



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, OCTOBER 26, 2021
4:00 PM**

(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, conducted by Zoom Teleconference, was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 4:00 p.m.

1.1. Roll Call.

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

Staff in attendance was M. King, Clerk, Board of Directors. Staff participating by teleconference were R. Callender, Chief Executive Officer, C. Orellana, District Counsel, J. Aranda, A. Baker, L. Bankosh, R. Blank, R. Chan, M. Cook, R. Gibson, A. Gschwind, B. Hopper, L. Orta, M. Richardson, D. Rocha, D. Taylor, S. Tippets, and T. Yoke.

2. TIME CERTAIN:

Chairperson Estremera confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1, 2.2, and 2.3.

4:00 PM

- 2.1. **CLOSED SESSION
CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6(a) Agency Designated
Representatives: Rick Callender, J. Carlos Orellana, Brian Hopper, Tina Yoke,
Edward Kreisberg, Ingrid Bella, Bryant Welch, Laura Harbert, Emily Meeks
Employee Organizations: Employees Association, Engineers Society,
Professional Managers

- 2.2. CLOSED SESSION
THREAT TO PUBLIC SERVICES OR FACILITIES
Pursuant to Government Code Section 54957(a)
Consultation with Alex Gordon, Assistant Officer
- 2.3. CLOSED SESSION
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Titles: CEO, District Counsel and Clerk of the Board
(Continued from October 12, 2021)

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

6:00 PM

- 2.4. District Counsel Report on Closed Session.

Mr. Carlos Orellana, District Counsel, reported that in regard to Item 2.1, the Board met in Closed Session with all members present, and gave direction to staff, in regard to Item 2.2, the Board met in Closed Session with all members present, and took no reportable action, and in regard to Item 2.3, the Chair confirmed the Board would continue discussion on Item 2.3 after concluding all items on the Agenda.

- 2.5. Pledge of Allegiance/National Anthem.

Director Kremen led all present in reciting the Pledge of Allegiance.

- 2.6. Orders of the Day.

Chairperson Estremera confirmed that Item 2.8 would be continued to the December 14, 2021, meeting.

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

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

Ms. Glenna Brambill, Management Analyst II, reported on Valley Water's recognition of October as National Breast Cancer Awareness Month; acknowledged October 26, 2021 as Valley Water staff's Wear Pink to Work Day; and discussed related activities.

- 2.8. Resolution Establishing Policy Criteria for Public Trails on Santa Clara Valley Water District (Valley Water) Lands and Public Hearing to Amend the Water Resources Protection Manual to Include the Policy Criteria and Guidance for Public Trails on Valley Water Land, as Recommended by the Board Policy and Planning Committee during its January 25, 2021 meeting (Continued from October 12, 2021).

Recommendation: A. Consider the January 25, 2021 Board Policy and Planning Committee recommendation to approve the Policy Criteria and Guidance for Public Trails on Valley Water Lands;

- B. Adopt the Resolution ESTABLISHING POLICY CRITERIA FOR PUBLIC TRAILS ON VALLEY WATER LANDS;
- C. Open the Public Hearing to Consider Amendment of the Water Resources Protection Manual to Include the Policy Criteria and Guidance for Public Trails on Valley Water Land;
- D. Close the Public Hearing; and
- E. Adopt the Resolution AMENDING THE WATER RESOURCES PROTECTION MANUAL TO INCLUDE POLICY CRITERIA AND GUIDANCE FOR PUBLIC TRAILS ON VALLEY WATER LANDS.

Chairperson Estremera confirmed that Item 2.8 would be continued to the December 14, 2021, meeting.

3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 through 3.3, under one motion.

- 3.1. Adopt Recommended Positions on Federal Legislation: H.R. 4647 (Huffman) – Water Conservation Rebate Tax Parity Act; H.R. 4712 (Levin) – Desalination Development Act; H.R. 4915 (McClintock) – Water Supply Permitting Coordination Act; H.R. 4235 (Pallone) – Living Shorelines Act; H.R. 4413 (DeLauro) – National Infrastructure Development Bank Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

- Recommendation:
- A. Adopt a position of “Support” on H.R. 4647 (Huffman) – Water Conservation Rebate Tax Parity Act;
 - B. Adopt a position of “Support and Amend” on H.R. 4712 (Levin) – Desalination Development Act;
 - C. Adopt a position of “Support” on H.R. 4915 (McClintock) – Water Supply Permitting Coordination Act;
 - D. Adopt a position of “Support and Amend” on H.R. 4235 (Pallone) – Living Shorelines Act; and
 - E. Adopt a position of “Support” on H.R. 4413 (DeLauro) – National Infrastructure Development Bank Act.

- 3.2. Accept the CEO Bulletin for the Weeks of October 8 – 21, 2021.

Recommendation: Accept the CEO Bulletin.

- 3.3. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1 through 3.3, under one motion, as follows: adopt recommended positions of “Support” on Federal Legislation, H.R. 4647 (Huffman), H.R. 4915 (McClintock), and H.R. 4413 (DeLauro), and adopt recommended positions of “Support and Amend” on H.R. 4712 (Levin), and H.R. 4235 (Pallone), as contained in Item 3.1; accept the CEO Bulletin, as contained in

Item 3.2; and approve the Minutes, as contained in Item 3.3.

