

Michele King

Subject: FW: For Distribution with Packet: Director Letter Requesting Delay of Committee Assignments to ensure Gender Equity

Colleagues:

Last year, this Board hired an outside investigator, at taxpayer expense, to investigate whether my predecessor engaged in conduct that violated internal Board Governance Policies prohibiting abuse of power. After seven months researching the validity of at least 20 complaints, filed primarily by women, against my predecessor, the investigator found as a matter of fact and law that my predecessor violated on at least 10 occasions, official policies prohibiting abuse of power, primarily against women. This report was damning, particularly because it was written by a law firm that was hired and managed by my predecessor's allies, who were officially endorsing him in his unsuccessful attempt to retain his seat on this Board. Notably, the sole reason that the rest of the complaints were not affirmed by the investigator was due to my predecessor and the CEO's inability to remember the extreme distress that their actions (or lack of actions) caused female staff members.

This Report demonstrated clear and uncontroverted evidence of sexual harassment and abuse of power, primarily against women. Although the common and expected response to such a report is to begin a process of internal change -- such as the hiring of an ombudsperson, or better training of Board Directors and executive management -- this Board took no action, instead continuing to throw full support behind the proven wrongdoer. Given that the actions of my predecessor were explicitly or implicitly supported by the male Board members and the male executives of this organization, the problem went far beyond one person -- the report demonstrated clear institutional bias. Nonetheless, no consequences followed, and the people who supported the wrongdoer remain in charge.

Given that no remedial action followed the instructive report, it comes as little surprise that the proposed assignments made by the Chair demonstrate a continued practice of bias against women, who have on average 20% fewer appointments than their male colleagues, with the least appointed female Director (myself) having one-half the appointments of a the most-appointed male peer. Here is the list:

Director Santos - 18
Director Estremera - 17
Vice Chair Keegan - 16
Chair Varela - 15
Director Hsueh - 14
Director Beall - 12
Director Eisenberg - 9

When sorted between committees that meet once a month to committees that meet less often, the gender disparity is even greater.

When I asked the Chair whether attention was given to making an equitable distribution of assignments, he said he was not required to, but invited me to do so, which I provide now. It does not look good.

All people committed to Diversity and Inclusion know that equality does not come on its own; it must be pursued with a mindful eye and with continual advocacy. Failure to keep track of gender equity in committee assignments is an abdication of the legal and moral obligation of creating a government that reflects the people.

Deprivation of committee membership has clear negative impacts. Committees create policies and priorities that bind the Board. Committees give Directors a voice outside Board meetings and allow them to opine at greater length in matters of greater interest and impact. Failure to be assigned to a committee of particular interest or expertise silences the Director to opine at that meeting. Additionally, Director compensation is based on how many meetings Directors attend, so assigning women to fewer committees than men may lead to women being paid less than men in violation of California and federal law.

Inequitable distribution of assignments also can negatively impact voters and ratepayers. On a personal note, I requested appointment only to one committee for which I am particularly qualified, and pledged flexibility with all other appointments, provided that appointments were made equitably. Given that I have unique professional experience negotiating specific terms of secured transaction agreements including collateralized assets and loans secured with future revenues -- which are the virtually exclusive way in which our Capital Improvement Projects are funded -- assigning me to the CIP committee is a "No Brainer." For example, I could have helped ensure that the Board was more adequately briefed about the events and consequences of default in the WIFIA loan agreements, which could materially constrain the District's ability to obtain future secured loans, as well the Board's ability to reduce water rates for ratepayers. Voters elected me to replace my predecessor in part due to my ability and strong record of asking hard and informed questions. Failure to utilize me where I am most useful, based in whole or part on gender bias, deprives the Board and the community of its rights to transparency and accountability, which were primary reasons (along with my objection to sex discrimination) that I was elected to replace my predecessor with almost 50,000 votes.

Because of the disparate impact of the current assignments on women, including me, I ask the Chair and/or the Board to delay approval of the committee assignments until the next meeting so that the Chair can create a revised and more equitable list of committee assignments. Given that the Board agreed to delay for two months the decision to stop spending millions (intended billions) of dollars on the Pacheco Dam, delaying committee assignments for one meeting is a small ask. Additionally, delaying for equity purposes will demonstrate, despite all appearances to the contrary, that this Board does embrace diversity and inclusion, and that it is committed to eradicating institutional bias against women. If the Board accepts the biased assignment list as is, the Board sends a message that the gender discrimination demonstrated by my predecessor are indicative of an institutional problem that exceeds one individual.

For these reasons, I hope you can agree with my request to delay approval of these assignments until a more equitable and appropriate list is presented at the next meeting.

Sincerely,
Rebecca Eisenberg
Director, District 7