



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

Notice of Time Change

**LEGISLATIVE/HUMAN RESOURCES
COMMITTEE MEETING**

10:30 a.m.

Tuesday, January 14, 2020

Notice is hereby given that the Tuesday, January 14, 2020 Legislative/Human Resources Committee meeting of the Board of Directors has been rescheduled from 10:15 a.m. to 10:30 a.m. The meeting will be held in the Training Resource Center of the Administration Building, 375 - 11th Street, Oakland, California.

Dated: January 9, 2020

A handwritten signature in blue ink that reads 'Rischa S. Cole' is written over a horizontal line.

Rischa S. Cole
Secretary of the District



**BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT**

375 – 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Legislative/Human Resources Committee
Tuesday, January 14, 2020
10:30 a.m.
Training Resource Center**

(Committee Members: Directors Coleman {Chair}, McIntosh and Patterson)

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Legislative Update (Dumaine)
 - Federal Initiatives for 2020
 - Update on Legislative Issues of Interest to EBMUD
2. Amendment to Position Resolution No. 35145-19 (Acosta)

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 9, 2020

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ANC*

FROM: Marlaigne Dumaine, Manager of Legislative Affairs *MD*

SUBJECT: Federal Initiatives for 2020

The following issues are being referred to the Legislative/Human Resources Committee for review and recommendation to the Board of Directors for action, as appropriate, on January 14, 2020.

RECOMMENDED ACTION

Approve the four proposed federal initiatives for 2020: 1) advance EBMUD's interests in the context of water supply reliability and the Mokelumne River fishery; 2) pursue federal funding opportunities for EBMUD projects and operating infrastructure via new and existing federal programs; 3) actively assess and seek opportunities to engage on wildfire preparedness, healthy forest, and watershed-related initiatives; and 4) advance EBMUD's interests in discussions on contaminants of emerging concern in the context of water supply and wastewater treatment.

OVERVIEW

The second session of the 116th Congress convened January 3 amidst a highly charged political environment. In 2020, Congress is expected to consider a number of outstanding policy issues, including water supply reliability and species protection, infrastructure, forest management, and pollution prevention. Many of these priorities have been on the congressional agenda for several years and discussions are continuing.

In late 2019, Congress reached agreement on a fiscal year 2020 (FY20) spending bill that funds the federal government through September 2020. FY20 funding levels are similar to FY19 levels for the programs of particular interest to EBMUD.

- \$3 billion for the clean water and drinking water state revolving fund programs, representing status quo funding;
- \$60 million for the Water Infrastructure Finance and Innovation Act;
- \$63 million for United States Bureau of Reclamation (USBR) water recycling infrastructure programs providing for an incremental increase in program assistance;
- \$55 million for USBR's WaterSmart Program that supports innovation in water conservation;

- \$134 million to support Water Infrastructure Improvements for the Nation (WIIN) Act-related storage projects, including an enlarged Los Vaqueros Reservoir which would exhaust funding levels prior to expiration of WIIN;
- \$40 million to support WIIN authorized Central Valley Project (CVP) operational studies and projects, which maintains current year funding levels;
- \$28 million for sewer overflow grants (this is the first funding provided under the United States Environmental Protection Agency (U.S. EPA) program of assistance that was established in 2018);
- \$510 million to support geographic water quality programs, including San Francisco Bay;
- \$26 million to address lead contamination in schools; and
- \$5.5 billion to support fire management programs (which represents an increase of about \$1.6 billion from FY19).

With an agreement on FY20 spending in place, the coming year's budget focus will be on reaching agreement for FY21 spending by October 1, 2020. The usual differences between congressional and administration budget priorities and the election year politics will likely delay any final spending decisions until a lame duck session in November 2020. Nonetheless, the FY20 budget decisions should allow for adequate funding of key programs similar to the levels mentioned above should a continuing resolution be required this fall.

