

# AGENDA

## SPECIAL BOARD OF DIRECTORS MEETING

**DELTA DIABLO**  
(a California Special District)

**2500 Pittsburg-Antioch Highway | Antioch, CA 94509**  
**(Note: There will be no in-person meeting at the District.)**  
**WEDNESDAY, NOVEMBER 17, 2021**  
**4:30 P.M.**

**In lieu of a public gathering, the Special Board of Directors meeting will be accessible via ZOOM to all members of the public as permitted by the Government Code Section 54953(e).**

The Special Board of Directors Meeting on November 17, 2021 will not be physically open to the public and all Board Members will be teleconferencing into the meeting. Members of the public can observe the meeting by following the steps listed below to view and listen to the Board Meeting.

Persons who wish to address the Board during the Public Comment period or with respect to an item on the Agenda will be limited to two (2) minutes. The Secretary to the Board will call on members of the public at the beginning of the meeting to establish a speaking order. Please indicate whether you wish to speak during the Public Comment period or on a specific Agenda item at that time.

The Board Chair may reduce the amount of time allotted to provide comments at the beginning of each item or public comment period depending on the number of comments and the business of the day. Your patience is appreciated.

Presentations will be made available online at <https://www.deltadiablo.org/board-meetings> approximately one hour prior to the start of the Board meeting.

**How to view, listen to, and provide a Public Comment during the meeting via ZOOM:**

**Using your computer, access the Zoom meeting at: <https://us02web.zoom.us/j/89000839384>**

**How to listen and provide a Public Comment during the meeting via ZOOM:**

§ **Using your telephone, access the Zoom meeting by dialing (669) 900-6833**

§ **Meeting ID: 890 0083 9384**

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection on the District website at [www.deltadiablo.org](http://www.deltadiablo.org)

# AGENDA

## SPECIAL BOARD OF DIRECTORS MEETING

### DELTA DIABLO

(a California Special District)

2500 Pittsburg-Antioch Highway | Antioch, CA 94509

**(Note: There will be no in-person meeting at the District.)**

WEDNESDAY, NOVEMBER 17, 2021

4:30 P.M.

#### A. ROLL CALL

#### B. PLEDGE OF ALLEGIANCE

#### C. PUBLIC COMMENTS

#### D. RECOGNITION

Receive Presentation of the Distinguished Budget Presentation Award for Fiscal Year 2021/2022 and the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2019/2020; and Recognize and Commend the Finance Division for Receiving the Certificate of Recognition for Budget Preparation for Fiscal Year 2021/2022 and the Award of Financial Reporting Achievement for Fiscal Year 2019/2020 from the Government Finance Officers Association (Carol Margetich)

#### E. CONSENT CALENDAR

- 1) **Approve** Minutes of the Regular Board of Directors Meeting, October 13, 2021 (Cecelia Nichols-Fritzler)
- 2) **Receive** Notes of the Personnel Committee Meeting, November 10, 2021 (Cecelia Nichols-Fritzler)
- 3) **Receive** District Monthly Check Register for September 2021 (Eka Ekanem)
- 4) **Adopt** Resolution Commending and Congratulating LeeAnn Knight, Administrative Assistant III, on Her Retirement from the District (Cecelia Nichols-Fritzler)
- 5) **Adopt** Resolution to Approve New Human Resources and Risk Management Professional/Retired Annuitant Classification, Job Description, and Updated District Salary Schedule (Carol Margetich)
- 6) **Approve** and **Authorize** General Manager to Execute One-Year General Services Contract for a Total Amount Not to Exceed \$119,032 Per Year, Including Annual Extensions Not to Exceed Four (4) Years, for a Total Contract Amount Not to Exceed \$595,160, from November 17, 2021 through June 30, 2026, Janitorial Services, Tri-Valley Janitorial Service & Supply, Inc. (Dean Eckerson)
- 7) **Authorize** General Manager to Execute General Services Contract in a Total Amount Not to Exceed \$249,960, Pacific Coast Trane Service; and **Authorize** General Manager to Approve Contract Change Orders in an Amount Not to Exceed 10% of Contract Amount, POC Chiller Improvements, Project No. 22128 (Thanh Vo)

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- 8) **Authorize** General Manager to Execute a Standard Agreement in a Total Amount Not to Exceed \$48,000, Department of General Services/Office of Administrative Hearings (Brian Thomas)

#### **F. DELIBERATION ITEMS**

**Consider** Adopting a Resolution to Authorize the Board of Directors, in all its Capacities, and its Subcommittees, to Conduct Teleconference Meetings under Government Code Section 54953(e) and **Make** Related Findings; **Determine** that These Bodies Will Hold Virtual Meetings for the Next 30 Days; and **Direct** the General Manager to Return This Matter to the Board for Reconsideration as to All Bodies Covered by the Resolution (Cecelia Nichols-Fritzler)

#### **G. PRESENTATIONS AND REPORTS**

- 1) **Receive** Update on Regulatory Issues (Amanda Roa)
- 2) **Receive** Update on Legislative Issues and Funding Opportunities (Jayne Strommer)

#### **H. MANAGER'S COMMENTS**

#### **I. DIRECTORS' COMMENTS**

#### **J. CORRESPONDENCE**

**Receive** Monthly Lobbyist Report Dated October 2021, Key Advocates, Inc., Western Recycled Water Coalition, Project No. 90024 (Jayne Strommer)

#### **K. CLOSED SESSION (two items)**

CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation:  
Significant exposure to litigation - Gov. Code, § 54956.9 (e) (5). (One case)

1. Letter from Jack Silver, Counsel for River Watch

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

#### **L. ADJOURNMENT**

The next Board of Directors meeting will be held on December 8, 2021, at 4:30 p.m.

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to a majority of members of the Board of Directors less than 72 hours prior to that meeting are available for public inspection on the District website at [www.deltadiablo.org](http://www.deltadiablo.org)

## ITEM D

November 17, 2021

RECEIVE PRESENTATION OF THE DISTINGUISHED BUDGET PRESENTATION AWARD FOR FISCAL YEAR 2021/2022 AND THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR FISCAL YEAR 2019/2020; AND RECOGNIZE AND COMMEND THE FINANCE DIVISION FOR RECEIVING THE CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION FOR FISCAL YEAR 2021/2022 AND THE AWARD OF FINANCIAL REPORTING ACHIEVEMENT FOR FISCAL YEAR 2019/2020 FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION

### **Recommendation**

Receive the Distinguished Budget Presentation Award for Fiscal Year 2021/2022 (FY21/22) and the Certificate of Achievement for Excellence in Financial Reporting (COA) for FY19/20; and recognize and commend the Finance Division for receiving the Certificate of Recognition for Budget Preparation for FY21/22 and the Award of Financial Reporting Achievement (AFRA) for FY19/20 from the Government Finance Officers Association (GFOA).

### **Background Information**

In October 2021, GFOA recognized the District for its work on the FY21/22 budget and the FY19/20 Annual Comprehensive Financial Report (ACFR) by awarding the District the Distinguished Budget Presentation Award and the COA, respectively. In addition to recognizing the District, GFOA presented the Finance Division with both the Certificate of Recognition for Budget Preparation and the AFRA.

GFOA is a non-profit association serving more than 21,000 government finance officials throughout the United States and Canada. It is estimated that approximately 1.7% and 0.5% of special districts received these recognitions at the state and national level, respectively.

### **Analysis**

#### *GFOA Distinguished Budget Presentation Award Program*

GFOA's Distinguished Budget Presentation Award Program (Budget Award Program) is the highest form of recognition in governmental budgeting. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. To receive the budget award, the District had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well the District's budget serves as a policy document, a financial plan, an operations guide, and a communications device. The District's budget was examined by a panel of independent reviewers and rated "proficient" in all four categories, and in the 14 mandatory criteria within those categories. This marks the second time the District has participated in the Budget Awards Program, represents a significant achievement for the District, and is a direct result of dedicated staff efforts.

#### *GFOA COA Program*

The GFOA COA Program is the highest form of recognition for excellence in state and local government financial reporting. This achievement is intended to recognize a significant accomplishment by a government and its management. In order to be awarded a COA, a



government agency must publish an easily readable and efficiently organized ACFR. This report must satisfy both generally accepted accounting principles (GAAP) and applicable legal requirements. The ACFR was judged by an impartial panel as meeting the high program standards, which include a constructive “spirit of full disclosure” to clearly communicate an agency’s financial story and motivate potential users and user groups to read the ACFR.

In addition, the AFRA is presented to the division designated by the agency as primarily responsible for its having earned the certificate. The Finance Division worked to compile the award-winning ACFR by gathering the required information and statistical data related to District operations for the past ten years, coordinating and preparing the report content, and ensuring that the report fully complied with rigorous GFOA standards.

The District has achieved 17 consecutive “clean” financial audits, which is a tribute to staff efforts. Receiving the COA and AFRA can only be accomplished upon completion of an ACFR, which is a more accurate and meaningful report on the District’s financial condition than the basic financial statements typically completed. The COA is valid for a period of one year only. Staff believes that the current ACFR continues to meet the COA Program requirements and will be submitting it to GFOA to determine its eligibility for another certificate. This was the third consecutive year that the District has achieved this prestigious award (after a four-year hiatus). Staff efforts have contributed to the District’s very strong “AA” debt rating from Standard and Poor’s.

### **Financial Impact**

None

### **Attachments**

- 1) GFOA Distinguished Budget Presentation Award
- 2) GFOA Certificate of Recognition for Budget Preparation dated October 15, 2021
- 3) GFOA COA Results Letter dated October 27, 2021
- 4) GFOA Award of Financial Reporting Achievement dated October 27, 2021

Prepared by:



\_\_\_\_\_  
Carol Margetich  
Business Services Director

cc: District File No. CORP.01.02





GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished  
Budget Presentation  
Award*

PRESENTED TO

**Delta Diablo  
California**

For the Fiscal Year Beginning

**July 01, 2021**

*Christopher P. Morrill*

Executive Director





**The Government Finance Officers Association  
of the United States and Canada**

*presents this*

**CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION**

*to*

**Finance Division, Delta Diablo, California  
Delta Diablo, California**



*The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards*

Executive Director

*Christopher P. Morrill*

Date: **October 15, 2021**



Government Finance Officers Association  
203 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601-1210  
312.977.9700 fax: 312.977.4806

10/27/2021

Carol Margetich  
Business Services Director  
Delta Diablo, California

Dear Ms. Margetich:

Congratulations!

We are pleased to notify you that your annual comprehensive financial report for the fiscal year ended June 30, 2020 has met the requirements to be awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting. The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (Certificate Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare annual comprehensive financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. Congratulations, again, for having satisfied the high standards of the program.

Your electronic award packet contains the following:

- **A "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements.** We strongly encourage you to implement the recommended improvements in your next report. Certificate of Achievement Program policy requires that written responses to these comments and suggestions for improvement be included with your 2021 fiscal year end submission. If a comment is unclear or there appears to be a discrepancy, please contact the Technical Services Center at (312) 977-9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.
- **Certificate of Achievement.** A Certificate of Achievement is valid for a period of one year. A current holder of a Certificate of Achievement may reproduce the Certificate in its immediately subsequent annual comprehensive financial report. Please refer to the instructions for reproducing your Certificate in your next report.
- **Award of Financial Reporting Achievement.** When GFOA awards a government the Certificate of Achievement for Excellence in Financial Reporting, we also present an Award of Financial Reporting Achievement (AFRA) to the department identified in the application as primarily responsible for achievement of the Certificate.
- **Sample press release.** Attaining this award is a significant accomplishment. Attached is a sample news release that you may use to give appropriate publicity to this notable achievement.



In addition, award recipients will receive via mail either a plaque (if first-time recipients or if the government has received the Certificate ten times since it received its last plaque) or a brass medallion to affix to the plaque (if the government currently has a plaque with space to affix the medallion). Plaques and medallions will be mailed separately.

As an award-winning government, we would like to invite one or more appropriate members of the team that put together your annual comprehensive financial report to apply to join the Special Review Committee. As members of the Special Review Committee, peer reviewers get exposure to a variety of reports from around the country; gain insight into how to improve their own reports; achieve professional recognition; and provide valuable input that helps other local governments improve their reports. Please see our website for [eligibility requirements](#) and [information on completing an application](#).

Thank you for participating in and supporting the Certificate of Achievement Program. If we may be of any further assistance, please contact the Technical Services Center at (312) 977-9700.

Sincerely,

A handwritten signature in black ink that reads "Michele Mark Levine". The signature is written in a cursive, flowing style.

Michele Mark Levine  
Director, Technical Services



**The Government Finance Officers Association of  
the United States and Canada**

*presents this*

# **AWARD OF FINANCIAL REPORTING ACHIEVEMENT**

*to*

**Finance Division**  
Delta Diablo, California



*The Award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the department or individual designated as instrumental in the government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.*

Executive Director

*Christopher P. Morill*

Date: 10/27/2021

November 10, 2021

APPROVE MINUTES OF THE BOARD OF DIRECTORS MEETING, OCTOBER 13, 2021

**Recommendation**

Approve Minutes of the Board of Directors Meeting held on October 13, 2021.

**DRAFT**

**Minutes of the Board of Directors Meeting**

**DELTA DIABLO**

**October 13, 2021**

The meeting was called to order by Chair Glover at 4:31 p.m., on Wednesday, October 13, 2021, via Zoom. Present were Vice Chair Monica Wilson and Director Juan Banales. Also present were: Mary Ann Mason, District Counsel; Vince De Lange, General Manager; Cecelia Nichols-Fritzler, Office Manager/Secretary to the Board; Dean Eckerson, Resource Recovery Services Director; Carol Margetich, Business Services Director; and Brian Thomas, Engineering Services Director/District Engineer.

Chair Glover 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 the process for receiving public comments and the availability of presentations on the District's website.

**PUBLIC COMMENTS**

Mr. Chris Phillips (Senior Operator, Delta Diablo) addressed the Board regarding Agenda Item F/2. Mr. Phillips stated he was concerned with mandating vaccines for District staff, because of the negative impacts it would have on Operations and Maintenance staff. He stated that staffing challenges already exist and that implementing this requirement is not achievable. Chair Glover advised Mr. Phillips that he would have an opportunity to address the Board again when the Agenda Item F/2 is discussed.

**RECOGNITION**

**Adopt Resolution Commending and Congratulating Regina Cartwright-Morales, Administrative Assistant III, on Her Retirement from the District**

Ms. Nichols-Fritzler recognized Ms. Cartwright-Morales for achieving over 13 years of service at the District and highlighted her career dating back to 2007, when she joined the District as a temporary employee. Ms. Nichols-Fritzler noted Ms. Cartwright-Morales was promoted to Administrative Assistant III in 2013 and served in that position until her retirement from the District on September 3, 2021. She also acknowledged Ms. Cartwright-Morales' key contributions and thanked her for her contribution to the District.



The Board thanked Ms. Cartwright-Morales for her service to the District and wished her well in retirement. Vice Chair Wilson moved approval to adopt a Resolution commending and congratulating Regina Cartwright-Morales, Administrative Assistant III, on her retirement from the District, seconded by Director Banales and by roll call vote (*Ayes: Banales, Glover, Wilson, Noes: None, Abstain: None*), the Resolution was adopted.

Adopt Resolution Commending and Congratulating Darrell Cain, Laboratory Manager, on His Retirement from the District

Mr. Eckerson recognized Mr. Darrell Cain for achieving over 24 years of service at the District and highlighted his career dating back to 1997, when he was hired as the Laboratory Manager. He also acknowledged Mr. Cain's key contributions and his direct contribution to exemplary regulatory compliance and noted that he received the CWEA SF Bay Section 2007 Supervisor of the Year award and was well-respected by his peers, who selected him for the Employee Choice Award for Leadership in 2016. Mr. Eckerson thanked Mr. Cain for his service as a dedicated leader who drove organizational improvement.

The Board thanked Mr. Cain for his service to the District and wished him well in retirement. Vice Chair Wilson moved approval to adopt a Resolution commending and congratulating Darrell Cain, Laboratory Manager, on his retirement from the District, seconded by Director Banales and by roll call vote (*Ayes: Banales, Glover, Wilson, Noes: None, Abstain: None*), the Resolution was adopted.

Adopt Resolution Commending and Congratulating Tim Hammett, Collection Systems Worker II, on His Retirement from the District

Mr. Eckerson recognized Mr. Tim Hammett for achieving over 28 years of service at the District and highlighted his career dating back to 1993, when he was hired as a Utility Laborer and promoted to Collection Systems Worker II in March 2005. He acknowledged Mr. Hammett's key contributions, noting that he directly supported preventive maintenance and inspection of the District's wastewater collection system and was involved in development of the collection system preventive maintenance program, asset management-based programs, sanitary sewer management plan, and underground services alert response program. Mr. Eckerson thanked Mr. Hammett for his service to the District.

The Board thanked Mr. Hammett for his service to the District and wished him well in retirement. Vice Chair Wilson moved approval to adopt a Resolution commending and congratulating Tim Hammett, Collection Systems Worker II, on his retirement from the District, seconded by Director Banales and by roll call vote (*Ayes: Banales, Glover, Wilson, Noes: None, Abstain: None*), the Resolution was adopted.

CONSENT CALENDAR

Vice Chair Wilson moved approval of the Consent Calendar, seconded by Director Banales, and by a roll call vote (*Ayes: Banales, Glover, and Wilson, Noes: None; Absent: None, Abstain: None;*), the following Consent items were approved: Approve Minutes of the Regular Board of Directors Meeting, September 8, 2021; Approve Minutes of the Special Board of Directors Meeting, September 17, 2021; Receive District Monthly Check Register for August 2021; Receive Fiscal Year 2020/2021 Report on Surplus District Property; Receive Annual Report on Collection of Capital Facilities Capacity Charges for Fiscal Year 2020/2021; Authorize General Manager to Approve Contract Change Orders in an Amount Not to Exceed 19% of the Contract Amount, for a New Total Authorization of \$3,233,230; and Accept and Authorize General



Manager to File Notice of Completion, W.M. Lyles Co., Primary Clarifier Area Improvements, Project No.17140; Receive Delta Household Hazardous Waste Collection Facility Fiscal Year 2020/2021 Report; Authorize General Manager to Execute Amendment No. 1 to General Services Contract in the Amount of \$36,400 for a New Total Contract Amount Not to Exceed \$136,399, Liebert Cassidy Whitmore, Labor Negotiation Services; and Receive Report on National Pollutant Discharge Elimination System Permit Violations

#### DELIBERATION

Consider Adopting a Resolution to Authorize the Board of Directors, in all its Capacities, and its Subcommittees, to Conduct Teleconference Meetings under Government Code Section 54953(e) and Make Related Findings; Determine that These Bodies Will Hold Virtual Meetings for the Next 30 Days; and Direct the General Manager to Return This Matter to the Board for Reconsideration as to All Bodies Covered by the Resolution

Ms. Nichols-Fritzler presented an overview of Government Code Section 54953(e) and the key provisions of AB 361, which recently amended the teleconferencing provision of the Brown Act effective October 1, 2021. She noted the requirements that the District must follow regarding agenda posting, instructions on how to access the meeting and provide public comment, options for attending a meeting via a call-in or internet-based service option, and Board conduct of meetings in a manner that protects the constitutional and statutory rights of the public. In addition, she noted if there is a disruption in the meeting, the Board must stop the meeting until public access and the ability to comment is restored.

The Board thanked Ms. Nichols-Fritzler for the presentation. Director Banales moved approval to adopt a Resolution to Authorize the Board of Directors, in all its Capacities, and its Subcommittees, to Conduct Teleconference Meetings under Government Code Section 54953(e) and Make Related Findings; Determine that These Bodies Will Hold Virtual Meetings for the Next 30 Days; and Direct the General Manager to Return This Matter to the Board for Reconsideration as to All Bodies Covered by the Resolution, seconded by Vice Chair Wilson, and by roll call vote (*Ayes: Banales, Glover, Wilson, Noes: None, Abstain: None*), the Resolution was adopted.

Consider Implementation of a Mandatory COVID-19 Vaccination Policy for All District Employees, and Consider Making Related Findings in Support Thereof; and Consider Adopting a Resolution Confirming Existence of a COVID-19 Emergency and Authorizing General Manager to Contract for Supplies and Services

Mr. Eckerson provided an overview on the District's mitigation efforts to date, discussed employee COVID-19 cases, and highlighted vulnerability to potential outbreak and operational disruption. In addition, he discussed the District's low overall vaccination rate, compared to the District's service area and peer agencies, and extremely low vaccination rate in critical work groups that are essential to the District's core mission of protecting public health and the environment. Mr. Eckerson highlighted that the District's vaccination rate has plateaued for several months despite full FDA approval of a COVID-19 vaccine on August 23, 2021. He stated that the District has already implemented a vaccination requirement for new employees, effective September 26, 2021 (subject to medical or religious exemptions).

Mr. Eckerson noted that the Delta variant, which represents 95% of cases, caused a severe rise in infections, hospitalizations, and deaths in the county over the past two months, and that unvaccinated individuals represent greater than 90% of individuals in these categories.





In support of the Board's consideration of a mandatory vaccination policy at the District, Mr. Eckerson reviewed key policy considerations, including an effective date, implementation of associated disciplinary actions for non-compliance, legal obligations to provide medical or religious exemptions and/or accommodations, not providing a regular testing alternative to vaccination, labor relations obligations, and potential for operational disruption. In closing, Mr. Eckerson requested that the Board consider proposed actions related to a mandatory vaccination policy at the District.

Chair Glover thanked Mr. Eckerson for the presentation and requested public comments on the item.

Mr. Jeff Navarrete (Chair, Operations and Maintenance Bargaining Unit) addressed the Board and expressed his strong opposition to the policy, noting potential impacts on loss of key staff who are essential to the District's 24/7 operations and meeting regulatory compliance needs. He also stated that staff does not feel appreciated by the District.

Mr. Phillips addressed the Board and restated his concerns as described in his earlier public comment. He further expressed concern that this process was not transparent and occurred without staff engagement. Mr. Phillips stated this would impact the District's 24/7 operations because there is a limited number of qualified staff to perform critical jobs and there have been recent staff recruiting challenges. He added that he hoped the Board would reconsider the policy, as well as the entire process.

Shawn Redmond (Maintenance Mechanic II, Delta Diablo) inquired regarding the data source for the Delta variant information referenced in the presentation. Mr. Eckerson responded he cited data from Contra Costa Health Services and the Centers for Disease Control and Prevention.

Following public comment, Chair Glover acknowledged the public comments and assured staff that they are very much appreciated by the District. He stated that, as a policymaker, he believes the vaccine mandate is the best way to keep employees and members of the public safe. Chair Glover noted that he strongly supports a mandatory vaccination policy with exemptions for certain categories.

Vice Chair Wilson concurred with Chair Glover's comments and cited her support for the vaccine mandate. She inquired regarding the meet and confer process with the bargaining units. Mr. Eckerson noted the District would engage with the three bargaining units regarding the impacts of the policy, if implementation of a policy is directed by the Board.

Director Banales commented that while he appreciates the perspectives of his colleagues and understands the need to increase vaccination rates, he would prefer an incentive program before mandating vaccinations. He recognizes the serious operational challenges with maintaining highly-skilled positions with a tight labor market. Director Banales further stated that this topic is not taken lightly, and there is a lot of consideration that goes into making this decision.

The Board thanked Mr. Eckerson for the presentation. Chair Glover moved approval to: 1) Direct Staff to Prepare, Execute, and Implement a Mandatory COVID-19 Vaccination Policy for All District Employees with an Effective Date of December 1, 2021, with Associated Disciplinary Actions for Non-Compliance, and Regular Testing as an Alternative for Approved Religious and Medical Exemptions Only, and Engage in an Associated Meet and Confer Process with the Labor Bargaining Units regarding the Impacts of This Policy; and Make Related Findings in



Support Thereof; and 2) Adopt a Resolution to Confirm the Existence of a State and Local Emergency related to COVID-19 and Authorizing the General Manager to Contract for Services during the Emergency (under Government Code Section 53021), seconded by Vice Chair Wilson, and by roll call vote (*Ayes: Glover, Wilson, Noes: Banales, Abstain: None*), the Resolution was adopted.

#### PRESENTATION AND REPORTS

None.

#### MANAGER'S COMMENTS

Mr. De Lange thanked the Board for their careful consideration of Item F/2. He also thanked staff members for attending the meeting and addressing the Board with their viewpoints. Mr. De Lange noted that he understands the potential for operational impacts and will be working to address these concerns, while seeking positive outcomes for the District. He acknowledged staff and their dedication and commitment to meeting operational needs during the pandemic.

#### DIRECTORS' COMMENTS

None.

#### CORRESPONDENCE

Receive Monthly Lobbyist Report dated August 2021, Key Advocates, Inc., Western Recycled Water Coalition, Project No. 90024

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. No comments were made. At 5:47 p.m., Chair Glover convened the Board of Directors meeting to Closed Session. Following Closed Session, Chair Glover reconvened the Board of Directors meeting in open session at 6:07 p.m. and stated there was nothing to report from Closed Session.

#### ADJOURNMENT

Chair Glover adjourned the meeting at 6:08 p.m. and noted the next meeting will be held on November 10, 2021, at 4:30 p.m.

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Juan Banales  
Board Secretary

(Recording Secretary:  
Cecelia Nichols-Fritzler)



November 17, 2021

**DRAFT MEETING NOTES**

**BOARD OF DIRECTORS PERSONNEL COMMITTEE MEETING  
DELTA DIABLO  
(a California Special District)**

**2500 Pittsburg-Antioch Highway | Antioch, CA 94509**  
**(Note: There will be no in-person meeting at the District.)**  
**WEDNESDAY, NOVEMBER 10, 2021**  
**4:30 P.M.**

The Personnel Committee meeting was called to order by Alternate Committee Chair Juan Banales, on Wednesday, November 10, 2021 at 4:30 p.m. via Zoom. Present on the call were Vince De Lange, General Manager; Carol Margetich, Business Services Director; Dean Eckerson, Resource Recovery Services Director; Brian Thomas, Engineering Services Director/District Engineer; and Cecelia Nichols-Fritzler, Office Manager/Secretary to the Board.

Alternate Committee Chair Banales read the following statement: “In lieu of a public gathering, the Board of Directors Personnel Committee 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 the process for receiving public comments.

**PUBLIC COMMENT**

None.

**REVIEW AND COMMENT ON HUMAN RESOURCES AND RISK MANAGEMENT  
PROFESSIONAL/RETIRED ANNUITANT CLASSIFICATION, JOB DESCRIPTION,  
AND SALARY SCHEDULE**

Ms. Margetich provided an overview of the current structure of human resources functions and staffing at the District, noting that the Human Resources and Risk Manager position will be vacant on December 18, 2021 due to a planned retirement. She highlighted the need to create a Human Resources and Risk Manager Professional/Retired Annuitant (RA) position to support effective organizational transition and meet District needs. Ms. Margetich reviewed CalPERS requirements for creating an RA position, including a Board-approved classification, job description, and salary schedule. She noted that exemptions are currently available for two CalPERS requirements (180-day waiting period for CalPERS retirees and 960-hour limit per fiscal year) under Executive Order N-12-21.

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to the Committee members less than 72 hours prior to that meeting are available for public inspection on the District website at [www.deltadiablo.org](http://www.deltadiablo.org)

Alternate Committee Chair Banales asked if the District has an active recruitment, which Ms. Margetich confirmed. Mr. De Lange added that creating an RA position would provide flexibility to the District depending on resource needs. Alternate Committee Chair Banales stated that he would like staff to return to the Board for approval prior to utilizing the exemption to the 960-hour limit in a given fiscal year. Mr. De Lange confirmed that the Board communication would clearly state this requirement.

Alternate Committee Chair Banales thanked staff for the presentation and recommended submitting this item for consideration to the Board on November 17, 2021.

**ADJOURNMENT**

The meeting was adjourned by Alternate Committee Chair Banales at 4:42 p.m.

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to the Committee members less than 72 hours prior to that meeting are available for public inspection on the District website at [www.deltadiablo.org](http://www.deltadiablo.org)





**ITEM E/3**

November 17, 2021

RECEIVE DISTRICT MONTHLY CHECK REGISTER, SEPTEMBER 2021

**Recommendation**

Receive District Monthly Check Register for the month ending September 30, 2021.

**Background Information**

Attached is the Check Register for the month of September 2021. The report reflects payments to the District's suppliers, consultants, service providers, and contractors. A total of \$1,686,464.56 was disbursed in the month of September 2021, which includes 166 checks.

**Financial Impact**

All payments made during the month are within funding levels included in the adopted Fiscal Year 2021/2022 Budget.

**Attachment**

Check Register for month ending September 30, 2021

Reviewed by:



\_\_\_\_\_  
Carol Margetich  
Business Services Director





**CHECK REGISTER**  
**DELTA DIABLO**  
CASH DISBURSEMENTS FOR THE MONTH OF SEPTEMBER 2021

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
9/2/2021	AFLAC	55717	36127	911.38	INSURANCE	911.38
9/2/2021	ALLIANT INSURANCE SERVICES	55730	36128	1,596.00	GEN INSURANCE VEHICLE	1,596.00
9/2/2021	AT&T	55731	36129	1,977.84	PHONE EXP	1,977.84
9/2/2021	BATTALION ONE FIRE PROTECTION, INC	55722	36130	4,710.00	TEST, CLEAN AND NSPECT FIRE PROTECTION SYSTEMS	4,710.00
9/2/2021	BUCKLES-SMITH. AKA ALLIED ELECTRIC	55737	36131	608.81	INVENTORY	608.81
9/2/2021	CALTEST ANALYTICAL LABORATORY	55564	36132	660.60	PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE	660.60
9/2/2021	FRESCHI AIR SYSTEMS	55700 55733	36133	2,848.00 20,450.25	CONTRACTED SERVICES FOR DISTRICT HVAC COP LUNCHROOM HVAC9006 REPLACEMENT	23,298.25
9/2/2021	GOLDEN STATE WATER CO.	55707 55708	36134	780.02 1,418.80	AC# 32249200000 AC# 07744100004	2,198.82
9/2/2021	GRANITE CONSTRUCTION	55711	36135	2,500.00	REFUND - HYDRANT METER DEPOSIT	2,500.00
9/2/2021	JM SQUARED & ASSOCIATES INC.	55701	36136	22,590.98	P101 REPAIR PARTS	22,590.98
9/2/2021	JW BACKHOE & CONSTRUCTION, INC	55632 55633 55634	36137	18,138.85 2,932.50 13,646.74	BR DGEHEAD FM TEMPORARY BYPASS BR DGEHEAD FM TEMPORARY BYPASS BR DGEHEAD FM TEMPORARY BYPASS	34,718.09
9/2/2021	KEY ADVOCATES INC.	55724	36138	7,083.33	FEDERAL ADVOCACY FOR WRWC PN	7,083.33
9/2/2021	KOA HILLS CONSULTING LLC.	55546	36139	1,006.25	ERP FUNCTIONALITY MPROVEMENTS	1,006.25
9/2/2021	MANAGED HEALTH NETWORK	55729	36140	374.50	EAP	374.50
9/2/2021	MCCAMPBELL ANALYTICAL, INC.	55702 55703 55704	36141	575.00 578.00 578.00	CONTRACT LAB SUPPORT FOR PRETREATMENT CONTRACT LAB SUPPORT FOR PRETREATMENT CONTRACT LAB SUPPORT FOR PRETREATMENT	1,731.00
9/2/2021	PACIFIC GAS & ELECTRIC COMPANY	55695 55696 55709	36142	52,329.64 70,236.51 66,313.18	A/C# 48350916754 AC# 48871739628 Ac# 5138050344-4	188,879.33
9/2/2021	PACIFIC WATER RESOURES	55663	36143	1,401.18	INVENTORY	1,401.18
9/2/2021	PAN PACIFIC SUPPLY CO.	55739	36144	400.00	W98 ASSET# HE8803O# C1361	400.00
9/2/2021	CITY OF PITTSBURG	55705	36145	852.85	UTILIT ES	852.85
9/2/2021	PLATT ELECTRIC SUPPLY INC	55568	36146	909.41	SAPS PUMP REPLACEMENT PROJECT ELECTRICAL PARTS	909.41
9/2/2021	SANTA CLARA SYSTEMS	55738	36147	920.47	INVENTORY	920.47
9/2/2021	SEMITORR GROUP INC	55664	36148	690.59	INVENTORY	690.59
9/2/2021	STANDARD INSURANCE COMPANY	55699	36149	3,733.66	L FE & LTD INS	3,733.66

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
9/2/2021	THATCHER COMPANY OF CALIFORNIA, INC		36150			16,786.44
		55712		3,344.30	ALUMINUM SULFATE	
		55713		3,345.74	ALUMINUM SULFATE	
		55714		3,357.37	ALUMINUM SULFATE	
		55715		3,387.47	ALUMINUM SULFATE	
		55716		3,351.56	ALUMINUM SULFATE	
9/2/2021	UNIFIRST CORPORATION		36151			341.85
		55646		128.50	UNIFORM/ LAUNDRY SERVICE	
		55647		181.61	UNIFORM/ LAUNDRY SERVICE	
		55648		31.74	UNIFORM/ LAUNDRY SERVICE	
9/2/2021	UNIVAR USA INC		36152			13,568.86
		55718		3,555.76	SODIUM HYPOCHLORITE	
		55719		2,902.29	SODIUM BISULFITE	
		55720		3,556.08	SODIUM HYPOCHLORITE	
		55721		3,554.73	SODIUM HYPOCHLORITE	
9/2/2021	USA BLUEBOOK		36153			789.01
		55654		337.01	INVENTORY	
		55736		452.00	INVENTORY	
9/2/2021	VERIZON WIRELESS		36154			2,474.60
		55732		2,474.60	PHONE EXP	
9/2/2021	VISION SERVICE PLAN		36155			1,671.07
		55697		(31.27)	COBRA SEPT	
		55698		1,702.34	VISION INS	
9/9/2021	ALHAMBRA & SIERRA SPRGS WATER		36156			269.01
		55779		269.01	BOTTLED WATER SERVICE	
9/9/2021	BACKFLOW DISTRIBUTORS, INC.		36157			4,900.48
		55798		2,125.84	4 INCH BACKFLOW ASSEMBLY FOR ASSET# BP2402	
		55799		2,125.84	4" BACKFLOW ASSEMBLY TO REPLACE ASSET# BP9001	
		55800		648.80	2" WILKINS BACKFLOW TO REPLACE ASSET# BP9002	
9/9/2021	BARTEL ASSOCIATES, LLC		36158			5,500.00
		55749		4,000.00	ACTUARIAL SERVICES FY 2020-2022	
		55750		1,500.00	ACTUARIAL SERVICES FY 2020-2022	
9/9/2021	BAY AREA CLEAN WATER AGENCIES		36159			74,756.28
		55780		74,756.28	M&D	
9/9/2021	CALTEST ANALYTICAL LABORATORY		36160			960.30
		55668		960.30	PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINCE	
9/9/2021	CLEAN EARTH ENVIRONMENTAL SOLUTIONS, INC		36161			90,111.37
		55808		49,169.06	PROVIDE TRANS/DISPOSAL/LABOR FOR HHW & TEMP EVENTS	
		55809		40,942.31	PROVIDE TRANS/DISPOSAL/LABOR FOR HHW & TEMP EVENTS	
9/9/2021	CORELOGIC INFORMATION SOLUTIONS, INC		36162			165.00
		55795		165.00	REALQUEST PROPERTY NFORMATION	
9/9/2021	DEPT OF GENERAL SERVICES		36163			21,351.63
		55777		21,351.63	UTILIT ES	
9/9/2021	JEFF IMACHI		36164			82.00
		55746		82.00	RE MBURSEMENT	
9/9/2021	INFERRERA CONSTRUCTION MANAGEMENT GROUP INC.		36165			102,713.19
		55753		43,704.80	CSC PN 80008 (17128, 17129, 17	
		55754		40,031.36	CSC PN 80008 (17128, 17129, 17	
		55755		18,977.03	CSC PN 80008 (17128, 17129, 17	
9/9/2021	JW BACKHOE & CONSTRUCTION, INC		36166			4,035.36
		55635		4,035.36	BR DGEHEAD FM TEMPORARY BYPASS	
9/9/2021	KEENAN & ASSOCIATES		36167			936.00
		55803		936.00	VIRTUAL BENEFIT FAIR	
9/9/2021	MDRR PITTSBURG		36168			3,241.45
		55761		3,241.45	AC# 10-0031550	
9/9/2021	PACIFIC GAS & ELECTRIC COMPANY		36169			403.24
		55788		345.15	UTILIT ES	
		55789		58.09	UTILIT ES	
9/9/2021	PSOMAS		36170			40,252.50
		55762		40,252.50	CONSTRUCTION MANAGEMENT SERVICES	

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
9/9/2021	PUBLIC EMPLOYEES UNION	3163375	36171	1,235.15	UNION DUES P&T	1,235.15
9/9/2021	PUBLIC EMPLOYEES UNION	3163275	36172	3,479.26	UNION DUES O&M	3,479.26
9/9/2021	RH TECHNOLOGY	55740 55741 55742 55743 55744	36173	2,706.48 4,510.80 4,510.80 4,510.80 4,510.80	O/S TEMP O/S TEMP O/S TEMP O/S TEMP O/S TEMP	20,749.68
9/9/2021	ROCKWELL SOLUTIONS INC.	55652	36174	1,090.92	INVENTORY	1,090.92
9/9/2021	SIERRA OFFICE SUPPLY & PRINTING	55797	36175	17.81	OFFICE SUPPL ES	17.81
9/9/2021	CA STATE DISBURSEMENT UNIT	CS9648336	36176	750.00	GARNISHMENT	750.00
9/9/2021	SUBTRONIC CORP.	55658	36177	1,440.00	USA FOR BRACKISH WATER DESALINATION PN 90079	1,440.00
9/9/2021	STACY TUCKER	55747 55748	36178	32.34 44.34	RE MBURSEMENT RE MBURSEMENT	76.68
9/9/2021	UNIFIRST CORPORATION	55649 55650 55651	36179	128.50 181.61 31.74	UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE	341.85
9/9/2021	UNIVAR USA INC	55807 55812	36180	3,556.79 6,208.86	SODIUM HYPOCHLORITE SODIUM BISULFITE	9,765.65
9/9/2021	ZORO TOOLS, INC	55778	36181	1,258.26	INVENTORY	1,258.26
9/16/2021	STEVEN F. ALBRECHT	55871	36182	2,000.00	SAFETY TRAINING	2,000.00
9/16/2021	JUAN AREVALO	55826	36183	58.47	RE MBURSEMENT	58.47
9/16/2021	BASIC BENEFITS, LLC	55860	36184	85.00	FSA	85.00
9/16/2021	CALTEST ANALYTICAL LABORATORY	55670 55671 55672 55673	36185	336.60 523.80 349.20 1,405.50	PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINE	2,615.10
9/16/2021	CONCENTRA/OCCUPATIONAL HEALTH CENTERS	55873	36186	108.00	OCCUP SAFETY	108.00
9/16/2021	CONSOLIDATED ELECTRIC DIST INC	55847	36187	414.86	INVENTORY	414.86
9/16/2021	CONTRA COSTA HEALTH SERVICES	55874	36188	5,229.00	PERMIT & REGULATORY FEE	5,229.00
9/16/2021	CONTRA COSTA WATER DISTRICT	55829	36189	47.92	UTILIT ES	47.92
9/16/2021	COUNTY RECORDER	55855	36190	50.00	NOE FOR PROJ# 17139	50.00
9/16/2021	DIABLO WATER DISTRICT	55830	36191	151.65	UTILIT ES	151.65
9/16/2021	DXP ENTERPRISES, INC	55681 55682	36192	2,856.00 4,641.00	MECHANIC LABOR BACKF LL FROM 5/14/21 TO 6/30/21 MECHANIC LABOR BACKF LL FROM 5/14/21 TO 6/30/21	7,497.00
9/16/2021	ELECTRONIC INNOVATION INC.	55706	36193	885.60	INVENTORY	885.60
9/16/2021	FASTENAL COMPANY	55813	36194	183.72	INVENTORY	183.72

