

BOARD OF DIRECTORS MEETING

MINUTES

CLOSED SESSION AND REGULAR MEETING TUESDAY, APRIL 09, 2024 10:00 AM

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER/ROLL CALL:

1.1. Roll Call.

Board members in attendance were Barbara F. Keegan, Richard P. Santos, John L. Varela, and Nai Hsueh, Chairperson presiding, constituting a quorum of the Board.

Directors Jim Beall, Rebecca Eisenberg and Tony Estremera 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, E. Aryee, A. Baker, L. Bankosh, M. Bilski, S. Bogale, J. Bourgeois, T. Chinte, J. Codianne, R. Gibson, A. Gordon, A. Gschwind, B. Hopper, C. Lawson, A. Lee, M. Lugo, R. McCarter, P. McElroy, L. Penilla, D. Rocha, K. Struve, D. Taylor, B. Yerrapotu, and T. Yoke.

2. 10:00 AM - CLOSED SESSION:

Chairperson Hsueh confirmed that the Board would adjourn to Closed Session to consider Items 2.1, 2.2, 2.3, 2.4, and 2.5.

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, Patrice McElroy, Ingrid Bella, Emily Meeks

Employee Organizations: Employees Association, Engineers Society,

Professional Managers Association

Unrepresented Employees: All Valley Water Unclassified Positions

2.2. 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: 841-17-084 and

841-17-086 (portions thereof)

Agency Negotiators: Rick Callender, Aaron Baker, Kirsten Struve, David Tucker,

Carlo Achdjian, Ken Anderssohn

Negotiating Parties: Green Valley Corporation, a California corporation

2.3. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation Government Code Section 54956.9(d)(1)

Santa Clara Valley Water District v. EFuel Investments San Jose LLC, et al.

(Santa Clara County Superior Court, Case No. 23CV416095)

2.4. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)

One Potential Case

2.5. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)

One Potential Case

2.6. District Counsel Report on Closed Session.

Upon return from Closed Session, the same Board members, including Director Beall, Eisenberg, Estremera, and staff were present.

Carlos Orellana, District Counsel, reported that in regard to Items 2.1, 2.2, 2.3 and 2.4, the Board met in Closed Session with all members participating; with respect to Item 2.1, Item 2.2 and Item 2.3 the Board gave direction to staff; with respect to Item 2.4 the Board took no reportable action; with respect to Item 2.5, the Board met with all members participating, excluding Director Eisenberg, and took no reportable action.

3. 1:00 PM - TIME CERTAIN:

3.1. Pledge of Allegiance/National Anthem.

Rachael Gibson, Chief of External Affairs, led all present in reciting the Pledge of Allegiance.

3.2. Orders of the Day.

Chairperson Hsueh confirmed that there were no changes to the Orders of the Day.

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

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

Brigitte Rince, San Jose resident, expressed frustration with the homeless encampments on Valley Water property that abuts their property and requested the Board's assistance with the issue.

Josephine Poole, Metcalf Neighborhood Association, expressed frustration at the construction work in her area that she felt had exacerbated the wild pig problem in South San Jose and requested the Board provide information on property lines and jurisdictions in her area so that the appropriate agencies could be reached to help with the ongoing issue.

Ted Marshal, Santa Clara resident, expressed frustration with the homeless encampments on Valley Water property that abuts their property and requested the Board's assistance with the issue.

3.4. Conduct Public Hearing on the February 2024 Annual Report on the Protection and Augmentation of Water Supplies and Recommended Increases in Groundwater Production Charges, Surface Water Charges, and Recycled Water Charges for Fiscal Year 2024-25.

Recommendation:

- A. Conduct a public hearing pursuant to Section 26.6 of the District Act to consider Santa Clara Valley Water District's Fiscal Year (FY) 2024-25 Annual Report on the Protection and Augmentation of Water Supplies and recommended increases to groundwater production charges (between 6.6% to 12.9%), surface water charges (between 7.1% to 14.1%) and recycled water charges (between 4.4% to 6.8%);
- B. Hear public comments from groundwater producers and any interested persons regarding the Report and recommendations;
- C. Consider any written protests to proposed surface water rate increases:
- D. Direct staff to review such Report with, and solicit comments from, Santa Clara Valley Water District's advisory committees:
- E. Consider staff's recommendation to set the State Water Project (SWP) Tax in an amount sufficient to pay all annual SWP costs, which will reduce water rate impacts on low-income residents who are having difficulty paying their water bills; and
- F. Continue the public hearing regarding this Report to the April 11, 2024 special meeting, at 7:00 pm.