Water Supply and Species Protection

It is expected that discussions in the policy areas of water supply and species protection will largely be within the context of efforts to reauthorize California water provisions of the WIIN Act, which expire in 2021, and the administration's recently released biological opinions relative to the operations of the CVP. Both of these policy discussions are likely to include issues that could affect EBMUD's water supply reliability and the Mokelumne River fishery.

Infrastructure funding

Infrastructure policy, including infrastructure assistance, is expected to remain a priority for Congress. In 2020, Congress is likely to continue to consider ways to provide local agencies with enhanced federal infrastructure assistance. This may include various avenues including the development of proposals impacting the Clean Water Act, such as state revolving fund assistance, the WIIN Act, water recycling programs, and reauthorizing the Water Resources Development Act (WRDA). WRDA, while generally a flood protection bill, could become the vehicle to address overall federal water infrastructure legislative goals in the coming year.

Other resources include possible development of a funding program at USBR similar to U.S. EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program, known as the Reclamation Infrastructure Finance and Innovation Act or RIFIA, to provide funding assistance for water recycling, storage, and other water resources projects in western states. Expanded or increased eligibility for projects under existing programs, such as the USBR WaterSmart program, may also be debated. In addition, Congress is expected to address additional forms of assistance for disadvantaged communities.

Forest Management

A funding agreement remains in place to help ensure adequate funding through 2027 for federal forest management and wildfire suppression efforts. However, discussions are ongoing on enhancing watershed restoration efforts and federal assistance to help communities and local governments (including water agencies) prepare for wildfires through hardening of facilities and other resiliency measures. A final resolution could take the form of an omnibus public lands bill with provisions to support additional assistance to address the resiliency needs of forest health and mitigation of wildfire threats.

Emerging Contaminants

Congress will continue to debate and the administration may continue to consider policy initiatives related to contaminants of emerging concern and plastics. Areas under discussion include management and disposal of the perfluoroalkyl or polyfluoroalkyl substances (PFAS) family of chemicals and potential liability for remediation of affected water supplies, biosolids, and other media contaminated from these chemicals, as well as disposal of spent water filters. At the same time, the U.S. EPA is expected to continue evaluating whether to develop drinking water standards for this family of chemicals under the Safe Drinking Water Act.

Resiliency

In addition to the issues discussed above, Congress is likely to discuss climate resiliency. At this time the focal point of these discussions is not defined though it could evolve to touch on topics relevant to EBMUD such as water supply reliability, fisheries, infrastructure, forest and watershed health, and energy. Though resiliency is not included as a separate initiative, staff will continue to engage with our delegation to understand the scope of discussions and bring updates and specific proposals to the Board, as appropriate.

EBMUD's 2020 federal initiatives have been developed based on known congressional priorities at this time and are consistent with EBMUD's core mission to deliver a safe and reliable water supply that is sustainable and resilient, and serve as a good steward of its natural resources.

EBMUD's 2020 federal initiatives are focused on four items to address the areas of highest risk, need, and opportunity for EBMUD in the context of the current congressional climate.

FEDERAL INITIATIVE	ACTION
1. Continue to advance EBMUD's interests in the context of its water supply reliability and the Mokelumne River fishery.	<ul style="list-style-type: none">• Protect EBMUD's Mokelumne water supplies and seek to preserve EBMUD's access to water transfers and its Central Valley Project (CVP) contract supplies.• Protect regional water supply programs and projects, including the Freeport Regional Water Project.• Protect the Mokelumne River fishery, including working to ensure that any policy or program revision, or project or project-related activity that is likely to affect the Mokelumne salmonid fishery includes mitigation for the impacts by the responsible parties.