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
9/16/2021	FEDERAL EXPRESS	55872	36195	168.25	POSTAGE	168.25
9/16/2021	FLYERS ENERGY LLC	55849	36196	3,013.27	NET15 TEMPORARY TANK RENTAL AND FUEL NG PN19112	3,163.27
		55850		150.00	NET15 TEMPORARY TANK RENTAL AND FUEL NG PN19112	
9/16/2021	HUNT & SONS INC	55862	36197	3,058.43	D ESEL FUEL # 2	3,058.43
9/16/2021	IN SHAPE HEALTH CLUBS	55839	36198	922.96	GYM	922.96
9/16/2021	KENNEDY/JENKS CONSULTANTS INC.	55840	36199	3,206.75	ASSET MANAGEMENT PROGRAM DEVELOPMENT PN 19109	3,206.75
9/16/2021	KOA HILLS CONSULTING LLC.	55757	36200	437.50	MUNIS CONTRACT SERVICES	2,100.00
		55758		1,662.50	ERP FUNCTIONALITY MPROVEMENTS	
9/16/2021	LEGAL SHIELD	55832	36201	122.15	LEGAL MERMBERSHIPS	122.15
9/16/2021	MCCAMPBELL ANALYTICAL, INC.	55815	36202	782.60	CONTRACT LAB SUPPORT FOR PRETREATMENT	2,225.50
		55816		273.80	CONTRACT LAB SUPPORT FOR PRETREATMENT	
		55817		273.80	CONTRACT LAB SUPPORT FOR PRETREATMENT	
		55818		782.60	CONTRACT LAB SUPPORT FOR PRETREATMENT	
		55819		112.70	CONTRACT LAB SUPPORT FOR PRETREATMENT	
9/16/2021	MCMASTER CARR SUPPLY CO	55810	36203	822.57	INVENTORY	822.57
9/16/2021	NEW IMAGE LANDSCAPE COMPANY	55865	36204	2,563.00	LANDSCAPE SERVICES	2,563.00
9/16/2021	POLYDYNE INC	55841	36205	14,539.68	LIQUID POLYMER	14,539.68
9/16/2021	PSOMAS	55725	36206	32,359.41	CONSTRUCTION MGMT & NSPECTION PN 17117	32,359.41
9/16/2021	REPUBLIC SERVICES #210	55851	36208	3,557.77	WASTE	4,664.90
		55852		1,107.13	WASTE	
9/16/2021	RH TECHNOLOGY	55859	36209	3,608.64	O/S TEMP	3,608.64
9/16/2021	THATCHER COMPANY OF CALIFORNIA, INC	55842	36210	3,348.65	ALUMINUM SULFATE	9,942.72
		55843		3,300.67	ALUMINUM SULFATE	
		55844		3,293.40	ALUMINUM SULFATE	
9/16/2021	TRANSENE COMPANY, INC.	55831	36211	4,142.67	INVENTORY	4,142.67
9/16/2021	TRI-VALLEY JANITORIAL SERVICE & SUPPLY INC,	55864	36212	9,336.00	NIGHTLY JANITORIAL SERVICES	18,672.00
		55868		9,336.00	NIGHTLY JANITORIAL SERVICES	
9/16/2021	UNIVAR USA INC	55845	36213	3,555.76	SODIUM HYPOCHLORITE	9,812.82
		55846		6,257.06	SODIUM BISULFITE	
9/16/2021	V.W. HOUSEN & ASSOCIATES, INC.	55726	36214	41,336.00	ENGINEERING DESIGN SVS APS & CONVEYANCE PN 20121	41,336.00
9/16/2021	WORLD OIL ENVIRONMENTAL SERVICES	55836	36215	85.00	DELTA DIABLO HAZARDOUS WASTE PICK-UPS	398.17
		55837		268.17	DELTA DIABLO HAZARDOUS WASTE PICK-UPS	
		55838		45.00	DELTA DIABLO HAZARDOUS WASTE PICK-UPS	
9/16/2021	ZORO TOOLS, INC	55659	36216	4,229.68	LOCKSETS FOR POC BUILD NG DOORS	4,229.68

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
9/23/2021	ALPHA MEDIA II LLC	55734	36217	750.00	RADIO ADS BY KUIC FOR POLLUTION PREVENTION	750.00
9/23/2021	CITY OF ANTIOCH- WATER	55906 55907 55908 55909 55910 55911 55912	36218	189.20 1,563.48 94.60 94.60 72.76 94.60 4,711.14	AC# 004-01510 AC#004-01513 AC# 013-00021 AC# 013-00022 AC# 013-00023 AC# 013-00024 AC# 013-00110	6,820.38
9/23/2021	AQUA METRIC SALES COMPANY	55926 55933	36219	1,206.04 444.26	RW METERS TO REPLACE EXIST NG OLD STYLE METERS RECYCLED WATER SENSUS METER REGISTER REPLACEMENT	1,650.30
9/23/2021	MICHAEL AUER	55902	36220	178.46	RE MBURSEMENT OCTOBER	178.46
9/23/2021	MICHAEL BAKALDIN	55903	36221	178.46	RE MBURSEMENT OCTOBER	178.46
9/23/2021	BARNETT MEDICAL SERVICES, LLC	55888 55890 55891 55929	36222	195.00 234.00 195.00 663.00	HHW-SHARPS/PHARMACEUTICAL TRANSPORTATION/DISPOSAL HHW-SHARPS/PHARMACEUTICAL TRANSPORTATION/DISPOSAL HHW-SHARPS/PHARMACEUTICAL TRANSPORTATION/DISPOSAL HHW-SHARPS/PHARMACEUTICAL TRANSPORTATION/DISPOSAL	1,287.00
9/23/2021	BATTALION ONE FIRE PROTECTION, INC	55892	36223	2,385.00	5-YR SPRINKLER SYSTEM INSPECTION REPA RS	2,385.00
9/23/2021	C.W.ROEN CONSTRUCTION COMPANY	55822	36224	60,695.50	CONSTRUCTION SVCS. HEADWORKS IMPROVEMENTS PN 17117	60,695.50
9/23/2021	CALIFORNIA BANK OF COMMERCE	55823	36225	3,194.50	RETENTION	3,194.50
9/23/2021	CALIFORNIA PRODUCT STEWARDSHIP COUNCIL	55925	36226	1,164.50	ASSIST WITH MPLEMENTATION OF CALRECYCLE GRANT -	1,164.50
9/23/2021	CALTEST ANALYTICAL LABORATORY	55781 55782 55783	36227	436.50 839.70 353.58	PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINCE PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINCE PROVIDE LAB TESTING FOR NPDES PERMIT COMPLAINCE	1,629.78
9/23/2021	CDW GOVERNMENT, INC.	55917 55918 55919 55922	36228	1,117.95 1,341.44 200.95 1,075.90	IT EQUIPMENT REPLACEMENT IT EQUIPMENT REPLACEMENT IT EQUIPMENT REPLACEMENT DISTRICT NETWORK UPGRADES	3,736.24
9/23/2021	CENTRITEK	55914 55923	36229	7,332.06 7,332.06	OVERHAUL CENTRIFUGE ASSET # 8201 SIMP GEAR OVERHAUL CENTRIFUGE SIMP GEAR ASSET # 8202	14,664.12
9/23/2021	COMCAST BUSINESS COMMUNICATIONS, LLC	55916	36230	1,096.72	PHONE EXP	1,096.72
9/23/2021	CROPPER ACCOUNTANCY CORP	55751	36231	5,600.00	AUDIT SERVICES FOR FYE 06/30/2021	5,600.00
9/23/2021	CUPERTINO ELECTRIC, INC	55820	36232	163,333.40	CONSTRUCTION SERVICES FOR PROJECT NO. 17120	163,333.40
9/23/2021	DARRIN G. STANLEY	55875 55876	36233	3,500.00 6,200.00	ASPHALT AND CURB FOR GATE NORTH-WEST SIDE OF WWTP ASPHALT AND CURB FOR GATE NORTH-WEST SIDE OF WWTP	9,700.00
9/23/2021	DU-ALL SAFETY, LLC	55893	36234	1,200.00	MOBILE EQUIPMENT TRA N NG	1,200.00



CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
9/23/2021	FASTENAL COMPANY		36235			1,252.65
		55935		488.60	MAINTENANCE CONSUMABLE ITEMS	
		55936		452.20	MAINTENANCE CONSUMABLE ITEMS	
		55941		311.85	MAINTENANCE CONSUMABLE ITEMS	
9/23/2021	MICHAEL CRAMBLIT FOSTER		36236			3,578.18
		55784		739.30	1/4 TURN BALL VALVE FOR BIO HEADER	
		55785		2,838.88	DISCHARGE CHECK VALVES FOR CP8901, 8903, & 8904	
9/23/2021	HAZEN & SAWYER		36237			47,395.00
		55745		47,395.00	RESOURCE RECOVERY FACILITY MASTER PLAN PN 18120	
9/23/2021	JW BACKHOE & CONSTRUCTION, INC		36238			12,461.12
		55723		3,270.60	BR DGEHEAD FM TEMPORARY BYPASS	
		55927		9,190.52	BR DGEHEAD FM TEMPORARY BYPASS	
9/23/2021	KEMIRA WATER SOLUTIONS, INC.		36239			11,003.98
		55877		5,365.35	FERROUS CHLORIDE	
		55878		5,638.63	FERROUS CHLORIDE	
9/23/2021	CELIA KITCHELL		36240			145.00
		55898		145.00	RE MBURSEMENT CWEA DUES	
9/23/2021	KOA HILLS CONSULTING LLC.		36241			1,837.50
		55759		1,837.50	ERP FUNCTIONALITY MPROVEMENTS	
9/23/2021	LEE & RO, INC.		36242			47,797.00
		55760		47,797.00	DESIGN SERVICES DUR NG CONSTRUCTION	
9/23/2021	LIEBERT, CASSIDY, WHITMORE		36243			6,163.54
		55928		1,800.00	Labor Negotiations Services	
		55930		792.00	Labor Negotiations Services	
		55931		3,533.54	Labor Negotiations Services	
		55932		38.00	Labor Negotiations Services	
9/23/2021	LYSTEK INTERNATIONAL LIMITED		36244			4,072.10
		55814		4,072.10	BIOSOL DS DISPOSAL	
9/23/2021	MSC INDUSTRIAL SUPPLY CO. INC.		36245			570.41
		55811		570.41	INVENTORY	
9/23/2021	NEW IMAGE LANDSCAPE COMPANY		36246			2,563.00
		55866		2,563.00	LANDSCAPE SERVICES	
9/23/2021	PACIFIC INFRASTRUCTURE		36247			35,928.53
		55905		35,928.53	SODIUM BISULFITE TANKS REPLACEMENT PROJECT	
9/23/2021	ABEL PALACIO		36248			1,105.21
		55900		1,105.21	RE MBURSEMENT OCTOBER	
9/23/2021	THE SEGAL COMPANY		36249			3,347.50
		55763		3,347.50	Total Compensation Study Services	
9/23/2021	TERRY SPURGEON		36250			332.20
		55904		332.20	RE MBURSEMENT OCTOBER	
9/23/2021	CA STATE DISBURSEMENT UNIT		36251			750.00
		CS9648337		750.00	GARNISHMENT	
9/23/2021	STATE WATER RESOURCES		36252			150.00
		55913		150.00	F. RUBIO CERT RENEWAL	
9/23/2021	STREAMLINE		36253			550.00
		55728		550.00	SOFTWARE	
9/23/2021	SYNAGRO WEST, LLC		36254			58,714.21
		55863		58,714.21	BIOSOL DS HAULING	
9/23/2021	THATCHER COMPANY OF CALIFORNIA, INC		36255			16,746.19
		55879		3,357.37	ALUMINUM SULFATE	
		55880		3,344.30	ALUMINUM SULFATE	
		55881		3,350.11	ALUMINUM SULFATE	
		55882		3,350.11	ALUMINUM SULFATE	
		55883		3,344.30	ALUMINUM SULFATE	
9/23/2021	TRI-VALLEY JANITORIAL SERVICE & SUPPLY INC,		36256			10,141.99
		55869		9,336.00	NIGHTLY JANITORIAL SERVICES	
		55870		805.99	NIGHTLY JANITORIAL SERVICES	
9/23/2021	UNITED TEXTILE INC.		36257			729.47
		55824		729.47	INVENTORY	
9/23/2021	UNIVAR USA INC		36258			16,840.02
		55884		6,171.39	SODIUM BISULFITE	
		55885		3,556.00	SODIUM HYPOCHLORITE	
		55886		3,556.87	SODIUM HYPOCHLORITE	
		55887		3,555.76	SODIUM HYPOCHLORITE	

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
9/23/2021	USA BLUEBOOK	55834	36259	1,152.82	INVENTORY	1,152.82
9/23/2021	WM LYLES COMPANY	55934	36260	36,812.50	CONSTRUCTION SERVICES PN 80008	36,812.50
9/23/2021	WORKERS.COM	55924 55938 55939 55940	36261	1,879.20 381.48 1,525.91 1,879.20	Temp Labor service for Utility worker Temp Labor service for Utility worker Temp Labor service for Utility worker Temp Labor service for Utility worker	5,665.79
9/23/2021	YORKE ENGINEERING, LLC	55727	36262	4,928.75	AIR QUALITY SUPPORT, COMPLIANCE ASSISTANCE	4,928.75
9/30/2021	AFLAC	55984	36263	879.90	INSURANCE	879.90
9/30/2021	ARCO BUSINESS SOLUTIONS	55972	36264	12.72	FUEL/GAS	12.72
9/30/2021	AT&T	55971	36265	1,890.11	PHONE EXP	1,890.11
9/30/2021	BRENTWOOD PRESS	55959	36266	539.00	AD	539.00
9/30/2021	CDW GOVERNMENT, INC.	55943 55944 55945	36267	2,357.20 1,589.97 21,258.00	DISTRICT NETWORK UPGRADES LARGE FORMAT MONITOR FOR MAINT LIB AND OPS. IT EQUIPMENT REPLACEMENT	25,205.17
9/30/2021	CHAIN LINK FENCE & SUPPLY, INC	55946	36268	6,840.57	WILBUR AVE NEW 24' GATE TO ACCESS PG&E PROPERTY	6,840.57
9/30/2021	CME LIGHTING SUPPLY INC.	55974	36269	4,897.05	POC EXTERIOR LIGHTING UPGRADE	4,897.05
9/30/2021	FASTENAL COMPANY	55949 55950 55951 55961	36270	164.78 84.95 114.68 415.58	MAINTENANCE CONSUMABLE ITEMS MAINTENANCE CONSUMABLE ITEMS MAINTENANCE CONSUMABLE ITEMS MAINTENANCE CONSUMABLE ITEMS	779.99
9/30/2021	MICHAEL CRAMBLIT FOSTER	55963	36271	1,831.74	INVENTORY	1,831.74
9/30/2021	HARRINGTON PLASTICS INC	55952 55958	36272	217.95 1,174.26	BR NE SYSTEM MODIFICATIONS BR NE SYSTEM MODIFICATIONS	1,392.21
9/30/2021	IB CONSULTING, LLC	55964 55965	36273	8,200.00 3,075.00	DATA REQUEST, REVIEW AND ANALYSIS DATA REQUEST, REVIEW AND ANALYSIS	11,275.00
9/30/2021	JW BACKHOE & CONSTRUCTION, INC	55853	36274	18,138.85	BR DGEHEAD FM TEMPORARY BYPASS	18,138.85
9/30/2021	KOA HILLS CONSULTING LLC.	55825	36275	875.00	ERP FUNCTIONALITY MPROVEMENTS	875.00
9/30/2021	MANAGED HEALTH NETWORK	55983	36276	363.80	EAP	363.80
9/30/2021	NATIONAL ASSOC OF CLEAN WATER AGENCIES	55861	36277	13,205.00	M&D DISTRICT W DE	13,205.00
9/30/2021	NWN CORPORATION	55970	36278	4,170.80	PHONE EXPENSE	4,170.80
9/30/2021	OMNI ALARM SOLUTIONS INC.	55968	36279	1,632.00	OPERATING EXPENSE	1,632.00
9/30/2021	PACIFIC GAS & ELECTRIC COMPANY	55899 55993	36280	(19,813.23) 66,621.89	CREDIT AC# 5138050344-4	46,808.66
9/30/2021	PATTERSON LIFT TRUCKS, INC.	55994	36281	511.83	REPLACEMENT OF HORN ON VEHICLE 49(FORKLIFT)	511.83
9/30/2021	PITTSBURG WINSUPPLY	55956	36282	908.63	FITTINGS FOR RWF DISTR BUTION LINE ARV'S	908.63
9/30/2021	CITY OF PITTSBURG	55960	36283	836.80	UTILIT ES	836.80

CHECK DATE	VENDOR NAME	INVOICE NO.	CHECK NO.	INVOICE AMOUNT	DESCRIPTION	CHECK AMOUNT
9/30/2021	QUENVOLD'S	55894	36284	142.61	SAFETY SHOES- M. GOTTSALL	142.61
9/30/2021	RH TECHNOLOGY	55955	36285	4,510.80	O/S TEMP	4,510.80
9/30/2021	TAC AMERICAS, INC.	55995 55996 55997 55998 55999	36286	1,646.11 1,646.11 1,646.11 1,695.49 1,695.49	POC HVAC SERVICE/ REPA RS POC HVAC SERVICE/ REPA RS POC HVAC SERVICE/ REPA RS POC HVAC SERVICE/ REPA RS POC HVAC SERVICE/ REPA RS	8,329.31
9/30/2021	STREAMLINE	55967	36287	550.00	SUBSCRIPTION	550.00
9/30/2021	JAYNE STROMMER	55957	36288	154.21	TRAVEL RE MBURSEMENT	154.21
9/30/2021	TYLER TECHNOLOGIES, INC.	55969	36289	2,608.00	MUNIS PERMITS AND CODE ENFORCEMENT MODULE	2,608.00
9/30/2021	UNIFIRST CORPORATION	55975 55976 55977 55986 55987 55988 55989 55990 55992	36290	155.56 123.46 208.67 181.61 31.74 31.74 181.61 31.74 150.52	UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE UNIFORM/ LAUNDRY SERVICE	1,096.65
9/30/2021	USA BLUEBOOK	55835	36291	1,712.81	INVENTORY	1,712.81
9/30/2021	VISION SERVICE PLAN	55985	36292	1,696.45	VISION INSURANCE	1,696.45
9/30/2021	ROBERT WRIGHT	55978	36293	15.74	RE MBURSEMENT AFLAC	15.74
<b>GRAND TOTAL</b>						<b><u>1,686,464.56</u></b>

November 17, 2021

ADOPT RESOLUTION COMMENDING AND CONGRATULATING LEEANN KNIGHT,  
ADMINISTRATIVE ASSISTANT III, ON HER RETIREMENT FROM THE DISTRICT

**Recommendation**

Adopt Resolution commending and congratulating Ms. LeeAnn Knight, Administrative Assistant III, on her retirement from the District.

**Background Information**

Ms. Knight began her career with the District on April 11, 2012 as an Administrative Assistant II and was promoted to Administrative Assistant III in February 2018.

**Analysis**

Ms. Knight retired on November 13, 2021, after serving over nine years with the District. She was instrumental in providing administrative support to department directors, division managers, and staff across the District. During her tenure, Ms. Knight demonstrated a strong aptitude for researching and implementing a problem-solving approach. She served as part of a workgroup responsible for the California Water Environment Association (CWEA) Plant of the Year application and submittal process in 2012 and 2016. In addition, Ms. Knight provided support to the Senior Administrative Assistant/Records Specialist during implementation of new records management systems. Prior to her retirement, Ms. Knight assisted with a comprehensive records cleanup project, which included updating information, processing voluminous records for destruction, and performing additional cleanup and organization of thousands of pages of documents.

Ms. Knight is well respected among her peers and made a positive impact, both professionally and personally, with her coworkers. The District wishes her well in her future endeavors.

**Financial Impact**

None

**Attachments**

Resolution Commending and Congratulating LeeAnn Knight on Her Retirement

Prepared by: \_\_\_\_\_



Cecelia Nichols-Fritzler  
Office Manager/Secretary to the Board

cc: Ms. LeeAnn Knight  
District File BRD.01-ACTS



BEFORE THE BOARD OF DIRECTORS  
OF  
DELTA DIABLO

Re: **Commending and Congratulating** )  
**LeeAnn Knight on Her** )  
**Retirement from the District** )

RESOLUTION NO. 17/2021

THE BOARD OF DIRECTORS OF DELTA DIABLO HAS DETERMINED THAT:

WHEREAS, Ms. LeeAnn Knight served the District from April 2012 until her retirement on November 13, 2021, which is a period of over nine years; and

WHEREAS, during that period, she held the positions of Administrative Assistant II and Administrative Assistant III; and

WHEREAS, she provided outstanding support to department directors, division managers, and staff across the District;

WHEREAS, she was a valuable part of a workgroup responsible for the application and submittal process for the California Water Environment Association (CWEA) Plant of the Year award in 2012 and 2016; and

WHEREAS, she was instrumental in comprehensive records management projects, which included updating information, processing voluminous records for destruction, and performing additional cleanup and organization of thousands of pages of documents; and

WHEREAS, Ms. Knight is well respected among her peers and made a positive impact, both professionally and personally, and will be greatly missed at the District.

NOW THEREFORE, the Board of Directors of Delta Diablo DOES HEREBY RESOLVE AND ORDER as follows:

**Ms. LeeAnn Knight is hereby commended and thanked for over nine years of outstanding service and dedication to the District. The Board of Directors and staff wish her well in all her future endeavors.**

PASSED AND ADOPTED on November 17, 2021, by the following vote:

AYES:  
NOES:

ABSENT:  
ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on November 17, 2021.

