



Santa Clara Valley Water District

File No.: 18-0389

Agenda Date: 5/22/2018

Item No.: 4.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Consideration for Modified Exception to Use District Funds for Employee Travel to States Identified by the California Attorney General as having Laws Discriminatory to the Lesbian, Gay, Bisexual, and Transgender Community.

RECOMMENDATION:

Authorize the Chief Executive Officer (CEO) to approve the use of District funds for employee travel to states currently subject to AB 1887's Travel Prohibition, when travel is critical to the District's mission.

SUMMARY:

Under Assembly Bill (AB) 1887, the California Legislature determined that "California must take action to avoid supporting or financing discrimination against lesbian, gay, bisexual, and transgender people." The statute prohibits state agencies, departments, boards, or commissions from requiring any state employees, officers, or members to travel to a state that has passed laws discriminatory against the Lesbian, Gay, Bisexual and Transgender (LGBT) community. State funded or sponsored travel to such states is prohibited under the statute, and a list of states with the discriminatory laws is required to be maintained by the California Attorney General's Office. AB 1887 further set forth seven exceptions to its application where travel to the subject state is required.

Inspired by state law, on August 8, 2017, the Board authorized the Interim CEO to order all District departments to prohibit use of District funds for employee travel to states identified by the California State Attorney General (AG) on the AG's website because these states have passed discriminatory laws against the Lesbian, Gay, Bisexual, and Transgender (LGBT) community, except for the following purposes which largely mirror the exceptions under AB 1887:

1. Enforcement of California law, including auditing and revenue collection;
2. Litigation;
3. To meet contractual obligations incurred before August 8, 2017;
4. To comply with requests by the federal government to appear before committees;
5. To participate in meetings or training required by a grant or required to maintain grant funding;
6. To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state; or

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7. For the protection of public health, welfare, safety, or critical to the mission of the Santa Clara Valley Water District (District), as determined by the District.

The state's seventh exception for travel is as follows: "For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office."

The District's current policy language adopted by the Board on August 8, 2017, in regard to exception seven (7), allows for District sponsored travel to a banned state "For the protection of public health, welfare, safety, or critical to the mission of the Santa Clara Valley Water District (District), as determined by the District."

To simplify the administrative processes and clarify ambiguous language for item seven (7), the District is requesting to replace "as determined by the District" with "as determined by the CEO."

The District continues to be committed to diversity and inclusiveness for its workforce and is dedicated to the protection of the individuals that it employs. Although the prohibition on travel to states that have passed discriminatory laws against the LGBT community helps prevent any increased risk of unfair treatment and discrimination to District employees, there are cases when traveling to these states is necessary to conduct official business, and to attend conventions, meetings, or other events.

Accepting this recommendation will authorize the CEO to approve of an exception to use District funds for employee travel to the AG's banned states for official business when attending is critical to the District's mission and lack of attendance would have an adverse effect on District business. When cases for exceptions are approved by the CEO, the CEO will immediately inform the Board via the weekly Non-Agenda packet.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

Neither recommended action constitutes a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

None

UNCLASSIFIED MANAGER:

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Rick Callender, 408-630-2017