



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND SPECIAL MEETING
TUESDAY, JANUARY 5, 2021
10:00 AM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Closed Session and Special 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, at 10:00 a.m.

1.1 Roll Call.

Board members in attendance were Nai Hsueh and Richard Santos. Board members participating by teleconference were Barbara Keegan, Gary Kremen, Linda J. LeZotte, and John L. Varela, constituting a quorum of the Board.

Director Tony Estremera joined the meeting by teleconference, as noted below.

Staff in attendance was M. King, Clerk, Board of Directors. Staff participating by teleconference were R. Callender, Chief Executive Officer, L. Orta, Acting District Counsel, A. Baker, M. Cook, R. Gibson, V. Gin, A. Gschwind, C. Hakes, B. Hopper, H. McMahon, M. Richardson, D. Rocha, D. Taylor, S. Tippetts, K. Wong, and T. Yoke.

2. TIME CERTAIN:

10:00 AM

Chairperson Hsueh confirmed that the Board would adjourn to Closed Session for consideration of Item 2.1.

During Closed Session, Director Estremera joined the meeting by teleconference.

Upon return to Open Session, the same Board members, including Director Estremera, and staff were present.

- 2.1 CLOSED SESSION
PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code Section 54957(b)(1)
Title: District Counsel

11:00 AM

2.2 District Counsel Report on Closed Session.

Chairperson Hsueh reported that in regard to Items 2.1, the Board met in Closed Session with all members present, including Director Estremera, and gave direction to staff.

2.3 Pledge of Allegiance/National Anthem.

Ms. Michele King, Clerk, Board of Directors, led all present in reciting the Pledge of Allegiance.

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

Chairperson Hsueh declared time open for public comment on any item not on the agenda.

Mr. John Zoglin, El Camino Healthcare District Board Member, requested support for his position as Special District Alternate Representative to the Local Agency Formation Commission (LAFCO).

Chairperson Hsueh reported that she had received a draft report from Ms. Amy Oppenheimer, Independent Investigator, in regard to the investigation into the complaint filed by Rev. Jethro Moore, San Jose Silicon Valley National Association for the Advancement of Colored People (NAACP) President.

Chairperson Hsueh confirmed that consistent with Board Governance Policies, and her role as Board Chair, she would review the draft report and come back with recommendations as to the report's completeness and consistency with the Independent Investigator's scope of work.

Mr. Emmanuel Aryee, Assistant Officer, reviewed the information on Items 2.5 and 2.6, per the attached Board Agenda Memos.

2.5 Approve Agreement with COWI North America, Inc., for Construction Management Services for the Anderson Dam Tunnel Project, Project No. 91864005, for a Not-to-Exceed Fee of \$20,465,000 (Morgan Hill) (District 1) (Continued from December 8, 2020).

Recommendation: Approve the Agreement with COWI North America, Inc., for Construction Management Services for the Anderson Dam Tunnel Project for a not-to-exceed fee of \$20,465,000.

Move to Approve: Linda J. LeZotte

Second: Barbara Keegan

Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela

Nays: None

Abstains: None

Recuses: None

Absent: None

Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

- 2.6 Approve Amendment No. 8 to Agreement No. A3676A, with URS Corporation, for Design Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, for a Not-to-Exceed Fee of \$16,715,863, Increasing the Total Not-to-Exceed Fee to \$48,069,366, and extending the Agreement Term (Morgan Hill) (District 1) (Continued from December 8, 2020).

Recommendation: Approve Amendment No. 8 to Agreement No. A3676A with URS Corporation for Design Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, for a not-to-exceed fee of \$16,715,863, increasing the total not-to-exceed fee to \$48,069,366, and extending the Agreement term.

Move to Approve: Richard Santos

Second: Nai Hsueh

Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela

Nays: None

Abstains: None

Recuses: None

Absent: None

Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

3. ADJOURN:

- 3.1 Clerk Review and Clarification of Board Requests.

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

- 3.2 Adjourn to Regular Meeting at 1:00 p.m., on January 12, 2021, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

Chairperson Hsueh adjourned the meeting at 11:40 a.m., to the next regularly scheduled meeting at 1:00 p.m., on January 12, 2021, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: 01/26/2021

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