

**CONTRA COSTA WATER DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING  
September 2, 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 6:32 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	Wendy Chriss
Executive Management Analyst	Jamie Elsberry

***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. There were none.

**CONSENT CALENDAR**

1. Approve Directors' Service/Business and Travel Expenses
  - a. Future Services – September 2020
2. Approval of meeting minutes:
  - a. August 5, 2020
3. Approve the warrant register dated September 3, 2020.
4. Authorize a professional services agreement with GEI Consultants, Inc. for the Untreated Water Reservoir Rehabilitation and Treated Water Facility Improvement Programs in the amount of \$200,000 in FY21, with an option for continued services in the amount of \$310,000 in FY22 for a total amount not to exceed \$510,000.
- ~~5. Authorize execution of an agreement with Marcus G. Faust for government relations services for FY21 in an amount not to exceed \$211,000.~~

President Borba asked if anyone wanted to remove an item from the consent calendar to be separately considered. Director Avila removed Agenda Item No. 5 regarding the agreement with Marcus G. Faust for separate consideration.

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

**MOTION:** Boatmun/Holdaway to approve the consent calendar, except for Agenda Item No. 5. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

- ~~5. Authorize execution of an agreement with Marcus G. Faust for government relations services for FY21 in an amount not to exceed \$211,000.~~

President Borba asked for Board comments. Director Avila discussed the beneficial role Mr. Faust has played related to the Contra Costa Canal Title Transfer from the Bureau of Reclamation to the District.

President Borba asked for public comment. There were none.

**MOTION:** Avila/Holdaway to authorize execution of an agreement with Marcus G. Faust for government relations services for FY21 in an amount not to exceed \$211,000. 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 Amendment No. 2 to the consulting services agreement with Clean Energy Capital for Phase 2 Los Vaqueros Reservoir Expansion Project financial planning services for an amount not to exceed \$400,000 for a revised total agreement amount not to exceed \$1,350,000.

Mr. Welch explained that Amendment No. 2 to the Multi-party Agreement approved by the Board on August 19, 2020 included the additional work for Project planning that necessitates amendments to various agreements

that will be brought to the Board, which includes this amendment with Clean Energy Capital. The Project Proforma Financial Model work completed to date by Clean Energy Capital was reviewed. The amendment would authorize refinement of that financial model and the term sheet to be used in developing the Project construction finance plan.

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

**MOTION:** Avila/Holdaway to authorize execution of Amendment No. 2 to the consulting services agreement with Clean Energy Capital for Phase 2 Los Vaqueros Reservoir Expansion Project financial planning services for an amount not to exceed \$400,000 for a revised total agreement amount not to exceed \$1,350,000. The motion was approved by roll-call vote (Ayes: Avila, Boatmun, Borba, Burgh, Holdaway; Noes: None; Abstain: None; Absent: None).

### **REPORTS FOR DISCUSSION**

#### 7. Schedule Future Meeting Dates and Times

Director Avila reported that the Association of California Water Agencies (ACWA) Local Government Affairs Committee will have one or two meetings early in 2021. ACWA Region 5 Board plans to have a meeting in September 2020. He will provide dates when they are available.

### **REPORTS**

#### 8. General Manager

The General Manger did not have report.

#### 9. Legal Counsel

Mr. Coty reported that Assembly Bill 1386, which would add provisions to the California Government Code to expressly permit the use of ratepayer funds for fire protection purposes, passed unanimously by the state assembly and senate. Governor Newsom is expected to sign it soon. This new legislation will impact the arguments being made in an ongoing statewide Proposition 218 litigation, in which the District is one of 80 defendants. Possible other avenues for the case to proceed were mentioned.

#### 10. Board

Director Avila reported that he had met with the General Manager on August 26. He reviewed impacts to local businesses and employees from COVID-19.

Director Boatmun reported that she would not seek reelection for her Division 4 Board seat.

Director Burgh reported that he spoke to the Martinez Kiwanis Club on August 27, who provided positive feedback on the Phase 2 Los Vaqueros Reservoir Expansion Project.

Vice President Holdaway reported that she had met with the General Manager on August 21 and had attended the Finance Committee Meeting with Director Burgh on August 28.

President Borba reported that she had attended the joint meeting of the Other Post-Employment Benefits Committee and Retirement Committee on August 20, along with Director Boatman. On August 24 and September 1 she had met with the General Manager. She had attended the Industrial Association Forum on August 26 and the Contra Costa Taxpayers Association meeting on August 28.

**CLOSED SESSION**

11. Public Employee Performance Evaluation as allowed under Government Code Section 54957, Employee: General Manager
12. Conference with Labor Negotiator as allowed under Government Code Section 54957.6:
  - a. Agency Negotiator: GM: Employee Group: Confidential Employees;
  - b. Agency Negotiator: GM: Employee Group: Unrepresented Employees; and
  - c. Agency Negotiator: GM: Employee Group: District Secretary.
13. Conference with Labor Negotiator as allowed under Government Code Section 54957.6; Agency Negotiator: Board President; Employee: General Manager.

At 6:59 p.m. President Borba announced that the Board would move into a closed session. The first item is regarding the performance evaluation of the General Manager, and the other two items are regarding labor negotiations. There are no additional attendees.

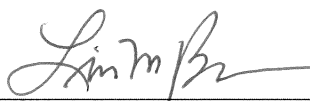
**RECONVENE FROM CLOSED SESSION**

14. Report out on closed session.

At 8:18 p.m. President Borba announced the Board did not take any reportable actions during the closed session.

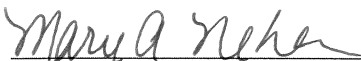
**ADJOURNMENT**

At 8:19 p.m. President Borba adjourned the meeting. The next regular meeting of the Board of Directors will be on September 16, 2020 commencing at 6:30 p.m. and will be held by teleconference.



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Lisa M. Borba, President

Attest:



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Mary A. Neher, District Secretary