



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA**  
560 Magnolia Avenue, Beaumont, CA 92223

**MINUTES OF THE PERSONNEL COMMITTEE MEETING**  
**Tuesday, April 19, 2022 at 5:30 p.m.**

***Meeting held via teleconference pursuant to  
California Government Code Section 54950 et. seq. and  
BCVWD Resolution 2022-09***

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**CALL TO ORDER**

*Chair Covington called the meeting to order at 5:30 p.m.*

**Announcement of Teleconference Participation**

Director of Finance and Administrative Services Kirene Manini, PhD, clarified that this meeting is conducted pursuant to BCVWD Resolution 2022-09.

Due to the danger of COVID-19, the teleconference locations are not publicly accessible. The public's right to comment and participate in the meeting is being assured via teleconference capabilities.

**Attendance**

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|---|---|
| <i>Directors present:</i>                   | <i>Covington, Ramirez</i>   |
| <i>Directors absent:</i>                    | <i>None</i>   |
| <i>Staff present:</i>                       | <i>General Manager Dan Jagers<br/>Director of Finance and Administration Kirene Manini, PhD<br/>Director of Information Technology Robert Rasha<br/>Human Resources Coordinator Sabrina Foley<br/>Administrative Assistant Cenica Smith</i> |
| <i>BCVWD Employee<br/>Association reps:</i> | <i>Julian Herrera<br/>Erica Gonzales</i>  |

**PUBLIC INPUT:** *None.*

**ACTION ITEMS**

1. Adjustments to the Agenda: None
2. Acceptance of the Meeting minutes
  - a. December 20, 2021
  - b. February 15, 2022

*The Committee accepted the minutes of the Personnel Committee meetings by unanimous roll-call vote.*

### **3. Report from Human Resources Department**

Human Resources Coordinator Sabrina Foley presented the report. She advised of two voluntary separations and a five-year service anniversary.

Chair Covington asked about total number of current employees. Less the two separations, and including the part time and temporary employees, the total of FTEs is 38.

### **4. Annual Workplace Demographics vs. Community Demographics Report**

Human Resources Coordinator Sabrina Foley presented the report. She pointed to the BCVWD demographics in comparison to the area population demographics and said that ideally, as a public agency, the District would represent the community it serves.

### **5. Update on the status of the Memorandum of Understanding (MOU) with the Employee Association**

Human Resources Coordinator Sabrina Foley provided background on the current activity related to the MOU. The classification study has concluded, and HR staff is working with management to finalize job descriptions, which will be effective as of the date of the compensation study when adopted.

MOU bargaining and analysis have concluded, and the document is being drafted, Foley reported. The budget amendment will be presented to the Board for adoption. Director Covington asked about the retroactive provision, and Foley confirmed it will be effective after MOU approval.

General Manager Jagers added that the MOU will go to the Board for approval in open session. Covington opined that the final draft should first be presented to the Board in closed session, then adopted in open session with the document available to the public, preferably at one meeting. Director Ramirez recommended a special meeting. Jagers suggested a special meeting on Thursday, April 21 at 6:30 p.m.

### **6. Report / Update from BCVWD Employees Association**

Erica Gonzales and Julian Herrera indicated employees are appreciative of the work on the MOU and look forward to its approval.

### **7. Update: 2021 Performance Evaluation Compliance**

Human Resources Coordinator Sabrina Foley presented the updated report on 2021 evaluations. Director Covington noted that the executive team is behind. Mr. Jagers assured that he is trying to catch up. Ms. Foley added that evaluations are coming in timely this year.

Director Ramirez asked about reasonable turnaround time for the executive team. Jagers said he is committed to get these completed for the next meeting and to begin in 2022. There are fewer than five, he noted in response to Director Covington.