Chairperson Hsueh opened the Public Hearing.

Carmen Narayanan, Financial Planning and Revenue Manager, reviewed the information on this Item, per the attached Board Agenda Memo, and per the information contained in Attachment 2.

Chairperson Hsueh declared time open for public comments.

Two statements expressing opposition to water rate increases and the Pacheco Reservoir and Delta Conveyance projects were received from: Katja Irvin, Sierra Club Loma Prieta Chapter; and Molly Culton, Sierra Club California.

Jim Kuhl, undisclosed residency, expressed opposition to water rate increases in North County and requested projections of water rate increases further out than Fiscal Year 2025.

Chairperson Hsueh acknowledged receipt of the attached written public comments, identified as Handout 3.4-A, Handout 3.4-B and Handout 3.4-C, respectively herein. Copies of the Handouts were distributed to the Board and made available to the public.

Chairperson Hsueh continued the Public Hearing to April 11, 2024 Special Board meeting.

3.5. Conduct a Public Hearing to Consider the Santa Clara Valley Water District's Capital Improvement Program (CIP) Draft Fiscal Years 2025-29 Five-Year Plan.

Recommendation:

- A. Open and conduct a public hearing to receive public comments and Board feedback regarding the Santa Clara Valley Water District's CIP Draft Fiscal Years (FY) 2025-29 Five-Year Plan; and
- B. Continue the public hearing to the regularly scheduled Board meeting scheduled for April 23, 2024, and the subsequent Special Budget Hearings currently scheduled for April 24, 2024, and if needed, April 25, 2024, and conclude the public hearing at the regularly scheduled Board Meeting on May 14, 2024.

Chairperson Hsueh opened the Public Hearing.

Chairperson Hsueh declared time open for public comments and, seeing no one present who wished to speak, continued the Public Hearing to the April 23, 2024 Board meeting.

3.6. Conduct a Public Hearing on Proposed Changes to Projects under Priorities A, E, and F of the Renewed Safe, Clean Water and Natural Flood Protection Program.

Recommendation:

- A. Open and conduct the public hearing to receive comments on the renewed Safe, Clean Water and Natural Flood Protection Program:
 - i. Project A1: Pacheco Reservoir Expansion;
 - ii. Project E8: Upper Guadalupe River Flood Protection;
 - iii. Project F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship;
- B. Close the public hearing;
- C. Review and approve the Proposed Text Adjustments to Project F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship Recommendation;

- D. Adopt the resolution APPROVING NOT IMPLEMENTING PROJECT A1: PACHECO RESERVOIR EXPANSION UNDER THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM:
- E. Adopt the resolution APPROVING THE MODIFICATION OF PROJECT E8: UPPER GUADALUPE RIVER FLOOD PROTECTION OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM; and
- F. Adopt the resolution APPROVING THE MODIFICATION OF PROJECT F9: GRANTS AND PARTNERSHIPS FOR SAFE, CLEAN WATER, FLOOD PROTECTION AND ENVIRONMENTAL STEWARDSHIP OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM.

Chairperson Hsueh opened the Public Hearing.

Jessica Collins, Watersheds Business Planning and Analysis Manager, reviewed the information on this Item, per the attached Board Agenda Memo, and per the information contained in Attachment 9.

Chairperson Hsueh declared time open for public comments.

Jeffrey Hare, Independent Monitoring Committee (IMC) Chair, expressed support for the proposed changes under Priorities A, E and F of the Safe, Clean Water and Natural Flood Protection Program and requested that staff explain how the annual report would reflect the proposed changes should the Board approve the request.

Peter Van Dyke, Loma Prieta Resource Conservation District, expressed support for the proposed changes under Priorities A, E and F of the Safe, Clean Water and Natural Flood Protection Program and requested that staff speak to the funding sources for the program.

Director Eisenberg requested that staff provide a breakdown of the Safe, Clean Water fund and the projects with funds allocated. (Board Member Request No. R-24-0008).

Chairperson Hsueh closed the Public Hearing.

