

STEGE SANITARY DISTRICT BOARD OF DIRECTORS
MEETING OF AUGUST 19, 2021
TIME OF MEETING: 7:00 P.M.
DISTRICT BOARD ROOM, 7500 SCHMIDT LANE, EL CERRITO, CA

***** AGENDA *****

Items on the agenda may be taken out of order.

Public comment is limited to three (3) minutes for each individual speaker.

In accordance with California Government Code Section 54957.5, any writing that is a public record and relates to an open session agenda item which is distributed less than 72 hours prior to the meeting shall be available for public inspection at the District Office, 7500 Schmidt Lane, El Cerrito, during regular business hours. Copies of the agenda are posted on the District website at www.stegesan.org. Those disabled persons requiring auxiliary aids or services in attending or participating in this meeting should notify the District at least 48 hours prior to the meeting at 510/524-4668.

Members of the public can observe the live stream of the meeting by accessing <https://zoom.us/j/84090509848> or by calling (669) 900-9128 and entering the Meeting ID# 840 9050 9848 followed by the pound (#) key.

*Public comment can be sent remotely by delivering to **7500 Schmidt Lane, El Cerrito, CA 94530** or via email to comments@stegesan.org with “Public Comment” in the subject line. To provide written comment on an item on the agenda or to address the Board during Public Comment, please note the agenda item number that you want to address or whether you intend for the comment to be included in Public Comment. Comments timely received 15 minutes before the starting time of the meeting will either be provided as written comment or be read into the record, with a maximum allowance of 3 minutes per individual comment read into the record, subject to the Board President’s discretion. Copies of all timely received written comments will be provided to the Board and will be added to the official record.*

Pursuant to Executive Order N-29-20, Board Members Christian-Smith, Gilbert-Snyder, Merrill, Miller, and O’Keefe may be attending this meeting via remote conferencing. In the event that any Board Member elects to attend remotely, all votes conducted during the remote conferencing session will be conducted by roll call vote.

I. Call To Order

II. Roll Call

Agenda Items: Directors and Officers of the Board will consider and announce if they have any conflicts of interest posed by items on the meeting agenda.

III. Public Comment

(Members of the public are invited to address the Board concerning topics that are **not** on the agenda)

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Motion: **IV. Approval of Minutes**
 A. Approval of July 8, 2021 Board Meeting Minutes
 (The Board will be asked to review and approve the minutes of July 8, 2021 Board Meeting)

Info: **V. Communications**
 A. Oral Communications
 1. Brief reports from Directors on matters related to the District, including attendance at city or community meetings
 a. August 11-13, 2021 California Association of Sanitation Agencies (CASA) Annual Conference
 b. City & Community Meetings
 B. Written Communications

Info: **VI. Reports of Staff and Officers**
 A. Attorney's Report
 B. Engineer's Report
 1. Monthly Maintenance Summary Report
 2. Monthly Report of Sewer Replacements and Repairs

VII. Business

Resolution/Motion: A. Resolution No. 2169-0821 Approving Amendment No. 5 to the Legal Services Agreement with Meyers Nave and Authorizing the President of the Board to Execute the Amendment
 (The Board will consider approval of the Resolution)

Info/Motion: B. COVID-19 Vaccination
 (The Board will consider mandating COVID-19 vaccination for employees)

VIII. Monthly Financial Statements

Info: A. Monthly Investment, Cash, Receivables Report
 B. Monthly Operating Statement
 C. California Employers' Retiree Benefit Trust (CERBT) Quarterly Statement

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(The Board will review the reports and statements)

Info/Motion: **IX. Approval of Checks**

A. Checks for August 19, 2021 - Fund No. 3418 & 3423

(The Board will be asked to approve the August 19, 2021 checks)

CLOSED SESSION

Conference with Legal Counsel—Anticipated Litigation

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 - Number of Potential Cases: 1

Mosher – Government Tort Claim filed: 8/11/2021

Info: **X. Future Agenda Items**

September 9, 2021

CSDA Conference – Attendee Reports

Diversity, Equity, and Inclusion

Board Governance Manual Additions – Public Hearing Procedure and District Counsel Evaluation

September 23, 2021

Health Care Benefits Review

Consent Decree Quarterly Report

XI. Adjournment

(The next meeting of the Stege Sanitary District Board of Directors is scheduled to be held on September 9, 2021 at 7:00 P.M. at the District Board Room, 7500 Schmidt Lane, El Cerrito, California.)

STEGE SANITARY DISTRICT BOARD OF DIRECTORS
 MEETING OF JULY 29, 2021
 TIME OF MEETING: 7:00 P.M.
 DISTRICT BOARD ROOM, 7500 SCHMIDT LANE, EL CERRITO, CA

*****MINUTES*****

- I. Call To Order:** President O’Keefe called the meeting to order at 7:00 P.M.
- II. Roll Call:** Present: Christian-Smith*, Gilbert-Snyder*, Merrill, Miller*,
 O’Keefe*
 Absent: None
 Others Present: Rex Delizo, District Manager
 Kristopher Kokotaylo, District Counsel
**via video-conference*

Agenda Items: Directors and Officers of the Board did not announce any conflicts of interest posed by items on the meeting agenda.

- III. Public Comment:** Gilbert-Snyder commented that EBMUD has had 10 cases of COVID since July 4th. There was no other public comment.

PUBLIC HEARING – ORDINANCE NO. 2165-0721 ORDINANCE APPROVING INCREASE IN DIRECTORS’ FEES

The Manager announced the public hearing was noticed in the local newspaper once a week for two successive weeks, on July 14 and July 21, 2021, in accordance with Government Code Section 6066. The Manager then gave a summary of the proposed 4.1% increase in Directors’ fees that matches the cost-of-living increase for the past year (April CPI-W). President O’Keefe opened the public hearing at 7:05 P.M. There were no members of the public in attendance nor any comments or objections received by mail or email. President O’Keefe closed the public hearing at 7:06 P.M. The Board then began consideration of Ordinance No. 2165-0721 that would change the Directors’ compensation rate from \$222.31 to \$233.12 per meeting day.

MOTION: By Gilbert-Snyder, seconded by Miller, to approve Ordinance No. 2165-0721 Approving Increase in Directors’ Fees, as corrected

STEGE SANITARY DISTRICT BOARD OF DIRECTORS
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TIME OF MEETING: 7:00 P.M.
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VOTE: AYES: Christian-Smith, Gilbert-Snyder, Merrill, Miller,
O'Keefe
NOES: None
ABSTAIN: None
ABSENT: None

**PUBLIC HEARING – RESOLUTION NO. 2166-0721 ACCEPTING REPORT ON
SEWER SERVICE CHARGES AND ELECTING TO COLLECT SEWER
SERVICE CHARGES ON THE TAX ROLL**

The Manager announced the public hearing was noticed in the local newspaper once a week for two successive weeks, on July 14 and July 21, 2020, in accordance with Government Code Section 6066. The Manager then presented the Board with the written report containing a description of each parcel of real property receiving sewer service, together with the amount of the charge for each parcel for the fiscal year 2021-2022 to be collected on the tax roll of Contra Costa County. President O'Keefe opened the public hearing at 7:10 P.M. There were no members of the public in attendance nor any comments or objections received by mail or email. President O'Keefe closed the public hearing at 7:11 P.M. The Board made final comments and began consideration of Ordinance No. 2166-0721.