ATTEST:  
Board Secretary

By: \_\_\_\_\_



November 17, 2021

ADOPT RESOLUTION TO APPROVE NEW HUMAN RESOURCES AND RISK MANAGEMENT PROFESSIONAL/RETIRED ANNUITANT CLASSIFICATION, JOB DESCRIPTION, AND UPDATED DISTRICT SALARY SCHEDULE

**Recommendation**

Adopt resolution to approve a new Human Resources and Risk Management Professional/Retired Annuitant (RA) classification, job description, and updated District Salary Schedule, as required by the California Public Employees' Retirement System (CalPERS).

**Background Information**

The Human Resources Division, which administers the District's human resources and risk management activities under the direction of the Business Services Department Director, is managed by the Human Resources and Risk Manager. Because this position will be vacant effective December 18, 2021 due to a planned retirement, staff recommends creating a Human Resources and Risk Management Professional/RA position to meet short-term workload and staffing needs, support organizational improvement, and provide support to Human Resources Division staff. This RA position would allow the District to maintain its human resources and risk management functions while completing the recruitment and onboarding process for a new Human Resources and Risk Manager. In addition, staff may utilize temporary and contract services to provide short-term, specialized assistance for specific projects.

The Human Resources and Risk Management Professional/RA position is highly technical and requires in-depth knowledge of human resources and risk management directly related to special districts. The District requires this specialized, temporary assistance (up to 960 hours per fiscal year) to perform high-level human resources and risk management duties, including policies and procedures conformance, contract management for risk management providers, and support for Human Resources Division staff. This position will also support implementation of organizational improvements and completion of special project assignments, as needed.

Subject to certain requirements, CalPERS allows the District to employ CalPERS retirees (known as "retired annuitants [RAs]") without reinstating the retiree in CalPERS as an active member. CalPERS regulations stipulate the following conditions under which an RA may be employed without reinstatement:

- § The RA may only be hired into a position designated as a retired annuitant position (not any other full- or part-time position). The RA has skills needed to perform work of a limited duration.
- § The RA must wait 180 days after their retirement date before returning to work for a CalPERS employer (this requirement is currently suspended by Executive Order N-12-21 [9/13/21]).
- § The compensation must be according to an established pay rate for a classification on the agency's salary schedule.
- § The retired annuitant cannot receive any other compensation or benefits and does not accrue service credit or any additional retirement rights or benefits.



§ The retired annuitant is limited without exception, to a maximum of 960 hours within a fiscal year (July 1 to June 30) (although this requirement is currently suspended by Executive Order N-12-21 [9/13/21], staff would return to the Board for approval before utilizing this exemption [see discussion below at Personnel Committee on November 10, 2021]).

To comply with CalPERS regulations, the Board of Directors must designate and approve, by Resolution, a job description and salary range for the Human Resources and Risk Management Professional/RA classification before the District can hire an RA. The job description defines the classification, outlines essential duties, qualifications, education, experience, and certification requirements, and identifies working conditions to successfully perform the work.

The Human Resources and Risk Management Professional/RA classification is a non-represented, exempt, limited duration, classification and does not include benefits (other than those statutorily required by law). In accordance with CalPERS regulations, this position would have an hourly compensation rate within the range paid to other employees performing comparable functions, which is the Human Resources and Risk Manager salary range.

On November 10, 2021, staff reviewed the proposed new classification, job description, and salary schedule with the Personnel Committee, which recommended consideration, with one exception, of this item at the Board Meeting on November 17, 2021. Alternate Committee Chair Banales stated that he would like staff to return to the Board for approval prior to utilizing the exemption to the 960-hour limit in a given fiscal year under Executive Order N-12-21.

#### Financial Impacts

Sufficient funding is available in the adopted Fiscal Year 2021/2022 Budget.

#### Attachment

1. Resolution to Approve New Human Resources and Risk Management Professional/RA Classification, Job Description, and Updated District Salary Schedule
2. Delta Diablo Personnel Committee Agenda for November 10, 2021 without attachments

Reviewed by: \_\_\_\_\_



Carol Margetich  
Business Services Director



**BEFORE THE BOARD OF DIRECTORS OF  
DELTA DIABLO**

**Re: Approving New Human Resources and ) **Resolution No. 18/2021**  
Risk Management Professional/Retired Annuitant )  
Classification, Job Description, and District )  
Salary Schedule )**

THE BOARD OF DIRECTORS OF DELTA DIABLO HAS HEREBY DETERMINED THAT:

WHEREAS, the Board of Directors has authority to establish job classifications and salary ranges, and provide for the General Manager to define and establish duties and requirements for each classification; and

WHEREAS, the District has a need to hire temporary employees to perform high-level human resources and risk management functions; and

WHEREAS, temporary employees may be California Public Employees' Retirement System (CalPERS) retired annuitants, who, subject to certain requirements under CalPERS, need not be reinstated in CalPERS during their employment with the District; and

WHEREAS, the District has determined that a temporary Human Resources and Risk Management Professional/Retired Annuitant classification should be established to comply with CalPERS requirements applicable to retired annuitants employed by the District without reinstatement; and

WHEREAS, the new job description and salary range for Human Resources and Risk Management Professional/Retired Annuitant has been added to the District's Salary Schedule; and

WHEREAS, CalPERS requires the updated Salary Schedule to be posted on the District's website.

NOW THEREFORE, the Board of Directors of Delta Diablo DOES HEREBY RESOLVE AND ORDER as follows:

1. The Human Resources and Risk Management Professional/Retired Annuitant classification, job description, and updated District Salary Schedule are approved.
2. The updated District Salary Schedule as stated in this Resolution shall become effective on November 17, 2021 and shall be posted on the District's website.

PASSED AND ADOPTED on November 17, 2021, by the following vote:

AYES:

ABSENT:

NOES:

ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on November 17, 2021.

ATTEST: Juan Banales  
Board Secretary

By: \_\_\_\_\_

**Exhibits:** A. Job Description  
B. Updated District Salary Schedule



## **HUMAN RESOURCES AND RISK MANAGEMENT PROFESSIONAL/RETIRED ANNUITANT**

### **DEFINITION**

Under general administrative direction, performs complex human resources and risk management functions and special projects.

### **DISTINGUISHING CHARACTERISTICS**

This is a confidential, single-position, management-level classification. The incumbent performs duties related to a wide range of human resources and risk management activities, including analyzing, organizing, and implementing initiatives related to the full range of human resources functions, which requires independent judgment, initiative, and communication skills to inform senior management and other department managers, as appropriate. This classification requires discretion to work with confidential and sensitive information on a regular basis.

### **SUPERVISION RECEIVED AND EXERCISED**

Under general administrative direction from the Business Services Director and may receive direction from the General Manager. This classification does not directly supervise employees but may act as a leader for assigned District teams and projects, and as such, may coordinate or oversee the work of other District staff directly related to the assigned activity.

### **TYPICAL DUTIES**

Duties and responsibilities may include, but are not limited to, the following:

- Assist with management level human resources activities related to recruitment and selection, classification and compensation, training and development and performance management.
- Review existing human resources and risk management policies and procedures and recommend new ones consistent with current legal standards. Recommend implementation approach and necessary training.
- Provide consultation support to senior management on highly complex human resources issues.
- Assist with the development and implementation of classification and compensation studies and the performance management program.
- Perform special Human Resources projects as assigned.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

#### **Knowledge of:**

- General intent and specific application of federal, state, and local laws and regulations applicable to employment and risk management practices at a public agency.
- Specific functions, operating principles, and practices of applying multiple statutory, regulatory, and policy provisions to specific personnel issues and circumstances.
- Techniques used in conducting prevailing practice and compensation surveys, forecasting personnel costs, and developing positions for negotiation of labor agreements.
- Principles of equal employment opportunity recruitment and examination.



## **Delta Diablo Human Resources and Risk Management Professional/Retired Annuitant**

- Techniques for performance evaluation systems and scheduling.
- General requirements of employment benefit programs.
- Employee background investigation practices.
- Techniques for assessing training needs; and scheduling programs and monitoring effects.
- Principles and practices for conducting knowledge and skills examinations.
- Legal requirements for maintaining confidential personnel records.

### **Skills and Abilities to:**

- Interpret and apply the general intent and specific provisions of multiple laws and regulations to particular conditions.
- Apply professional personnel principles and practices to specific issues.
- Evaluate, plan, and establish a sequence of actions for multiple work projects to progress simultaneously.
- Provide and present verbal and written direction and advice to a wide variety of people.
- Communicate ideas and assert a point of view in controversial situations.
- Establish and maintain open and honest communications with co-workers at all levels in the organization.
- Exhibit and instill a high public service priority in communications with others.
- Perform mathematical and statistical calculations common to compensation and benefits, salary and wage setting, and public agency budget work.

### **QUALIFYING TRAINING AND EXPERIENCE**

A combination of training and experience that demonstrates an individual has obtained the required knowledge and is able to perform the required work (with reasonable accommodation if needed). A person with the following combined training and experience would most likely qualify to compete in a selection process:

**Education:** Equivalent to a Bachelor's Degree from an accredited college or university with major course work in Human Resources Management, Organizational Development, Business or Public Administration, Social or Behavioral Science, Risk Management, or a closely related field.

**Experience:** Seven (7) years of increasingly responsible experience performing human resources administration and risk management duties, with at least three (3) years at the management level involving employee and labor relations.

### **Licenses and Certifications:**

A valid California Class C driver's license and insurability under the District's driving program must always be maintained.

### **PHYSICAL DEMANDS**

The physical demands and work environment described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.



- Work in normal office environment with controlled lighting and ventilation and moderate noise levels. May be required to work outside of normal business hours as operational needs dictate or to respond to emergency personnel situations.
- Periodic travel may be required for training and other business purposes.
- Frequent sitting for prolonged periods while using computer and standard office equipment (scanner, copier, telephone, typewriter, fax machine); intermittently twisting and reaching to operate other equipment without incapacitating adverse effects.
- Occasionally transport, lift, and otherwise safely handle objects weighing up to twenty-five (25) pounds.
- Occasionally reach above shoulder level to access or place files, paperwork, or binders and related items on and off overhead cabinets.
- Periodic kneeling, bending and/or stooping to retrieve or place documents, files, and/or boxes on and off lower shelves, drawers, or ground level.

**EMPLOYMENT CONDITIONS**

Fair Labor Standards Act Classification:      Exempt from overtime under the administrative exemption

Collective Bargaining Representation Unit:      N/A

Job Specifications Approved By:      Board of Directors on (insert date here)

Appointment and Removal Authority:      General Manager

Amended and Approved by:      N/A

**DELTA DIABLO SALARY RANGES (Effective November 17, 2021)****Section I - Operations & Maintenance Bargaining Unit**

RANGE	CLASSIFICATIONS	Note	Monthly Salary at Step Level									
			A	B	C	D	E	F	G	H	I	J
OM 120	Utility Laborer	00	\$5,998.07	\$6,148.02	\$6,301.72	\$6,459.27	\$6,620.75	\$6,786.27	\$6,955.92	\$7,129.82	\$7,308.07	\$7,490.77
		01	\$6,148.02	\$6,301.72	\$6,459.27	\$6,620.75	\$6,786.27	\$6,955.92	\$7,129.82	\$7,308.07	\$7,490.77	\$7,678.04
		02	\$6,297.97	\$6,455.42	\$6,616.81	\$6,782.23	\$6,951.78	\$7,125.58	\$7,303.72	\$7,486.31	\$7,673.47	\$7,865.31
OM 124	Maintenance Mechanic Trainee; Maintenance Worker; WWTP Operator-In-Training;	00	\$6,280.57	\$6,437.59	\$6,598.53	\$6,763.49	\$6,932.58	\$7,105.89	\$7,283.54	\$7,465.63	\$7,652.27	\$7,843.57
		01	\$6,437.59	\$6,598.53	\$6,763.49	\$6,932.58	\$7,105.89	\$7,283.54	\$7,465.63	\$7,652.27	\$7,843.57	\$8,039.66
		02	\$6,594.60	\$6,759.46	\$6,928.45	\$7,101.66	\$7,279.20	\$7,461.18	\$7,647.71	\$7,838.91	\$8,034.88	\$8,235.75
OM 126	Electrical/Instrumentation Technician Trainee	00	\$6,451.19	\$6,612.47	\$6,777.78	\$6,947.22	\$7,120.90	\$7,298.93	\$7,481.40	\$7,668.43	\$7,860.14	\$8,056.65
		01	\$6,612.47	\$6,777.78	\$6,947.22	\$7,120.90	\$7,298.93	\$7,481.40	\$7,668.43	\$7,860.14	\$8,056.65	\$8,258.06
		02	\$6,773.75	\$6,943.09	\$7,116.67	\$7,294.58	\$7,476.95	\$7,663.87	\$7,855.47	\$8,051.86	\$8,253.15	\$8,459.48
OM 130	Warehouse Technician I	00	\$6,597.90	\$6,762.85	\$6,931.92	\$7,105.22	\$7,282.85	\$7,464.92	\$7,651.54	\$7,842.83	\$8,038.90	\$8,239.87
		01	\$6,762.85	\$6,931.92	\$7,105.22	\$7,282.85	\$7,464.92	\$7,651.54	\$7,842.83	\$8,038.90	\$8,239.87	\$8,445.87
		02	\$6,927.79	\$7,100.99	\$7,278.51	\$7,460.48	\$7,646.99	\$7,838.16	\$8,034.12	\$8,234.97	\$8,440.85	\$8,651.87
OM 134	Collection Systems Worker I; Maint. Mech. I; WWTP Operator I; Household Hazardous Waste Tech I;	00	\$6,908.64	\$7,081.36	\$7,258.39	\$7,439.85	\$7,625.85	\$7,816.49	\$8,011.91	\$8,212.20	\$8,417.51	\$8,627.95
		01	\$7,081.36	\$7,258.39	\$7,439.85	\$7,625.85	\$7,816.49	\$8,011.91	\$8,212.20	\$8,417.51	\$8,627.95	\$8,843.65
		02	\$7,254.07	\$7,435.43	\$7,621.31	\$7,811.84	\$8,007.14	\$8,207.32	\$8,412.50	\$8,622.81	\$8,838.38	\$9,059.34
OM 140	Electrical/Instrumentation Technician I	00	\$7,096.29	\$7,273.70	\$7,455.54	\$7,641.93	\$7,832.98	\$8,028.80	\$8,229.52	\$8,435.26	\$8,646.14	\$8,862.30
		01	\$7,273.70	\$7,455.54	\$7,641.93	\$7,832.98	\$8,028.80	\$8,229.52	\$8,435.26	\$8,646.14	\$8,862.30	\$9,083.85
		02	\$7,451.11	\$7,637.38	\$7,828.32	\$8,024.03	\$8,224.63	\$8,430.24	\$8,641.00	\$8,857.02	\$9,078.45	\$9,305.41
OM 142	Collection Systems Worker II; Maint. Mech. II; Warehouse Technician II; WWTP Operator II; Household Hazardous Waste Tech. II	00	\$7,599.53	\$7,789.52	\$7,984.26	\$8,183.87	\$8,388.46	\$8,598.17	\$8,813.13	\$9,033.46	\$9,259.29	\$9,490.77
		01	\$7,789.52	\$7,984.26	\$8,183.87	\$8,388.46	\$8,598.17	\$8,813.13	\$9,033.46	\$9,259.29	\$9,490.77	\$9,728.04
		02	\$7,979.51	\$8,179.00	\$8,383.47	\$8,593.06	\$8,807.88	\$9,028.08	\$9,253.78	\$9,485.13	\$9,722.26	\$9,965.31
OM 150	Electrical/Instrumentation Technician II	00	\$7,805.17	\$8,000.30	\$8,200.31	\$8,405.31	\$8,615.45	\$8,830.83	\$9,051.60	\$9,277.89	\$9,509.84	\$9,747.59
		01	\$8,000.30	\$8,200.31	\$8,405.31	\$8,615.45	\$8,830.83	\$9,051.60	\$9,277.89	\$9,509.84	\$9,747.59	\$9,991.28
		02	\$8,195.43	\$8,400.31	\$8,610.32	\$8,825.58	\$9,046.22	\$9,272.37	\$9,504.18	\$9,741.79	\$9,985.33	\$10,234.97
OM 152	Collection Systems Worker III; Maint. Mech. III; WWTP Operator III; Household Hazardous Waste Tech. III;	00	\$8,359.55	\$8,568.54	\$8,782.75	\$9,002.32	\$9,227.38	\$9,458.06	\$9,694.51	\$9,936.87	\$10,185.30	\$10,439.93
		01	\$8,568.54	\$8,782.75	\$9,002.32	\$9,227.38	\$9,458.06	\$9,694.51	\$9,936.87	\$10,185.30	\$10,439.93	\$10,700.93
		02	\$8,777.52	\$8,996.96	\$9,221.89	\$9,452.43	\$9,688.74	\$9,930.96	\$10,179.24	\$10,433.72	\$10,694.56	\$10,961.93
OM 156	Electrical/Instrumentation Technician III Control Systems Specialist	00	\$8,586.53	\$8,801.19	\$9,021.22	\$9,246.75	\$9,477.92	\$9,714.87	\$9,957.74	\$10,206.68	\$10,461.85	\$10,723.40
		01	\$8,801.19	\$9,021.22	\$9,246.75	\$9,477.92	\$9,714.87	\$9,957.74	\$10,206.68	\$10,461.85	\$10,723.40	\$10,991.48
		02	\$9,015.86	\$9,241.25	\$9,472.28	\$9,709.09	\$9,951.82	\$10,200.61	\$10,455.63	\$10,717.02	\$10,984.94	\$11,259.57
OM 158	WWTP Senior Operator	00	\$8,777.50	\$8,996.94	\$9,221.86	\$9,452.41	\$9,688.72	\$9,930.94	\$10,179.21	\$10,433.69	\$10,694.53	\$10,961.90
		01	\$8,996.94	\$9,221.86	\$9,452.41	\$9,688.72	\$9,930.94	\$10,179.21	\$10,433.69	\$10,694.53	\$10,961.90	\$11,235.95
		02	\$9,216.38	\$9,446.79	\$9,682.96	\$9,925.03	\$10,173.16	\$10,427.49	\$10,688.17	\$10,955.38	\$11,229.26	\$11,509.99
OM 160	WWTP Senior Operator - Grade IV/V Maintenance Planner Schedule	00	\$9,040.87	\$9,266.89	\$9,498.57	\$9,736.03	\$9,979.43	\$10,228.92	\$10,484.64	\$10,746.76	\$11,015.42	\$11,290.81
		01	\$9,266.89	\$9,498.57	\$9,736.03	\$9,979.43	\$10,228.92	\$10,484.64	\$10,746.76	\$11,015.42	\$11,290.81	\$11,573.08
		02	\$9,492.92	\$9,730.24	\$9,973.49	\$10,222.83	\$10,478.40	\$10,740.36	\$11,008.87	\$11,284.09	\$11,566.20	\$11,855.35

\*Notes: 00 = base range; 01 = base range plus 2.5% longevity adjustment upon completion of ten (10) years of service; 02 = base range plus 5% longevity adjustment upon completion of fifteen (15) years of service.