Motion:

Approve staff's recommendation C; adopt Resolution Nos. 24-12, APPROVING NOT IMPLEMENTING PROJECT A1: PACHECO RESERVOIR EXPANSION UNDER THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM; 24-13, APPROVING THE MODIFICATION OF PROJECT E8: UPPER GUADALUPE RIVER FLOOD PROTECTION OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM, 24-14, APPROVING THE MODIFICATION OF PROJECT F9: GRANTS AND PARTNERSHIPS FOR SAFE, CLEAN WATER, FLOOD PROTECTION AND ENVIRONMENTAL STEWARDSHIP OF THE SAFE,

CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM, by roll call vote.

Move to Adopt: John L. Varela Second: Tony Estremera

Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera,

Barbara F. Keegan, Richard Santos, John L. Varela,

Nai Hsueh

Nays: None Abstains: None Recuses: None Absent: None

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

The Yeas have it, and the motion passed.

REGULAR AGENDA:

4. CONSENT CALENDAR:

Chairperson Hsueh removed Item 4.1 from the Consent Calendar for comment, and the Board considered Consent Calendar Items 4.1 through 4.4 under one motion.

4.1. Adopt a Resolution Recognizing April 22, 2024, as Earth Day.

Recommendation: Adopt the Resolution RECOGNIZING APRIL 22, 2024, AS

EARTH DAY.

Mark Weiss, Palo Alto resident, expressed support for the proposed Resolution recognizing April 22, 2024 as Earth Day.

4.2. Adopt a Resolution Declaring May 18, 2024, as National River Cleanup Day in Santa Clara County.

Recommendation: Adopt the Resolution DECLARING MAY 18, 2024, AS

NATIONAL RIVER CLEANUP DAY IN SANTA CLARA

COUNTY.

4.3. Provide Notice of Time and Place of Public Hearing Regarding Flood Control Benefit Assessments for Fiscal Year 2024-2025 (FY24-25).

Recommendation: Set a time and place for the public hearing on Flood

Control Benefit Assessments for FY24-25 at 1:00 p.m. on May 14, 2024, at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California, and via

Teleconference Zoom Board Meeting.

4.4. Accept the CEO Bulletin for the Weeks of March 22 through April 4, 2024.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 4.1 through 4.4, under

one motion, as follows: adopt Resolution Nos. 24-16, RECOGNIZING APRIL 22, 2024, AS EARTH DAY, and 24-17, DECLARING MAY 18, 2024, AS NATIONAL RIVER CLEANUP DAY IN SANTA CLARA COUNTY, by roll call vote, as contained in Items 4.1 through 4.2; set a time and place for the public hearing on Flood Control Benefit Assessments for FY24-25 at 1:00 p.m. on May 14, 2024, at

the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California, and via teleconference Zoom Board meeting, as contained in Item 4.3; accept the

CEO bulletin, as contained in Item 4.4.

Move to Approve: John L. Varela Second: Tony Estremera

Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera,

Barbara F. Keegan, Richard Santos, John L. Varela,

Nai Hsueh

Nays: None Abstains: None Recuses: None Absent: None

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

The Yeas have it, and the motion passed.

5. BOARD OF DIRECTORS:

5.1. Consider the November 6, 2023, and January 2, 2024, Recommendations from the Board Policy and Planning Committee to Adopt the One Water Guadalupe and Upper Pajaro Watershed Plans.

Recommendation: Consider recommendations resulting from the

November 6, 2023, and January 2, 2024, Board Policy and

Planning Committee meetings to:

A. Consider the November 6, 2023, Board Policy and Planning Committee Recommendation to Adopt the One Water Guadalupe Watershed Plan; and

B. Consider the January 2, 2024, Board Policy and Planning Committee Recommendation to Adopt the

One Water Upper Pajaro Watershed Plan.

Lisa Bankosh, Assistant Officer, reviewed the information on this Item, per the attached Board Agenda Memo, and per the information contained in Attachment 5.

Peter Van Dyke, Loma Prieta Resource Conservation District, expressed support for the proposed One Water Guadalupe and Upper Pajaro Watershed plans.

Katja Irvin, Sierra Club Loma Prieta Chapter, expressed support for the proposed One Water Guadalupe and Upper Pajaro Watershed plans and asked the Board

to include the projects in the annual Capital Improvement Plan process and periodically review the progress of the projects, annually preferably.