MOTION: By Merrill, seconded by Gilbert-Snyder, to approve Resolution No. 2166-0721 Accepting Report on Sewer Service Charges and Electing to Collect Sewer Service Charges on the Tax Roll, as corrected

VOTE: AYES: Christian-Smith, Gilbert-Snyder, Merrill, Miller,
O'Keefe
NOES: None
ABSTAIN: None
ABSENT: None

STEGE SANITARY DISTRICT BOARD OF DIRECTORS
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IV. Approval of Minutes

A. Approval of July 8, 2021 Board Meeting Minutes

MOTION: By Merrill, seconded by Gilbert-Snyder, to approve the minutes of the July 8, 2021 Board Meeting

VOTE: AYES: Christian-Smith, Gilbert-Snyder, Merrill, Miller, O'Keefe

NOES: None

ABSTAIN: None

ABSENT: None

V. Communications

A. Oral Communications

1. Brief reports from Directors on matters related to the District, including attendance at city or community meetings

a. City & Community Meetings

Miller gave a report on his attendance at a recent El Cerrito City Council Meeting.

B. Written Communications

1. KIDS for the BAY Watershed Action Program, 2020 – 2021 School Year Final Report

The Board received the final report and photo documents of the students in action.

VI. Reports of Staff and Officers

A. Attorney's Report

Kokotaylo reported on the District's policies for drug testing at work and the recent COVID indoor masking recommendations.

B. Manager's Report

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1. Monthly Maintenance Summary Report
The Manager reported no significant issues with last month's maintenance activities.
2. Monthly Report of Sewer Replacements and Repairs
The Manager reported on invoices paid in June.
3. San Pablo Avenue Specific Plan Status Report
The Manager reported on the status of the impact fee.
4. Reimbursement Report per Government Code 53065.5
The Manager reported that, due to the COVID-19 pandemic, there were no reimbursements paid by the District within the preceding fiscal year of at least one hundred dollars (\$100) for each individual charge for services or product received as required by California Government Code Section 53065.5. Nevertheless, the information will be made available on the District website for public inspection.
5. Form 460/470 - Officeholder and Candidate Campaign Statement
The Manager reminded the Board to file their individual forms electronically online.
6. Private Sewer Lateral Loan Program
The Manager reported on the status of a potential District loan program and received support from the Board to work with District Counsel to proceed on working on draft documents.
7. Board Recruitment Outreach Material
The Manager reported on the draft outreach material for the Board to review.
8. COVID In-person Board Meeting.
The Manager reported on plans to transition back to in-person Board meetings beginning in October 2021.
9. California Association of Sanitation Agencies (CASA) Annual Conference
The Manager reported on the arrangements for the upcoming CASA Conference.

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10. California Special District Association (CSDA) Annual Conference

The Manager reported on the upcoming CSDA Conference.

VII. Business

A. District Investment Policy

The Board conducted its annual review of the District's investment policies and agreed that no changes were necessary.

B. Resolution No. 2167-0721 Accepting Completion of Work and Filing Notice of Completion for the Standard Sewer Rehabilitation Project No. 20201

The Board reviewed and approved the resolution to file the Notice of Completion for Project No. 20201.

MOTION: By Merrill, seconded by Gilbert-Snyder, to approve Resolution No 2167-0721 Accepting Completion of Work and Filing Notice of Completion for the Standard Sewer Rehabilitation Project No. 20201

VOTE: AYES: Christian-Smith, Gilbert-Snyder, Merrill, Miller, O'Keefe

NOES: None

ABSTAIN: None

ABSENT: None

C. Resolution No. 2168-0721 Accepting Completion of Work and Filing Notice of Completion for the Supplementary Sewer Rehabilitation Project No. 20203

The Board reviewed and approved the resolution to file the Notice of Completion for Project No. 20203.

MOTION: By Merrill, seconded by Christian-Smith, to approve Resolution No 2168-0721 Accepting Completion of Work and Filing

STEGE SANITARY DISTRICT BOARD OF DIRECTORS
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Notice of Completion for the Supplementary Sewer Rehabilitation Project
 No. 20203

VOTE: AYES: Christian-Smith, Gilbert-Snyder, Merrill, Miller,
 O'Keefe
 NOES: None
 ABSTAIN: None
 ABSENT: None

D. Resolution No. 2164-0721 Amending the Stege Sanitary District Personnel Policy to Provide for Certain Health Benefits

The Board reviewed and approved the resolution to amend the District's Personnel Policy in order to incorporate the recent increase to the retiree health benefit level due to Public Employees' Medical & Hospital Care Act (PEMHCA) requirements.

MOTION: By Gilbert-Snyder seconded by Miller, to approve Resolution No 2164-0721 Amending the Stege Sanitary District Personnel Policy to Provide for Certain Health Benefits

VOTE: AYES: Christian-Smith, Gilbert-Snyder, Merrill, Miller,
 O'Keefe
 NOES: None
 ABSTAIN: None
 ABSENT: None

VIII. Monthly Financial Statements – June 2021

- A. Monthly Investment, Cash, Receivables Report
- B. Monthly Operating Statement
- C. Local Agency Investment Fund (LAIF) Quarterly Statement

The financial items were reviewed by the Board with no significant issues.

STEGE SANITARY DISTRICT BOARD OF DIRECTORS
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 DISTRICT BOARD ROOM, 7500 SCHMIDT LANE, EL CERRITO, CA

IX. Approval of Checks

A. Checks for July 29, 2021 - Fund No. 3418 & 3423

MOTION: By Merrill, seconded by Gilbert-Snyder, to pay the bills, Check Nos. 27178 through 27207 in the amount of \$852,388.79

VOTE: AYES: Christian-Smith, Gilbert-Snyder, Merrill, Miller, O'Keefe

NOES: None

ABSTAIN: None

ABSENT: None

CLOSED SESSION

Conference with Legal Counsel—Anticipated Litigation

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 - Number of Potential Cases: 4

Lucia – Government Tort Claim filed: 5/26/2020

Jones – Government Tort Claim filed: 12/16/2020

Gailfus – Government Tort Claim filed: 12/28/2020

Freehling – Government Tort Claim filed: 5/26/2021

Public Employment Performance Evaluation

Gov. Code § 54957

Title: District Counsel

Conference with Labor Negotiator

Gov. Code § 54957.6

Agency Designated Representative: Board President O'Keefe

Unrepresented Employee: District Counsel

The Board entered into the closed session at 8:38 P.M. and returned to open session at 9:20 P.M. President O'Keefe announced the Board had taken no reportable actions.

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X. Future Agenda Items

August 19, 2021

Quarterly (FY End) Financial Statements
Connection Charge Report per Gov. Code 66013
CASA Conference – Attendee Reports
CSDA Conference
+*AB 1661 Harassment Prevention Training*
+*Amendment of District Counsel Contract*

September 9, 2021

CSDA Conference Attendee Reports
Diversity, Equity, and Inclusion
+*Board Governance Manual Amendment – ADD District Counsel Performance Evaluation Procedure and Public Hearing Procedure*

XI. Adjournment

The meeting was adjourned at 9:23 P.M. The next meeting of the District Board of Directors will be held on Thursday, August 19, 2021 at 7:00 P.M. at the District Board Room, 7500 Schmidt Lane, El Cerrito, California

Rex Delizo
STEGE SANITARY DISTRICT
Secretary

**STEGE SANITARY DISTRICT
MONTHLY MAINTENANCE SUMMARY REPORT
Jul-21**

1. ROUTINE PREVENTIVE MAINTENANCE ACTIVITES

	Days	Feet
There were 21 normal working days		
Unit #10 (combo) operated:	13	60,700
Unit #11 (rodder) operated:	0	0
Unit #15 (video) operated:	12	21,917
Unit #16 (combo) operated:	1	1,260

	Month (feet)		Quarter (feet)		
	Planned	Unplanned	Planned	Unplanned	Remaining
Total Cleaned	54,679	7,281	54,679	7,281	159,852
Total Video	16,664	5,253	16,664	5,253	36,712

