



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, MAY 24, 2022
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Closed Session and Regular Meeting of the Santa Clara Valley Water District (Valley Water) Board of Directors was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, and by Zoom teleconference, at 11:00 a.m.

1.1. Roll Call.

Board members in attendance were Tony Estremera, Nai Hsueh, Linda J. LeZotte, and John L. Varela, constituting a quorum of the Board.

Directors Barbara Keegan, Gary Kremen, and Richard Santos arrived as noted below.

Staff members in attendance were R. Callender, Chief Executive Officer, C. Orellana, District Counsel, M. King, Clerk, Board of Directors, J. Aranda, R. Blank, M. Cook, A. Fulcher, R. Gibson, A. Gordon, M. Lugo, M. Richardson, D. Rocha, K. Struve, D. Taylor, G. Williams, B. Yerrapotu, and T. Yoke. Staff participating by teleconference were A. Baker, L. Bankosh, J. Codianne, V. Gin, C. Hakes, and B. Hopper.

2. TIME CERTAIN:

11:00 AM

Chair Pro Tem Varela confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1, 2.2, 2.3, 2.4, and 2.5.

Mr. Carlos Orellana, District Counsel, confirmed written claims or communications relating to Closed Session Item 2.2 were available for public inspection upon request as required by the Brown Act.

Directors Keegan, Kremen, and Santos arrived.

- 2.1. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL
PENDING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Great Oaks Water Co. v. Santa Clara Valley Water District
Santa Clara County Superior Court
Case Number 111CV205462
- 2.2. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
- 2.3. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL
PENDING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Santa Clara Valley Water District v. Edmund Jin, et al. (Santa Clara County
Superior Court, Nos. 22CV397577 and 19CV352227)
- 2.4. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL
Conference with Real Property Negotiators Pursuant to Government Code
Section 54956.8
Setting Negotiation Parameters for Price and Terms of Payment for Purchase,
Sale, or Exchange of Property Interest in APNs: 078-010-001, 078-010-004
(Merced County), 865-10-023, 865-10-022, 898-10-024, 898-10-020, 898-11-
003, 898-11-004, 898-11-008, 898-11-016, 898-11-020, 898-11-021, 898-11-022,
898-11-023, 898-11-025, 898-11-030, 898-11-032, 898-13-001, 898-13-002,
898-13-003, 898-13-004 (Santa Clara County)
Agency Negotiators: Rick Callender, Melanie Richardson, Aaron Baker, Chris
Hakes, and Bill Magleby
Negotiating Parties: Edmund Jin, Eval Lu

Director Kremen left the meeting and did not return.

- 2.5. CLOSED SESSION
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Titles: CEO, District Counsel and Clerk of the Board

Upon return to Open Session, the same Board members and staff were present including Directors Keegan and Santos and excluding Director Kremen.

1:00 PM

- 2.6. District Counsel Report on Closed Session.

Mr. Orellana reported that in regard to Items 2.1, 2.2, 2.3, and 2.4, the Board met in Closed Session with all members present and took no reportable action.

Chair Pro Tem Varela reported that in regard to Item 2.5, the Board met in Closed Session with all members present excluding Director Kremen, took no reportable action and confirmed completion of the Performance Evaluation for District Counsel.

2.7. Pledge of Allegiance/National Anthem.

Mr. Orellana led all present in reciting the Pledge of Allegiance.

2.8. Orders of the Day.

Chair Pro Tem Varela confirmed that Item 7.2 would be considered after Item 7.3 and that Item 4.3 would be continued to the next Board meeting on June 14, 2022.

2.9. Time Open for Public Comment on any Item not on the Agenda.

Chair Pro Tem Varela declared time open for public comment on any subject not on the agenda. There was no one present who wished to speak.

2.10. Public Hearing - Consider Adoption of an Ordinance to Enforce Valley Water's Mandatory Water Use Restrictions.

Recommendation: A. Conduct a Public Hearing to allow members of the public to provide comments on the need to consider adoption of an Ordinance to enforce Valley Water's mandatory water use restrictions;
 B. Close the Public Hearing; and
 C. Discuss, make a finding, and adopt the Ordinance, **ADOPTING DROUGHT OUTDOOR WATER CONSERVATION AND ENFORCEMENT MEASURES** as recommended by the Water Conservation and Demand Management Committee on May 19, 2022.