Move to Adopt: Tony Estremera Second: Richard Santos

Yeas: Jim Beall, Tony Estremera, Barbara F. Keegan,

Richard Santos, John L. Varela, Nai Hsueh

Nays: None

Abstains: Rebecca Eisenberg

Recuses: None Absent: None

Summary: 6 Yeas; 0 Nays; 1 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

Patrice McElroy, Deputy Administrative Officer, reviewed the information on Items 5.2 and 5.3, per the attached Board Agenda Memos.

5.2. Consider the January 2, 2024, Board Policy and Planning Committee Recommendation to Adopt the Proposed Changes to Board Governance Policy Executive Limitations (EL) 3: Human Resources.

Recommendation: Consider recommendations resulting from the

January 2, 2024, Board Policy and Planning Committee

meeting to:

A. Adopt the Proposed Changes to Board Governance Policy Executive Limitations (EL) 3: Human Resources;

and

B. Provide feedback and recommendations to staff as

necessary.

Move to Adopt: John L. Varela Second: Tony Estremera

Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera,

Barbara F. Keegan, Richard Santos, John L. Varela,

Nai Hsueh

Nays: None Abstains: None Recuses: None Absent: None

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

The Yeas have it, and the motion passed.

5.3. Consider the January 2, 2024, Board Policy and Planning Committee
Recommendation to Adopt the Proposed Changes to Board Governance Policy
Executive Limitations (EL) 8: Inclusion, Equal Employment Opportunity,
Discrimination/Harassment Prevention, and Diversity.

Recommendation: Consider recommendations resulting from the

January 2, 2024, Board Policy and Planning Committee

meeting to:

A. Adopt the Proposed Changes to Board Governance Policy Executive Limitations (EL) 8: Inclusion, Equal Employment Opportunity, Discrimination/Harassment

Prevention, and Diversity; and

B. Provide feedback and recommendations to staff as

necessary.

Move to Adopt: Tony Estremera Second: John L. Varela

Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera,

Barbara F. Keegan, Richard Santos, John L. Varela,

Nai Hsueh

Nays: None Abstains: None Recuses: None Absent: None

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

The Yeas have it, and the motion passed.

5.4. Board Committee Reports.

The Board reviewed the information on the January 3, 2024, Joint Water Recycling Committee, January 8, 2024, Agricultural Water Advisory Committee, January 24, 2024, Santa Clara Valley Water Commission, April 8, 2024, Agricultural Water Advisory Committee, April 10, 2024, Santa Clara Valley Water Commission and April 12, 2024, Board Audit Committee meeting summaries and agendas contained in Handouts 5.4-A through 5.4-F, respectively, and noted the information without formal action. Copies of the Handouts were distributed to the Board and made available to the public.

6. WATER UTILITY ENTERPRISE:

None.

7. WATERSHEDS:

None.

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

None.

9. EXTERNAL AFFAIRS:

None.

10. CHIEF EXECUTIVE OFFICER:

10.1. CEO and Chiefs' Reports.

Rachael Gibson, Chief of External Affairs, reviewed the attached Government Relations, and Civic Engagement updates, identified as Handout 10.1-A and Handout 10.1-B; Bhavani Yerrapotu, Deputy Operating Officer, reviewed the attached Storm Report, identified as Handout 10.1-C, respectively herein. Copies of the Handouts were distributed to the Board and made available to the public.

Rick Callender, Chief Executive Officer, updated the Board on Valley Water's Purified Drinking Water project, provided samples and praised Staff for their hard work on the project.

11. ADMINISTRATION:

11.1. Consider Side Letter Agreement to Memoranda of Understanding Between the Santa Clara Valley Water District and Employees Association - AFSCME Local 101, Engineers Society - IFPTE Local 21, and Professional Managers Association - IFPTE Local 21; and Adopt Resolution Approving Terms of Side Letter Agreement and Approving Fourth Amended Compensation Plan for Unrepresented Employees in the Executive Service.