Move to Approve: John L. Varela
Second: Richard Santos
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 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.

The Board noted the information without formal action.

4.2. Consider Adopting a Resolution Proclaiming a Continued Local Emergency, Acknowledging the Proclamation of a State of Emergency by Governor's Order No. N-23-20 Dated March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Santa Clara Valley Water District for 30 Days Pursuant to Brown Act Provisions.

Recommendation: Consider adopting a RESOLUTION PROCLAIMING A CONTINUED LOCAL EMERGENCY, ACKNOWLEDGING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER NO. N-23-20 DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SANTA CLARA VALLEY WATER DISTRICT FOR 30 DAYS PURSUANT TO BROWN ACT PROVISIONS.

The Board considered this Item without a staff presentation.

Motion: Adopt Resolution No. 21-88, RESOLUTION PROCLAIMING A CONTINUED LOCAL EMERGENCY, ACKNOWLEDGING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER NO. N-23-20 DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SANTA CLARA VALLEY WATER DISTRICT FOR 30 DAYS PURSUANT TO BROWN ACT PROVISIONS.

Move to Adopt: John L. Varela
Second: Richard Santos
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

4.3. Board Committee Reports.

Director Hsueh reviewed and distributed the attached October 18, 2021 CIP Committee Meeting Summary, identified as Handout 4.3-N, herein; and the Board noted Handouts 4.3-A through 4.3-N, without formal action.

Copies of the Handouts were distributed to the Board and made available to the public.

4.4. Proposed Future Board Member Agenda Items.

None.

5. WATER UTILITY ENTERPRISE:

None.

6. WATERSHEDS:

None.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

7.1. Approve the Software-As-A-Service and Implementation Services Agreement with Systemates Incorporated for a Capital Project Management Information System, CAS File No. 5156, for an Amount Not-to-Exceed *\$1,014,693; and Approve a 10% Contingency if Valley Water Requests Additional Implementation Services.

Recommendation: A. Approve the Software-as-a-Service and Implementation Services Agreement with Systemates Incorporated for a capital project management information system, CAS File No. 5156, for an Amount Not-to-Exceed *\$1,014,693; and
B. Approve a 10% contingency in the event of implementation changes.

The Board considered this Item without a staff presentation.

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

Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

8. EXTERNAL AFFAIRS:

None.

9. CHIEF EXECUTIVE OFFICER:

9.1. Receive Overview of Valley Water's New Rolling Biennial Budget Process Beginning in the FY2022-23 Budget Cycle.

Recommendation: Receive and review Valley Water's new rolling biennial budget process beginning in the FY2022-23 budget cycle.

Mr. Enrique De Anda, Budget Manager, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

The Board noted the information without formal action.

9.2. CEO and Chiefs' Report.

Mr. Aaron Baker, Chief Operating Officer, reviewed the attached Storm Report, identified as Handout 9.1-D, herein.

Ms. Sue Tippets, Interim Chief Operating Officer, reviewed the attached Watershed Operations and Maintenance Report, identified as Handout 9.1-A, herein.

Ms. Rachael Gibson, Chief of External Affairs, reviewed the attached Office of Government Relations and Office of Civic Engagement Activities Updates, identified as Handouts 9.1-B and 9.1-C, herein.

Copies of the Handouts were distributed to the Board and made available to the public.

10. ADMINISTRATION:

None.

11. DISTRICT COUNSEL:

None.

Chairperson Estremera returned the agenda to Item 2.3.

Chairperson Estremera confirmed that the Board would readjourn to Closed Session to resume consideration of Item 2.3.

2.3. CLOSED SESSION
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Titles: CEO, District Counsel and Clerk of the Board
(Continued from October 12, 2021)

Upon return to Open Session, Chair Estremera, Director Santos and Director Hsueh were present in the boardroom, Director Keegan participating via teleconference, and staff were present.

Chairperson Estremera returned the agenda to Item 2.4.

2.4. District Counsel Report on Closed Session.

Chairperson Estremera confirmed that the Board met in Closed Session with all members present, resumed consideration of Item 2.3, and took no reportable action.

Chairperson Estremera returned the agenda to Item 12.1.

12. ADJOURN:

12.1. Board Member Reports/Announcements.

None.

12.2. Clerk Review and Clarification of Board Requests.

None.

12.3. Adjourn to Regular Meeting at 1:00 p.m., on November 9, 2021, to be called to order in compliance with the Brown Act as currently in effect and Santa Clara Valley Water District Resolution 21-85, adopted on September 28, 2021, in compliance with the provisions of AB361 (Rivas).

Chairperson Estremera adjourned the meeting at 8:00 p.m., to the 11:00 a.m. Closed Session and 1:00 p.m. Regular Meeting on November 9, 2021, to be called to order in compliance with the Brown Act as currently in effect and Santa Clara Valley Water District Resolution 21-85, adopted on September 28, 2021, in compliance with the provisions of AB361 (Rivas).

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date:

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