

Board of Directors Meeting Minutes
DELTA DIABLO
October 12, 2022

The meeting was called to order by Chair Wilson at 4:36 p.m., on Wednesday, October 12, 2022, via Zoom. Present were Vice Chair Juan Banales, who arrived at 4:50 p.m., and Director Federal Glover. Also present were Mary Ann McNett Mason, District Counsel; Vince De Lange, General Manager; Cecelia Nichols-Fritzler, Office Manager/Secretary to the Board; Brian Thomas, Acting Business Services Director/District Engineer; Dean Eckerson, Resource Recovery Services Director; Thanh Vo, Acting Engineering Services Director; Anika Lyons, Finance Manager; and Michael Placencia, Laboratory Manager.

Chair Wilson read the following statement: "In lieu of a public gathering, the Board of Directors meeting will be accessible via ZOOM to all members of the public as permitted by the Government Code Section 54953(e)."

Ms. Nichols-Fritzler read a statement regarding receiving public comments and the availability of presentations on the District's website and at the District's Administration Building.

Chair Wilson noted that an amended version of the Board Meeting agenda packet was posted on the District's website earlier today with corrections to Item F/2. Corrected materials were available for public inspection at the District Administration Building in accordance with the Brown Act.

PUBLIC COMMENTS

None.

RECOGNITION

Adopt Resolution Commending and Congratulating William Svoboda, Chemist III, on His Retirement from the District

Mr. Placencia congratulated Mr. Svoboda, Chemist III, on his recent retirement from the District. He highlighted Mr. Svoboda's career with the District, which began in 2011 and noted his significant and impactful contributions to the Laboratory Division. The Board congratulated Mr. Svoboda on his retirement and thanked him for his service.

Director Glover moved approval, seconded by Chair Wilson, and by roll call vote (*Ayes: Glover and Wilson, Noes: None; Absent: Banales; Abstain: None*), adopted a Resolution Commending and Congratulating William Svoboda, Chemist III, on his Retirement from the District.

Receive Presentation of Distinguished Budget Presentation Award and Recognize and Commend Finance Division for Receiving Certificate of Recognition for Budget Preparation for Fiscal Year 2022/2023 from Government Finance Officers Association

Ms. Lyons presented the two awards received from GFOA and highlighted specific requirements the District had to satisfy in attaining these achievements. She noted that the Distinguished Budget Presentation Award is the highest form of recognition in governmental budgeting, and reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. The Board thanked Ms. Lyons for the presentation and congratulated the Finance Division on these achievements.

CONSENT CALENDAR

Director Glover moved approval of the Consent Calendar, seconded by Chair Wilson, and by roll call vote (Ayes: *Glover and Wilson*, Noes: *None*; Absent: *Banales*; Abstain: *None*), the following Consent items were approved: Approve Minutes of the Board of Directors Meeting, September 14, 2022; Receive District Monthly Check Register, August 2022; Make Findings and Approve Continuing Teleconference Meetings (AB361), Government Code Section 54953(e); Receive Delta Household Hazardous Waste Collection Facility Fiscal Year 2021/2022 Report; Receive Annual Report on Collection of Capital Facilities Capacity Charges for Fiscal Year 2021/2022; Receive Fiscal Year 2021/2022 Report on Surplus District Property; Accept and Authorize General Manager to File Notice of Completion, Parkson Corporation, Sand Filter Intermittent Backwash System, Project No. 21121; Approve Project Design; Award and Authorize General Manager to Execute Construction Services Contract in an Amount Not to Exceed \$159,270, Pacific Coast General Engineering, Inc., Authorize General Manager to Approve Contract Change Orders in an Amount Not to Exceed 10% of Contract Amount, and Take Related Actions, Camp Stoneman Force Main Repair, Project No. 23117; Authorize General Manager to Transfer Monies to Pump Station Facilities Repair Project From Wastewater Capital Asset Replacement Fund Reserves in the Amount of \$181,086, for a Total Project Budget of \$14,900,000, and Authorize General Manager to Execute Amendment No. 4 to Consulting Services Contract in the Amount of \$52,000, for a New Total Contract Amount of \$1,509,445, Inferra Construction Management Group, Inc., Construction Management and Inspection Services, Pump Station Facilities Repair, Project No. 80008; and Authorize General Manager to Execute Amendment No. 1 to Consulting Services Contract in the Amount of \$140,974, for a New Total Contract Amount of \$754,515, Lee & Ro, Inc., Engineering Services, Treatment Plant Switchgear Replacement, Project No. 17120.

DELIBERATION

Accept General Manager's Acknowledgement of Government Code Section 7507 Actuarial Report, Proposed Retiree Medical Benefit Changes, Bartel Associates, LLC

Mr. Thomas provided an overview of Government Code (GC) Section 7507 requirements and highlighted associated actions completed to date. He reviewed a summary of the actual study findings that were presented at the September 14, 2022 Board Meeting. Mr. Thomas noted that the General Manager is required to acknowledge that he understands the future annual cost impact of the proposed retiree medical benefit changes, which was included in the Board Meeting packet.

The Board thanked Mr. Thomas for the presentation. Director Glover moved to accept the report; seconded by Vice Chair Banales, and by roll call vote (Ayes: *Banales, Glover and Wilson*, Noes: *None*; Absent: *None*, Abstain: *None*), the Board accepted the General Manager's Acknowledgement of Government Code Section 7507 Actuarial Report, Proposed Retiree Medical Benefit Changes, Bartel Associates, LLC.

Approve Memoranda of Understanding with Professional and Technical and Management Association Bargaining Units; Adopt Resolution Approving Revised Salary Schedules for the Bargaining Units and Unrepresented Managers; and Authorize the General Manager to Make Non-Substantive, Clerical Changes and Corrections to Each Memorandum of Understanding after Board Approval

Mr. Thomas provided a summary of labor negotiations with each of the District's three bargaining units, noting that new Memorandum of Understanding (MOU) agreements have been

reached with the Professional and Technical (P&T) , and Management Association (MA) bargaining units, while negotiations with the O&M bargaining unit are ongoing. He reviewed the key MOU terms and conditions, including terms, wages, health benefits, retirement benefits, and grievance and disciplinary procedures. Mr. Thomas reviewed the annual operating cost impacts, while noting that the District expects long-term financial benefits as insurance premiums and employment status demographics change over time. In closing, he reviewed the recommended actions, which include approving the new MOUs and approving revised salary schedules for the P&T and MA bargaining units effective October 16, 2022.

Director Glover asked a clarifying question regarding the process for salary schedule step advancement.

The Board thanked Mr. Thomas for the presentation. Director Glover moved approval; seconded by Vice Chair Banales, and by roll call vote (Ayes: *Banales, Glover and Wilson*, Noes: *None*; Absent: *None*, Abstain: *None*), the Board approved the Memoranda of Understanding with Professional and Technical and Management Association Bargaining Units; adopted the Resolution Approving Revised Salary Schedules for the Bargaining Units and Unrepresented Managers; and authorized the General Manager to Make Non-Substantive, Clerical Changes and Corrections to Each Memorandum of Understanding after Board Approval.

PRESENTATIONS AND REPORTS

Receive Update on Key Regulatory Issues and 50th Anniversary of Clean Water Act

Mr. Eckerson highlighting the 50-year anniversary of the federal 1972 Clean Water Act and the District's efforts to effectively meet the challenge of two emerging regulatory drivers:

1) potential acceleration of nutrient removal requirements in future NPDES permits at wastewater treatment plants (WWTPs) in the Bay Area given recent algal blooms in San Francisco Bay, and 2) significant concern regarding the ubiquitous presence of PFAS (per- and polyfluoroalkyl substances) compounds in homes and environment.

Mr. Eckerson provided context on the historical resiliency of San Francisco Bay to nutrient loading without water quality impacts and the District's effort to work collaboratively with peer agencies, the Regional Water Quality Control Board, and the scientific community via Bay Area Clean Water Agencies (BACWA). He noted this collaborative engagement has been focused on sound science and public health benefits to achieve sustainable, cost-effective environmental regulations. Mr. Eckerson highlighted the impacts of recent algal blooms in San Francisco Bay and how the blooms have intensified the focus on nutrient loading from WWTPs from a regulatory perspective, which may trigger "early actions" and significant capital investments.

In addition, Mr. Eckerson discussed the significant challenges associated with PFAS compounds in society, provided a comparison of relative PFAS concentrations in household products, and highlighted recent and anticipated regulatory actions by U.S. EPA. He noted that the wastewater sector is engaging at the national, state, and local level to effectively address PFAS contamination. He noted that WWTPs are a receiver, not a producer, of PFAS, and emphasized the importance of a sound-science based approach that eliminates PFAS use in consumer products and improves understanding of PFAS fate, transport, and toxicity before implementing PFAS limits.

Director Glover thanked Mr. Eckerson for the presentation and noted the General Manager recently provided an excellent graphical summary of Delta Diablo for inclusion in the County's time capsule project. The Board thanked Mr. Eckerson for the report.

MANAGER'S COMMENTS

As a follow up to direction received at the September 14, 2022 Board Meeting, Mr. De Lange provided an update regarding development of key terms and conditions for implementation of a potential project labor agreement (PLA) at the District. He noted that he and Mr. Thomas conducted an initial meeting with the CEO and President of the Contra Costa Building and Construction Trades Council on September 22, 2022, and scheduled another meeting for October 25, 2022, to discuss key PLA terms and conditions. Mr. De Lange noted that staff will provide an update on this effort at a future Board meeting.

DIRECTORS' COMMENTS

None.

CORRESPONDENCE

Receive Monthly Lobbyist Report Dated September 2022, Key Advocates, Inc., Western Recycled Water Coalition

The Board received and filed the report.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (GOV. CODE, SECTION 54957.6)

Agency Negotiators: Vince De Lange, Michael Jarvis

Employee Organizations: Operations and Maintenance Unit, Public Employees Union, Local One; Professional & Technical Unit, Public Employees Union, Local One; Management Association

Unrepresented Employees: All unrepresented employees

Before adjourning to Closed Session, the Secretary to the Board asked if there were any public comments on the Closed Session item. There were no speakers. At 5:27 p.m., Chair Wilson convened the Board of Directors meeting to Closed Session. Chair Wilson reconvened the Board of Directors Meeting at 5:50 p.m. Mr. De Lange reported out of Closed Session and stated the Board provided direction to staff to remove the specific COVID-19 weekly testing requirement for unvaccinated employees in District Policy No. 1081 and provide an updated policy for Board consideration at the November Board Meeting.

ADJOURNMENT

Chair Wilson adjourned the meeting at 5:51 p.m. and noted the next Board of Directors meeting is scheduled for November 9, 2022 at 4:30 p.m.



Federal Glover

Board Secretary

(Recording Secretary:
Cecelia Nichols-Fritzler)

cc: District File No. BRD.01-MINS