 triennial lead and copper rule monitoring test were provided, which were well below the United States Environmental Protection Agency action levels. The Lead and Copper Rule Long-Term Rule Revision that is expected in the next 12 months was reviewed.

A review of the Watershed Sanitary Survey completed in June 2020 was provided. The most significant potential sources of contamination were reviewed. Staff will provide an update to the Operations and Engineering Committee on the actions taken over the past five years related to removal of drainage and illegal connections in the canal.

The Per- and Polyfluoroalkyl Substances (PFAS) regulations were reviewed, which included the most common sources of Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS). PFAS is a primary concern for groundwater systems. California requested the development of public health goals for PFOA and PFOS. The District does monitor for PFOA and PFOS as part of the Unregulated Contaminant Monitoring Rule and did not have any detections. A review of the federal Total Coliform Rule was provided. The State Water Resources Control Board, Division of Drinking Water (DDW), must adopt the federal rule, and DDW is expected to release its rulemaking package in the summer of 2020.

California is expected to adopt the nationwide standard that has more strict requirements for quality control and performance testing in its Environmental Lab Accreditation Program. The additional work required by the new standard and staffing adjustments made to accommodate the regulations were provided. The Operations and Maintenance Department's FY21 budget includes sufficient funds to support the ongoing monitoring efforts required under the current regulations.

President Borba asked for Board questions and comments. The Board thanked Ms. Flores for the report.

President Borba asked for public comment. There were none.

REPORTS FOR DISCUSSION

8. Committee Report(s):
 - a. Operations and Engineering Committee Post-Meeting Report (07/08/2020)
9. Schedule Future Meeting Dates and Times

There were no comments on the report. Director Boatman announced that the Association of California Water Agencies (ACWA) Virtual Conference recorded sessions will be available starting next week, and she planned to watch some of the sessions she was not able to attend during the conference last week. Director Avila announced that the Multi-state Salinity Coalition scheduled a meeting on August 27.

REPORTS

10. General Manager

Mr. Welch reported out about a potential COVID-19 case involving a District Center staff member. The Marathon refinery announced it will close. District will review the financial impacts from this large industrial customer as well as District customers that are support businesses to the refinery. The financial impact evaluation may not be completed for inclusion in the upcoming rate review. The Retirement and Other Post-Employment Benefits Committees meetings on August 20, 2020 will be held jointly. President Borba and Vice President Holdaway participated in 13 virtual federal legislative meetings over three days. Following the meetings, the Bureau of Reclamation confirmed it will provide \$500,000 of additional funding for the Rock Slough Fish Screen Improvements Project. He thanked the Board for participating in the ACWA chat room for the Phase 2 Los Vaqueros Reservoir Expansion Project.

11. Legal Counsel

Mr. Coty reviewed a recent opinion issued by the California Supreme Court on a lawsuit against the City of Dunsuir related to utility rates adopted in 2016. The challengers placed a referendum on the ballot to overturn the decision of the City Council. In this case, the Supreme Court determined that the referendum was improper and determined that for these purposes utility rate increases were to be considered tax levies and thus referenda are not constitutionally appropriate. Although utility rates are not subject to referendum, an initiative or Proposition 218 litigation may still be utilized by voters to overturn rates and change. At the request of the Board, Mr. Coty confirmed he would provide it with an update on the City of Santa Monica and the California Voting Rights Act litigation at a later meeting.

12. Board

Avila reported that he had attended the ACWA Virtual Conference on July 29 and 30. On July 21 he attended the East Bay Leadership Council (EBLC) Water Task Force (WTF) meeting.

Director Burgh reported that he had attended the ACWA Virtual Conference on July 29 and had participated in the ACWA – Los Vaqueros chat room with Director Boatman on July 29.

Vice Holdaway reported that she had attended the ACWA Virtual Conference on July 29 and 30. On July 24 and 30 she attended the federal legislative meetings. She met with the General Manager on July 31.

Director Boatman reported that she had attended in the EBLC WTF on July 21. She attended the ACWA Joint Power Insurance Authority meeting on July 22. She attended the ACWA Virtual Conference on July 29 and 30 and participated in the ACWA – Los Vaqueros chat room on July 29. Mr. Coty explained why there were three ACWA – Los Vaqueros chat rooms held simultaneously. Mr. Welch said the summary of questions and responses will be provided to the Local Agency Partners.

President Borba reported that she had met with the General Manager on July 21 and August 4. She attended the federal legislative meetings on July 24, July 28, and July 30. On July 29 and 30 she attended the ACWA Virtual Conference and participated in the ACWA – Los Vaqueros chat room on July 29. On July 31 she attended the Contra Costa County Taxpayers Association meeting.

The Board requested for the District do one more outreach to the private schools regarding lead testing sampling.

CLOSED SESSION

13. Conference with Legal Counsel – Existing litigation pursuant to paragraph (1) of subdivision (d) of Section 54956.9: (Fred Simon v. Contra Costa Water District; Contra Costa Superior Court Case No. C20-01382).
14. Conference with Legal Counsel – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (one case).

At 7:40 p.m. President Borba announced that the Board would move into a closed session on two matters regarding litigation and did not require announcement of any additional attendees.

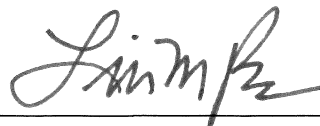
RECONVENE FROM CLOSED SESSION

15. Report out on closed session.

At 8:23 p.m. President Borba announced the Board did not take a reportable action during the closed session.

ADJOURNMENT

At 8:24 p.m. President Borba adjourned the meeting. The next meeting of the Board of Directors will be a special meeting on August 12, 2020 commencing at 6:30 p.m. The next regular meeting of the Board of Directors will be on August 19, 2020 commencing at 6:30 p.m. and will be held by teleconference.



Lisa M. Borba, President

Attest:



Mary A. Neher, District Secretary