## 8. Update: BCVWD Employment Agreements

Ms. Foley reminded the Committee about discussion at the last meeting and that this is informational only. The Personnel Committee requested information on the renegotiation of salaried employment agreements, she said. There will be some changes for a few individuals who will switch to employment agreements if the MOU is adopted, along with the class/comp study due to Fair Labor Standards Act changes (FLSA), she advised.

Goals for re-evaluation include updating the template with legal counsel, analyzing existing agreements to identify opportunities for standardization or to identify unique items for administrative efficiency and internal equity while still allowing flexibility for the general manager to negotiate.

After the updated salary schedule and titles are adopted by the Board, the project can move forward, Foley explained.

Director Covington noted that some titles appear antiquated, and the latest contract version should be referenced. The terms of the agreement should be consistent and streamlined, he said, and acknowledged FLSA required language. It makes sense that all the agreements will be the same with slight nuances, he posited. Mr. Jagers stated that a baseline contract would set forth general terms, but there are some nuances to some of the contracts that may require grandfathering and/or negotiation. Attachments would be included.

Director Covington asked if existing employee agreements are public information. Ms. Foley explained that while the contracts are potentially public information, open session discussion may present downsides. Jagers added he has never seen individual contracts on district websites other than the general manager's, and suggested this would be better answered by legal counsel.

Director Ramirez said he would prefer to see the general baseline contract parameters to assure the parameters are set forth by the Board. Jagers noted the importance of having flexibility during the hiring process and available contract negotiation techniques to attract high quality staff.

Director Covington acknowledged that the general manager has the authority to negotiate employment agreements and asked if there is a related policy provision; Ms. Foley said there is not a policy, but there is practice.

Director Ramirez said that regardless of whether the negotiation techniques are discussed at the Personnel Committee or in closed session, he did not want to have to again rewind some of the contracts that are all over the place, or for potential employee to finagle and lock the District into a contract including the earth, moon, and stars. There must be identifiers and expectations, he said.

Director Covington said there should be a policy regarding the steps in the employment agreement process and identifying the authority of the Board and the general manager. The draft employment agreements should come back to the Board for review and approval, and for consideration of the general manager's comments, he stated, Ramirez concurred.

Jagers noted the authority level is a question for legal counsel. He suggested that the control would be a baseline contract / employment agreement with negotiations like the

MOU. He described the executive management agreement with the ability to negotiate through those vehicles as used by other districts. The Board sets policy and retains control via a bargaining unit, he explained.

With the proper controls, this District is small enough to continue with the current format, Ramirez noted. He said he is satisfied with the current status with the addition of bookends as he described.

Director Covington referenced discussion on this issue and the enmeshment of contract employee benefits with the MOU – who gets or does not get what. The Board needs to discuss the baseline contract in closed session, he opined.

Ms. Foley advised that the draft employment agreement template would be brought to the next Personnel Committee meeting.

If the Personnel Committee blesses the template, Covington stated, the GM may move forward with what is needed to be done with the employees; but at that meeting, some of the things mentioned in closed session will need to be discussed.

Mr. Jagers reminded the Committee that he did not negotiate all the contracts; some were in existence and are important to the people who negotiated them and are not necessarily detrimental to the District but do have nuances.

Jagers suggested Board control of the baseline agreement template, and having a general discussion about nuances and boundary conditions as guidance. All will need to be memorialized in a policy, Covington stated, and said the Board should be seeing the final contracts before they are executed. Ramirez concurred and acknowledged that quality staff is needed, but said he does not want to be held hostage by a staff member, and wants to assure transparency.

Jagers suggested parameters would be established by the Board, then after resolution of the contract with the employee, bringing back the final to the Board, unless issues are identified by legal. He cautioned that the establishment of bookends may offer parameters for the negotiating parties to push toward.

Ramirez stressed the establishment of a fine balance, and Jagers assured that he understood the message.

## **9. Review of Policy Manual Project Priorities**

Human Resources Coordinator Sabrina Foley reminded the Committee of discussion in November regarding review of the policy manual to identify policies with the highest priority for update. She presented a list of policies considered by management and the Employee Association to be higher priority.