Chair Pro Tem Varela opened the Public Hearing.

Ms. Neeta Bijoor, Senior Water Resource Specialist, reviewed the information on this item, per the attached Board Agenda Memo, and per information contained in Supplemental Attachment 2.

Chair Pro Tem Varela declared time open for public comments.

Mr. Steve Jordan, Purissima Hills Water District Board of Directors President, requested clarification on which year Valley Water was using during the presentation for the baseline for water savings.

Ms. Bijoor confirmed that 2019 is the baseline year used for the mandatory use reduction call, but the water savings reported are compared to both 2019 and 2020.

Four statements from the following local water retailers confirming their collaboration with Valley Water regarding their enforcement processes, educational outreaches, and water conservation incentives were received from: Mr. John Tang, San Jose Water Company Vice President; Mr. Tim Guster, Great Oaks Water Company General Counsel; Mr. Rob Seeley, California Water Service Company Regional Community Affairs Specialist; and Mr. Jordan.

The Board requested local water retailers to consider publishing information on the top water wasters in the county to encourage water conservation.

Mr. Jeremy Maitin-Sheppard, undisclosed residency, expressed his support for raising water prices to encourage less water use while providing assistance to lower income households with the proceeds, but expressed opposition to Valley Water's involvement with managing consumers' water use versus focusing solely on supplying and setting the price for the water.

Chair Pro Tem Varela acknowledged receipt of the attached Handout 2.10-A, herein, and read it into the record as follows: *I have an email from Elisabeth Seaman and her comment is in this time of drought, I notice that in restaurants water is still automatically served to customers in large glasses, whether the customers want it or not. I have the feeling that a lot of water may be wasted this way. I suggest requesting before mandating that restaurants voluntarily stop this custom and instead have servers ask whether customers want water before serving it. Or, leave a pitcher with water on the table for self-service. Then the water left in the pitcher or can be used by other customers with the large number of eateries in the county, this might be more than a drop in a bucket.*

In response to Handout 2.10-A, the following statements were made by staff: Ms. Kirsten Struve, Assistant Officer, confirmed continued collaboration in the future with local cities and water retailers for ongoing water conservation which currently includes a water conservation e-shopping cart where the public can request water conservation gear and literature; and Ms. Bijoor reported Resolution 21-68 includes direction to restaurants to provide water to their customers only upon request.

Mr. Guster confirmed that Great Oaks Water Company includes restrictions on restaurants to only serve water to their customers upon request since July 13, 2021.

Ms. Milena Fiore, ReScape California Executive Director, requested clarification on whether education on water conservation landscaping will be addressed when water waste occurs.

The Board confirmed that the public has access to the website watersavings.org, which includes educational information on water conservation landscaping.

Chair Pro Tem Varela closed the Public Hearing.

The Board finds necessity to adopt Ordinance 22-02 as stated in staff's Board Agenda Memo with the Amendment to 30 days versus 60 days for enforcement.

Motion: Adopt the Ordinance 22-02, ADOPTING DROUGHT OUTDOOR WATER CONSERVATION AND ENFORCEMENT MEASURES, with amendment of 30 days for enforcement, by roll call vote.

Move to Adopt as Amended: Tony Estremera
Second: Linda J. LeZotte
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

3. CONSENT CALENDAR:

Chair Pro Tem Varela removed Item 3.10 from the Consent Calendar for individual consideration, and the Board considered Consent Calendar Items 3.1 through 3.9, and 3.11 through 3.12 under one motion.

- 3.1. Determination Whether to Protest Proposed Increases in Sanitary Sewer Rates for Valley Water-Owned Parcels in the City of San Jose.

Recommendation: That Valley Water not protest the increase in sanitary sewer rates proposed by the City of San Jose.

- 3.2. Determination Whether to Protest a Proposed Increase in Garbage and Recycling Service Rates for Valley Water-Owned Parcels in the City of San Jose.

Recommendation: That Valley Water not protest the increase in garbage and recycling service rates proposed by the City of San Jose.

- 3.3. Denial of December 30, 2021 Claim by Great Oaks Water Company (Great Oaks) Against the Santa Clara Valley Water District (Valley Water) for Refund of Groundwater Production Charges.

Recommendation: Deny Great Oaks' Claim.

- 3.4. Denial of May 10, 2022 Claim by Stanford University Against Santa Clara Valley Water District for Refund of Water Year 2021-2022 Groundwater Production Charges.

Recommendation: Deny Stanford University's claim.

- 3.5. Adopt Resolution Declaring June 2022 National Caribbean-American Heritage Month.

Recommendation: Adopt the RESOLUTION DECLARING JUNE 2022, NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH.

- 3.6. Adopt Resolution Recognizing June as Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month.

Recommendation: Adopt the RESOLUTION, RECOGNIZING JUNE AS LGBTQ PRIDE MONTH.

- 3.7. Adopt Resolution Declaring June 19, 2022, as “Juneteenth Independence Day” in Recognition of June 19, 1865, the Date on Which the End of Slavery in the United States is Commemorated.

Recommendation: Adopt the Resolution DECLARING JUNE 19, 2022, AS “JUNETEENTH INDEPENDENCE DAY” IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH SLAVERY ENDED IN THE UNITED STATES.

- 3.8. Adopt Recommended Positions on State Legislation: AB 2895 (Arambula) Water Rights Process for Temporary Water Transfers, and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

Recommendation: Adopt a position of “Oppose Unless Amended” on: AB 2895 (Arambula) Water Rights Process for Temporary Water Transfers.

- 3.9. Approve Amendment No. 2 to Agreement No. A4375G with Kadesh & Associates, LLC, for the Washington, D.C. Representation Services for the Elected Officials, Project No. 60231003, Increasing the Fee by \$120,000 for a Total Not-To-Exceed Revised Fee of \$360,000, and Extend the Agreement Term to June 1, 2023.

Recommendation: Approve Amendment No. 2 to Agreement No. A4375G with Kadesh & Associates, LLC, for the Washington, D.C. Representation Services for the Elected Officials, Project No. 60231003, Increasing the Fee by \$120,000 for a Total Not-To-Exceed Revised Fee of \$360,000, and Extend the Agreement Term to June 1, 2023.

- 3.11. Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work of the Santa Teresa Water Treatment Plant Air Wash Pipeline Replacement Project, under the Small Capital Improvements, Water Treatment Project, C. Overaa & Co., Contractor, Project No. 93764004, Contract No. C0662 (San Jose) (District 7).

Recommendation: A. Accept the work on the Santa Teresa Water Treatment Plant Air Wash Pipeline Replacement Project, C. Overaa & Co., Contractor, Project No. 93764004, Contract No. C0662 as complete; and
B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

3.12. Accept the CEO Bulletin for the Weeks of May 6 - 19, 2022.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.9, and 3.11 through 3.12, under one motion, as follows: Valley Water not protest increase in sanitary sewer rates proposed by City of San Jose as contained in Item 3.1; Valley Water not protest increase in garbage and recycling service rates proposed by City of San Jose as contained in Item 3.2; deny Great Oaks' Claim as contained in Item 3.3; deny Stanford University's claim as contained in Item 3.4; adopt Resolution 22-36, DECLARING JUNE 2022, NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH, by roll call vote, as contained in Item 3.5; adopt Resolution 22-37, RECOGNIZING JUNE AS LGBTQ PRIDE MONTH, by roll call vote, as contained in Item 3.6; adopt Resolution 22-38, DECLARING JUNE 19, 2022, AS "JUNETEENTH INDEPENDENCE DAY" IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH SLAVERY ENDED IN THE UNITED STATES, by roll call vote, as contained in Item 3.7; adopt position of "Oppose Unless Amended" on: AB 2895 as contained in Item 3.8; approve Amendment No. 2 to Agreement No. A4375G with Kadash & Associates, LLC, for the Washington, D.C. representation services for the elected officials increasing the fee by \$120,000 for a total not-to-exceed revised fee of \$360,000, as contained in Item 3.9; accept the work on the Santa Teresa Water Treatment Plant Air Wash Pipeline Replacement Project, C. Overaa & Co., Contractor, as complete; and direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder as contained in Item 3.11; and accept the CEO Bulletin as contained in Item 3.12.

Move to Approve: Richard Santos
Second: Tony Estremera
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

Chair Pro Tem Varela moved the agenda to Item 3.10.

3.10. Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Upper Llagas Creek Flood Protection Project, Flood Protection and Civil Work, including Mitigation

Plantings and Irrigation Installation, Phase 1, Completion of Milestones 1 and 2, Graniterock Company, Contractor, Project No. 26174052, Contract No. C0645 (Morgan Hill, Gilroy, Santa Clara County Unincorporated Area, Including San Martin) (District 1).

- Recommendation:
- A. Accept the work on the Upper Llagas Creek Flood Protection Project, Flood Protection and Civil Work, including Mitigation Plantings and Irrigation Installation, Phase 1, completion of Milestones 1 and 2, Graniterock Company, Contractor, Project No. 26174052, Contract No. C0645 as complete; and
 - B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

The Board requested that staff develop an appropriate mechanism whereby the Board is informed of larger change orders, as they occur, so that the Board can weigh in during a project.

- Move to Accept: Richard Santos
- Second: Tony Estremera
- Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela
- Nays: None
- Abstains: None
- Recuses: None
- Absent: Gary Kremen
- Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Review Fiscal Year 2022 Board Policy Planning Calendar.

Recommendation: Review, discuss and revise the Fiscal Year 2022 Board Policy Planning Calendar.

Ms. Michele King, Clerk, Board of Directors, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Handout 4.1-A.

The Board noted the information, without formal action.

4.2. Consider the April 20, 2022 Recommendation from the Board Audit Committee (BAC) Meeting to Approve Initiation of the Capital Improvement Program (CIP) Process Audit; and Sjoberg Evashenk Consulting, Inc. as the Auditor to Conduct the CIP Process Audit.

Recommendation: Consider recommendations resulting from the April 20, 2022 Board Audit Committee Meeting to:

- A. Approve initiation of the Capital Improvement Program (CIP) Process Audit; and
- B. Approve Sjoberg Evashenk Consulting, Inc. as the auditor to conduct the CIP Process Audit.

Mr. Darin Taylor, Chief Financial Officer, reviewed the information on this item, per the attached Board Agenda Memo.

Move to Approve: Barbara Keegan
 Second: Richard Santos
 Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela
 Nays: None
 Abstains: None
 Recuses: None
 Absent: Gary Kremen
 Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

- 4.3. Consider the May 11, 2022, Recommendation from the Board Policy and Planning Committee to Adopt an Ordinance of Santa Clara Valley Water District Specifying Rules of Decorum in the Participation of Board and Committee Meetings.

Recommendation: Adopt the Ordinance, AN ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM IN THE PARTICIPATION OF BOARD AND COMMITTEE MEETINGS.

The Board continued the item to the June 14, 2022, meeting.

- 4.4. Board Committee Reports.

The Board noted the information, without formal action.

5. WATER UTILITY ENTERPRISE:

None.

6. WATERSHEDS:

- 6.1. Receive Report of Bids, Ratify Addenda, Waive Minor Irregularities, Approve the Contingency Fund, and Award the Construction Contract for the Calabazas Creek Rehabilitation Project, Project No. 62084001, Contract No. C0683 as part of the Watersheds Asset Rehabilitation Program (WARP) in the sum of \$14,892,700 (Cupertino) (District 5).

Recommendation: A. Ratify Addenda Nos.1 and 2 to the Contract Documents for the Calabazas Creek Rehabilitation Project;
 B. Waive minor irregularities in Granite Construction Company's Bidder's Bond;

- C. Award the Contract No. C0683 (Contract) to Granite Construction Company (Granite Construction), in the sum of \$14,892,700; and
- D. Approve a contingency sum of \$1,489,270 and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount.

The Board considered Item 6.1 without a staff presentation.

Move to Approve: Nai Hsueh
 Second: Tony Estremera
 Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela
 Nays: None
 Abstains: None
 Recuses: None
 Absent: Gary Kremen
 Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

Director Keegan left the meeting and returned as noted below.

The Board considered Items 7.1, 7.3, and 7.2, without a staff presentation.

- 7.1. Approve the Consultant Agreement with AECOM Technical Services, Inc. for Engineering and Environmental Planning Services, for the Distribution System Master Plan Implementation Project, Project No. 95044001, PB File No. VW0008, for a Not-to-Exceed Fee of \$5,992,234 (Countywide).

Recommendation: Approve the Consultant Agreement with AECOM Technical Services, Inc. for engineering and environmental planning services, for the Distribution System Master Plan Implementation Project, Project No. 95044001, PB File No. VW0008, for a Not-to-Exceed Fee of \$5,992,234.