Approved: \_\_\_\_\_ **Juan Banales, Board Secretary**

Date: \_\_\_\_\_

**DELTA DIABLO SALARY RANGES (Effective November 17, 2021)**

**Section II - Professional & Technical Bargaining Unit**

RANGE	CLASSIFICATIONS	Note	Monthly Salary at Step Level									
			A	B	C	D	E	F	G	H	I	J
P 109	Administrative Assistant I	00	\$5,275.87	\$5,407.77	\$5,542.96	\$5,681.54	\$5,823.57	\$5,969.16	\$6,118.39	\$6,271.35	\$6,428.14	\$6,588.84
		01	\$5,407.77	\$5,542.96	\$5,681.54	\$5,823.57	\$5,969.16	\$6,118.39	\$6,271.35	\$6,428.14	\$6,588.84	\$6,753.56
		02	\$5,539.66	\$5,678.16	\$5,820.11	\$5,965.61	\$6,114.75	\$6,267.62	\$6,424.31	\$6,584.92	\$6,749.54	\$6,918.28
P 117	Administrative Assistant II	00	\$5,803.45	\$5,948.53	\$6,097.25	\$6,249.68	\$6,405.92	\$6,566.07	\$6,730.22	\$6,898.47	\$7,070.94	\$7,247.71
		01	\$5,948.53	\$6,097.25	\$6,249.68	\$6,405.92	\$6,566.07	\$6,730.22	\$6,898.47	\$7,070.94	\$7,247.71	\$7,428.90
		02	\$6,093.62	\$6,245.96	\$6,402.11	\$6,562.16	\$6,726.21	\$6,894.37	\$7,066.73	\$7,243.40	\$7,424.48	\$7,610.09
P 118	Account Clerk I	00	\$5,895.48	\$6,042.86	\$6,193.94	\$6,348.78	\$6,507.50	\$6,670.19	\$6,836.95	\$7,007.87	\$7,183.07	\$7,362.64
		01	\$6,042.86	\$6,193.94	\$6,348.78	\$6,507.50	\$6,670.19	\$6,836.95	\$7,007.87	\$7,183.07	\$7,362.64	\$7,546.71
		02	\$6,190.25	\$6,345.01	\$6,503.63	\$6,666.22	\$6,832.88	\$7,003.70	\$7,178.79	\$7,358.26	\$7,542.22	\$7,730.77
P 126	Administrative Assistant III	00	\$6,485.00	\$6,647.12	\$6,813.30	\$6,983.64	\$7,158.23	\$7,337.18	\$7,520.61	\$7,708.63	\$7,901.34	\$8,098.88
	Account Clerk II	01	\$6,647.12	\$6,813.30	\$6,983.64	\$7,158.23	\$7,337.18	\$7,520.61	\$7,708.63	\$7,901.34	\$8,098.88	\$8,301.35
		02	\$6,809.25	\$6,979.48	\$7,153.97	\$7,332.82	\$7,516.14	\$7,704.04	\$7,896.64	\$8,094.06	\$8,296.41	\$8,503.82
P 128	Human Resources Assistant	00	\$6,416.75	\$6,577.17	\$6,741.60	\$6,910.14	\$7,082.89	\$7,259.96	\$7,441.46	\$7,627.50	\$7,818.18	\$8,013.64
		01	\$6,577.17	\$6,741.60	\$6,910.14	\$7,082.89	\$7,259.96	\$7,441.46	\$7,627.50	\$7,818.18	\$8,013.64	\$8,213.98
		02	\$6,737.59	\$6,906.03	\$7,078.68	\$7,255.64	\$7,437.03	\$7,622.96	\$7,813.53	\$8,008.87	\$8,209.09	\$8,414.32
P 129	Laboratory Technician	00	\$6,867.63	\$7,039.33	\$7,215.31	\$7,395.69	\$7,580.58	\$7,770.10	\$7,964.35	\$8,163.46	\$8,367.55	\$8,576.73
		01	\$7,039.33	\$7,215.31	\$7,395.69	\$7,580.58	\$7,770.10	\$7,964.35	\$8,163.46	\$8,367.55	\$8,576.73	\$8,791.15
		02	\$7,211.02	\$7,391.29	\$7,576.07	\$7,765.48	\$7,959.61	\$8,158.60	\$8,362.57	\$8,571.63	\$8,785.92	\$9,005.57
P 130	Sr. Admin. Asst./Records Specialist	00	\$7,133.53	\$7,311.86	\$7,494.66	\$7,682.03	\$7,874.08	\$8,070.93	\$8,272.70	\$8,479.52	\$8,691.51	\$8,908.80
		01	\$7,311.86	\$7,494.66	\$7,682.03	\$7,874.08	\$8,070.93	\$8,272.70	\$8,479.52	\$8,691.51	\$8,908.80	\$9,131.52
		02	\$7,490.20	\$7,677.46	\$7,869.39	\$8,066.13	\$8,267.78	\$8,474.48	\$8,686.34	\$8,903.50	\$9,126.08	\$9,354.23
P 135	Accounting Technician	00	\$7,133.72	\$7,312.06	\$7,494.86	\$7,682.24	\$7,874.29	\$8,071.15	\$8,272.93	\$8,479.75	\$8,691.74	\$8,909.04
		01	\$7,312.06	\$7,494.86	\$7,682.24	\$7,874.29	\$8,071.15	\$8,272.93	\$8,479.75	\$8,691.74	\$8,909.04	\$9,131.76
		02	\$7,490.40	\$7,677.67	\$7,869.61	\$8,066.35	\$8,268.01	\$8,474.71	\$8,686.57	\$8,903.74	\$9,126.33	\$9,354.49
P 141	Engineering Technician	00	\$7,465.29	\$7,651.92	\$7,843.22	\$8,039.30	\$8,240.28	\$8,446.29	\$8,657.44	\$8,873.88	\$9,095.73	\$9,323.12
		01	\$7,651.92	\$7,843.22	\$8,039.30	\$8,240.28	\$8,446.29	\$8,657.44	\$8,873.88	\$9,095.73	\$9,323.12	\$9,556.20
		02	\$7,838.55	\$8,034.51	\$8,235.38	\$8,441.26	\$8,652.29	\$8,868.60	\$9,090.32	\$9,317.57	\$9,550.51	\$9,789.28
P 143	Accountant	00	\$7,847.94	\$8,044.14	\$8,245.24	\$8,451.37	\$8,662.66	\$8,879.22	\$9,101.20	\$9,328.73	\$9,561.95	\$9,801.00
		01	\$8,044.14	\$8,245.24	\$8,451.37	\$8,662.66	\$8,879.22	\$9,101.20	\$9,328.73	\$9,561.95	\$9,801.00	\$10,046.03
		02	\$8,240.34	\$8,446.34	\$8,657.50	\$8,873.94	\$9,095.79	\$9,323.18	\$9,556.26	\$9,795.17	\$10,040.05	\$10,291.05
P 145	Chemist I	00	\$7,897.75	\$8,095.20	\$8,297.58	\$8,505.02	\$8,717.64	\$8,935.58	\$9,158.97	\$9,387.95	\$9,622.65	\$9,863.21
	Environ. Compliance Specialist I	01	\$8,095.20	\$8,297.58	\$8,505.02	\$8,717.64	\$8,935.58	\$9,158.97	\$9,387.95	\$9,622.65	\$9,863.21	\$10,109.79
		02	\$8,292.64	\$8,499.96	\$8,712.46	\$8,930.27	\$9,153.53	\$9,382.36	\$9,616.92	\$9,857.35	\$10,103.78	\$10,356.37

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\*Notes: 00 = base range; 01 = base range plus 2.5% longevity adjustment upon completion of ten (10) years of service; 02 = base range plus 5% longevity adjustment upon completion of fifteen (15) years of service.

Approved: \_\_\_\_\_

**Juan Banales, Board Secretary**

Date: \_\_\_\_\_

RANGE	CLASSIFICATIONS	Note	Monthly Salary at Step Level									
			A	B	C	D	E	F	G	H	I	J
P 146	Junior Engineer	00	\$7,915.92	\$8,113.82	\$8,316.66	\$8,524.58	\$8,737.69	\$8,956.13	\$9,180.04	\$9,409.54	\$9,644.78	\$9,885.90
		01	\$8,113.82	\$8,316.66	\$8,524.58	\$8,737.69	\$8,956.13	\$9,180.04	\$9,409.54	\$9,644.78	\$9,885.90	\$10,133.04
		02	\$8,311.71	\$8,519.51	\$8,732.49	\$8,950.81	\$9,174.58	\$9,403.94	\$9,639.04	\$9,880.01	\$10,127.02	\$10,380.19
P 147	Program Analyst I	00	\$8,279.53	\$8,486.51	\$8,698.68	\$8,916.14	\$9,139.05	\$9,367.52	\$9,601.71	\$9,841.75	\$10,087.80	\$10,339.99
		01	\$8,486.51	\$8,698.68	\$8,916.14	\$9,139.05	\$9,367.52	\$9,601.71	\$9,841.75	\$10,087.80	\$10,339.99	\$10,598.49
		02	\$8,693.50	\$8,910.84	\$9,133.61	\$9,361.95	\$9,596.00	\$9,835.90	\$10,081.80	\$10,333.84	\$10,592.19	\$10,856.99
P 148	Construction Inspector Buyer	00	\$8,316.64	\$8,524.56	\$8,737.67	\$8,956.12	\$9,180.02	\$9,409.52	\$9,644.76	\$9,885.88	\$10,133.02	\$10,386.35
		01	\$8,524.56	\$8,737.67	\$8,956.12	\$9,180.02	\$9,409.52	\$9,644.76	\$9,885.88	\$10,133.02	\$10,386.35	\$10,646.01
		02	\$8,732.48	\$8,950.79	\$9,174.56	\$9,403.92	\$9,639.02	\$9,880.00	\$10,127.00	\$10,380.17	\$10,639.67	\$10,905.67
P 152	Chemist II Environ. Compliance Specialist II	00	\$8,687.61	\$8,904.80	\$9,127.42	\$9,355.61	\$9,589.50	\$9,829.24	\$10,074.97	\$10,326.84	\$10,585.01	\$10,849.64
		01	\$8,904.80	\$9,127.42	\$9,355.61	\$9,589.50	\$9,829.24	\$10,074.97	\$10,326.84	\$10,585.01	\$10,849.64	\$11,120.88
		02	\$9,122.00	\$9,350.05	\$9,583.80	\$9,823.39	\$10,068.98	\$10,320.70	\$10,578.72	\$10,843.19	\$11,114.27	\$11,392.12
P 154	Computer Analyst Program Analyst II	00	\$9,107.47	\$9,335.16	\$9,568.54	\$9,807.75	\$10,052.95	\$10,304.27	\$10,561.88	\$10,825.92	\$11,096.57	\$11,373.99
		01	\$9,335.16	\$9,568.54	\$9,807.75	\$10,052.95	\$10,304.27	\$10,561.88	\$10,825.92	\$11,096.57	\$11,373.99	\$11,658.34
		02	\$9,562.85	\$9,801.92	\$10,046.97	\$10,298.14	\$10,555.59	\$10,819.48	\$11,089.97	\$11,367.22	\$11,651.40	\$11,942.69
P 156	Chemist III	00	\$9,122.00	\$9,350.05	\$9,583.81	\$9,823.40	\$10,068.99	\$10,320.71	\$10,578.73	\$10,843.20	\$11,114.28	\$11,392.13
		01	\$9,350.05	\$9,583.81	\$9,823.40	\$10,068.99	\$10,320.71	\$10,578.73	\$10,843.20	\$11,114.28	\$11,392.13	\$11,676.94
		02	\$9,578.10	\$9,817.56	\$10,063.00	\$10,314.57	\$10,572.44	\$10,836.75	\$11,107.66	\$11,385.36	\$11,669.99	\$11,961.74
P 158	Purchasing Supervisor	00	\$9,148.31	\$9,377.02	\$9,611.44	\$9,851.73	\$10,098.02	\$10,350.47	\$10,609.23	\$10,874.47	\$11,146.33	\$11,424.99
		01	\$9,377.02	\$9,611.44	\$9,851.73	\$10,098.02	\$10,350.47	\$10,609.23	\$10,874.47	\$11,146.33	\$11,424.99	\$11,710.61
		02	\$9,605.73	\$9,845.87	\$10,092.02	\$10,344.32	\$10,602.92	\$10,868.00	\$11,139.70	\$11,418.19	\$11,703.64	\$11,996.23
P 160	Recycled Water Coordinator	00	\$9,221.04	\$9,451.56	\$9,687.85	\$9,930.05	\$10,178.30	\$10,432.76	\$10,693.57	\$10,960.91	\$11,234.94	\$11,515.81
		01	\$9,451.56	\$9,687.85	\$9,930.05	\$10,178.30	\$10,432.76	\$10,693.57	\$10,960.91	\$11,234.94	\$11,515.81	\$11,803.71
		02	\$9,682.09	\$9,924.14	\$10,172.24	\$10,426.55	\$10,687.21	\$10,954.39	\$11,228.25	\$11,508.96	\$11,796.68	\$12,091.60
P 164	Assistant Engineer	00	\$9,763.83	\$10,007.92	\$10,258.12	\$10,514.58	\$10,777.44	\$11,046.88	\$11,323.05	\$11,606.12	\$11,896.28	\$12,193.68
		01	\$10,007.92	\$10,258.12	\$10,514.58	\$10,777.44	\$11,046.88	\$11,323.05	\$11,606.12	\$11,896.28	\$12,193.68	\$12,498.53
		02	\$10,252.02	\$10,508.32	\$10,771.03	\$11,040.30	\$11,316.31	\$11,599.22	\$11,889.20	\$12,186.43	\$12,491.09	\$12,803.37
P 165	Program Analyst III	00	\$10,018.23	\$10,268.69	\$10,525.40	\$10,788.54	\$11,058.25	\$11,334.71	\$11,618.08	\$11,908.53	\$12,206.24	\$12,511.40
		01	\$10,268.69	\$10,525.40	\$10,788.54	\$11,058.25	\$11,334.71	\$11,618.08	\$11,908.53	\$12,206.24	\$12,511.40	\$12,824.18
		02	\$10,519.14	\$10,782.12	\$11,051.67	\$11,327.97	\$11,611.17	\$11,901.44	\$12,198.98	\$12,503.96	\$12,816.55	\$13,136.97
P 170	Operations Supervisor Maintenance Supervisor	00	\$10,834.99	\$11,105.87	\$11,383.51	\$11,668.10	\$11,959.80	\$12,258.80	\$12,565.27	\$12,879.40	\$13,201.39	\$13,531.42
		01	\$11,105.87	\$11,383.51	\$11,668.10	\$11,959.80	\$12,258.80	\$12,565.27	\$12,879.40	\$13,201.39	\$13,531.42	\$13,869.71
		02	\$11,376.74	\$11,661.16	\$11,952.69	\$12,251.51	\$12,557.79	\$12,871.74	\$13,193.53	\$13,523.37	\$13,861.45	\$14,207.99
P 176	Associate Engineer	00	\$11,323.07	\$11,606.14	\$11,896.30	\$12,193.71	\$12,498.55	\$12,811.01	\$13,131.29	\$13,459.57	\$13,796.06	\$14,140.96
		01	\$11,606.14	\$11,896.30	\$12,193.71	\$12,498.55	\$12,811.01	\$13,131.29	\$13,459.57	\$13,796.06	\$14,140.96	\$14,494.48
		02	\$11,889.22	\$12,186.45	\$12,491.11	\$12,803.39	\$13,123.48	\$13,451.56	\$13,787.85	\$14,132.55	\$14,485.86	\$14,848.01

\*Notes: 00 = base range; 01 = base range plus 2.5% longevity adjustment upon completion of ten (10) years of service; 02 = base range plus 5% longevity adjustment upon completion of fifteen (15) years of service.

Approved: \_\_\_\_\_

Juan Banales, Board Secretary

Date: \_\_\_\_\_

**DELTA DIABLO SALARY RANGES (Effective November 17, 2021)**  
**Section III - Management Association Bargaining Unit**

RANGE	CLASSIFICATIONS	Monthly Salary at Step Level									
		A	B	C	D	E	F	G	H	I	J
M 152	Human Resources Analyst I	\$8,346.86	\$8,555.53	\$8,769.42	\$8,988.66	\$9,213.37	\$9,443.71	\$9,679.80	\$9,921.79	\$10,169.84	\$10,424.08
M 160	Human Resources Analyst II	\$9,181.53	\$9,411.07	\$9,646.34	\$9,887.50	\$10,134.69	\$10,388.06	\$10,647.76	\$10,913.95	\$11,186.80	\$11,466.47
M 165	Senior Accountant	\$9,741.55	\$9,985.09	\$10,234.71	\$10,490.58	\$10,752.85	\$11,021.67	\$11,297.21	\$11,579.64	\$11,869.13	\$12,165.86
M 168	Safety Manager; Purchasing Manager	\$10,120.70	\$10,373.72	\$10,633.06	\$10,898.89	\$11,171.36	\$11,450.64	\$11,736.91	\$12,030.33	\$12,331.09	\$12,639.37
M 176	Public Information Manager	\$11,223.26	\$11,503.84	\$11,791.44	\$12,086.22	\$12,388.38	\$12,698.09	\$13,015.54	\$13,340.93	\$13,674.45	\$14,016.31
M 178	Finance Manager	\$11,939.84	\$12,238.34	\$12,544.30	\$12,857.91	\$13,179.35	\$13,508.84	\$13,846.56	\$14,192.72	\$14,547.54	\$14,911.23
M 179	Environmental Programs Manager	\$12,079.45	\$12,381.44	\$12,690.97	\$13,008.25	\$13,333.45	\$13,666.79	\$14,008.46	\$14,358.67	\$14,717.64	\$15,085.58
M 180	Laboratory Manager	\$12,176.94	\$12,481.36	\$12,793.40	\$13,113.23	\$13,441.06	\$13,777.09	\$14,121.52	\$14,474.55	\$14,836.42	\$15,207.33
M 181	Information Technology Manager	\$12,177.56	\$12,481.99	\$12,794.04	\$13,113.90	\$13,441.74	\$13,777.79	\$14,122.23	\$14,475.29	\$14,837.17	\$15,208.10
M 182	Operations Manager; Maintenance Manager	\$13,083.27	\$13,410.35	\$13,745.61	\$14,089.25	\$14,441.48	\$14,802.52	\$15,172.58	\$15,551.90	\$15,940.69	\$16,339.21
M 188	Senior Engineer	\$13,673.20	\$14,015.03	\$14,365.40	\$14,724.54	\$15,092.65	\$15,469.97	\$15,856.72	\$16,253.14	\$16,659.46	\$17,075.95
M 198	Government Affairs Manager	\$13,809.52	\$14,154.76	\$14,508.63	\$14,871.35	\$15,243.13	\$15,624.21	\$16,014.81	\$16,415.19	\$16,825.56	\$17,246.20
M 200	Principal Engineer	\$14,848.99	\$15,220.22	\$15,600.72	\$15,990.74	\$16,390.51	\$16,800.27	\$17,220.28	\$17,650.78	\$18,092.05	\$18,544.35

Approved: \_\_\_\_\_ **Juan Banales, Board Secretary**

Date: \_\_\_\_\_



**DELTA DIABLO SALARY RANGES (Effective November 17, 2021)**  
**Section IV - Unrepresented Managers**

RANGE	CLASSIFICATIONS	Monthly Salary at Step Level										
		A	B	C	D	E	F	G	H	I	J	
GM	General Manager	-	-	-	-	-	-	-	-	-	-	\$25,081.89
DGM	Deputy General Manager	\$18,511.01	\$18,973.79	\$19,448.13	\$19,934.33	\$20,432.69	\$20,943.51	\$21,467.10	\$22,003.77	\$22,553.87	\$23,117.72	
BSD	Business Services Director	\$16,436.88	\$16,847.80	\$17,268.99	\$17,700.72	\$18,143.23	\$18,596.82	\$19,061.74	\$19,538.28	\$20,026.74	\$20,527.40	
ESD	Engineering Services Director	\$16,436.88	\$16,847.80	\$17,268.99	\$17,700.72	\$18,143.23	\$18,596.82	\$19,061.74	\$19,538.28	\$20,026.74	\$20,527.40	
OSD	Resource Recovery Services Director	\$16,436.88	\$16,847.80	\$17,268.99	\$17,700.72	\$18,143.23	\$18,596.82	\$19,061.74	\$19,538.28	\$20,026.74	\$20,527.40	
HRM	Human Resources & Risk Manager	\$11,633.02	\$11,923.84	\$12,221.94	\$12,527.49	\$12,840.67	\$13,161.69	\$13,490.73	\$13,828.00	\$14,173.70	\$14,528.04	
OMSB	Office Mgr./Secretary to the Board	\$10,120.84	\$10,373.86	\$10,633.21	\$10,899.04	\$11,171.52	\$11,450.80	\$11,737.07	\$12,030.50	\$12,331.26	\$12,639.55	

Note: The General Manager's salary is designated by the Board of Directors; there is no established range

**Approved:** \_\_\_\_\_ **Juan Banales, Board Secretary**

**Date:** \_\_\_\_\_

# DRAFT

## DELTA DIABLO SALARY RANGES (Effective November 17, 2021) Section V - Unrepresented Part-time and Temporary Classifications

RANGE	CLASSIFICATIONS	Hourly Salary at Step Level									
		A	B	C	D	E	F	G	H	I	J
N/A	Co-Op Laboratory	\$15.30	-	-	-	-	-	-	-	-	\$19.11
N/A	Co-Op Maintenance	\$15.30	-	-	-	-	-	-	-	-	\$19.11
N/A	Operations Assistant	\$15.30	-	-	-	-	-	-	-	-	\$19.11
N/A	Engineering Intern	\$15.30	-	-	-	-	-	-	-	-	\$19.11
FPRA	Finance Professional/Retired Annuitant	\$68.89	\$70.61	\$72.37	\$74.18	\$76.04	\$77.94	\$79.89	\$81.88	\$83.93	\$86.03
HRRA	Human Resources and Risk Management Professional/Retired Annuitant	\$67.11	\$68.79	\$70.51	\$72.27	\$74.08	\$75.93	\$77.83	\$79.78	\$81.77	\$83.82
OSRA	Operations Support and Construction Coordinator/Retired Annuitant	\$46.33	\$47.49	\$48.68	\$49.89	\$51.14	\$52.42	\$53.73	\$55.07	\$56.45	\$60.23

Approved: \_\_\_\_\_ Juan Banales, Board Secretary

Date: \_\_\_\_\_

# AGENDA

## BOARD OF DIRECTORS PERSONNEL COMMITTEE MEETING

### DELTA DIABLO (a California Special District)

2500 Pittsburg-Antioch Highway | Antioch, CA 94509  
**(Note: There will be no in-person meeting at the District.)**  
WEDNESDAY, NOVEMBER 10, 2021  
4:30 P.M.