Director Covington said the highlights have merit, and recommended the first round of policy revisions come on the heels of the MOU to reflect any changes and achieve consistency. He suggested addressing these at the same meeting as the approval of the MOU or not too far down the road. Ms. Foley assured that the MOU takes precedence over policy, and Mr. Jagers advised against rushing through. Items of high priority are on this agenda, he noted.

Director Ramirez suggested tackling the policies progressively so as not to be too weighty for staff or the Committee. He suggested the top three be reviewed at each Committee meeting. Covington stressed that the policies related to the MOU need to come back quickly; after that he said he was in agreement with limiting to three per meeting.

Ms. Foley asked if the Committee had any priorities that were not identified on the list. Covington noted that once those affected by the MOU, the remaining appear to be priority, and Ramirez pointed to those that he had requested.

Director Ramirez asked about the onus for proposed Policy 4030 Board Meeting Agendas, noting that the Board had previously rejected the requirement for two directors to support placement of an item on the agenda. Ms. Foley reminded that this proposed policy was upon recommendation of legal counsel. Director Covington agreed that this has already been addressed. General Manager Jagers reminded that this was a recent recommendation from legal counsel in response to legal counsel's identification of the potential for one director to load the agenda. The Board's response was that this is not a current issue, and there is no need for protection against that, Jagers noted. The decision was that if a situation where the Board is suffering from such activity, it can be corrected in a subsequent policy, he noted. It has now been several months since the initial discussion. Director Ramirez voiced displeasure with this item returning to the Committee and directed staff to delete it.

Mr. Jagers advised that the policies were reorganized and reviewed for potential exposure from a legal perspective. Things that are listed may become higher or lesser priority over time, he added.

## **10. Policies and Procedures Manual Updates / Revisions**

Director Covington said the last time he saw this addressed was in December, and discussion was ended with Policy 3205.21 as the meeting grew too late. The starting point for discussion should be 3205.22 forward, he noted. Mr. Jagers pointed to the January action on policy change regarding gender-neutral pronouns and Ms. Foley noted that pronouns have been revised in the policies before the Committee and pointed to highlighted areas with changes based on the prior discussion. Mr. Jagers reviewed the changes.

Ms. Foley introduced Policy 5100 Press Relations and Social Media which was requested by the Communications Committee and has been reviewed by the public information officer, consultant, and legal counsel. Mr. Jagers reminded about discussion of this at the Communications Committee, explained the process and assured that staff has worked diligently to make this happen.

*The Committee approved the following policies to be forwarded to the full Board of Directors for consideration:*

- *Policy 3030 Gift Acceptance Guidelines*
- *Policy 3035 Outside Employment*
- *Policy 3205 Substance Abuse with Appendices A and B*
- *Policy 3206 FMCSA Clearinghouse Registration*
- *Policy 5100 Press Relations and Social Media*

*by the following vote:*

|                  |                    |          |
|------------------|--------------------|----------|
| MOVED: Covington | SECONDED: Ramirez  | APPROVED |
| AYES:            | Covington, Ramirez |          |
| NOES:            | None.              |          |
| ABSTAIN:         | None.              |          |
| ABSENT:          | None.              |          |

Ms. Gonzales and Mr. Herrera left the meeting.

**11. Action List for Future Meetings**

- *Employee Association topics (none added)*
- *Policy manual updates (ongoing)*
- *Standardized employment contracts*
- *Other Post-Employment Benefits 115 Trust will go to the F&A Committee*
- *?????*

**12. Next Meeting Date:** Tuesday, May 17, 2022 at 5:30 p.m.

Director Covington advised that he will not be able to attend as this date conflicts with the Bay-Delta Tour. Alternate member Director Hoffman will be requested to attend.

**ADJOURNMENT:** 7:02 p.m.

Attest:



John Covington, Chairman  
to the Personnel Committee of the Beaumont-Cherry Valley Water District