

AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, May 1, 2018

C. BUSINESS BEFORE THE BOARD

7 BOARD COMMITTEE REPORTS

b. Board Executive Committee (4/5/2018) \_\_\_\_\_ (Waespi)

Present

Board: Dennis Waespi (Chair), Ayn Wieskamp, Beverly Lane

Staff: Robert Doyle, Dr. Ana Alvarez, Becky Pheng, Jeff Rasmussen, Matt Graul, Kip Walsh, Carol Victor, Jim O'Connor, Bob Nisbet, Mona Palacios, Shivani Nath, Sean Dougan

Public: Dave Worley (Local 2428), Eri Suzuki (Local 2428), Carolyn Krios (Local 2428), Bridget Calvey (Local 2428)

Board Executive Committee Chair Dennis Waespi called the meeting to order at 12:45 p.m.

I. **Award of Measure WW Urban Creeks Grants**

Jeff Rasmussen, Assistant Chief Financial Officer, presented this agenda item.

On November 4, 2008, the voters of the East Bay Regional Park District (Park District) approved Measure WW. Of the \$500 million bond extension, \$8 million of the bond proceeds are allocated to urban creek projects. On March 21, 2017, the Board approved the Measure WW Urban Creeks Grant Program Procedural Guidelines which established the policies and procedures under which the Park District would award and reimburse agencies for up to \$1.6 million in eligible expenses for local urban creek projects. The Park District received a total of three grant applications totaling \$1,589,433. Mr. Rasmussen gave an overview of the scoring criteria used in the selection process and talked about the three grant applications and projects: City of San Pablo - \$800,000; City of Lafayette - \$189,700; and Town of Moraga - \$599,743.

The Committee inquired why more applications were not received and if more outreach and public information was needed. Mr. Rasmussen responded that workshops were held in both Contra Costa and Alameda counties, information was sent to over 400 mailing lists, and information was posted on the Park District's website. The projects are complicated and most agencies may not be ready to apply at this time. Robert Doyle, General Manager, commented that the three projects are near Park District properties. Director Waespi asked when the next

round of grants will open. Staff responded that this can be an annual grant, but will wait to evaluate the first round of grants.

**Recommendation: Moved by Director Lane and seconded by Director Wieskamp, the Board Executive Committee voted 3-0 to recommend to the full Board the award of Measure WW Urban Creek grants to the City of San Pablo for \$800,000; Town of Moraga for \$599,743; and City of Lafayette for \$189,700.**

## **2. Human Resources: Prohibition of Harassment, Discrimination, and Retaliation Policy**

Kip Walsh, Chief Human Resources Officer, presented this agenda item.

Staff is in the process of updating the Park District's policy prohibiting harassment and discrimination (Human Resources Policy #18). The policy is being updated to address changes in the law, general awareness of the issue, and at the request of Park District employees. The Park District is committed to providing a work environment free of harassment and discrimination. Ms. Walsh talked about prohibiting harassment or discrimination based on "protected characteristics" (e.g., race, religion, color, national origin, etc.) and gave an overview of the updated policy and procedures. Ms. Walsh emphasized that 1) employees who receive or witness the inappropriate conduct shall report the conduct to management; 2) any complaint will be treated as confidential to the greatest extent possible; 3) all employees have a responsibility to report, if they have witnessed such misconduct; and 4) any manager or supervisor who receives a complaint of harassment or discrimination must immediately report the complaint to the Chief Human Resources Officer.

After adoption of the updated policy, Human Resources will provide updated training to bring more awareness to this issue. Director Dennis Waespi inquired if data was available on the number of complaints or investigations that the Park District has received or undertaken on this issue. Ms. Walsh replied that currently there is no method to track such data.

This updated policy has been presented to both AFSCME Local 2428 and the Police Association. Ms. Walsh will be receiving additional comments before bringing the policy back to the Committee for final review and then to the full Board for review and approval.

Mr. Doyle commented that it is important to create a respectful and non-fearful workplace, and there is no tolerance for any form of harassment. It's important to work with the union on this issue. This is a high priority for management.

### Public Comment:

Caroyln Kriso commented that citizenship status should be included under protected characteristics.

Eri Suzuki commented that there needs to be more awareness and communication, and adequate training for employees is important.

**Recommendation: None. This was an informational item.**

### **3. Human Resources: Transgender Employment Policy**

Kip Walsh, Chief Human Resources Officer, presented this agenda item.

In 2012, the Gender Nondiscrimination Act (AB887) made gender identify and gender expression their own protected categories in specified non-discrimination laws. In 2017, the Gender Recognition Act (SB179) created a nonbinary gender category on California birth certificates, drivers' licenses, identity cards, and gender-change court orders. This new law goes into effect January 1, 2019. The draft Transgender Employment Policy (Human Resources Policy #19) was based on a sample provided by the Transgender Law Center in San Francisco. Adoption of the policy will help guide employees, supervisors, and managers regarding specific rights and appropriate treatment of transgender employees.

The draft policy provides that transgender employees have the right to keep information private. No one should disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. The Park District will change an employee's official record to reflect a change in name or gender upon request from the employee. Certain types of records, such as payroll and retirement records, may require proof of a legal name change. Transgender employees have the right to determine the most appropriate and safest restroom option for themselves; comply with company dress codes in a manner consistent with their gender identify or gender expression; and use a locker room that corresponds to their identity.

This draft policy has been presented to both AFSCME Local 2428 and the Police Association. Ms. Walsh will be receiving and incorporating additional comments before bringing the policy back to the Committee for final review and then to the full Board for review and adoption.

Director Wieskamp concurred that the policy is needed and training is important. Staff should try to empathize more with each other.

Director Lane inquired about the development of a transition plan. Ms. Kip responded that the Park District will develop a transition plan, which will be an internal guide and not part of the actual policy. Human Resources will work with the employee's department to put a plan in place for managing the employee's workplace transition.

Director Waespi commented that it's important to have both policies in place.

#### Public Comment:

Carolyn Krisco commented that the Park District should have posters and educational materials on this policy at each work sites.

**Recommendation: None. This was an informational item.**

### **4. San Francisco Bay Trail at Point Molate – Mitigated Negative Declaration**

Sean Dougan, Regional Trails Manager, presented this agenda item.

Mr. Dougan showed a map of the project location, which is located at Point Molate just south of Point Pinole and near the Chevron properties in Richmond. The proposed Bay Trail is approximately 2.5 miles. In 2009, Chevron donated two easements to the Park District for the development of the Bay Trail as part of their Long Wharf reconstruction project. In 2014, the Park District recorded the easement and the City of Richmond reopened Point Molate Beach Park. In 2016, the Bay Area Toll Authority approved the construction of a bike/pedestrian path on the Richmond-San Rafael bridge. The Park District hired a consultant to design and undertake environmental services for the project. Mr. Dougan talked about security concerns raised by Chevron given the close proximity of the trail to their property. The agreement with Chevron calls for fencing on both sides of the Park District's easement. Chevron has proposed expanding the width of the easement to include the shoreline. The Park District has asked Chevron to donate funds for shoreline cleanup and stabilization efforts prior to accepting a wider easement.

The project is estimated to cost \$7.5 million to complete. Staff is looking at creating this as a transportation category with possible federal grant funding sources. The Mitigated Negative Declaration was drafted and released for review on March 14, 2018. The design is expected to be completed in fall 2018, permits secured in summer 2019, and construction completed in fall 2020.

Mr. Doyle commented that staff needs to look at cost savings for this project. Staff is currently analyzing the funding strategy and various grant opportunities. Director Wieskamp commented that this is a nice area for an underserved community. Director Lane thanked Mr. Doyle for his work on the acquisition of the Chevron easement, which took over 10 years to acquire.

**Recommendation: None. This was an informational item.**

## **5. Open Forum for Public Comments**

None.

## **6. Board Comments**

Director Lane requested an update on the Botanic Garden from Operations at a future meeting.

There being no further business, Chair Dennis Waespi declared the meeting adjourned at 2:30 pm.

Respectfully submitted,

Becky K. Pheng