	<ul style="list-style-type: none"> • Seek appropriate stewardship responsibilities for the CVP, and the preservation of the Central Valley Project Improvement Act (CVPIA).
2. Pursue federal funding opportunities for EBMUD projects and operating infrastructure via any new and existing federal programs.	<ul style="list-style-type: none"> • Continue to advance EBMUD's comprehensive infrastructure funding needs via current federal funding avenues, and as Congress seeks to develop infrastructure policy and considers how to provide funding assistance.
3. Continue to actively assess and seek opportunities to engage on wildfire preparedness, healthy forest, and watershed-related initiatives.	<ul style="list-style-type: none"> • Seek opportunities to advance EBMUD's interests in efforts to address wildfire preparedness, including emergency planning and increasing infrastructure resiliency. • Evaluate federal legislation on forest and watershed health, and identify potential opportunities for EBMUD to engage, particularly through its role in the Upper Mokelumne River Watershed Authority. • Seek information on funding efforts for forest management and wildfire suppression, as well as policy efforts to promote wildfire preparedness and forest and watershed health.
4. Advance EBMUD's interests in the context of water supply and wastewater treatment-related discussions on emerging contaminants.	<ul style="list-style-type: none"> • Advance EBMUD's interests to protect public health and ensure appropriate standards are established under Safe Drinking Water Act, Clean Water Act, and Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) in discussions on emerging contaminants as they relate to water supply and wastewater treatment.

Attachment

I:\SEC\2020 Board Related Items\LegHRCmte and Regular Mtg\011420 BoardItems\OGM - Federal Initiatives for 2020

FEDERAL INITIATIVES - 2020

INITIATIVE #1 – CONTINUE TO ADVANCE EBMUD’S INTERESTS IN THE CONTEXT OF ITS WATER SUPPLY RELIABILITY AND THE MOKELUMNE RIVER FISHERY

Water resources issues are expected to continue to be a key issue for Congress and the administration. Discussions will likely include, but not be limited to, reauthorization and potential modifications to the 2017 Water Infrastructure Improvements for the Nation (WIIN) Act, which is set to expire in 2021, and the administration’s new biological opinions for the coordinated operation of the Central Valley Project (CVP) and the State Water Project.

Reauthorization of, and modifications to, the WIIN Act, which include California water-related provisions, will impact the Central Valley Project Improvement Act (CVPIA). The CVPIA governs the management of the CVP and provides important provisions for the protection, restoration, and enhancement of fish and wildlife, such as dedication of CVP water for environmental purposes and goals for the natural production of salmon. In addition, the new biological opinions will impact CVP operations.

Changes to the CVPIA and CVP operations could pose significant risk to EBMUD’s water supply reliability, including access to supplies via the Mokelumne water rights as well as transfers, use of the Freeport Regional Water Project, and the Mokelumne River fishery.

For example, a decrease in the required volume of CVP water that must be set aside for the environment in the absence of a commensurate increase from other sources could harm water quality and species in the Delta, and result in a potential shift of responsibility for this water that could affect EBMUD’s access to its Mokelumne water supplies and transfer water.

With regard to the Mokelumne River fishery, changes to the CVPIA and CVP operations could allow various activities intended to benefit Delta exporters that would potentially harm the Mokelumne River fishery. Examples include allowing higher withdrawal rates from the Delta, repealing seasonal limitations on pumping, and increasing the time period when the Delta Cross Channel gates remain open.

Given congressional intent to pursue reauthorization of, and possible modifications to, the WIIN Act and the new biological opinions, it is vital that EBMUD continue to work to protect the security of its water supplies, including primary and dry-year water supplies, and the Mokelumne River fishery. Staff will continue to engage with EBMUD’s delegation and others to closely evaluate and assess the development of natural resources and water-related legislation or administration policies, protect EBMUD’s interests, and communicate EBMUD’s needs.

Recommended Actions

Work with EBMUD's congressional delegation, the administration, and relevant congressional committees, as appropriate, to protect and advance EBMUD's interests in the context of EBMUD's water supply reliability and the Mokelumne River fishery. This includes efforts to:

1. Protect EBMUD's Mokelumne water supplies and seek to preserve EBMUD's access to water transfers and its CVP contract supplies.
2. Protect regional water supply programs and projects, including the Freeport Regional Water Project.
3. Protect the Mokelumne River fishery, including working to ensure that any policy or program revision, or project or project-related activity that is likely to affect the Mokelumne salmonid fishery includes mitigation for the impacts by the responsible parties.
4. Seek appropriate stewardship responsibilities for the CVP, and the preservation of the CVPIA.

INITIATIVE #2 – PURSUE FEDERAL FUNDING OPPORTUNITIES FOR EBMUD PROJECTS AND OPERATING INFRASTRUCTURE VIA ANY NEW AND EXISTING FEDERAL PROGRAMS

Congress is expected to continue to discuss water and wastewater infrastructure, and how to address providing federal assistance, either as part of discussions on a comprehensive infrastructure policy or as a stand-alone issue. These discussions on water and wastewater infrastructure are anticipated to be within the context of reauthorization of the Water Resources Development Act (WRDA), reauthorization of the WIIN Act, and the creation of a Water Infrastructure Finance and Innovation Act (WIFIA)-like program at the United States Bureau of Reclamation (USBR) called the Reclamation Infrastructure Finance and Innovation Act (RIFIA) which would provide funding assistance for water recycling and other western water projects.

Discussions may also include expanding or increasing eligibility for projects under existing programs such as the USBR's WaterSmart program; providing funding assistance for climate change mitigation-related and pre-disaster mitigation-related projects and programs; providing additional assistance to disadvantaged communities such as setting aside 20 percent of State Revolving Fund funds for disadvantaged communities; and the role of other forms of assistance such as grants, loans, and public-private partnerships.

Examples of areas where funding assistance would be beneficial to EBMUD and its ratepayers include: the Capital Improvement Program; the Regional EBMUD Seismic Component Upgrade (RESCU) program; the Bay Area Regional Reliability Project; recycled water projects; projects to facilitate regional and/or local water supply reliability; water and wastewater treatment projects or programs to facilitate climate change mitigation, sustainability, and resiliency, including water and energy conservation; projects to facilitate renewable energy; emergency preparedness, response, and recovery

projects; and wastewater treatment-related projects such as nutrient removal, wet weather flow management, and biosolids reuse projects

Current avenues for pursuing federal funding include the WIIN Act, the USBR WaterSmart program, the USBR Title XVI program, the Federal Emergency Management Agency Pre-Disaster Mitigation Grant program, and the United States Environmental Protection Agency (U.S. EPA) Sewer Overflow and Stormwater Reuse Municipal Grant program. Examples of project categories that may be eligible for funding via these avenues include efforts to support conservation and water-use efficiency as well as recycled water projects, such as EBMUD's WRDA authorized projects – San Ramon Valley Recycled Water Project and Integrated Recycled Water Project –, and projects intended to reduce risk to natural hazards such as earthquakes, and wastewater-related projects to prevent sewer overflows and address wet weather flows.

As Congress continues to discuss infrastructure policy, it will be necessary to continue to communicate to EBMUD's congressional delegation the importance of EBMUD projects and how those projects would benefit from funding. Staff will work with federal agencies and EBMUD's delegation to pursue any funding that may become available for EBMUD's funding needs.

Recommended Actions

Work with EBMUD's delegation, appropriate committee staff, and the administration to:

1. Continue to advance EBMUD's comprehensive infrastructure funding needs via current federal funding avenues, and as Congress seeks to develop infrastructure policy and considers how to provide funding assistance.

INITIATIVE #3 – CONTINUE TO ACTIVELY ASSESS AND SEEK OPPORTUNITIES TO ENGAGE ON WILDFIRE PREPAREDNESS, HEALTHY FOREST, AND WATERSHED-RELATED INITIATIVES

Given the destructive wildfire seasons in recent years, Congress is likely to continue considering the issues of forest and watershed health. While federal efforts on forest and watershed health in recent years largely focused on congressional attempts to fund both forest management and wildfire suppression, in 2018 Congress approved an eight-year plan to fund wildfire suppression for FY 2020 through FY 2027 without borrowing from forest management accounts. This is intended to prevent the historic practice referred to as "fire borrowing" in which funds were borrowed from wildfire preparedness, forest management, and other accounts to make up for any shortfalls in wildfire suppression funding levels. This often resulted in underfunding of forest management activities.

Though a long-term funding plan is in place to prevent "fire borrowing" Congress will likely consider whether additional assistance is needed in the area of forest health and wildfire preparedness, such as for fuels management projects, and whether to make changes in forest management policy. As part of its discussions on wildfire preparedness, Congress is expected to consider providing assistance to communities for emergency planning and increasing resiliency, such as for hardening of critical

infrastructure, including water utility infrastructure, and energy needs. Additional funding for forest management and policy changes regarding forest management activities may affect forested areas near EBMUD's facilities and in the Mokelumne River watershed.

EBMUD has been working through the Upper Mokelumne River Watershed Authority (UMRWA) on forest-related issues. Of note, as a result of a stewardship agreement between UMRWA and the United States Forest Service signed in 2016, UMRWA procured contracts for forest health actions and began implementing this work in the fall of 2017. Additional contracts were signed in 2018 and 2019 and now nearly 4,000 acres in the watershed have been or are being improved by forest thinning or other methods to reduce catastrophic fire risk and/or protect water quality. Additional contracts may further expand this work in 2020. UMRWA will continue to pursue grant funding and, when grants are secured, administer and implement those grant projects. UMRWA has also begun a collaborative partnership with the Calaveras Healthy Impact Product Solutions or CHIPS, a non-profit doing forest health-related work in Calaveras and Amador Counties, to implement additional projects in the Mokelumne Watershed.

Recommended Actions

Work with EBMUD's congressional delegation, the administration, relevant congressional committees, and others, as appropriate, to:

1. Seek opportunities to advance EBMUD's interests in efforts to address wildfire preparedness, including emergency planning and increasing infrastructure resiliency.
2. Evaluate federal legislation on forest and watershed health, and identify potential opportunities for EBMUD to engage, particularly through its role in UMRWA.
3. Seek information on funding efforts for forest management and wildfire suppression, as well as policy efforts to promote wildfire preparedness and forest and watershed health.

INITIATIVE #4 – ADVANCE EBMUD'S INTERESTS IN THE CONTEXT OF WATER SUPPLY AND WASTEWATER TREATMENT- RELATED DISCUSSIONS ON EMERGING CONTAMINANTS

Congress and the administration have indicated an interest in the issue of addressing contaminants of emerging concern, such as perfluoroalkyl or polyfluoroalkyl substances (PFAS) and plastics, with regard to drinking water supplies and wastewater treatment. For example, U.S. EPA is in the process of evaluating whether to develop drinking water standards for PFAS. Congressional discussions are expected to include management and disposal of PFAS, potential liability, and whether to require U.S. EPA to designate PFAS as hazardous substances. Such discussions could impact water and wastewater treatment facilities. For example, declaring PFAS hazardous substances could impact wastewater treatment facilities, such as EBMUD's, by requiring that biosolids containing PFAS be considered hazardous waste and disposed of as such. EBMUD staff will monitor the development of emerging

contaminant-related legislation and policies at the federal level, work to ensure EBMUD's interests are effectively communicated, and look for opportunities to support efforts to eliminate the use of PFAS.

Recommended Actions

1. Advance EBMUD's interests to protect public health and ensure appropriate standards are established under Safe Drinking Water Act, Clean Water Act, and Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) in discussions on emerging contaminants as they relate to water supply and wastewater treatment.

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: January 9, 2020

MEMO TO: Board of Directors

THROUGH: Alexander R. Coate, General Manager *ANC*

FROM: Laura A. Acosta, Manager of Human Resources *LAURA*

SUBJECT: Amendment to Position Resolution No. 35145-19

INTRODUCTION

During the January 14, 2020 Regular meeting of the Board of Directors, staff will request an amendment to Position Resolution No. 35145-19 to add two positions in the Human Resources (HR) Department: one regular Principal Management Analyst (PMA) for the EBMUD Employees' Retirement System team and one Temporary Construction (TC) PMA for the Human Resources Information System (HRIS) Replacement Project team. This information will be discussed at the January 14, 2020 Legislative/Human Resources Committee meeting.

DISCUSSION

EBMUD Employees' Retirement System (Retirement System)

The Retirement System is administered by staff within the Employee Services Division of the HR Department. The work of this unit is shared between five full time equivalent (FTE) positions: one Senior HR Analyst, one HR Analyst II, two HR Technicians, and one Administrative Clerk. The staffing level for the Retirement System has not changed in over ten years. The work performed by this group of employees includes, but is not limited to:

- Daily communication with the District's active employees, retirees and beneficiaries,
- Training and retirement counseling for active employees,
- Calculating and administering pension benefits,
- Help with processing the monthly Retiree payroll,
- Administering health insurance benefits for retirees and beneficiaries,
- Preparing Board packets and recordkeeping for Retirement Board meetings,
- Managing the District's three deferred compensation plans including budget, oversight of the Deferred Compensation Advisory Committee, and managing consultant contracts, and
- Serving as the District's subject matter experts on the Retirement System and deferred compensation plans.

The number of retirees has increased over the past ten years from 1,229 to 1,844. Additionally, there are 278 active employees who are eligible to retire and 114 term vested employees who could retire at any time. The volume of day-to-day clerical and administrative tasks required to

properly administer retirement benefits for all of the District's retirees and their beneficiaries, as well as the administrative work for Retirement Board meetings, has become very challenging with only five FTEs to perform this work. This has created a gap in the oversight of the Retirement System leaving no staff with the capacity to perform the higher level, complex work, such as: proper supervision of the work of the Retirement System staff; highly technical and analytical work; creating written procedures for the Retirement System; liaison work between the Retirement System administration staff and Finance Department staff; adequate recordkeeping; updates to the Retirement Ordinance and deferred compensation plan documents; audits of administrative work procedures; audits of beneficiaries; development and recommendation of new Board rules where necessary to keep the Retirement Ordinance current; and to serve as the District's subject matter expert on the Retirement System.

To address these challenges staff is recommending the addition of one PMA for the Retirement System to provide the necessary technical and analytical expertise, as well as highly responsible and complex administrative support.

HRIS Replacement Project

The District has embarked upon the HRIS Replacement Project, which is currently in the discovery and evaluation phase. The new system(s) is expected to update the District's Human Capital Management (HCM) system by leveraging new technology to support industry standard processes (best practice) for Human Resource Management, as well as the District's Retirement and Payroll Systems. This will be a modern, state-of-the-art system that will provide staff with the ability to rapidly respond to customer needs, changing business requirements, and to remain in compliance with legal or regulatory changes.

Additional staffing is required to complete the discovery and evaluation phase of the project and support the implementation once the new HRIS has been identified.

The following positions are assigned to the HRIS Replacement Project team: one Senior HRIS Analyst (partial), two temporary consultant Business Analysts, one TC Accounting & Financial Systems Analyst, one TC Information Systems Support Analyst II, and two TC HR Analyst IIs. The challenge with this staffing structure is that the Senior HRIS Analyst, who is assigned to be the Product Owner for this project, is also the lead in the HRIS Division, supervising four employees who are responsible for processing the day-to-day personnel and payroll actions in the PeopleSoft program, employee recordkeeping, and employee statistical analysis and reporting. The Product Owner of the HRIS Replacement Project is responsible for planning each phase of the project, as well as guiding and managing the project team through all phases of the project. Because the Senior HRIS Analyst is attempting to perform two full-time roles as the lead of the HRIS Division and the Product Owner of the HRIS Replacement Project, the HRIS Replacement Project is progressing more slowly than planned. Completion of this project is critical because the current systems are severely outdated, unsupported, and affect the District's ability to keep the HR, Payroll and Retirement Systems operating.

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To address these challenges, staff is recommending the addition of a TC PMA for the duration of the HRIS Replacement Project to oversee the planning, oversight and work of this project to completion.

NEXT STEPS

Staff will bring a resolution to the Board for consideration at the January 14, 2020 meeting.

ARC:LAA:rdw

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