2. MONTHLY SERVICE CALLS

After-hour service calls: 4 calls 4 out

STEGE SANITARY DISTRICT - SERVICE CALLS, OVERFLOWS AND BACKUPS

YEAR	MO	SERVICE CALLS		LATERAL PROBLEMS		STRUCTURAL MAINLINE FAILURES		MAINLINE OVERFLOWS INTO HOMES	
		CURRENT MONTH	12 MONTH AVERAGE	CURRENT MONTH	12 MONTH AVERAGE	CURRENT MONTH	TOTAL LAST 12-MOS	CURRENT MONTH	TOTAL LAST 12-MOS
2021	July	17	15.7	9	9.3	0	1	0	1
CATEGORY 1 SSOs		OVERFLOWS CAUSED BY MAINLINE		OVERFLOWS RELATED TO WET WEATHER					
CURRENT MONTH	TOTAL LAST 12-MONTHS	CURRENT MONTH	TOTAL LAST 12-MONTHS	CURRENT MONTH	TOTAL LAST 12-MONTHS				
0	0	0	2	0	0				

3. SAFETY AND TRAINING

Safety and training meetings were conducted twice a month.

MONTHLY SERVICE CALLS

July-2021

DATE	MH UP/DN	ADDRESS	PRBLM IN	TYPE	LOC	CAUSE	END	COMMENTS
7/1/2021 Thursday 9:29 AM	262121 26107	646 CLAYTON AVE. EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	C				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/1/2021 Thursday 10:24 AM	232506 232502	233 COLUSA AVE. EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input checked="" type="checkbox"/>	O				WE FOUND THIS TO BE THE CUSTOMERS PROBLEM.
7/1/2021 Thursday 10:48 AM	274102 274101	202 KENYON AVE. KENSINGTON, CA 94707	Main <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input checked="" type="checkbox"/>	O				THE CUSTOMER HAD ODOR PROBLEMS.
7/3/2021 Saturday 10:20 AM	227118 227116	642 ELM ST. EL CERRITO, CA 94530 <i>Last Call: 10/13/2009</i>	Main <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input checked="" type="checkbox"/>	SD, A				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/3/2021 Saturday 7:35 PM	161803 161801	1601 ELM ST. EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	C, LC				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/6/2021 Tuesday 9:01 AM	101223 101221	5818 SANTA CRUZ AVE. RICHMOND, CA 94804	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	C				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/6/2021 Tuesday 1:00 PM	283124 283123	951 POMONA AVE. EL CERRITO, CA 94530 <i>Last Call: 7/10/2015</i>	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	C				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/6/2021 Tuesday 2:31 PM	261422 261410	716 MIDCREST WAY EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	C				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/9/2021 Friday 7:44 AM	232414 232413	329 COLUSA AVE. KENSINGTON, CA 94707 <i>Last Call: 5/18/2014</i>	Main <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input checked="" type="checkbox"/>	A				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/13/2021 Tuesday 10:39 AM	187109 187108	5425 ROSALIND AVE. EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	C				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/17/2021 Saturday 2:41 PM	212001 200117	5749 CENTRAL AVE. EL CERRITO, CA 94530 <i>Last Call: 7/3/2017</i>	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	C, OF				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/22/2021 Thursday 2:00 PM	162030 162025	1424 SCOTT ST. EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input checked="" type="checkbox"/>	A				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/26/2021 Monday 8:04 AM	274115 274113	431 BELOIT AVE. KENSINGTON, CA 94707	Main <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input checked="" type="checkbox"/>	T				CUSTOMER THOUGHT TREE ROOT WAS A SEWER PIPE.
7/27/2021 Tuesday 10:52 AM	265511 265505	861 BATES AVE. EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input checked="" type="checkbox"/>	O				THE ODOR WAS CUSTOMER'S PROBLEM.
7/28/2021 Wednesday 12:01 PM	232015 232020	157 COLUSA AVE. EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	LC				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/30/2021 Friday 9:57 AM	227102 227101	527 KEARNEY ST. EL CERRITO, CA 94530	Main <input type="checkbox"/> Lateral <input type="checkbox"/> Other <input checked="" type="checkbox"/>	O				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.
7/30/2021 Friday 4:45 PM	103406 103404	5438 PANAMA AVE. RICHMOND, CA 94804	Main <input type="checkbox"/> Lateral <input checked="" type="checkbox"/> Other <input type="checkbox"/>	C, LC				WE FOUND THIS TO BE THE CUSTOMER'S PROBLEM.

DATE	MH UP/DN	ADDRESS	PRBLM IN	TYPE	LOC	CAUSE	END	COMMENTS
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PROBLEM TYPE:

Water (A) Odor (O)
 Broken Main (B) Overflow (OF)
 S/S Congestion (C) PG+E (P)
 Debris in Main (D) Roots (R)
 EBMUD (E) Surcharge (S)
 Soft Stoppage (F) Storm Drain (SD)
 Grease (G) Unknown (U)
 Lateral Cause (LC) Other (T)
 Misc (M) Wipes/Rags (W)
 MH Cover (MC)

SPILL

LOCATION:
 Lamp/Manhole (MH)
 Mainline (ML)
 Lateral (L)
 Cleanout (CO)
 Building (BLDG)
 Other (O)

SPILL

CAUSE:
 Blockage (B)
 Surcharge (S)
 Line Break (ML)
 Other (O)

SPILL END

LOCATION:
 Building (BLDG)
 Creek (C)
 Strt/Pvmnt (ST)
 Storm Drn (SD)
 Yard (Y)
 Other (O)

MAINLINE: 0

LATERAL: 9

OTHER: 8

TOTAL SERVICE CALLS: 17

MAINLINE OVERFLOW: 0

MAINLINE SURCHARGE: 0

SANITARY SEWER OVERFLOWS (SSOs) LAST 12 MONTHS

August-2021

DATE	MH UP/DN	ADDRESS	PRBLM IN	TYPE	LOC	CAUSE	END	COMMENTS	CAT*	VOL	RCVR'D	NET
12/13/2020	262118	703 EVERETT ST.	Main <input checked="" type="checkbox"/>	OF, T	BLDG	B	BLDG	WE FOUND A PLASTIC SOFTBALL IN SEWER LINE.	CAT 3	36	36	0
Sunday	262104	EL CERRITO, CA 94530	Lateral <input type="checkbox"/>							gallons	gallons	gallons
4:37 PM			Other <input type="checkbox"/>									
12/22/2020	212115	5735 COLUMBIA AVE.	Main <input checked="" type="checkbox"/>	D, W	MH	B	ST	FOUND DEBRIS AND BABY WIPES IN MAINLINE.	CAT 3	6	6	0
Tuesday	212154	RICHMOND, CA 94804	Lateral <input type="checkbox"/>							gallons	gallons	gallons
8:36 PM			Other <input type="checkbox"/>									

PROBLEM TYPE:

Water (A)
 Broken Main (B)
 S/S Congestion (C)
 Debris in Main (D)
 EBMUD (E)
 Soft Stoppage (F)
 Grease (G)
 Lateral Cause (LC)
 Misc (M)
 MH Cover (MC)

SPILL

LOCATION:
 Lamp/Manhole (MH)
 Mainline (ML)
 Lateral (L)
 Cleanout (CO)
 Building (BLDG)
 Other (O)

SPILL

CAUSE:
 Blockage (B)
 Surcharge (S)
 Line Break (ML)
 Other (O)

SPILL END

LOCATION:
 Building (BLDG)
 Creek (C)
 Strt/Pvmnt (ST)
 Storm Drn (SD)
 Yard (Y)
 Other (O)

TOTAL MAINLINE SSOs: 2
 MAINLINE BREAK SSOs: 0
 MAINLINE SURCHARGE SSOs: 0
 CATEGORY 1 SSOs: 0
 SSOs INTO BUILDINGS: 1

TOTAL SSO VOLUME (GALS): 42
 TOTAL VOLUME RECOVERED (GALS): 42
 TOTAL VOLUME UNRECOVERED (GALS): 0

*CATEGORY 1 SSO: Discharges of untreated or partially treated wastewater of any volume resulting from an enrollees sanitary sewer system failure or flow condition that: Reach surface water and/or reach a drainage channel tributary to a surface water; or Reach a municipal separate storm sewer system and are not fully captured and returned to the sanitary sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the municipal separate storm sewer system is considered to have reached surface water unless the storm drain system discharges to a dedicated storm water or ground water infiltration basin (e.g., infiltration pit, percolation pond).

CATEGORY 2 SSO: Discharges of untreated or partially treated wastewater of 1,000 gallons or greater resulting from an enrollee's sanitary sewer system failure or flow condition that do not reach surface water, a drainage channel, or a municipal separate storm sewer system unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.

CATEGORY 3 SSO: All other discharges of untreated or partially treated wastewater resulting from an enrollees sanitary sewer system failure or flow condition.

STEGE SANITARY DISTRICT
MONTHLY REPLACEMENT AND REPAIR SUMMARY
July 2021

I SEWER REPLACEMENT - FY 2021-2022			
A. BUDGET ALLOCATION			\$3,057,000
B. PRIOR BUDGET EXPENDED (WITH RETENTION)			\$0
C. SEWER REPLACEMENTS PAID THIS MONTH			
1			\$0
SUBTOTAL FOR THIS MONTH			\$0
D. TOTAL BUDGET EXPENDED (NO RETENTION)	0.00%		\$0
E. TOTAL 5% RETENTION HELD			\$0
F. BUDGET REMAINING	100.00%		\$3,057,000
G. PERCENTAGE OF FISCAL YEAR REMAINING	91.67%		
H. TOTAL REPLACEMENT FOOTAGE PAID TO DATE	0	(\$ - /LF)	
II SEWER REPAIRS - FY 2021-2022			
A. BUDGET ALLOCATION			\$68,000
B. PRIOR BUDGET EXPENDED			\$0
C. SEWER REPAIRS PAID THIS MONTH			
1			\$0
SUBTOTAL FOR THIS MONTH			\$0
SUBTOTAL FOR LAST MONTH			\$0
D. TOTAL BUDGET EXPENDED	0.00%		\$0
E. TOTAL RETENTION HELD	0.00%		\$0
F. BUDGET REMAINING	100.00%		\$68,000
G. PERCENTAGE OF FISCAL YEAR REMAINING	91.67%		
H. TOTAL NUMBER OF REPAIRS PAID TO DATE	0	\$0 /REPAIR)	

STEGE SANITARY DISTRICT
MONTHLY REPLACEMENT AND REPAIR SUMMARY
July 2021

III SAN PABLO AVE SPECIFIC PLAN AREA (SPASPA) UPGRADE - FY 2021-22			
A. BUDGET ALLOCATION			\$1,000,000
B. PRIOR BUDGET EXPENDED			\$0
C. SPASPA UPGRADES PAID THIS MONTH			
1 None			
	SUBTOTAL FOR THIS MONTH		\$0
	SUBTOTAL FOR LAST MONTH		\$0
D. TOTAL BUDGET EXPENDED	0.00%		\$0
E. TOTAL 5% RETENTION HELD	0.00%		\$0
F. BUDGET REMAINING	100.00%		\$1,000,000
G. PERCENTAGE OF FISCAL YEAR REMAINING	91.67%		
H. TOTAL SPASPA UPGRADE FOOTAGE PAID TO DATE	0	(\$ - /LF)	

RESOLUTION NO. 2169-0821 APPROVING AMENDMENT NO. 5 TO THE LEGAL SERVICES AGREEMENT WITH MEYERS NAVE AND AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE THE AMENDMENT

ISSUE:

The Board will consider amending the legal services agreement with Meyers Nave to provide for a CPI adjustment.

FISCAL IMPACT:

The fiscal impact of the CPI adjustment since the last amendment to the legal services agreement is an increase of 8.8%.

STRATEGIC PLAN:

GOAL 4: Provide a Safe and Rewarding Work Environment that Recognizes the Worth and Value of Employees

BACKGROUND:

On July 29, 2021, the Board conducted a performance evaluation of District Counsel Kokotaylo and his law firm, Meyers Nave. After the performance evaluation, the Board requested staff prepare a resolution to amend the legal services agreement with Meyers Nave to provide for a CPI adjustment since the last amendment to the legal services agreement.

RECOMMENDATION:

Approve the resolution.

ALTERNATIVES:

1. Make amendments and approve as amended.
2. Take no action and provide staff further direction.

ATTACHMENTS:

- Resolution No. 2169-0821
- Amendment No. 5 to the Legal Services Agreement with Meyers Nave.

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RESOLUTION NO. 2169-0821

RESOLUTION APPROVING AMENDMENT NO. 5 TO THE LEGAL SERVICES AGREEMENT WITH MEYERS NAVE AND AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE THE AMENDMENT

The Directors of the Stege Sanitary District find and determine as follows:

- A. The Stege Sanitary District (District) is a public agency and sanitary district organized and existing under and pursuant to the Sanitary District Act of 1923 (California Health and Safety Code § 6400 *et seq.*).
- B. Kristopher J. Kokotaylo (District Counsel), through the law firm Meyers Nave, a Professional Corporation (Firm), serves as District Counsel for the District.
- C. The District and Firm have an existing legal services agreement.
- D. On July 29, 2021, the District Board of Directors conducted a performance evaluation of District Counsel and the Firm and the District Board of Directors now desires to amend the legal services agreement with the Firm to provide for a CPI adjustment since the last amendment to the legal services agreement.

In consideration of the foregoing findings and determinations, it is resolved:

1. The foregoing recitals are true and correct and are hereby incorporated by reference.
2. The Board of Directors declare that the Board President, acting as the Labor Negotiator on behalf of the District, is authorized to execute the fifth amendment to the legal services agreement attached hereto as Exhibit A, between the Stege Sanitary District and the Firm effective August 1, 2021.
3. The District Manager is hereby authorized and directed, on behalf of the District, to make all approvals and take all actions necessary and appropriate to carry out and implement the terms of this Resolution.

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA)

I HEREBY CERTIFY that the foregoing Resolution No. 2169-0821 was duly and regularly adopted by the Directors of the Stege Sanitary District, at a regular meeting thereof, held on the 19th day of August 2021 by a X-X vote as follows:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:
ABSTAIN: BOARD MEMBERS:

BEATRICE O'KEEFE, President
Stege Sanitary District
Contra Costa County, California

ATTEST:

REX DELIZO, Secretary
Stege Sanitary District

**Fifth Amendment to Agreement
For Legal Services**

This is the Fifth Amendment to the Agreement between Stege Sanitary District (“Stege”) and Meyers Nave, a Professional Corporation (“Firm”), dated January 9, 2004, as amended October 26, 2007, January 1, 2012, July 24, 2014 and June 28, 2018.