Move to Approve: Tony Estremera
 Second: Nai Hsueh
 Yeas: Tony Estremera, Nai Hsueh, Linda J. LeZotte, Richard Santos, John L. Varela
 Nays: None
 Abstains: None
 Recuses: None
 Absent: Barbara Keegan, Gary Kremen
 Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

Chair Pro Tem Varela moved the agenda to Item 7.3.

7.3. Approve the Consultant Agreement with Black & Veatch Corporation for Engineering and Environmental Planning Services for the SCADA Master Plan Implementation Project, Project No. 95044002, CAS File No. 5160, for a Not-to-Exceed Fee of \$2,999,864 (Countywide).

Recommendation: Approve the Consultant Agreement with Black & Veatch Corporation for engineering and environmental planning services for the SCADA Master Plan Implementation Project, Project No. 95044002, CAS File No. 5160, for a Not-to-Exceed Fee of \$2,999,864.

Move to Approve: Tony Estremera
Second: Richard Santos
Yeas: Tony Estremera, Nai Hsueh, Linda J. LeZotte, Richard Santos, John L. Varela
Nays: None
Abstains: None
Recuses: None
Absent: Barbara Keegan, Gary Kremen
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

Chair Pro Tem Varela returned the agenda to Item 7.2.

7.2. Approve the Consultant Agreement with Harris Water Engineering for Owner's Advisor Consulting Services for the SCADA Master Plan Implementation Project, Project No. 95044002, CAS File No. 5161, for a Not-to-Exceed Fee of \$792,679 (Countywide).

Recommendation: Approve the Consultant Agreement with Harris Water Engineering for owner's advisor consulting services for the SCADA Master Plan Implementation Project, Project No. 95044002, CAS File No. 5161, for a Not-to-Exceed Fee of \$792,679.

Move to Approve: Nai Hsueh
Second: Richard Santos
Yeas: Tony Estremera, Nai Hsueh, Linda J. LeZotte, Richard Santos, John L. Varela
Nays: None
Abstains: None
Recuses: None
Absent: Barbara Keegan, Gary Kremen
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

Director Keegan returned.

8. EXTERNAL AFFAIRS:

8.1. Approve Fiscal Year 2022 Standard Grants for the Safe, Clean Water and Natural Flood Protection Program.

- Recommendation:
- A. Review and discuss staff's recommendations for Fiscal Year 2022 Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program) standard grant awards;
 - B. Authorize the Chief Executive Officer to approve and execute agreements for fifteen (15) standard grant projects at one of the following funding levels:
 - i. Scenario 1 for a total amount not-to-exceed \$1,398,608.99; or
 - ii. Scenario 2 for a total amount not-to-exceed \$1,549,321.50 (staff recommendation); and
 - C. Authorize the Chief Executive Officer to approve and execute amendments to the recommended standard grant agreements, extending their terms up to twenty-four (24) additional months with no increases to their not-to-exceed grant amounts.

Mr. Peter Weiss, University of California, Santa Cruz project, requested the Board to reconsider the proposal from the Regents of the University of California, Santa Cruz.

The Board confirmed that staff will meet with Mr. Weiss and the Regents of the University of California, Santa Cruz regarding their proposal.

Motion: Approve staff's recommendation to Authorize the Chief Executive Officer to approve and execute agreements for fifteen (15) standard grant projects using Scenario 2 for a total amount not-to-exceed \$1,549,321.50; and approve and execute amendments to the recommended standard grant agreements, extending their terms up to twenty-four (24) additional months with no increases to their not-to-exceed grant amounts.

Move to Approve: Tony Estremera
Second: Richard Santos
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

9. CHIEF EXECUTIVE OFFICER:

9.1. CEO and Chiefs' Report.

Mr. Rick Callender, Chief Executive Officer, reported attending the May 23, 2022, Local Water Leaders Summit called by Governor Gavin Newsom which focused on the urgency for localized water conservation to avoid statewide water restriction mandates.

Ms. Rachael Gibson, Chief of External Affairs, reviewed the attached Office of Government Relations and Office of Civic Engagement Updates, identified as Handouts 9.1.-A and 9.1-B respectively. Copies of the Handouts were distributed to the Board and made available to the public.

The Board noted the information, without formal action.

9.2. Adopt the Resolution Authorizing the Execution and Delivery of a Tax-Exempt Tax and Revenue Anticipation Note and a Taxable Tax and Revenue Anticipation Note to Support a Commercial Paper Program and Other Short-Term Obligations, Adopt the Resolution Regarding Intention to Issue Tax-Exempt Obligations for Water Utility Enterprise, and Adopt the Resolution Regarding Intention to Issue Tax-Exempt Obligations for Safe, Clean Water and Natural Flood Protection Program (Continued from May 10, 2022).

- Recommendation:
- A. Adopt the Resolution AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX-EXEMPT TAX AND REVENUE ANTICIPATION NOTE AND A TAXABLE TAX AND REVENUE ANTICIPATION NOTE (TRANS) TO SUPPORT A COMMERCIAL PAPER PROGRAM AND OTHER SHORT-TERM OBLIGATIONS;
 - B. Authorize the Chief Executive Officer, or Chief Financial Officer (in each case, including any acting, interim or otherwise appointed such officer as the case may be) to execute the TRANS, and the Certificate as to Uncollected Taxes, Income, Revenue, Cash Receipts and Other Money;
 - C. Authorize the Chief Executive Officer, District Counsel, and such other chief executives of Valley Water (in each case, including any acting, interim or otherwise appointed such officer as the case may be) to execute such other instruments, documents and papers as are necessary to carry out this short-term debt financing program for Fiscal Year 2022-23;
 - D. Authorize the District Counsel (including any acting, interim or otherwise appointed such officer as the case may be) to execute the TRANS;
 - E. Adopt the Resolution Regarding INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR WATER UTILITY ENTERPRISE; and
 - F. Adopt the Resolution Regarding INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR SAFE,

CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM.

The Board considered Item 9.2 without a staff presentation.

Motion: Adopt Resolution No. 22-39, AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX-EXEMPT TAX AND REVENUE ANTICIPATION NOTE AND A TAXABLE TAX AND REVENUE ANTICIPATION NOTE (TRANS) TO SUPPORT A COMMERCIAL PAPER PROGRAM AND OTHER SHORT-TERM OBLIGATIONS; adopt Resolution No. 22-40, INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR WATER UTILITY ENTERPRISE; and adopt Resolution No. 22-41 INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM, by roll call vote.

Move to Adopt: Tony Estremera
Second: Richard Santos
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

10. ADMINISTRATION:

None.

11. DISTRICT COUNSEL:

None.

12. ADJOURN:

12.1. Board Member Reports/Announcements.

Director Keegan reported attending Board Planning and Policy (BPPC), Stream Planning and Operations (SPOC), Environmental Creek Cleanup, Water Conservation and Demand (WCaDM), Delta Conveyance Authority (DCA), Santa Clara Valley Habitat Joint Powers Authority Implementation (SCV Habitat JPA), and Board Audit Committee meetings; a Board Auditor meeting, Coyote Creek Public Meeting Briefing, various staff meetings; and reported participating in the Asian Pacific Resource Group and Indo-American Association Cultural Event.

Director Santos reported attending various committee meetings and reported participating in a State Legislative Day, the Asian American and Pacific Islander Recognition Awards with California State Assemblymember, 25th District, Alex Lee, and a National River Cleanup Day.

Director Hsueh reported attending the aforementioned BPPC, WCaDM meetings, State Legislative Day, and National River Cleanup Day; Capitol Improvement (CIP) Committee meeting; and various staff meetings.

Chair Pro Tem Varela reported attending Region 5 Association of Water Agencies Committee Spring Conference follow up meeting; various Committee meetings; and various meetings with staff.

Director Estremera reported attending the aforementioned SPOC, DCA, CIP meetings, State Legislative Day; a Valley Water Town Hall; and various meetings with staff.

Director LeZotte reported attending the aforementioned BPPC, SPOC, CIP, WCaDM, SCV Habitat JPA meetings; Los Vaqueros Joint Power Authority Board meeting, and various meetings with staff.

12.2 Proposed Future Board Member Agenda Items.

None.

12.3. Clerk Review and Clarification of Board Requests.

Ms. King confirmed that there were no new Board Member Requests.

12.4. Adjourn to 11:00 a.m. Closed Session and 1:00 p.m. Regular Meeting, on June 14, 2022.

Chair Pro Tem Varela adjourned the meeting at 2:58 p.m., to the 11:00 a.m. Closed Session and 1:00 p.m. Regular Meeting on June 14, 2022.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: