

MINUTES

Tuesday, June 29, 2021
East Bay Municipal Utility District
Board of Directors
375 Eleventh Street
Oakland, California
Virtual

Special Meeting

President Doug A. Linney called to order the Special Meeting of the Board of Directors at 9:05 a.m. He announced that in accordance with the Governor's Executive Order N-08-21, which suspends portions of the Brown Act, no physical location would be provided for the meeting and public participation would be via webinar or teleconference. The Board met in workshop session to receive an update on the District's Racial Equity and Justice Project and Diversity, Equity and Inclusion Strategic Plan and discuss responses to Board questions regarding the Cultural Audit Report prepared by The Winters Group and presented to the Board at its meeting on April 13, 2021.

ROLL CALL

Directors Andy Katz, Lesa R. McIntosh, Frank Mellon, Marguerite Young, and President Doug A. Linney were present at roll call. Director William B. Patterson joined the meeting at 9:13 a.m. Director John A. Coleman was absent (excused). All Directors participated via teleconference.

Staff participants included General Manager Clifford C. Chan, Acting General Counsel Derek T. McDonald, Manager of Human Resources Laura A. Acosta, Manager of Employee and Organizational Development Derry L. Moten, Executive Assistant II Robyn S. Johnson, and Secretary of the District Rischa S. Cole. Representatives from The Winters Group included Mary-Frances Winters, President, Mareisha N. Winters Reese, Chief Operating Officer, and Thamara Subramanian, Equity Audit and Strategy Manager; and Ariel Guerrero, Managing Partner with O&G Racial Equity Collaborative.

PUBLIC COMMENT

- Addressing the Board were the following: 1) Eric O. Larsen, President, AFSCME Local 444 commended the Board, General Manager and the report authors on racial equity efforts at the District and commented on historical racism at EBMUD and a personnel matter regarding harassment complaints against a supervisor; 2) Thomas E. Kelly, EBMUD Wastewater Plant Operator II commented on racist staff at the Main Wastewater Treatment and urged the District to provide interactive training on systemic racism for supervisors and managers; 3) Ivette Rivera, EBMUD Gardener Foreman commented on a civil rights lawsuit filed against the District by former EBMUD attorneys Saji Pierce and Ayriel Bland and expressed hope the Board would take action on the information presented by The Winters Group; 4) Joey D. Smith, President, AFSCME Local 2019 commented on her history as an employee and union representative and racism at EBMUD; 5) Kasie Evans, Executive Board member, AFSCME Local 2019 thanked the Board for taking on this effort and commented on her experience as an employee and a union representative; 6) Wendy Ibarra, 2nd Vice President, AFSCME Local 2019 commented on issues with the District's recruitment and promotion processes and interpretation of Civil Service rules;

and 7) George Cleveland, Chief Steward, AFSCME Local 2019 commented on a former supervisor's racist actions against Black and Latino staff.

President Linney and General Manager Chan thanked the speakers for their comments and for highlighting the issues and challenges faced at the workplace. President Linney requested additional information on the personnel matter referenced by Eric Larsen.

DETERMINATION AND DISCUSSION

General Manager Clifford C. Chan introduced the workshop and topics to be discussed. Manager of Employee and Organizational Development Derry L. Moten presented an update on the District's Racial Equity and Justice (REJ) Project and Diversity, Equity, and Inclusion (DEI) Strategic Plan. He reported staff is currently working on the eight strategies in Resolution No. 35190-20 (*Authorizing Principles and an Action Plan for the East Bay Municipal Utility District's Response to Racial Discrimination and Violence Against Black and African Americans as Most Recently Exemplified by the Killing of George Floyd*) adopted by the Board on June 23, 2021, and outlined the work completed to date. Upcoming activities include: implementing the recommendations and finalizing the strategy for ongoing listening to the voices of all employees under Strategy 1; continuing to develop workplans for Strategies 2, 3, 4 and 5 which are intertwined with the work the District is doing with The Winters Group; conducting additional focus groups with District populations not adequately represented in the Cultural Audit Report (LGBTQIA+, Asian males and White males); reviewing District processes, practices, policies and procedures to identify and address any systemic bias including review of the seven policies reviewed by The Winters Group; and establishing protocols for responding to racism targeted at EBMUD employees as outlined under Strategy 6. Mr. Moten discussed the three elements used to build the District's DEI Strategic Plan and the five pilot projects currently being developed by staff with assistance from O&G Racial Equity Collaborative. The five projects focus on the District's hiring and recruitment process; practices related to promotion and retention; contract and procurement opportunities for underrepresented groups; community engagement; and equity issues in capital improvement projects and will build action plans to be integrated into the DEI Strategic Plan. Staff is drafting the initial elements of the DEI Strategic Plan which will initially focus on five areas: compliance; culture and awareness; Human Resources practices (talent integration); operations integration; and community integration. He said that at this time, staff will shift how it is working with The Winters Group to complete the DEI Strategic Plan and going forward will focus on continuing work on the pilot projects and conducting project work reviews; developing a focus group protocol for the community engagement aspect of each pilot project; reviewing the District's Civil Service rules; and having more in-depth discussions regarding strategic planning. He highlighted the overall REJ Project schedule and said the DEI Strategic Plan is scheduled to be completed by the end of August and presented to the Board in September. The Board had no questions.

Next, Mr. Moten introduced The Winters Group staff. Thamara Subramanian, Equity Audit and Strategy Manager, led the discussion and The Winters Group staff, Mr. Moten, General Manager Clifford C. Chan, and Manager of Human Resources Laura A. Acosta responded to the following questions and comments from the Board regarding the Cultural Audit Report.

- Provide more background on the Intercultural Development Inventory (IDI) Developmental Orientation Score (e.g., minimization) and its meaning.

- Confirm there is data on who does the hiring at the District (e.g., are People of Color (POC) involved in the hiring process?).
- Confirm The Winters Group interviewed District retirees. If not, will retirees be interviewed for this effort?
- Clarify the terms used in the “Review of Existing HR Data” section of the presentation to the Board on April 13, 2021 (e.g., does leave voluntarily include retirement?; what is included in terminated?; what is included in discharged?).
- Breakdown of the data provided in the Cultural Audit Report on POC at the District.
- Breakdown of the data provided in the Cultural Audit Report by gender for Black and African American staff at the District.
- Include data for District employees broken down by race, gender, etc.
- Clarify how the data should be interpreted by the Board. Are the numbers presented “good” or “bad”?
- Address concerns raised by the District’s LGBTQIA+ representatives regarding the Cultural Audit Report.
- How should data be interpreted given low participation from LGBTQIA+, Asian males and White males?
- Discuss whether the perceptions of employees (i.e., millennials have more favorable perception) a generational issue or a tenure issue.
- Discuss what the Board can do to support the District’s DEI efforts.
- More detailed discussion on the data that supported the findings in the Cultural Audit Report.
- Provide more detail on the recommendations in the Cultural Audit Report as the recommendations presented were very high level.
- Addressing the Board were the following: 1) Max Fefer, Vice President of the District’s Raining Pride Affinity Group commented on the data in the Cultural Audit Report and April 13, 2021 presentation to the Board. Max commented the information did not include LGBTQIA+ data and said the Affinity Group objects to these assumptions in the report. Max encouraged the Board to consider asking The Winters Group to acknowledge these assumptions in their final report; and 2) Eric O. Larsen, President, AFSCME Local 444 commented on the benefits pertaining to seniority in the Local 444 Memorandum of Understanding.

There was Board discussion on the information presented, comments received and next steps. The Winters Group responded to the comments from Max Fefer, explained the data in the Cultural Audit Report is from the District, and suggested options for improving the District’s data collection process. The Winters Group, Mr. Moten, and Mr. Chan responded to Board questions on data that may have identified issues in certain departments or workgroups; reconciling generational or tenure issues

amongst staff; focus groups for LGBTQIA+, Asian males, and White males; how to build a diverse pipeline of candidates for supervisorial and managerial positions; benefits of internal promotions and identifying inequities in the District's promotional pipeline; implementing an alternative dispute resolution process; diversity on District hiring panels; and comments from employees that participated in focus groups with The Winters Group.

Mr. Moten summarized next steps and General Manager Chan thanked the Board for their commitment and thanked those that provided public comment.

The Board requested the following:

- Additional information on the personnel matter referenced by Eric Larsen during public comment.
- Review the Civil Service rules and collective bargaining agreements for changes that will support the Diversity, Equity and Inclusion and Racial Equity and Justice projects.
- Address the comments from the Raining Pride Affinity Group in the DEI Strategic Plan.
- Consider implementing a restorative justice framework in addition to alternate dispute resolution process at the District.
- Information on the District's hiring panel process and data on the diversity of hiring panels.
- Summarize general themes of the comments received from employees related to the Diversity, Equity and Inclusion and Racial Equity and Justice projects.

ADJOURNMENT

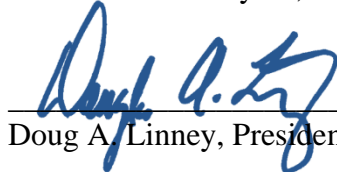
President Linney adjourned the meeting at 11:10 a.m.

SUBMITTED BY:



Rischa S. Cole, Secretary of the District

APPROVED: July 13, 2021



Doug A. Linney, President of the Board