Section 4. Compensation, shall be amended as follows:

“Stege shall compensate Firm in accordance with the terms and conditions of the Agreement in the following amounts:

a. Meeting Retainer. A retainer of One Thousand Eight Hundred Ninety Five Dollars (\$1,895) per month for performance of services directly related to one regular Board meeting each month, specifically including: preparation for the meeting, review of agenda materials for the meeting; drafting of resolutions; consulting with the Manager / Engineer regarding agenda materials; attendance at the meeting; and any follow-up consultations or minor work resulting directly from the meeting.

b. Non-Retainer General Services (Hourly Rate). For all other routine general counsel services not included in the Meeting Retainer above, the work shall be billed at the following rates:

Attorney	Rate
Principal	\$300.00 per hour
Associates	\$267.00 per hour
Paralegal	\$129.00 per hour
Law Clerk	\$129.00 per hour

c. Special Counsel Service and Cost Recovery Rates. For non-routine special counsel services and for all legal work chargeable to third party applicants of the District, the work shall be billed at the non-retainer specialty rates maintained by the Firm, which range from \$250 to \$505 per hour. Before any special counsel services are provided, the District Counsel shall consult with the Manager/Engineer and the President of the Board of Directors.

d. Annual Review of Rates. District Counsel may request an annual review of the rates at the beginning of the District’s fiscal year and seek adjustments. All rate adjustments shall be approved by the Board of Directors.”

The remainder of Section 4 and the remainder of the Agreement will remain in full force and effect. This Amendment shall be effective on August 1, 2021.

Meyers Nave, a Professional Corp.

Date: _____

By: _____
Kristopher Kokotaylo, Attorney

Stege Sanitary District

Date: _____

By: _____
Beatrice O'Keefe, President

COVID-19 VACCINATION

ISSUE:

The Board will consider providing direction to staff to prepare a policy mandating the COVID-19 vaccination for employees.

FISCAL IMPACT:

The fiscal impact of considering the vaccination is minimal.

STRATEGIC PLAN:

GOAL 4: Provide a Safe and Rewarding Work Environment that Recognizes the Worth and Value of Employees

BACKGROUND:

The District continues to encourage employees to receive the COVID-19 vaccine, require face masks indoors consistent with Health Officer Orders, maintain physical distancing, and conduct daily self-screenings before coming to work.

Faced with the growth of more transmissible COVID-19 variants affecting mainly unvaccinated individuals, the Board has requested a discussion to consider preparing a policy to mandate COVID-19 vaccinations for employees, weekly testing and/or other safety precautions.

Any COVID-19 vaccination mandate policy must comply with all applicable laws and should be based on guidance from the Department of Fair Employment and Housing, the U.S. Equal Employment Opportunity Commission, the Centers for Disease Control and Prevention, and state and local health authorities, as applicable. Any policy must provide reasonable accommodations as required under existing law and cannot retaliate against employees for engaging in protected activity. Attached is a Department of Fair Employment and Housing document with answers to frequently asked questions.

RECOMMENDATION:

Discuss and provide staff direction, as appropriate.

ALTERNATIVES:

1. Take no action.

ATTACHMENTS:

Department of Fair Employment and Housing Frequently Asked Questions Document

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DFEH Employment Information on COVID-19



FAQ

A pandemic of respiratory illness caused by a new coronavirus (COVID-19) currently exists in California and beyond. Governor Newsom declared a state of emergency in California on March 4, 2020.

Workers and employers should adhere to the latest government guidance on how to reduce transmission of COVID-19 in the workplace, including guidance from the [Centers for Disease Control and Prevention](#) (CDC), the [California Department of Public Health](#), and the [California Division of Occupational Safety and Health](#) (Cal/OSHA).

At the same time, employers must adhere to state and federal civil rights laws, including the Fair Employment and Housing Act (FEHA). For employers with 5 or more employees, the FEHA prohibits [employment discrimination and harassment](#) on the basis of race, national origin, disability, age (over 40), and other characteristics. The FEHA also requires employers to reasonably accommodate employees with a disability, unless an employer shows undue hardship after engaging in the interactive process.

DFEH is providing this guidance to assist employers and employees with frequently asked questions about how to keep workplaces safe during the COVID-19 pandemic while also upholding civil rights. This guidance is based on current public health information and may be updated from time to time, and replaces previous guidance issued on March 20, 2020 and July 24, 2020. This guidance is for informational purposes only and does not create any rights or obligations separate from those imposed by the FEHA and other laws.

■ DFEH Employment Information on COVID-19

GENERAL INFORMATION

■ Are civil rights laws in effect during a pandemic?

Yes. The FEHA prohibits employers from discriminating against or harassing employees because of race, color, ancestry, national origin, religion, age (over 40), disability (mental and physical), sex, gender (including pregnancy), sexual orientation, gender identity, gender expression, genetic information, marital status, military or veteran status, and other characteristics. National origin includes geographic places of origin, ethnic groups, and tribal affiliations.

For example, it is unlawful for an employer to refuse to hire, segregate, or send employees home because of their actual or perceived race or national origin, or because of their association (including marriage or co-habitation) with someone based on race or national origin. Employers must take reasonable steps to prevent and promptly correct discriminatory and harassing conduct in the workplace.

■ Does the FEHA prohibit employment discrimination and harassment because of someone's "medical condition"?

Yes, but the FEHA defines "medical condition" to mean "any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer" or "genetic characteristics." "Genetic characteristics" is [further defined](#) by FEHA.

COVID-19 INQUIRIES AND PROTECTIVE EQUIPMENT

■ May an employer ask all employees entering the workplace if they have COVID-19 symptoms?

Yes. Employers may ask employees if they are experiencing COVID-19 symptoms, such as fever, chills, coughing, or a sore throat. Employers must keep confidential any employee health information obtained, including keeping employee medical files separate from the employee's personnel file. See FAQ below for further information about what an employer may disclose if an employee tests positive for COVID-19 or is quarantining because of possible infection.

■ May an employer take all employees' temperatures before allowing them to enter the workplace?

Yes. Generally, measuring an employee's body temperature is a medical examination that may only be performed under limited circumstances. Based on public health guidance, employers may measure an employees' body temperature for the limited purpose of evaluating the risk that employee's presence poses to others in the workplace as a result of COVID-19 infection.

■ DFEH Employment Information on COVID-19

■ **May an employer require employees to submit to a medical test to detect the presence of the COVID-19 virus or antibodies to the virus before permitting employees to enter the workplace?**

Under the FEHA, an employer may mandate a medical examination when it is “job-related and consistent with business necessity.” Applying this standard in light of present guidance from the CDC, and consistent with [guidance](#) from the Equal Employment Opportunity Commission, employers may require employees to submit to [viral testing](#) but not [antibody testing](#) before permitting employees to enter the workplace, as explained below.

Viral Testing. Employers may require that employees submit to viral testing in order to determine whether an employee has COVID-19 infection, before allowing an employee to enter the workplace. That is because an employee with COVID-19 is unable to perform the employee’s essential duties in a manner that would not endanger the health or safety of others in the workplace even with reasonable accommodation there. Employers should ensure that the testing used is accurate and reliable, and that any viral testing is part of a [comprehensive plan](#) for reducing transmission of COVID-19 in the workplace. Employers should be aware that viral tests can have false-negative results and that a negative viral test does not mean that an employee will not acquire COVID-19 in the future.

Antibody Testing. The CDC’s current [guidance](#) states that “[antibody] test results should not be used to make decisions about returning persons to the workplace.” Whereas viral testing directly tests for the presence of COVID-19, antibody testing indirectly detects past or waning COVID-19 infection by testing for immune response. Antibody testing is less accurate and reliable than viral testing for detecting COVID-19 infection. In light of the CDC’s current guidance, antibody testing does not currently meet the FEHA’s requirement that a medical examination be “job-related and consistent with business necessity.”

■ **May an employer ask employees why they have been absent from work if the employer suspects it is for a medical reason?**

Yes. Asking why an individual did not report to work is not a disability-related inquiry. An employer is entitled to ask why an employee has not reported for work. If an employee discloses an illness or medically-related reason for absence, employers must maintain that information as a confidential medical record.

■ **May an employer require its employees to wear personal protective equipment (e.g., face masks, gloves, or gowns) designed to reduce the transmission of COVID-19?**

Yes. An employer may require employees to wear personal protective equipment during the COVID-19 pandemic. However, where an employee with a disability needs a related reasonable accommodation (e.g., non-latex gloves or gowns designed for individuals who use wheelchairs), the employer should provide these, absent undue hardship.

■ DFEH Employment Information on COVID-19

EMPLOYEES WITH COVID-19 SYMPTOMS OR INFECTION

■ **How much information may an employer request from employees who report feeling ill at work?**

Employers may ask employees if they are experiencing COVID-19 symptoms, such as fever, chills, coughing, or a sore throat. That is because, consistent with guidance from the EEOC, an employee with COVID-19 is unable to perform the employee's essential duties in a manner that would not endanger the health or safety of others in the workplace even with reasonable accommodation there. Employers must keep confidential any employee health information obtained, including keeping employee medical files separate from the employee's personnel file. See FAQ below for further information about what an employer may disclose if an employee tests positive for COVID-19 or is quarantining because of possible infection.

■ **May an employer send employees home if they display COVID-19 symptoms?**

Yes. The CDC states that employees who become ill with symptoms of COVID-19 at work should leave the workplace. Employers may send employees who exhibit COVID-19 symptoms home for the reasons stated in the previous FAQ. Employers must provide paid sick leave and compensate the employee under paid sick leave laws. If sick leave is exhausted, employees may be entitled to other paid leave (including vacation or paid time off) or job-protected unpaid leave.

■ **May an employer send employees home if they test positive for COVID-19?**

Yes. According to the CDC, "[p]ositive test results using a viral test indicate that the employee has COVID-19 and should not come to work and should isolate at home. Decisions to discontinue home isolation for workers with COVID-19 and allow them to return to work may follow either a symptom-based, time based, or a test-based strategy." Employers must maintain all test results as a confidential medical record.

■ **What information may an employer reveal if an employee is quarantined, tests positive for COVID-19, or has come in contact with someone who has the virus?**

Employers should not identify any such employees by name in the workplace to ensure compliance with privacy laws. If an employee tests positive for or is suspected to have COVID-19, the employer will need to follow the most current local, state, or federal public health orders and guidance. Employers should take further steps at the direction of public health authorities that may include closing the worksite, deep cleaning, and permitting or requiring telework.

Employers may notify affected employees in a way that does not reveal the personal health-related information of an employee. For example, the employer could speak with employees or send an email or other written communication stating: "[Employer] has learned that an employee at [office location] tested positive for the COVID-19 virus. The employee received positive results of this test on [date]. This email is to notify you that you have potentially been exposed to COVID-19 and you should contact your local public health department for guidance and any possible actions to take based on individual circumstances."

Employers may not confirm the health status of employees or communicate about employees' health.

■ DFEH Employment Information on COVID-19

JOB-PROTECTED LEAVE

- **Are employees entitled to job-protected unpaid leave under the California Family Rights Act (CFRA) if they cannot work because they are ill because of COVID-19 or must care for a family member who is ill?**

Employees may be entitled to up to 12 weeks of job-protected leave under the California Family Rights Act for their own serious health condition, or to care for certain types of family members (such as a child, parent, or spouse).

COVID-19 will qualify as a serious health condition if it results in inpatient care or continuing treatment or supervision by a health care provider. It may also qualify as a serious health condition if it leads to conditions such as pneumonia.

For more information about CFRA leave, visit: www.dfeh.ca.gov/family-medical-pregnancy-leave/.

- **If an employee requests leave under the California Family Rights Act because of COVID-19, what kind of certification from a health care professional is appropriate in a pandemic?**

Generally, employees are expected to give employers notice as soon as practicable when they request CFRA leave because of their or a family members' serious health condition. Employers may require a medical certification of the serious health condition from a health care provider within 15 days of the employee's request, unless it is not practicable for the employee to do so.

In the context of a pandemic, it is not typically practicable for employees to provide advance notice of the need for leave (when that need is related to the pandemic), or for employees to obtain certifications when health care providers are working to address urgent patient needs. In a pandemic, employers must use their judgment and recommendations from public health officials to waive certification requirements when considering and granting leave requests.

REASONABLE ACCOMMODATIONS FOR EMPLOYEES WITH A DISABILITY / VULNERABLE POPULATIONS

- **If an employee cannot come to work because of illness related to COVID-19, are they entitled to a reasonable accommodation for a disability?**

Maybe. All employers of five or more employees have an affirmative duty to make [reasonable accommodation](#) for the disability of an employee if the employer knows of the disability, unless the employer can demonstrate, after engaging in the interactive process, that the accommodation would impose an undue hardship, the employee is unable to perform the employee's essential duties even with reasonable accommodations, or the employee cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations. When needed to identify or implement an effective, reasonable accommodation for an employee with a disability, the FEHA requires a timely, good faith, interactive process between the employer and employee.

DFEH Employment Information on COVID-19

Whether illness related to COVID-19 rises to the level of a disability (as opposed to a typical seasonal illness such as the flu) is a fact-based determination. Employers should consider telework and leave as reasonable accommodations for employees with a disability related to COVID-19 unless doing so imposes an undue hardship. Factors considered when deciding whether providing leave is an undue hardship include: the number of employees, the size of the employer's budget, and the nature of the business or operation. Because an employer and employee are required to work together to try to identify reasonable accommodation for the employee's particular circumstances, employers may not impose an across-the-board accommodation on employees with a disability related to COVID-19.

If an employee has a medical condition that increases their risk for severe illness from COVID-19, is the employee entitled to a reasonable accommodation?

According to the [CDC](#), people of any age with the following underlying medical conditions **are at** increased risk for severe illness from COVID-19: cancer; chronic kidney disease; COPD; down syndrome; pregnancy; smoking; immunosuppressed state from solid organ transplant; obesity; serious heart conditions; sickle cell disease; and Type-2 diabetes. Individuals with the following conditions **may be** at increased risk for severe illness from COVID-19: moderate to severe asthma; cerebrovascular disease; cystic fibrosis; hypertension or high blood pressure; immunocompromised state from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines; neurologic conditions such as dementia; liver disease; pulmonary fibrosis (having damaged or scarred lung tissues); thalassemia (a type of blood disorder); and Type-1 diabetes.

If the underlying medical condition qualifies as a [disability](#), then the employer must reasonably accommodate the employee, absent undue hardship to the employer. See previous FAQ for more information. If the underlying medical condition does not rise to the level of a disability, employers are not required to reasonably accommodate the employee, though DFEH suggests that employers endeavor to accommodate workers who are or may be at increased risk of severe illness from COVID-19 as a general strategy to keep their workers safe and healthy.

If an employee is vulnerable to severe illness from COVID-19 due to their age, is the employee entitled to a reasonable accommodation?

According to the CDC, "among adults, the risk for severe illness from COVID-19 increases with age, with older adults at highest risk." However, because age is not a disability, employers are not required to reasonably accommodate employees based on their age alone. Nor may employers discriminate against older employees. For example, an employer may not return only employees under age 65, even if the employer is doing so to protect its older employees from COVID-19 risks.

■ DFEH Employment Information on COVID-19

■ **What medical documentation should employees provide to support a request for reasonable accommodation to work remotely or take leave because they are disabled by COVID-19?**

Generally, when an employee requests a reasonable accommodation in the form of a change in schedule, telework, or leave, employers may request reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation.

During the current pandemic, it may be impracticable for employees to obtain medical documentation of a COVID-19-related disability from their medical provider. To the extent employers require medical documentation in order to grant reasonable accommodations, DFEH recommends waiving such requirements until such time as the employee can reasonably obtain documentation.

■ **During a pandemic, must an employer continue to provide reasonable accommodations for employees with disabilities that are unrelated to the pandemic, barring undue hardship?**

Yes. An employer's responsibilities to individuals with disabilities continue during a pandemic. If the employee, because of a physical or mental disability, is unable to perform the employee's essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodation, an employer can lawfully exclude the employee from employment or employment-related activities. Nor is an employer required to provide an accommodation that imposes an undue hardship on the employer.

If an employee with a disability needs the same reasonable accommodation at a telework site as at the workplace, the employer should provide that accommodation, absent undue hardship. In the event of undue hardship, the employer and employee should work together to identify an alternative reasonable accommodation.

VACCINATION

■ **May an employer require its employees to be vaccinated against COVID-19?**

Short Answer: Under the FEHA, an employer may require employees to receive an FDA-approved vaccination against COVID-19 infection so long as the employer does not discriminate against or harass employees or job applicants on the basis of a protected characteristic, provides reasonable accommodations related to disability or sincerely-held religious beliefs or practices, and does not retaliate against anyone for engaging in protected activity (such as requesting a reasonable accommodation).

DFEH Employment Information on COVID-19

Explanation: The U.S. Food and Drug Administration (FDA) [authorized and recommended](#) three vaccines against COVID-19 infection, and the FDA may approve other vaccines for use in the United States. As safe and effective vaccines against COVID-19 infection become more widely available, employers may wish to encourage their employees to get vaccinated. Here, DFEH does not provide guidance on whether or to what extent an employer should mandate vaccination within its workforce. Rather, this FAQ and the following FAQs address how an employer complies with the FEHA if it decides to require employees to be vaccinated against COVID-19 infection with an FDA-approved vaccine.

The FEHA prohibits discrimination and harassment on the basis of a protected characteristic; therefore, if an employer mandates or encourages vaccination in its workforce, the employer's vaccination policy or practice must not discriminate against or harass employees or job applicants based on a protected characteristic, such as disability, perceived disability, or religion.

In addition, as explained in the next FAQs, the FEHA requires employers to reasonably accommodate employees with a known disability or sincerely-held religious belief or practice that prevents them from being vaccinated against COVID-19, as well as prohibits employers from retaliating against anyone for engaging in protected activity.

If an employer requires vaccination against COVID-19 in its workforce, must the employer reasonably accommodate employees with disabilities?

Yes. The FEHA requires employers to reasonably accommodate employees' known disabilities. Therefore, if an employer mandates vaccination in its workforce, and an employee objects to vaccination on the basis of disability, the employer must engage in the interactive process with, and reasonably accommodate, the employee with a disability-related reason for not being vaccinated, and the employer may not retaliate against an employee for requesting such an accommodation. However, if the employer shows that the accommodation imposes an [undue hardship](#), the employee is unable to perform the employee's essential duties even with reasonable accommodations, or the employee cannot perform those duties in a manner that would not endanger the employee's health or safety or the health or safety of others even with reasonable accommodations, the employer may exclude the employee from the workplace. Whether a reasonable accommodation exists is a fact-specific determination. Among the accommodations that an employer and employee might consider are whether the employee is able to work from home or whether reasonable procedures and safeguards could be put in place at the worksite that would enable to employee to work without endangering the employee or others.

If an employer requires vaccination against COVID-19 in its workforce, must the employer reasonably accommodate employees with a sincerely-held religious belief or practice?

Yes. The FEHA requires employers to reasonably accommodate employees' known sincerely-held religious beliefs and practices (also known as religious creed). Therefore, if an employer mandates vaccination in its workforce, and an employee objects to vaccination on the basis of a sincerely-held religious belief or practice, the employer must reasonably accommodate the employee, and may not retaliate against an employee for requesting such an accommodation. Employers should engage in an interactive process with the employee similar to the disability context. Generally, a [reasonable accommodation](#) is one that

■ DFEH Employment Information on COVID-19

eliminates the conflict between the religious belief or practice and the vaccination requirement and may include, but is not limited to, job restructuring, job reassignment, or modification of work practices. However, unless specifically requested by the employee, an accommodation related to religious creed is not considered reasonable if such accommodation results in the segregation of the individual from other employees or the public. If the employer shows that an accommodation imposes an undue hardship, the employer may exclude the employee from the workplace.

■ **If an employer requires its employees to be vaccinated against COVID-19 and an employee objects to receiving a vaccination because they do not “trust that the vaccine is safe,” must the employer reasonably accommodate the employee?**

If an employee does not have a disability reason or sincerely-held religious reason for not being vaccinated with an FDA-approved vaccine, the employer is not legally required by the FEHA to reasonably accommodate the employee.

■ **If an employer requires its employees to be vaccinated against COVID-19 and an employee questions the wisdom of or resists the mandate (but does not request a reasonable accommodation related to their disability or religious creed), can the employer discipline the employee?**

Employers are permitted to enforce reasonable disciplinary policies and practices but the FEHA prohibits employers from retaliating against any employee for engaging in protected activity. As detailed in [California Code of Regulations, title 2, section 11021](#), employers may not discipline or otherwise retaliate against an employee because that individual has opposed practices prohibited by the FEHA. For example, an employer may not retaliate against someone who alleges that the employer’s vaccination policy intentionally discriminates on the basis of race, national origin, or another protected characteristic, or has a disparate impact on a protected group.

■ **If an employer administers a COVID-19 vaccination program, may the employer ask employees for medical information relevant to vaccination?**

Employers may generally ask their employees to answer questions regarding COVID-19, such as inquiring whether an employee entering a workplace is experiencing COVID-19 symptoms. If an employer itself administers a vaccination program, the employer may seek to have employees answer certain questions that could elicit information about a disability—including questions on a pre-vaccination screening questionnaire—so long as the inquiry is “job-related and consistent with business necessity.” Any retained record of employee or applicant vaccination must be maintained as a confidential medical record.

■ DFEH Employment Information on COVID-19

■ If an employer requires its employees to receive a vaccination against COVID-19 administered by a third-party, may the employer require an employee or applicant to submit “proof” of vaccination?

Yes. Because the reasons that any given employee or applicant is not vaccinated may or may not be related to disability or religious creed, simply asking employees or applicants for proof of vaccination is not a disability-related inquiry, religious creed-related inquiry, or a medical examination. However, because such documentation could potentially include disability-related medical information, employers may wish to instruct their employees or applicants to omit any medical information from such documentation. Any record of employee or applicant vaccination must be maintained as a confidential medical record.

If you think you have been a victim of employment discrimination, please contact DFEH.

TO FILE A COMPLAINT

Department of Fair Employment and Housing

dfeh.ca.gov

Toll Free: 800.884.1684

TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation, the DFEH can assist you by scribing your intake by phone or, for individuals who are deaf or hard of hearing or have speech disabilities, through the California Relay Service (711), or you can contact us above.

12:30 PM	STEGE SANITARY DISTRICT			
08/12/2021	Check Report			
Accrual Basis	August 19, 2021			
	Name	Memo	Amount	Num
Aug 19, 21				
	ARAMARK	Safety Award	-24.23	27208
	Aramark Uniform Services	Uniform Services	-519.84	27209
	Bay Area News Group - East Bay	Director Fees & Tax Roll 2021-22	-498.60	27210
	CWEA	Membership Reyes & Perez	-283.00	27211
	DEK Electric	Burlingame Pumpstation Repair	-700.00	27212
	Direct Line	Answering Service 07/01-31/21	-125.00	27213
	East Bay Sanitary Co., Inc.	Debri Box	-2,454.30	27214
	East Bay Times	Newspaper Subscription	-611.53	27215
	Employee Benefits Law Group pc	Flexible Benefits	-222.75	27216
	Exxonmobil	Gas	-113.79	27217
	Fred Bondoc	Covid Test Reimb	-110.00	27218
	Mobile Fleetcare	Vehicle Maintenance	-3,061.22	27219
	Municipal Maintenance Equipment	Vaccon Repair	-902.19	27220
	Nakano Landscape	Landscaping Jul 2021	-290.00	27221
	Paul Myslin.	Refund Permit #27451	-2,289.00	27222
	PG&E- #0103467151-9	Burlingame Pumpstation	-281.24	27223
	PG&E- #0607499583-5	Canon Pump Station	-89.46	27224
	PG&E- #6675831511-4	Office/Shop	-759.23	27225
	TelePacific Communications	Office Phones	-1,135.70	27226
	Universal Building Services	Janitorial Service July	-393.00	27227
Aug 19, 21			-14,864.08	

STEGE SANITARY DISTRICT BOARD OF DIRECTORS MEETING AGENDA CALENDAR

JANUARY 2021	FEBRUARY 2021	MARCH 2021	APRIL 2021	MAY 2021	JUNE 2021
1/1 & 1/18 HOLIDAY CASA Winter Conf. Jan 27-28, Virtual Event	2/15 HOLIDAY CASA Policy Forum Feb ???, Wash, DC	AB 1234 Training (even years)		5/31 HOLIDAY AB 1661 Training (odd years)	6/9 Safety and Recognition Awards Luncheon
1/7/2021 – 7:00 P.M.	2/11/2021 – 7:00 P.M.	3/6/2021 – 9:00 A.M.	4/1/2021 – 7:00 P.M.	5/6/2021 – 7:00 P.M.	6/3/2021 – 7:00 P.M.
<ul style="list-style-type: none"> • Board Governance Manual Review • Long Range Planning Workshop Agenda • Service Rate Discussion • District of Distinction (even years) • Director’s Contact Info • Board Training Summ. • CASA Conference 	<ul style="list-style-type: none"> • Actuarial Analysis of Retiree Health Benefits Report (even years) • Long Range Planning Workshop Agenda • Service Rate Discussion • Performance Report • Board Training Summ. • CASA Conf. + Attendee Reports • Form 700 	<u>9AM Meeting Time</u> <ul style="list-style-type: none"> • Long Range Planning Workshop <ul style="list-style-type: none"> – Past 5 yrs. Expenditures Review – Self-Assessment of Governance – Strategic Plan Review 	<ul style="list-style-type: none"> • Service Rate Discussion/ Approval (& 30-day Notice) • Board Training Summ. • Diversity, Equity, and Inclusion 	<ul style="list-style-type: none"> • Appoint Labor Negot. • CLOSED SESSION – Conf. Labor Negot. • Draft Budget • Board Training Summ. • July 4th Fair Discussion • Review of Comparable Agencies • Diversity, Equity, and Inclusion 	<ul style="list-style-type: none"> • Draft Budget • Review Directors’ Meeting Compensation • District Working Capital and Reserve Policy • Approve Project Plans and Specs (+CEQA) • July 4th Fair Discussion • CASA Conference • Diversity, Equity, and Inclusion
1/21/2021 – 7:00 P.M.		3/18/2021 – 7:00 P.M.	4/15/2021 – 7:00 P.M.	5/20/2021 – 7:00 P.M.	6/17/2021 – 7:00 P.M.
<ul style="list-style-type: none"> • CLOSED SESSION – Quarterly Claims Rpt – Manager Perf. Eval. • Board Governance Manual Approval • Long Range Planning Workshop Agenda • Service Rate Discussion • Quarterly Financial Statements • SPASPA Status Report • CASA Conference 		<ul style="list-style-type: none"> • Auditor – RFP • California Employer’s Retiree Benefit Trust (CERBT) • Service Rate Discussion • Action Plan • Consent Decree Quarterly Report • Board Training Summ. • Form 700 	<ul style="list-style-type: none"> • CLOSED SESSION – Quarterly Claims Rpt • Draft Budget • Employee Benefit Package Review • Service Rate Discussion/Approval (+ 30-day Notice) • July 4th Fair Discussion • Quarterly Financial Statements • SPASPA Status Report 	<ul style="list-style-type: none"> • CLOSED SESSION – Manager Perf. Eval. – Conf. Labor Negot. • Resolution Ordering Board Election (even years) • Connection Charge • Draft Budget • July 4th Fair Discussion • Service Rate Discussion/Approval (+ 30-day Notice) 	<ul style="list-style-type: none"> • CLOSED SESSION – Counsel Perf. Eval. • Resolution Salary of District Manager • Resolution Employee Salary Ranges • Resolution Approve/Adopt Budget • Review and Approve Incentive Award • Adopt Incentive Award Goals & Objectives • July 4th Fair Discussion • CD Quarterly Report • CASA Conference

STEGE SANITARY DISTRICT BOARD OF DIRECTORS MEETING AGENDA CALENDAR

JULY 2021	AUGUST 2021	SEPTEMBER 2021	OCTOBER 2021	NOVEMBER 2021	DECEMBER 2021
7/5 HOLIDAY 4 th of July Fair Booth	CASA Annual Conf. Aug 11-13, San Diego CSDA Annual Conf. Aug 30-Sep 1, Monterey	9/6 HOLIDAY		11/25-26 HOLIDAY	12/9 HOLIDAY LUNCHEON 12/24 & 12/31 HOLIDAY
7/8/2021 – 7:00 P.M.	8/19/2021 – 7:00 P.M.	9/9/2021 – 7:00 P.M.	10/7/2021 – 7:00 P.M.	11/11/2021 – 7:00 P.M.	12/9/2021 – 2:00 P.M.
<ul style="list-style-type: none"> July 4th Fair Debrief CASA Conference CSDA Conference Diversity, Equity, and Inclusion 	<ul style="list-style-type: none"> Select Actuary for Analysis of Retiree Health Benefits (odd years) Quarterly (FY End) Financial Statements 	<ul style="list-style-type: none"> CSDA Conference – Attendee Reports Diversity, Equity, and Inclusion 	<ul style="list-style-type: none"> Regional PSL Program Update Regional FOG Program Update 	<ul style="list-style-type: none"> Proposed Meeting Calendar Board Officer Succession Plan CASA Conference 	<u>2PM Meeting Time</u> <ul style="list-style-type: none"> Fiscal Year Financial Audit Resolution Certifying Election Results (even years) Emergency Contact Update Meeting Calendar Consent Decree Quarterly Report CASA Conference Pension + OPEB UAL Reports Nomination & Election of Officers
7/29/2021 – 7:00 P.M.	<ul style="list-style-type: none"> Conn. Charge Report per Gov. Code 66013 CASA Conference – Attendee Reports CSDA Conference 	9/23/2021 – 7:00 P.M.	10/21/2021 – 7:00 P.M.		
<ul style="list-style-type: none"> CLOSED SESSION – Quarterly Claims Rpt Hearing +Res./Ord. – Establish and Collect Sewer Service Charges – Director Meeting Compensation Resolution Filing Notice of Completion District Investment Policy Reimb. Report per Gov. Code 53065.5 Quarterly Financial Statements Candidate filing period (even years) SPASPA Status Report CASA Conference CSDA Conference Form 470 		<ul style="list-style-type: none"> Health Care Benefits Review Consent Decree Quarterly Report 	<ul style="list-style-type: none"> CLOSED SESSION – Quarterly Claims Rpt – Manager Perf. Eval. SPASPA Status Report Quarterly Financial Statements 		