#### A. PUBLIC COMMENT

#### B. REVIEW AND COMMENT ON HUMAN RESOURCES AND RISK MANAGEMENT PROFESSIONAL/RETIRED ANNUITANT CLASSIFICATION, JOB DESCRIPTION, AND SALARY SCHEDULE (Carol Margetich)

#### C. ADJOURNMENT

The District will provide reasonable accommodations for persons with disabilities who plan to participate in Board (or committee) meetings by contacting the Secretary to the Board 24 hours prior to the scheduled meeting at (925) 756-1927. Disclosable public records related to an open session item on a regular meeting agenda and distributed by the District to the Committee members less than 72 hours prior to that meeting are available for public inspection on the District website at [www.deltadiablo.org](http://www.deltadiablo.org)

November 17, 2021

APPROVE AND AUTHORIZE GENERAL MANAGER TO EXECUTE ONE-YEAR GENERAL SERVICES CONTRACT FOR A TOTAL AMOUNT NOT TO EXCEED \$119,032 PER YEAR, INCLUDING ANNUAL EXTENSIONS NOT TO EXCEED FOUR (4) YEARS, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$595,160, FROM NOVEMBER 17, 2021 THROUGH JUNE 30, 2026, JANITORIAL SERVICES, TRI-VALLEY JANITORIAL SERVICE & SUPPLY, INC.

### **Recommendation**

Approve and authorize the General Manager to execute a one-year general services contract, including annual extensions not to exceed four (4) additional one-year periods, with Tri-Valley Janitorial Service & Supply, Inc. (Tri-Valley) to provide janitorial services for a total amount not to exceed \$119,032 per year and a total contract amount not to exceed \$595,160 from November 17, 2021, through June 30, 2026.

### **Background Information**

Janitorial services are workplace health and safety activities performed by the District for its employees, visitors, and customers. A safe and healthful workplace is required by Cal/OSHA and the California Labor Code. This service is effective in maintaining sanitary conditions within the interiors of the District administrative buildings and plant site restrooms/locker rooms. Janitorial services ensure employees and visitors experience clean and sanitary environs when accessing the interior of District facilities.

### **Analysis**

On May 15, 2020, 2021, staff issued a request for proposals (RFP) for interested janitorial service providers to identify possible qualified bidders. The RFP was sent to 21 potential bidders and the District received three responses. The three responders attended the mandatory pre-bid walk around, but Tri-Valley was the only responder to provide a bid.

Tri-Valley is the District's current service provider and continues to provide an acceptable level of service, including: 1) monthly owner meetings with the District contract manager to conduct a facility walk around and review of the services rendered; 2) availability to quickly address additional and emergent requests from the District; and 3) ability to provide additional janitorial service as part of the District's COVID-19 workplace response. These additional services included daily day-time cleaning and disinfecting of commonly touched surfaces, and an increase in frequency of the same as part of the routine nightly janitorial services.

### **Financial Impact**

Sufficient funding is available in the FY21/22 Budget. Staff will include sufficient funding in future annual budgets for these janitorial services.



Reviewed by: \_\_\_\_\_

Dean Eckerson  
Resource Recovery Services Director

cc: District File No. BRD.01-ACTS



November 17, 2021

AUTHORIZE GENERAL MANAGER TO EXECUTE GENERAL SERVICES CONTRACT IN A TOTAL AMOUNT NOT TO EXCEED \$249,960, PACIFIC COAST TRANE SERVICE; AND AUTHORIZE GENERAL MANAGER TO APPROVE CONTRACT CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF CONTRACT AMOUNT, POC CHILLER IMPROVEMENTS, PROJECT NO. 22128

**Recommendations**

- 1) Authorize the General Manager to execute General Services Contract with Pacific Coast Trane Service (Trane) to refurbish the Plant Operations Center (POC) chiller and provide a 5-year warranty in an amount not to exceed \$249,960.
- 2) Authorize the General Manager to approve contract change orders up to 10% of the contract amount (i.e., up to an additional \$24,996), for a total authorization of \$274,956.

**Background Information**

On September 8, 2021, the Board authorized transfer of monies from the Arcy Lane Junction Structure Rehabilitation Project to establish the POC Chiller Improvements Project with a total project budget of \$300,000. Additionally, the Board authorized the General Manager to execute a General Services Contract with Trane in an amount not to exceed \$220,805 to refurbish the District's POC air-cooled chiller, which was installed in 1996 as part of the original building construction.

**Analysis**

The cost proposal received from Trane in August 2021, which was the basis for the Board's prior action, did not specify the required on-going maintenance services necessary to keep the 5-year warranty valid. In addition, Trane informed staff that their August 2021 cost proposal was only valid for 30 days even though this condition was not explicitly noted in the proposal and that labor costs had increased. These unforeseen changes increased the overall contract amount to a level that exceeds the Board's contract authorization amount by \$29,155. Staff recommends the Board authorize the General Manager to execute the General Services Contract with Trane at the revised contract amount and approve a construction change order contingency to address any additional unforeseen field conditions that may need to be addressed during performance of the contract.

**Financial Impact**

In September 2021, the Board established the POC Chiller Improvements Project with a total project budget of \$300,000. Sufficient funding is available within the existing project budget for the recommended actions with no associated financial impact on the FY21/22 Budget.

**Attachment**

None

Reviewed by: 

Brian Thomas  
Engineering Services Director/District Engineer

cc: District File No. P.22128.01.01





November 17, 2021

AUTHORIZE GENERAL MANAGER TO EXECUTE A STANDARD AGREEMENT IN A TOTAL AMOUNT NOT TO EXCEED \$48,000, DEPARTMENT OF GENERAL SERVICES/OFFICE OF ADMINISTRATIVE HEARINGS

**Recommendation**

Authorize General Manager to Execute an Agreement with the Department of General Services/Office of Administrative Hearings to serve as the Board's designated hearing representative, as needed, in an amount not to exceed \$48,000 with a contract term ending December 31, 2026.

**Background Information**

Most of the District's employees are represented by one of three separate Bargaining Units: the Operations & Maintenance Bargaining Unit, Local One AFSCME Council 57; the Professional & Technical Bargaining Unit, Local One AFSCME Council 57; or the Management Association Bargaining Unit. Each bargaining unit has a separate Memorandum of Understanding (MOU) with a grievance procedure. The MOUs define a grievance as any dispute arising between the bargaining unit and the District during the term of the MOU which involves the interpretation or application of any provision of the MOU during its term, excluding all ordinances, resolutions, rules and regulations, the subject of which is not specifically covered by the provisions of the MOU. The grievance procedure is the same in all three MOUs.

**Analysis**

The last step of the five-step grievance procedure includes a hearing conducted by the Board or its designated representative after which the Board or designee renders a decision that is final and binding on both parties. Staff researched multiple alternatives and recommends the Board authorize the General Manager to execute a Standard Agreement with the Department of General Services/Office of Administrative Hearings to furnish the services of Administrative Law Judges (ALJs) to serve as the Board's designated representative in accordance with the provisions of Step 5 of the MOU grievance procedures.

**Financial Impact**

Sufficient funding is available within the existing budget for the recommended action with no associated financial impact on the FY21/22 Budget.

**Attachment**

Department of General Services/Office of Administrative Hearings Standard Agreement

Reviewed by: 

Brian Thomas

Engineering Services Director/District Engineer

cc: District File BRD.01-ACTS



**STANDARD AGREEMENT**

AGREEMENT NUMBER

1. This Agreement is entered into between:

LOCAL AGENCY'S NAME

CONTRACTOR'S NAME

Department of General Services / Office of Administrative Hearings

2. The term of this

Agreement is:

Upon the date of approval and execution by all parties through five years

3. The maximum amount

\$ 48,000.00

of this Agreement is:

Forty Eight Thousand Dollars and No Cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	5 pages
Exhibit B – Budget Detail and Payment Provisions	2 pages
Exhibit C – General Terms and Conditions	1 pages
Exhibit D - Service Revolving Fund (SRF) Directive – Payment By Wire Transfer Form	2 pages

**IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.****CONTRACTOR**

CONTRACTOR'S NAME

Office of Administrative Hearings

BY (Authorized Signature)



DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Phoenix Lawson, Staff Services Manager I

ADDRESS

2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833

**LOCAL AGENCY**

LOCAL AGENCY NAME

BY (Authorized Signature)



DATE SIGNED(Do not type)

**I declare under penalty of perjury that I have full authority to execute this agreement on behalf of the Local Agency.**

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

# EXHIBIT A

## SCOPE OF WORK

1. Upon request of \_\_\_\_\_  
(hereinafter referred to as "Local Agency"), the Office of Administrative Hearings (OAH) agrees to furnish the services of Administrative Law Judges (ALJs) and case management staff to the Local Agency, for the purpose of managing cases and conducting hearings under Government Code section 27727 when required personnel are available by OAH. The assignment of ALJs for hearings will be at the discretion of the Director and/or Presiding Administrative Law Judges, who may elect to hear the matter themselves.

### 2. Project Representatives

The project representatives during the term of this agreement will be:

Office of Administrative Hearings

Susan L. Formaker, Division Chief Presiding Administrative Law Judge

Phone: 213-576-7200

Email: Susan.Formaker@dgs.ca.gov

Local Agency:

Name:

Title:

Phone:

Email:

Direct all inquiries regarding this agreement to:

Office of Administrative Hearings

Tim Dean, Contract Analyst

2349 Gateway Oaks Dr. Suite 200

Sacramento, CA 95833

Phone: 916-263-0791

Email: tim.dean@dgs.ca.gov

Local Agency:

Attention:

Address:

Phone:

Email:

All invoices and billing shall be to directed to:

Local Agency:

Attention:

Address:

Phone:

Email:

The Project Representative and Agreement and Billing Representative may be changed through written confirmation to the other party. This change shall not require an amendment to this agreement. It may take up to two billing cycles for a change to the Local Agency Billing Contact to be in effect.

3. Services to be Performed:

- a. The Local Agency shall provide OAH a written request to set a matter for hearing or mediation with all pleadings, documents, papers, or other materials that have been provided to the other party. The Local Agency agrees to provide OAH copies of all applicable laws and ordinances governing the hearing at the time the request for hearing or mediation is made. The Local Agency agrees that OAH will not be able to schedule a hearing or mediation until these materials are provided. The Local Agency shall indicate in the request to set a matter for hearing if OAH is to issue a proposed or final decision in the matter. If a proposed decision is required, Local Agency shall provide the name and contact information for the decision-maker who is responsible for making the final decision.

- b. The Local Agency shall electronically file the request to set a matter for hearing and all other required pleadings and papers with OAH using the secure electronic filing system offered by OAH or otherwise in accordance with OAH requirements.
  - c. The Local Agency shall inform OAH if the hearing is to be electronically recorded or if a court reporter is required. If a court reporter is required, the Local Agency shall indicate at the time they request a hearing if they will be providing a court reporter or if OAH should provide one. Unless the Local Agency or OAH determines a court reporter is required by statute, ordinance, or regulation, the hearing will be electronically recorded by OAH.
  - d. OAH shall perform all case management and hearing services that OAH, in its sole discretion, deems necessary to the proper handling and adjudication of the case.
  - e. The Local Agency agrees to inform OAH 30 days prior to the hearing if any accommodations or interpreters are required. Local Agency shall be responsible for the costs of accommodations or interpreters. If OAH incurs costs for providing reasonable accommodations, interpreter or translation services for any matter under this agreement, those costs shall be borne by the Local Agency.
  - f. Record Retention: OAH shall retain all records in accordance with its current record retention schedule. If the Local Agency requests OAH to issue a proposed decision, the exhibits will be returned to the Local Agency Project Representative along with the proposed decision at the conclusion of the matter, and the Local Agency shall be deemed the custodian of the administrative record.
4. Service Location: The services shall be performed at a location convenient for OAH and all parties. The Local Agency shall file a request for mediation or hearing directly with the local OAH office which is handling the matter.
5. Record of the Proceeding:
- a. If a Court Reporter is not used, OAH shall be responsible for electronic recording of all hearings, and shall impose a recording fee not to exceed the amount set by the Department of General Services through the Price Book. The current Price



Book is located at: <https://www.dgs.ca.gov/OFS/Price-Book>. The electronic recording fee shall only be imposed following the actual recording of a proceeding and shall not be included as part of the filing fee.

- b. If OAH provides a Court Reporter, the Local Agency is responsible for all costs associated with the Court Reporter, in accordance with the current contract rates. Current contract rates, including Court Reporter and transcription costs, can be found at: <https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/Resources/Page-Content/General-Jurisdiction-Resources-List-Folder/Find-Contract-Information-to-Obtain-OAH-Court-Reporter-Services>.
- c. OAH shall arrange for transcription of hearing recordings upon the request of any party to the proceeding or the Local Agency Project Representative and upon receipt of payment for transcription costs. OAH may use a vendor for transcription services.
- d. OAH will charge a requesting party the actual cost of preparing the administrative record. If the requesting party has been declared in forma pauperis, or has received a waiver of court fees from a court of competent jurisdiction in a case arising out of the OAH matter, and is seeking judicial review of the case before OAH, the Local Agency shall pay the full costs for preparing the administrative record and/or transcript. OAH will notify the Local Agency of the associated costs prior to preparing such records.
- e. OAH will not include within its administrative record any records or hearing exhibits the custody of which has been transferred to the Local Agency. OAH may prepare a clerk's record upon request and payment of associated fees in these circumstances.

## 6. Rates

- a. In consideration of the performance of such services by OAH, the Local Agency agrees to pay to OAH the full cost of rendering such services at the rate established at the time the services are rendered. The Local Agency is responsible for the filing fee for each case filed, ALJ (including Presiding Administrative Law Judge, and Division Presiding Administrative Law Judge)

time billed at an hourly rate, an electronic recording fee if the proceedings are electronically recorded, the cost of all accommodation or interpreter services requested, and the full cost of any preparation of the clerk's record or transcript at the current contract rates.

- b. In the event a calendared case is taken off-calendar, or needs to be re-calendared, other than by OAH, and OAH is unable to schedule the ALJ for work on another case, the Local Agency agrees to pay OAH for the original hearing time or until the ALJ is assigned to another case, whichever occurs first. Every effort will be made to promptly reassign the scheduled ALJ in the event a calendared matter is cancelled, taken off-calendar, settled, re-calendared or continued.
  - c. The costs of OAH's services include filing fees, ALJ hourly rates, any reasonable costs related to any requested accommodations, and translator/interpreter fees as required. All costs associated with providing a record of the hearing (reporter/transcription, etc.) shall be billed directly to the requesting party or the Local Agency in accordance with Section 5 above. ALJ hourly rates and filing fees charged by OAH will be the rates set forth in the Department of General Services' Price Book at the time the services are rendered. Rates for court reporters will be the current contract rates at the time the services are rendered, which vary by geographical location. Fees for translator/interpreters and transcription services will be based on current contract rates at the time the services are rendered. All rates are subject to change annually. The current contract rates for these services can be found on OAH's website.
  - d. The Local Agency agrees to be responsible for the full costs of any service provided by OAH on a Local Agency case, regardless of any agreement the Local Agency may have with a third party or any other cost-sharing provision.
7. The contract is effective upon approval and execution of all signatures to this contract. The term of this contract is five years from the effective date of the contract. This contract may only be amended for term and amount upon mutual agreement of the parties.

## EXHIBIT B

### BUDGET DETAIL AND PAYMENT PROVISIONS

1. The Office of Administrative Hearings is a reimbursable entity as detailed in Government Code section 11370.4. Notwithstanding any other provision of law, the total cost of services provided by the OAH shall be collected from the Local Agency entering into this agreement.
2. Parties shall keep apprised of the balance of this agreement at all times. Local Agency agrees to notify OAH when the expended amount is close to exhausting the funds in this agreement.
3. For services rendered in accordance with the Scope of Work, the Local Agency shall compensate the OAH for the full cost of services and actual expenditures incurred in accordance with the rates specified herein. Compensation for services rendered by OAH pursuant to this agreement shall not be dependent on the decision rendered by the ALJ in a hearing involving the Local Agency. OAH charges shall include the following: filing fees, electronic recording fees, Administrative Law Judge hourly charges, and translator/interpreter fees as required. Additionally, all costs associated with providing a record of the hearing (reporter/transcription, etc.) shall be billed directly to the Local Agency.
4. Invoices shall be paid promptly and delays in payment may result in OAH's discontinuation of services.
5. ALJ hourly rates and filing fees charged by OAH will be the rates set forth in the Department of General Services' Price Book at the time the services are rendered. Rates for court reporters will be the current contract rates at the time the services are rendered, which vary by geographical location. Fees for translator/interpreters and transcription services will be based on current contract rates at the time the services are rendered. All rates are subject to change annually. Any training required of the ALJs by the Local Agency to conduct these hearings will be paid out of the contract funds by the

Local Agency at the prevailing ALJ hourly rate. The Price Book is available at <http://www.dgs.ca.gov/ofs/Pricebook.aspx>

6. OAH shall be paid not more frequently than monthly, in arrears, upon issuance of an invoice by the Department of General Services which details charges, expenses, direct and indirect costs.
7. Payment may be completed through direct transfer, in accordance with Service Revolving Fund Directive, SRF #1025, attached hereto as Exhibit D. For questions about establishing a wire transfer process with OAH/DGS, the Local Agency shall contact DGS at [SRFFISCALSERVICES@dgs.ca.gov](mailto:SRFFISCALSERVICES@dgs.ca.gov) or the OAH Project Representative.

## EXHIBIT C

### GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties.
2. AMENDMENT: Except as noted in Exhibit A, Paragraph 2, no amendment or variation of the terms of this Agreement shall be valid, unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. CANCELLATION/TERMINATION:
  - A. This agreement may be cancelled or terminated without cause by either party by giving 30 calendar days advance written notice to the other party. Such notification shall state the effective date of termination or cancellation and include any final performance and/or payment/invoicing instructions/requirements.
  - B. Upon receipt of a notice of termination or cancellation from the Local Agency, OAH shall take immediate steps to stop performance and to cancel or reduce subsequent contract costs.
  - C. OAH shall be entitled to payment for all allowable costs authorized under this agreement, including authorized non-cancelable obligations incurred up to the date of termination or cancellation, provided such expenses do not exceed the stated maximum amounts payable.
4. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
5. SETTLEMENT OF DISPUTES: In the event of a dispute, the Local Agency shall file a "Notice of Dispute" with the Director of OAH within 10 days of discovery of the problem. Within 10 days, the Director of OAH may meet with the Local Agency for purposes of resolving the dispute. The Director of OAH shall make the final administrative decision regarding a dispute.

## EXHIBIT D

### Service Revolving Fund (SRF) Directive – Payment By Wire Transfer Form

#### SERVICE REVOLVING FUND (SRF) DIRECTIVE

Number:  <b>SRF # 1025</b>	Subject:  <b>PAYMENT BY WIRE TRANSFER</b>	Date Issued:  <b>REV 10/2018</b>
References: SAM Section <a href="#">8091</a>		

#### PURPOSE

To outline the process for a private company to set up wire transfer documents with their banking institution in making payments to the State of California, Department of General Services (DGS).

#### PROCEDURES

The following instructions are for the private company and their banking institution, the DGS Office contact person, and the DGS SRF Receivables Analyst in requesting and processing wire transfers:

#### **A. APPROVAL REQUESTED TO TRANSFER FUNDS INTO DGS ACCOUNT**

Either the private company or the DGS Office is to contact SRF Receivable Analyst by E-mail at [SRFFISCALSERVICES@dgs.ca.gov](mailto:SRFFISCALSERVICES@dgs.ca.gov) to obtain **approval to wire transfer funds into the DGS Account**. The following information is needed along with any pertinent data that would help identify the nature of the payment:

1. Company Name
2. Company Representative (name, phone, e-mail and fax number)
3. DGS Office contact person name
4. Escrow Account Number
5. Reason for payment
6. Amount

If you have any questions regarding the wire transfer process, please contact SRF Receivables Analyst by E-mailing to [SRFFISCALSERVICES@dgs.ca.gov](mailto:SRFFISCALSERVICES@dgs.ca.gov) or by phone at 916-376-5182.



<b>B. WIRE TRANSFER PROCESS</b>
---------------------------------

**1) PRIVATE COMPANY & BANKING INSTITUTION**

Provide your banking institution with the following information to set up wire transfer payments to DGS (banking customer is responsible for the payment of any processing fee):

**ABA Routing Number: 026009593**  
**Account Number: 14360-80784**

**Department of General Services**  
**OFS - SRF Fiscal Services**  
**707 Third Street, 10<sup>th</sup> Floor**  
**West Sacramento, CA 95605**

**2) DGS OFFICE CONTACT PERSON**

Provide [DGS OFS 2028 Report of Check/Cash Collection](#) to the SRF Receivable Analyst as soon as you know that a wire transfer payment is in process. This will ensure the money is recorded properly in the Financial Information System for California (FI\$Cal) Accounts Receivable Module.

**3) DGS SRF RECEIVABLES ANALYST**

Once the wire transfer has been made, SRF Receivable Analyst will run the State Treasury Bank of America Report and apply the transfer using the Report of Check/Cash Collection or the E-mail from the private company or the DGS Office to record the transfer of funds in FI\$Cal.

## ITEM F

November 17, 2021

CONSIDER ADOPTING A RESOLUTION TO AUTHORIZE THE BOARD OF DIRECTORS, IN ALL ITS CAPACITIES, AND ITS SUBCOMMITTEES, TO CONDUCT TELECONFERENCE MEETINGS UNDER GOVERNMENT CODE SECTION 54953(e) AND MAKE RELATED FINDINGS; DETERMINE THAT THESE BODIES WILL HOLD VIRTUAL MEETINGS FOR THE NEXT 30 DAYS; AND DIRECT THE GENERAL MANAGER TO RETURN THIS MATTER TO THE BOARD FOR RECONSIDERATION AS TO ALL BODIES COVERED BY THE RESOLUTION

### **Recommendations**

1. Consider adopting a Resolution to authorize the Board of Directors, in all its capacities, and its subcommittees, to conduct teleconference meetings under Government Code Section 54953(e) and make related findings;
2. Determine that these bodies will hold virtual meetings for the next 30 days; and
3. Direct the General Manager to return this matter to the Board for reconsideration as to all bodies covered by the resolution.

### **Background Information**

When the COVID-19 pandemic began, Governor Newsom issued an executive order that allowed local agencies to meet remotely without complying with all teleconferencing requirements of the Brown Act. Executive Order N-29-20 suspended certain non-emergency teleconferencing rules, including the requirements that each teleconference location be listed on the agenda and be physically accessible to the public during the meeting and that the public must be given an opportunity to comment at each teleconference location. Since March 2020, the Board of Directors met virtually, as authorized by Executive Orders N-29-20, N-35-20, N-08-21, and N-15-21. This authority expired September 30, 2021.

Assembly Bill 361 (AB 361) recently amended the teleconferencing provision of the Brown Act, Government Code Section 54953. Effective October 1, 2021, Section 54953(e) authorizes a local agency to use special teleconferencing rules when a legislative body of a local agency holds a meeting during a state of emergency declared by the state and either: a) state or local health officials have imposed or recommended measures to promote social distancing, or b) the legislative body is meeting to determine whether, or has determined, by majority vote, that meeting in person would present imminent risks to the health or safety of meeting attendees.

When a legislative body uses the emergency teleconferencing provisions under Section 54953(e), the following rules apply:

- § The agency must provide notice of the meeting and post an agenda as required by the Brown Act and Better Government Ordinance, but the agenda does not need to list each teleconference location or be physically posted at each teleconference location.
- § The agenda must state how members of the public can access the meeting and provide public comment.
- § The agenda must include an option for all persons to attend via a call-in or internet-based service option.
- § The body must conduct the meeting in a manner that protects the constitutional and statutory rights of the public.



- § If there is a disruption in the public broadcast of the meeting or of the call-in or internet-based meeting service, the legislative body must stop the meeting and take no further action on agenda items until public access and ability to comment is restored.
- § Local agencies may not require public comments to be submitted in advance of the meeting and must allow virtual comments to be submitted in real time.
- § The body must allow a reasonable amount of time per agenda item to permit members of the public to comment, including time to register or otherwise be recognized for the purposes of comment.
- § If the body provides a timed period for all public comment on an item, it may not close that period before the time has elapsed.
- § The body must reconsider the circumstances of the state of emergency and the findings in support of emergency teleconference meetings every 30 days.
- § AB 361 sunsets on January 1, 2024.

### **Analysis**

A Board resolution authorizing teleconferencing under Section 54953(e) is attached. It would determine that the State has declared a state of emergency related to COVID-19 and find that social distancing recommendations are in place and that there is an imminent risk of harm to the public, staff, and officials if live meetings are conducted. If adopted, for the next 30 days the resolution would require the Board of Directors, in all its capacities and subcommittees, to hold teleconference meetings consistent with the above described rules.

If the Board wishes to continue teleconferencing under Section 54953(e), at its next meeting, the Board must reconsider the circumstances of the state of emergency and find that one or both of the following circumstances exists: a) the state declared emergency continues to directly impact the ability of members to safely meet in person, or b) state or local officials continue to impose or recommend measures to promote social distancing. If the state declared emergency no longer exists, or if the Board does not make these findings by majority vote, then it and its subcommittees will no longer be exempt from the Brown Act's non-emergency teleconferencing rules. The attached resolution directs the General Manager to return at the next meeting with an item for the Board to consider whether to continue meeting under the provisions of Government Code Section 54953(e).

### **Fiscal Impact**

None.

### **Attachment**

Resolution Authorizing Teleconference Meetings (AB 361, Government Code Section 54953[e])

Prepared by:



\_\_\_\_\_  
Cecelia Nichols-Fritzler  
Secretary to the Board/Office Manager

Reviewed by:



\_\_\_\_\_  
Vince De Lange  
General Manager

BEFORE THE BOARD OF DIRECTORS  
OF DELTA DIABLO

Re: Authorizing Teleconference Meetings )  
Under Government Code Section ) RESOLUTION NO. 19/2021  
54953(e), Assembly Bill 361 )

THE BOARD OF DIRECTORS OF DELTA DIABLO HAS DETERMINED THAT:

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.; and

WHEREAS, on March 10, 2020, Contra Costa County proclaimed the existence of a local emergency throughout the county due to conditions of disaster or extreme peril to the safety of persons and property had arisen due to COVID-19; and

WHEREAS, on March 17 and 21, 2020, Governor Newsom issued Executive Orders N-29-20 and N-35-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code Section 54950 et seq. (the Brown Act), provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code Section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code Section 54953(b)(3) if a state declared state of emergency exists and either state or local officials have imposed or recommended measures to promote social distancing or meeting in person would present imminent risks to health and safety of meeting attendees; and

WHEREAS, on September 20, 2021, Governor Newsom issued Executive Order N-15-21, which suspended the provisions of Assembly Bill 361 until October 1, 2021; and

WHEREAS, on September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Delta Diablo Board of Directors, acting in all its capacities, intends to invoke the provisions of Government Code Section 54953(e), added by Assembly Bill 361, related to teleconferencing.

WHEREAS, among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to

hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing (i.e., six feet of separation between attendees) and face-masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.

WHEREAS, the emergence of the Delta variant has led to a severe rise of COVID-19 infections, hospitalizations and deaths in Contra Costa County in the past two months. The Delta variant became the predominant strain among samples sequenced in Contra Costa County and California in early July 2021, and currently represents over 95% of samples sequenced both at the Contra Costa County Public Health lab and per reports of statewide sequencing.

WHEREAS, as of November 13, 2021 the number of new cases in the County was 196 cases, and the seven-day average was 109 cases, a case rate that is in the “substantial” community transmission tier.

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Board of Directors, acting in all of its capacities, intends to invoke the provisions of Government Code section 54953(e), added by Assembly Bill 361, related to teleconferencing.

NOW THEREFORE, the Board of Directors of Delta Diablo DOES HEREBY RESOLVE AND ORDER as follows:

1. The state of emergency proclaimed by Governor Newsom on March 4, 2020 remains in place.
2. The Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
3. In-person meetings of the Board of Directors would present imminent risks to the health or safety of the public, staff and officials attending meetings, in light of the high case rate of COVID-19 infections in Contra Costa County.
4. As authorized by Assembly Bill 361, effective immediately and for the next 30 days the Board of Directors, acting in all its capacities, and its subcommittees will use teleconferencing for meetings in accordance with the provisions of Government Code Section 54953(e).
5. The Secretary to the Board and General Manager are authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code Section 54953(e) and all other applicable provisions of the Brown Act.
6. The Secretary to the Board and General Manager are directed to return to the Board acting in all of its capacities, at its next meeting if this resolution is adopted, with an item to reconsider the state of emergency and whether to continue meeting virtually under the

**ITEM F**  
Attachment

provisions of Government Code Section 54953(e) and to make required findings as to all bodies covered by this resolution.

PASSED AND ADOPTED on November 17, 2021, by the following vote:

AYES:  
NOES:

ABSENT:  
ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of Delta Diablo on November 17, 2021.

ATTEST:  
Board Secretary

By: \_\_\_\_\_

DRAFT



November 17, 2021

## RECEIVE UPDATE ON REGULATORY ISSUES

### Recommendation

Receive update on key regulatory and permitting issues and actions.

### Background Information

Operation of the District's Wastewater Treatment Plant (WWTP) and discharge to New York Slough is primarily regulated through National Pollutant Discharge Elimination System (NPDES) permits issued by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board). These permits come in the form of the District's individual NPDES permit, as well as regional permits known as watershed permits (i.e., mercury and nutrients) and general orders (i.e., recycled water). Permits are reissued every five years and often implement requirements associated with federal or state regulations and policies.

Staff participates in regional, state, and federal regulatory committees to track and advocate for industry positions on regulations and policy that could impact the District's operations and strategic planning considerations. This includes participation in various committees through California Association of Sanitation Agencies (CASA), National Association of Clean Water Agencies, California Water Environment Association, and Bay Area Clean Water Agencies (BACWA). This update provides a summary of key regulatory actions and drivers that impact the District.

### Analysis

*Chlorine Residual:* Like most dischargers in the San Francisco Bay Area, the District's NPDES permit contains an effluent limit for chlorine residual of 0.0 mg/L. This effluent limit must be met at all times and is the most frequently exceeded effluent limit in NPDES permits. The Regional Water Board approved a permit amendment that would allow for dilution in the calculation of effluent limits for chlorine residual and would raise the District's limit from a 0.0 mg/L instantaneous maximum to a 0.43 mg/L one-hour average while still protecting aquatic life. In addition, this permit amendment removes an oil and grease effluent limit, which is contained in all discharger permits. Historical data shows consistent compliance well under the limit and the Regional Water Board determined that the limit is not necessary because secondary and advanced treatment plants have devices for removing oil and grease consistently. Key benefits associated with the permit changes include anticipated reduction in dechlorination process chemical usage (i.e., sodium bisulfite) and reduced analytical laboratory costs for oil and grease testing. The permit amendment is expected to be effective in early 2022.

*Flushable Wipes:* Improper disposal of wipes and other trash in the sewer system has plagued the wastewater sector for years. One recent national study estimates that California agencies spend around \$50 million annually to remove wipes from sewers and pump stations. Because the District deals with blockages and equipment failures on a frequent basis, staff has used targeted local outreach efforts to educate local communities regarding the impacts of wipes on wastewater collection and treatment. On October 6, 2021, AB 818 (Bloom), which requires manufacturers to display clear "Do Not Flush" warnings on wipes and educate the public on the impacts of flushing wipes improperly, was signed into law by Governor Newsom. This bill was co-sponsored by CASA and the National Stewardship Action Council, and represents a



significant positive outcome for the wastewater sector following sustained and coordinated advocacy over multiple years to address this regulatory compliance and operational threat.

*Nutrient Watershed Permit:* The Regional Water Board adopted the first Nutrient Watershed Permit (WSP) on April 9, 2014 in response to increased regulatory focus on the impacts of nutrient (i.e., nitrogen and phosphorus) loading on the health of San Francisco Bay. Although not currently impaired by nutrients, the resiliency of San Francisco Bay to withstand nutrient loading is uncertain. The first Nutrient WSP was designed to gather information regarding nutrient loading, conduct scientific studies to better understand the watershed impacts, and estimate costs associated with treatment options at WWTPs. The second Nutrient WSP required continued monitoring and reporting, additional funding of scientific studies, and implementation of studies regarding the feasibility of nutrient removal using nature-based solutions and increased recycled water production. As a BACWA member, the District continues to participate in a regional collaboration with the Regional Water Board and the scientific community to develop and implement a nutrient management strategy that uses a sound-science based approach to determining the need for future management actions, in accordance with the District's Strategic Plan.

*Constituents of Emerging Concern:* More than 100,000 chemicals have been registered or approved for commercial use in the U.S. and there are information gaps related to evaluation of potential risks and impacts to protecting human health and the environment. A significant constituent of emerging concern (CEC) is per and polyfluoroalkyl substances, or PFAS. PFAS is a group of compounds that are used for a variety of applications by both industry and residential households because of their heat, water, and oil resistant properties. Health concerns have triggered recent regulatory actions related to PFAS levels in drinking water and there are concerns about potential impacts to wastewater effluents and biosolids at WWTPs. The Regional Water Board recently adopted a permit amendment that requires funding for CEC monitoring in San Francisco Bay in lieu of various monitoring requirements that no longer provide useful information. Through industry organizations (BACWA, CASA, NACWA), the District continues to promote source control and extended producer responsibility as the key focus area to address this issue.

Staff will continue to track and advocate for regulations and policies that support near- and long-term strategic planning considerations and provide benefits to our customers.

### **Financial Impact**

None.

### **Attachments**

None.

Reviewed by: 

Brian Thomas  
Engineering Services Director/District Engineer



November 17, 2021

RECEIVE UPDATE ON LEGISLATIVE ISSUES AND FUNDING OPPORTUNITIES**Recommendation**

Receive update on key state legislative issues and funding opportunities.

**Background Information**

Staff actively participates in key industry associations, including California Association of Sanitation Agencies (CASA), Western Recycled Water Coalition (WRWC), California Special Districts Association, Bioenergy Association of California, and WasteReuse Association, to track and advocate for regional, state, and federal legislation that could impact District operations and/or strategic planning considerations. In addition, staff monitors potential state and federal funding sources (e.g., grant programs, low-interest loans) to support cost-effective delivery of District capital projects and initiatives. This report provides a summary of key state legislation completed in 2021 and highlights recent federal legislation to support investment in infrastructure.

**Analysis**

*Key State Legislation in 2021:* At the close of the first year of the two-year 2021-2022 state legislative session on September 10, 2021, a total of 2,776 bills were introduced with Governor Newsom signing 770 bills into effect and vetoing 66 bills. This year was marked by a budget surplus of approximately \$100 billion, and a continuing legislative focus on COVID-19 response and relief, wildfire mitigation, drought relief, and climate change preparedness. Significant state legislation impacting the District include:

§ Wastewater Industry Bills (AB 818, SB 273, SB 323): As a CASA-sponsored bill, passage of Assembly Bill 818 (AB 818) (Bloom) represents a significant step toward addressing the regulatory compliance and operational threats associated with improper disposal of wet wipes products, which cause significant issues in wastewater collection systems. AB 818 requires manufacturers to include “Do Not Flush” warnings and symbols on packaging, effective July 1, 2022. In addition, manufacturers are required to conduct education and outreach to customers in California, in consultation with CASA.

In addition, CASA co-sponsored Senate Bill 273 (SB 273) (Hertzberg), which authorizes wastewater agencies to voluntarily divert and treat stormwater and dry weather runoff, which provides additional environmental protection benefits. Last, SB 323 (Caballero) requires that Proposition 218 written notifications include a statement of the 120-day statute of limitations for challenging a new, increased, or extended fee or charge for fees or charges implemented after January 1, 2022 as part of the Proposition 218 notification process.

§ COVID-19 Bills (AB 654, AB 845): AB 654 (Reyes) clarifies existing reporting requirements for employers regarding COVID-19 cases and outbreaks in the workplace. AB 845 (Rodriguez) requires public retirement systems to presume that disability retirements due to COVID-19 illness arose from member employment. AB 845 primarily affects first responders and certain job classifications, but also includes members who test positive following a workplace outbreak.

§ State Budget Bills (SB 129, SB 170): SB 129 (Budget Act of 2021) provides \$100 million in COVID-19 relief for special districts with an application period of October 1-29, 2021. In



addition, direct funding for the water and wastewater sectors was provided via \$650 million for drinking water projects and \$650 million for wastewater projects. Wastewater project funding prioritizes disadvantaged communities and conversion of septic connections to sewer connections, while allowing the State Water Resources Control Board to use this funding source as its share of state-revolving fund (SRF) contributions. In addition, SB 129 provides \$200 million for groundwater cleanup and water recycling projects, while SB 170 provides \$20 million for organics management infrastructure, \$10 million for expansion of food waste co-digestion at existing wastewater treatment plants, and \$130 million for waste reduction.

*Federal Funding Opportunities (HR 3684, HR 5376):* Following passage of the “Infrastructure Investment and Jobs Act” (House of Representatives 3684 [HR 3684]) on November 6, 2021, approximately \$12.8 billion in appropriations will be made to the Clean Water SRF program (CWSRF) over five years. In addition, \$550 million in appropriations will be made to the Title XVI and WIIN (Water Infrastructure Improvements for the Nation Act) grant water recycling programs over five years. Following a significant reduction in funding scope from \$3.5 trillion to \$1.75 trillion, the “Build Back Better Act” (HR 5376) continues to be negotiated but is anticipated to provide limited infrastructure funding due to a larger focus on education, health care, housing, family care, and climate change.

*Western Recycled Water Coalition:* The District serves as lead agency for WRWC, which consists of 15 agency members who share costs for a federal lobbyist (Key Advocates) to pursue federal funding for water recycling projects. In 2021, Key Advocates assisted in securing Community Project Funding for a local project through the annual appropriations process.

*Next Steps:* Despite limited funding availability and a competitive project selection process, staff intends to initiate the CWSRF application process for large-scale capital improvement projects (e.g., Secondary Process Improvements, Cogeneration System Improvements) to demonstrate project viability and the District’s interest in securing state and federal funding for the next federal appropriations cycle. Staff will continue to track and advocate for legislation and funding opportunities to support sustainable and cost-effective delivery of critical services to District customers.

### **Financial Impact**

None.

### **Attachment**

2021 California Bills of Interest Signed into Law

Reviewed by: 

Brian Thomas

Engineering Services Director/District Engineer

cc: District File BRD.01-ACTS



**ITEM J**

November 17, 2021

RECEIVE MONTHLY LOBBYIST REPORT DATED OCTOBER 2021, KEY ADVOCATES, INC., WESTERN RECYCLED WATER COALITION, PROJECT NO. 90024

**Recommendation**

Receive and file report.

**Background Information**

As lead agency for the Western Recycled Water Coalition, the District administers a contract with a lobbyist, Key Advocates, Inc. (KA), and receives a monthly summary report regarding related lobbying activities.

**Analysis**

Attached is the report for October 2021, which was produced by KA and distributed to members of the Western Recycled Water Coalition.

**Financial Impact**

None

**Attachment**

KA Monthly Report, October 2021

Reviewed by:



Brian Thomas  
Engineering Services Director/District Engineer

cc: Project File No. P.90024.06.01





(703) 340-4666

[www.keyadvocates.com](http://www.keyadvocates.com)

October 29, 2021

To: Wester Recycled Water Coalition  
From: Sante Esposito  
Subject: October Monthly Report

**Note: See especially the BBB section following – one critical step closer to a House vote on final passage of BIF.**

### **BBB - Build Back Better Act**

Yesterday, following the President's visit to the Hill, a revised \$1.75T BBB bill (the President's compromise plan) was released and, quite surprisingly, was endorsed by the House Democratic progressives. Given that, the Speaker pushed for a vote on BIF but the progressives refused to allow it before the full text of the BBB bill could be drafted. Apparently, as of late last night, 90% has been drafted. So there is optimism that a vote on BIF (which is an up or down vote on the Senate bill with no amendments allowed) may occur as early as next week. On that note, Senators Manchin and Sinema, while agreeing to the \$1.75T BBB funding level, were noncommittal on their voting for the BBB revised bill.

The \$1.75T BBB bill includes \$30B for Safe Drinking Water SRF lead service line replacement projects, \$100M for state public water systems, \$700M to reduce lead in school drinking water, \$100M for large scale water recycling projects, \$1.15B for emergency drought relief, \$125M for Alternative Water Source Program grants, and \$2B for sewer overflow and storm water reuse grants. These are the same programs and the same funding amounts that were in the original BBB bill. No funding for the Clean Water SRF is included (there is in BIF).

The House did pass an extension of the highway program (a five-year highway program is included in BIF) to Dec. 3 as it expires on Oct. 31.

### **BIF - Infrastructure Investment and Jobs Act**

On August 10 the Senate passed the core infrastructure bill - with all Democrats and 19 Republicans - totaling \$1.2T. The bill is funded from program offsets and program fees. It does NOT include any new taxes

The bill **appropriates** for FY22-26 \$12.838B for the Clean Water State SRF, starting at \$2.127B in FY22 and going up to \$2.828B in FY26, and \$35.713B over five years for the Safe Drinking Water SRF, starting at \$6.702B in FY22 and going up to \$7.403B in FY26. No appropriations



are included for the Alternative Water Source Projects program (an authorization of \$125M over 5 fiscal years is). For the USBR, the bill appropriates \$8.3B for FY22-26 with an annual cap of \$1.66B per year. The bill lists a number of programs under USBR's jurisdiction with specific appropriated amounts but does not specify annual funding amounts for each program. For water recycling, the bill appropriates \$1B over 5 FY's, broken down to \$550M for Title XVI and WIIN Act grants and \$450M for "large scale" projects (those with project costs >\$500M). The bill also appropriates \$400M over 5 FY's for WaterSMART programs, \$1.2B for water storage and groundwater, and \$25M for desalination projects. Also included is S. 914, as passed by the Senate, which **authorizes** \$14.65B over five fiscal years for the Clean Water SRF and the Safe Drinking Water SRF, and \$125M for the AWSP and which includes the Feinstein-Padilla amendment which limits the prohibition against applying for Alternative Water Source Program (AWSP) grants to USBR projects that received construction funds.

### **Bills of Interest**

Note: all of the following bills are on hold as they have some relation to what is going on with the infrastructure bills.

#### H.R. 1015, "Water Recycling Investment and Improvement Act" and STREAM Act ("Support to Rehydrate the Environment, Agriculture and Municipalities Act")

One of the main purposes of Congresswoman Napolitano's H.R. 1015 is to authorize \$500M for WIIN Act grants. As the BIF appropriates \$550M for Title XVI and WIIN, not sure Napolitano will pursue her bill if that is the outcome of the infrastructure bill. Likewise, for the STREAM Act which provides a \$250M authorization. To review, on February 11, Congresswoman Napolitano introduced H.R.1015, the same bill she introduced last Congress. It increases the WIIN Act authorization to \$500M, strikes certain requirements, and increases the Federal share from \$20M to \$30M.

The STREAM Act draft by Senator Feinstein authorizes the WIIN grant program at \$250M over 5 fiscal years, increases the Federal share to \$30M, eliminates the requirement that Congress must approve funding awards for specific projects by designating them in an enacted appropriations bill, establishes a new Reclamation Infrastructure Finance Program, expedites congressional approval for water storage projects of \$750 million, and authorizes \$100 million for desalination projects.

#### S. 914, "Drinking and Wastewater Infrastructure Act" and H.R. 1915, "Water Quality Protection and Job Creation Act of 2021"

S. 914, as passed by the Senate, authorizes \$14.65B over five fiscal years for the Clean Water SRF and the Safe Drinking Water SRF, and \$125M for the AWSP and includes the Feinstein-Padilla amendment which limits the prohibition against applying for Alternative Water Source Program (AWSP) grants to USBR projects that received construction funds.

On July 1, the House passed H.R. 3684, the "INVEST in America Act" - the House version of the highway bill. Included is H.R. 1915 which authorizes \$40B over five fiscal years for the

Clean Water SRF, \$52.94B over ten years for the Safe Drinking Water SRF, and \$1B for the AWSP. It also includes the same prohibition language as S. 941 regarding eligibility for recycled water projects in the AWSP.

H.R. 3404, “FUTURE Western Water Infrastructure and Drought Resiliency Act”

Again, one of the main purposes of Congressman Huffman’s H.R 3404 is to authorize \$500M for the WIIN Act grant program. Per above, that has been addressed in BIF. To review, H.R. 3404, introduced on May 21, also increases the Federal share to \$30M and authorizes a new \$300M water trust fund with \$100M earmarked for recycled water projects.

H.R. 4099, the “Large Scale Water Recycling Project Investment Act”

The BIF appropriates \$450M for large water recycling projects. To review, on June 24, Reps. Napolitano, Grijalva, Huffman and Lee introduced H.R. 4099 which authorizes \$750M for FY23-27 for a competitive grant program within the Department of the Interior for large-scale water recycling projects that have a total estimated cost of at least \$500M. Federal share is 25% but there is provision for increasing that. Projects must be within one of the USBR 17 western states.

On July 14, the Senate Energy and Natural Resources Committee marked up its title to the infrastructure bill that authorizes \$1B for water recycling and reuse projects, of which \$550M is for projects authorized by Congress or selected for funding under the Title XVI WIIN grant program, and \$450M is for large-scale recycling and reuse projects (total estimated cost of \$500M or more, 25 percent Federal cost share, no total dollar cap); \$400M for WaterSMART grants; \$1.15B for water storage, groundwater storage and conveyance projects; \$3.2B for aging water infrastructure; \$1B for rural water projects; \$250M for water desalination projects; \$500M for dam safety programs; \$300M for implementing the Colorado River Basin Drought Plan; \$100M for watershed management projects; \$250M for aquatic ecosystems; \$100M for multi-benefit projects; and, \$50M for endangered species programs.

**H.R. 3112, Western Water Recycling and Drought Relief Act of 2021**

A Coalition letter, dated October 14, was sent to Senator Padilla requesting that he introduce the Senate companion bill to H.R. 3112.

**Earmarks**

The Ironhouse \$3M STAG request is included in the House-passed Interior Appropriations Bill. Feinstein did not submit the Ironhouse request to the Senate Appropriations Committee. The House-passed Interior bill and Senate announced Interior bill are in conference.

**FY22 Appropriations Generally**

A Continuing Resolution is funding the government at current levels until Dec.3, thereby avoiding a government shutdown on October 1 and allowing time for completion of individual FY22 appropriations bills.

**FY22 “Water” Appropriations Bills**

The House passed its FY22 Interior and Energy and Water Appropriations Bills which provide \$1.871B for the Clean Water SRF, \$1.358B for the Drinking Water State Revolving Fund (DWSRF), \$63.617M for Title XVI grants, of which \$10M is for Title XVI WIIN grants and \$75M for WaterSMART grants.

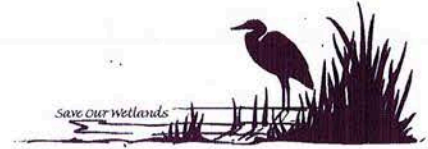
Included in the Senate announced Interior and Energy and Water bills is \$1.689B for the CWSRF, \$1.176B for the DWSRF, \$32M for Title XVI grants, of which \$20M is for WIIN grants and \$48M for WaterSMART grants.

**Bill Tracking**

Tracking bills that are marked up by committees and/or come to our attention.

# Law Office of Jack Silver

708 Gravenstein Hwy North, Suite 407 Sebastopol, CA 95472-2808  
Phone 707-528-8175 Email JSilverEnvironmental@gmail.com



***Via Certified Mail –  
Return Receipt Requested***



October 13, 2021

Vince DeLange, General Manager  
Board of Directors  
Delta Diablo (a California Special District)  
2500 Pittsburg Antioch Highway  
Antioch, CA 94509-1373

**Re: Amended Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act (Clean Water Act)**

Dear Mr. DeLange and Members of the Board:

## **STATUTORY NOTICE**

This Notice is provided on behalf of California River Watch (“River Watch”) in regard to violations of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1251 *et seq.*, that River Watch alleges are occurring through the ownership and operation of Delta Diablo’s wastewater collection system.

River Watch hereby places the Delta Diablo, as owner and operator of its wastewater collection system and treatment plant, on notice that following the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against Delta Diablo for continuing violations of an effluent standard or limitation pursuant to CWA § 301(a), 33 U.S.C. § 1311(a), and the Regional Water Quality Control Board San Francisco Bay Region (“RWQCB-SF”) Water Quality Control Plan (“Basin Plan”), as the result of violations of Delta Diablo’s National Pollutant Discharge Elimination System (“NPDES”) Permit.

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants are prohibited with the exception of enumerated statutory provisions. One such exception authorizes a discharger, which has been issued a permit pursuant to CWA § 402, 33 U.S.C. § 1342, to discharge designated pollutants at certain levels subject to certain conditions. River Watch alleges Delta Diablo is discharging pollutants from a point source to a water of the United States in violation of CWA §§ 301(a) and 505(a)(1)(A), 33 U.S.C. §§ 1311(a), 1365(a)(1)(A).



The CWA provides that enforcement can be ensured by private parties acting under the citizen suit provision of the statute (*see* CWA § 505, 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce compliance by Delta Diablo with the CWA.

## **NOTICE REQUIREMENTS**

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

### **1. The Specified Standard, Limitation, or Order Alleged to Have Been Violated**

The Order being violated is RWQCB-SF Order No. R2-2019-0035 NPDES No. CA0038547 (previously R2-2014-0030) *Waste Discharge Requirements for Delta Diablo (Formerly Delta Diablo Sanitation District), Delta Diablo Wastewater Treatment Plant and Wastewater Collection System* (“NPDES Permit”). River Watch has identified specific violations of the Delta Diablo’s NPDES Permit, including raw sewage discharges from Delta Diablo’s collection system to waters of the United States, and failure by Delta Diablo to either comply with or provide evidence that it has complied with all the terms of its NPDES Permit.

### **2. The Activity Alleged to Constitute a Violation**

River Watch contends Delta Diablo has violated the Act and its NPDES Permit as described in this Notice, and that these violations are continuing or have a likelihood of occurring in the future.

#### **A. Sanitary Sewer Overflows, Inadequate Reporting, Failure to Mitigate Impacts and Failure to Warn**

##### **i. Collection System Surface Discharges Caused by Sanitary Sewer Overflows**

Sanitary Sewer Overflows (“SSOs”), in which untreated sewage is discharged above-ground from the wastewater collection system, are alleged to be ongoing, based on personal observation by River Watch members. Specifically, discharges of untreated sewage from Delta Diablo’s sewer main line, from 60 Sapone Lane down to 84 Sapone Lane in Bay Point, California have been observed on a daily basis. Said discharges have been observed flowing into storm drains on Willow Pass Road from which they will discharge to waters of the United States. None of these discharges have been reported to the California Integrated Water Quality System (“CIWQS”) Interactive Public SSO Report system. Both the discharges and the failure to report them are violations of Delta Diablo’s NPDES Permit and of the CWA.

A review of the CIWQS Spill Public Report, Region 5S – Summary Page identifies the “Total Number of SSO locations” as 15, with 106,028 “Total Vol. of SSOs (gal)” discharged into the environment. Of this total volume, Delta Diablo admits at least 57, 060 gallons, or 53% of the

total, reached a surface water, posing both a nuisance pursuant to Calif. Water Code § 13050(m), and an imminent and substantial endangerment to public health and the environment.

A review of the CIWQS Spill Public Report, Region 2 – Summary Page identifies the “Total Number of SSO locations” as 21, with 153,632 “Total Vol. of SSOs (gal)” discharged into the environment. Of this total volume, Delta Diablo admits at least 1,900 gallons, or 1% of the total, reached a surface water. A review of Delta Diablo’s records indicates a greater percentage of SSOs reached a drainage to a surface water or a surface water itself. Of the 153,632 gallons of sewage spilled, only 18,562 gallons were reported as being recovered. The remaining volume was discharged into the environment posing both a nuisance pursuant to Calif. Water Code § 13050(m), and an imminent and substantial endangerment to public health and the environment.

Of significant concern is the volume of spill in a number of these events:

12/18/2019 – SSO ID# 58 863359

Estimated total volume discharged - 36, 740 gallons

Estimated spill volume discharged directly to a surface water - 10,410 gallons

Estimated spill volume that reached a separate storm drain that flows to a surface water body - 26,330 gallons, allegedly recovered.

09/21/2017 SSO ID# 839908

Estimated total volume discharged -9,678 gallons

Estimated spill volume that reached a separate storm drainpipe - 9,678, allegedly recovered.

09/3/2019 ID# 863,359

Estimated total volume discharged -36,740 gallons

Estimated spill volume that reached a surface water -10,410 gallons.

ii. Inadequate Reporting of Discharges

The failure by Delta Diablo to report the SSOs from the sewer line at 60 Sapone Lane down to 84 Sapone Lane in Bay Point, California deprives the public and the responsible regulatory agencies of information necessary to accurately assess and ensure these SSOs and violations will not recur.

iii. Failure to Mitigate Impacts

River Watch contends Delta Diablo fails to adequately mitigate the impacts of its SSOs. Delta Diablo is subject to the requirements of the *Statewide General Requirements for Sanitary Sewer Systems, Waste Discharge Requirements*, Order No. 2006-0003-DWQ (“Statewide WDR”) governing the operation of wastewater collection systems. The Statewide WDR requires Delta Diablo to take all feasible steps, and perform necessary remedial actions following the occurrence of an SSO, including limiting the volume of waste discharged, terminating the discharge, and recovering as much of the wastewater as possible. Further remedial actions include intercepting



and re-routing of wastewater flows, vacuum truck recovery of the SSO, cleanup of debris at the site, and modification of the collection system to prevent further SSOs at the site.

A critical remedial measure is the performance of adequate sampling to determine the nature and the impact of the release regardless of whether or not the SSO reached a surface water. The failure of Delta Diablo to acknowledge the ongoing occurrence of the above-described SSOs results in the failure to assess and adequately mitigate the impact of these SSOs.

The EPA's "*Report to Congress on the Impacts and Control of CSOs and SSOs*," EPA 833-R-04-001, identifies SSOs as a major source of microbial pathogens and oxygen depleting substances. River Watch finds no record of Delta Diablo performing any analysis of the impact of its SSOs on aquatic or wildlife habitat, nor any evaluation of the measures needed to restore water bodies designated as habitat from the impacts of SSOs.

iv. Failure to Warn

River Watch contends Delta Diablo is abdicating its responsibility to the public by failing to post health warning signs for ongoing discharges at Sapone Lane in Bay Point, California which pose a threat to human health or the environment.

v. Wastewater Collection System Subsurface Discharges

It is a well-established fact that exfiltration caused by pipeline cracks and other structural defects in a collection system result in discharges to adjacent surface waters via underground hydrological connections. River Watch alleges untreated sewage is discharged from cracks, displaced joints, eroded segments, etc., in Delta Diablo's wastewater collection system into groundwater hydrologically connected to surface waters including, but not limited to, New York Slough and Suisun Bay – all waters of the United States. Surface waters become contaminated with pollutants including human pathogens. Chronic failures in the collection system pose a substantial threat to public health. Studies tracing human markers specific to the human digestive system in surface waters adjacent to defective sewer lines in other systems have verified the contamination of the adjacent waters with untreated sewage.

Evidence of exfiltration can also be supported by reviewing mass balance data, I/I data, video inspection, as well as tests of waterways adjacent to sewer lines for nutrients, human pathogens and other human markers such as caffeine. Any exfiltration found is a violation of Delta Diablo's NPDES Permit and therefore a violation of the CWA.

vi. Violations of Receiving Water Limitations and Impacts to Beneficial Uses

River Watch is understandably concerned as to the effects of both surface and underground SSOs on critical habitat in and around the diverse and sensitive ecosystem of Suisun Bay. Suisun Bay is a shallow tidal estuary in Northern California. It lies at the confluence of the Sacramento River and San Joaquin River, forming the entrance to the Sacramento–San Joaquin River Delta, an inverted river delta. Suisun Marsh, the tidal marsh land to the north, is the largest

marsh in California. Suisun Bay and Marsh support many beneficial uses, centered around recreation (mainly hunting, fishing, wildlife observation) and resident and migratory species support, including numerous fish and wildlife species, and several listed plant species.

Discharges in excess of receiving water and groundwater limitations reaching these waters cause prohibited pollution by unreasonably affecting their beneficial uses. In order to protect these beneficial uses, Delta Diablo is required by its NPDES Permit to ensure that discharges shall not cause the listed limitations to be exceeded (Section V. Receiving Water Limitations). River Watch finds insufficient information in the public record demonstrating Delta Diablo has monitored for and complied with these receiving water standards.

#### B. Treatment Plant Exceedance of Effluent Limits

As recorded in the CIWQS electronic self-monitoring reports, Delta Diablo's sampling of its treated effluent shows the following violations of effluent limits in its NPDES Permit:

07/31/2021 Sampling ID # 1093533  
Monitoring Location EFF-001  
Copper, Total Recoverable - 63 ug/L  
Monthly Average (Mean) limit is 35 ug/L

07/14/2021 Sampling ID# 1093534  
Monitoring Location EFF-001  
Copper, Total Recoverable Daily - 63 ug/L  
Maximum limit is 53 ug/L

09/08/2020 Sampling ID# 1080734  
Monitoring Location EFF-001  
Chlorine, Total Residual - 0.12 mg/L  
Instantaneous Maximum limit is 0.0 mg/L.

River Watch contends Delta Diablo fails to adequately comply with the following provisions of Order No. R2-2019-0035 NPDES No. CA0038547 (previously R2-2014-0030), which state in relevant part:

#### III. DISCHARGE PROHIBITIONS

A. Discharge of treated wastewater at a location or in a manner different from that described in this Order is prohibited.

F. Any sanitary sewer overflow that results in a discharge of untreated or partially-treated wastewater to waters of the United States is prohibited.

#### IV. A. EFFLUENT LIMITATIONS

Copper, Total Recoverable- Average Monthly 35 ug/L, Maximum Daily 53 ug/L  
Chlorine, Total Residual - 0 mg/L



## VI. A. PROVISIONS

2. The Discharger shall comply with all applicable provisions of the “Regional Standard Provisions, and Monitoring and Reporting Requirements for NPDES Wastewater Discharge Permits” (Attachment G).

### **3. The Person or Persons Responsible for the Alleged Violation**

The entity responsible for the violations alleged in this Notice is Delta Diablo (a California Special District) as owner and operator of its wastewater collection system and treatment plant. Delta Diablo provides wastewater collection services for the unincorporated community of Bay Point, and conveyance, treatment, and disposal services for Antioch and Pittsburg. Delta Diablo serves an estimated population of 212,000 residents in a service area of about 54 square miles.

### **4. The Location of the Alleged Violation**

The alleged violations have occurred and are continue from 60 Sapone Lane to 84 Sapone Lane in Bay Point, California. The location or locations of additional violations are identified in the Delta Diablo’s NPDES Permit and also in records created and/or maintained by or for Delta Diablo which relate to its wastewater collection system and related activities as described in this Notice.

### **5. Reasonable Range of Dates During Which the Alleged Activity Occurred**

The range of dates covered by this Notice is September 17, 2016 to the present. This Notice also includes all violations of the CWA by Delta Diablo which occur after the range of dates covered by this Notice up to and including the end of trial. Some violations are continuous, and therefore each day constitutes a violation.

### **6. The Full Name, Address, and Telephone Number of the Person Giving Notice**

The entity giving notice is California River Watch, referred to throughout this notice as “River Watch,” an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation duly organized under the laws of the State of California. Its mailing address is 290 South Main Street, # 817, Sebastopol, California, 95472. River Watch is dedicated to protecting, enhancing, and helping to restore surface waters and ground water of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email: [US@nriverwatch.org](mailto:US@nriverwatch.org), or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Notice. All communications with respect to this Notice should be directed to the undersigned.

Jerry Bernhaut, co-counsel for River Watch, submitted two Public Record Act (“PRA”) Requests to Delta Diablo. The initial PRA submitted in May of 2020 sought information regarding the location of orangeburg pipeline currently in use in Delta Diablo’s collection system. River Watch is informed that the pipeline where the above-described discharges on Sapone Lane in Bay Point, California are occurring consists of orangeburg pipe. The second PRA, dated July 30, 2021, sought information regarding the location of orangeburg pipe in Delta Diablo’s collection system and SSOs at Sapone Lane or Willow Pass Road. As of the date of this Notice, Delta Diablo has failed to respond to either PRA within the statutory 10-day response period.

## **RECOMMENDED REMEDIAL MEASURES**

River Watch looks forward to meeting with Delta Diablo staff to tailor remedial measures to the specific operation of the wastewater collection system.

## **CONCLUSION**

The violations set forth in this Notice affect the health and enjoyment of members of River Watch who reside and recreate in the affected community and may use the affected watershed for recreation, hiking, photography or nature walks. Their health, use and enjoyment of this natural resource is specifically impaired by Delta Diablo’s alleged violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any “person,” including a governmental instrumentality or agency, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), 33 U.S.C. § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$56,460.00 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the “citizen suit” provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** “notice period” to promote resolution of disputes. River Watch strongly encourages Delta Diablo to contact counsel for River Watch within **20** days after receipt of this Notice to initiate a discussion regarding the allegations detailed herein. In the absence of productive discussions to resolve this dispute, River Watch will have cause to file a citizen’s suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,

  
Jack Silver

## Service List

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