Recommendation:

- A. Consider Side Letter Agreement to Memoranda of Understanding between the Santa Clara Valley Water District and Employees Association - AFSCME Local 101, Engineers Society - IFPTE Local 21, and Professional Managers Association - IFPTE Local 21;
- B. Adopt the Resolution APPROVING THE TERMS OF THE SIDE LETTER AGREEMENT TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT AND EMPLOYEES ASSOCIATION (EA) AFSCME LOCAL 101, THE ENGINEERS SOCIETY (ES) IFPTE LOCAL 21, and PROFESSIONAL MANAGERS ASSOCIATION (PMA) IFPTE LOCAL 21 FOR THE PERIOD OF APRIL 1, 2024 THROUGH DECEMBER 31, 2025;
- C. Authorize CEO, or his designee, to execute Side Letter Agreement to the Memoranda of Understanding between the Santa Clara Valley Water District and Employees Association AFSCME Local 101, Engineers Society IFPTE Local 21, and Professional Managers Association IFPTE Local 21, for the Period of April 1, 2024 through December 31, 2025;
- D. Adopt the Resolution APPROVING FOURTH
 AMENDED COMPENSATION PLAN FOR
 UNREPRESENTED EMPLOYEES IN THE
 EXECUTIVE SERVICE FOR THE PERIOD OF
 APRIL 1, 2024 THROUGH DECEMBER 31, 2025.

Patrice McElroy, Deputy Administrative Officer, reviewed the information on this Item, per the attached Board Agenda Memo.

Motion: Approve staff's recommendation A and C; adopt

Resolution Nos. 24-17, A RESOLUTION APPROVING THE TERMS OF THE SIDE LETTER AGREEMENT TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT AND THE EMPLOYEES ASSOCIATION (EA) AFSCME LOCAL 101, THE ENGINEERS SOCIETY (ES) IFPTE LOCAL 21, AND THE PROFESSIONAL MANAGERS ASSOCIATION (PMA) IFPTE LOCAL 21 FOR THE PERIOD OF APRIL 1, 2024 THROUGH DECEMBER 31, 2025; 24-18, A RESOLUTION APPROVING FOURTH AMENDED COMPENSATION PLAN FOR UNREPRESENTED EMPLOYEES IN THE EXECUTIVE SERVICE FOR THE PERIOD OF APRIL 1, 2024 THROUGH DECEMBER 31,

2025, by roll call vote.

Move to Adopt: John L. Varela Second: Tony Estremera

Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera,

Barbara F. Keegan, Richard Santos, John L. Varela,

Nai Hsueh

Nays: None Abstains: None Recuses: None Absent: None

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

The Yeas have it, and the motion passed.

12. DISTRICT COUNSEL:

None.

13. BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:

13.1. Review the Fiscal Year 2023-2024 Board Policy Planning Calendar.

Recommendation: Review the Fiscal Year 2023-2024 Board Policy Planning

Calendar.

Chairperson Hsueh 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.

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

Director Keegan reported attending a Board Audit Committee (BAC) meeting, a Special Board meeting, and a Water 101 Academy meeting.

Director Varela reported attending the aforementioned Special Board meeting; Association of California Water Agencies Committee (ACWA) meetings and San Luis and Delta-Mendota Water Authority (SLDMWA) meeting. Director Estremera reported attending the aforementioned Special Board meeting; a Recycled Water Committee meeting, La Raza Roundtable meeting and reported meeting with the Employee Resource Group, and Organization for Latino Affairs (OLA) board members.

Chairperson Hsueh reported attending the aforementioned Special Board meeting; a Career Pathways meeting, a San Francisquito Creek Joint Powers Authority meeting, and a Landscape Committee meeting.

Director Santos reported attending the aforementioned Special Board meeting, Landscape Committee meeting, and a meeting with the Employee Resource Group, OLA board members; and reported attending a Sunnyvale Unhoused Collaborative meeting.

Director Eisenberg reported attending the aforementioned Special Board Meeting, and audited a San Francisquito Creek Joint Power Authority meeting.

Director Beall reported attending the aforementioned Special Board meeting; a Delta Conveyance tour, and Local Agency Formation Commission of Santa Clara County (LAFCO) meetings.

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

Michele King, Clerk, Board of Directors, read the new Board Member Request into the record.

16. ADJOURN:

16.1 Adjourn to the 7:00 p.m. Special Meeting on April 11, 2024, in the City of Gilroy Council Chambers, 7351 Rosanna Street, Gilroy, CA. 95020, and via Zoom teleconference.

Chairperson Hsueh adjourned the meeting in recognition of Arab American, Middle Eastern and North African Heritage Month, and Autism Acceptance Month at 4:34 p.m., to the 7:00 p.m. Special Meeting on April 11, 2024, in the City of Gilroy Council Chambers, 7351 Rosanna Street, Gilroy, CA. 95020, and via Zoom teleconference.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: