



BOARD OF DIRECTORS MEETING

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# MINUTES

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**CLOSED SESSION AND REGULAR MEETING  
TUESDAY, OCTOBER 10, 2023  
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER/ROLL CALL:**

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 Jim Beall, Nai Hsueh, Richard P. Santos, and John L. Varela, Chairperson presiding, constituting a quorum of the Board.

Directors Rebecca Eisenberg, Tony Estremera, and Barbara F. Keegan 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, S. Bogale, J. Bourgeois, T. Chinte, J. Codianne, R. Gibson, C. Hakes, B. Hopper, C. Lawson, M. Lugo, R. McCarter, P. McElroy, T. Ndah, M. Richardson, D. Rocha, D. Taylor, G. Williams, B. Yerrapotu, and T. Yoke.

**2. 11:00 AM - CLOSED SESSION:**

Carlos Orellana, District Counsel, confirmed Item 2.1 was removed from the agenda and confirmed written claims or communications relating to Closed Session Items 2.2 and 2.3 are available for public inspection upon request as required by the Brown Act.

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

- 2.1. (ITEM REMOVED FROM AGENDA)**  
**CLOSED SESSION**  
**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(1)  
San Jose Unified School District v. SCVWD  
(Santa Clara County Superior Court, No. 18CV330233)

- 2.2. CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
Geoffrey Weigand v. SCVWD  
(Santa Clara Co. Superior Court, Case No. 18CV336932)
- 2.3. CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant Exposure to Litigation  
Pursuant to Government Code Section 54956.9(d)(2)  
One Potential Case - Claim of Lucila Godoy de García
- 2.4 District Counsel Report on Closed Session.

Upon return to Open Session, the same Board members, including Directors Rebecca Eisenberg, Tony Estremera, Barbara F. Keegan, and staff, were present.

Carlos Orellana reported that in regard to Item 2.2, the Board met in Closed Session with all members participating, excluding Director Eisenberg, and took no reportable action. In regard to Item 2.3, the Board met in Closed Session with all members participating and took no reportable action.

### **3. TIME CERTAIN**

#### **1:00 PM**

- 3.1. Pledge of Allegiance/National Anthem.

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

- 3.2. Orders of the Day.

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

Director Hsueh, a Santa Clara County Water District Board member, confirmed Board Appointed Officers' reviews are a recognition of the entire organization's performance.

## **REGULAR AGENDA:**

### **4. CONSENT CALENDAR:**

The Board considered Consent Calendar Items 4.1 through 4.7, under one motion.

- 4.1. Adopt a Resolution Declaring November 2023 as National Native American Heritage Month.

Recommendation: Adopt the Resolution DECLARING NOVEMBER 2023 AS NATIONAL NATIVE AMERICAN HERITAGE MONTH.

- 4.2 Delegate Authority to the Chief Executive Officer to Negotiate and Execute Amendment No. 1 to Agreement No. A4860A, with Rincon Consultants, Inc., for Environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, Increasing the Not-to-Exceed Fee by \$400,000 for a Total Not-to-Exceed Fee of \$800,000 (Morgan Hill, District 1).

Recommendation: Delegate Authority to the Chief Executive Officer to Negotiate and Execute Amendment No. 1 to Agreement No. A4860A with Rincon Consultants, Inc., for Environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, increasing the Not-to-Exceed Fee by \$400,000, for a total Not-to-Exceed Fee of \$800,000.

- 4.3. Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Central and Parallel East Pipelines Inspection and Rehabilitation Project, Con-Quest Contractors, Inc., Contractor, Project No. 95084002, Contract No. C0661 (San Jose and Unincorporated Santa Clara County, Districts 1, 2, 4, 6, and 7).

Recommendation: A. Accept the work on the Central and Parallel East Pipelines Inspection and Rehabilitation Project, Project No. 95084002, Contract No. C0661 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.

- 4.4. Update on the Atmospheric River Emergency and Determination that the Emergency Conditions Continue to Constitute an Emergency.

Recommendation: Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on March 9, 2023, pursuant to California Public Contract Code §22050 to address the flood emergency.

- 4.5. Accept the CEO Bulletin for the Weeks of September 22, through October 5, 2023.

Recommendation: Accept the CEO Bulletin.

- 4.6. Approval of Minutes.

Recommendation: Approve the minutes.

- 4.7. Adopt a Resolution Authorizing Conveyance of Real Property to the City of Sunnyvale Consistent with Agreement No. A4678S, for the Construction and Maintenance of the West Channel Enhancement Project, Assessor's Parcel No. APN 110-26-049, Real Estate File No. 2027-2.9 and 2027-7.5 (Sunnyvale, District 3). (\*PREVIOUSLY LISTED AS ITEM 7.2.)

Recommendation: Adopt the Resolution AUTHORIZING CONVEYANCE OF REAL PROPERTY TO THE CITY OF SUNNYVALE and Authorizing the Chief Executive Officer to execute and deliver the Quitclaim Deed, Real Estate File Nos. 2027-2.9 and 2027-7.5, to the City of Sunnyvale to convey fee title property for APN 110-26-049 and reserve an easement for flood protection purposes.

Motion: Approve Consent Calendar Items 4.1 through 4.7, under one motion, as follows: adopt Resolution No. 23-93 DECLARING NOVEMBER 2023 AS NATIONAL NATIVE AMERICAN HERITAGE MONTH, by roll call vote, as contained in Item 4.1; delegate Authority to the Chief Executive Officer to Negotiate and Execute Amendment No. 1 to Agreement No. A4860A with Rincon Consultants, Inc. for environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project increasing the not-to-exceed fee by \$400,000, for a total not-to-exceed fee of \$800,000, as contained in Item 4.2; accept the work as complete and Direct the Clerk to file the Notice of Completion of Contract and Acceptance of Work for the Central and Parallel East Pipelines Inspection and Rehabilitation Project, as contained in Item 4.3; determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Chief Executive Officer on March 9, 2023 pursuant to the California Public Contract Code §22050 to address the flood emergency, by roll call vote, as contained in Item 4.4; accept the CEO Bulletin for the Weeks of September 22, through October 5, 2023, as contained in Item 4.5; approve the minutes, as contained in Item 4.6; and adopt Resolution No. 23-94, AUTHORIZING CONVEYANCE OF REAL PROPERTY TO THE CITY OF SUNNYVALE and authorize the Chief Executive Officer to execute and deliver the Quitclaim Deed, Real Estate File Nos. 2027-2.0 and 2027-7.5, to the City of Sunnyvale to convey fee title property for APN 110-26-049 and reserve an easement for flood protection purposes, by roll call vote, as contained in Item 4.7.

Move to Approve: Tony Estremera  
 Second: Nai Hsueh  
 Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera, Nai Hsueh, Barbara F. Keegan, Richard P. Santos, John L. Varela  
 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. Discuss Board Meeting Rules and Procedures.

Recommendation: A. Discuss Board Meeting Rules and Procedures; and  
 B. Approve revising Board Governance Policies GP-5 and GP-12, as appropriate, to reflect direction from the Board; or  
 C. Provide direction to staff, as appropriate.

The Board considered this Item without a staff presentation.

The Board referred the Item to the Board Policy and Planning Committee.

### 5.2. Consider the May 26, 2023, Diversity and Inclusion Ad Hoc Committee's Recommendation to Approve the Proposed Updates to the Guidelines for the Naming/Renaming of Santa Clara Valley Water District-Owned Lands, Facilities and Amenities.

Recommendation: Consider recommendations resulting from the May 26, 2023, Diversity and Inclusion Ad Hoc Committee's meeting to:  
 A. Receive proposed updates to the guidelines for the naming/renaming of Santa Clara Valley Water District assets from the Diversity and Inclusion Ad Hoc Committee;  
 B. Approve final draft naming/renaming guidelines; and  
 C. Provide feedback and recommendations to staff as necessary.

Blanca Sanchez, Program Administrator, reviewed the information on this Item, per the attached Board Agenda Memo.

Motion: Approve final draft naming/renaming guidelines.

Move to Approve: Tony Estremera  
 Second: Nai Hsueh  
 Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera, Nai Hsueh, Barbara F. Keegan, Richard P. Santos, John L. Varela  
 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 August 7, 2023, Agricultural Water Advisory Committee's Recommendations to Receive an Update on Valley Water's Activities on the Unhoused and Information on the Enforcement of Violations for Private Landowners, and Place the Subject of Ecosystems Benefits on Agriculture in Santa Clara County on the Committee's Work Plan.

Recommendation: Consider recommendations resulting from the August 7, 2023, Agricultural Water Advisory Committee's special meeting to:

- A. Consider the Agricultural Water Advisory Committee's request to receive an update on Valley Water's activities on the Unhoused and information on the enforcement of violations for private landowners; and
- B. Consider placing the subject of ecosystems benefits on Agriculture in Santa Clara County to the Committee's work plan.

Glenna Brambill, Management Analyst II, reviewed the information on this item, per the attached Board Agenda Memo.

Move to Approve: Nai Hsueh  
Second: Richard P. Santos  
Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera, Nai Hsueh, Barbara F. Keegan, Richard P. Santos, John L. Varela  
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.

Director Estremera reported on recent activity of the Redevelopment Dissolution Countywide Oversight Board of Santa Clara County.

The Board reviewed the information on the September 25, 2023, Water Conservation and Demand Management; October 10, 2023, Delta Conveyance Authority; October 13, 2023, Water Storage Exploratory; October 16, 2023, Capital Improvement Program; and October 16, 2023, Environmental and Water Resources Committee meeting summaries and agendas, as contained in Handouts 5.4-A through 5.4-E, respectively; and noted the information without formal action. Copies of the Handouts were distributed to the Board and made available to the public.

The Board noted the information without formal action.

**6. WATER UTILITY ENTERPRISE:**

None.

**7. WATERSHEDS:**

- 7.1. Authorize the Chief Executive Officer to Negotiate and Execute Non-Competitive Single Source Agreements for Regulatory Permitting Services From Stillwater Sciences for a Not-to-Exceed Amount of \$2,000,000 and HT Harvey and Associates for a Not-to-Exceed Amount of \$500,000 for the Anderson Dam Seismic Retrofit Project, Project No. 91864005 (Morgan Hill, District 1).

- Recommendation:
- A. Authorize the Chief Executive Officer to Negotiate and Execute a Non-Competitive Single Source Agreement for Regulatory Permitting Services from Stillwater Sciences for up to the Not-to-Exceed amount of \$2,000,000; and
  - B. Authorize the Chief Executive Officer to Negotiate and Execute a Non-Competitive Single Source Agreement for Regulatory Permitting Services from HT Harvey and Associates for up to the Not-to-Exceed amount of \$500,000.

The Board considered this Item without a staff presentation.

Move to Authorize: Nai Hsueh  
Second: Barbara F. Keegan  
Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera, Nai Hsueh, Barbara F. Keegan, Richard P. Santos, John L. Varela  
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.

- 7.2. (MOVED TO ITEM 4.7)

Chairperson Varela confirmed that Item 7.2 was moved to Item 4.7 for consideration.

**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 Office of Racial Equity, Diversity and Inclusion Quarterly Update, identified as Handout 10.1-B, and Chris Hakes, Chief Operating Officer, reviewed the attached Watersheds Operations & Maintenance Report, identified as Handout 10.1-A, respectively herein. Copies of the Handouts were distributed to the Board and made available to the public.

**11. ADMINISTRATION:**

None.

**12. DISTRICT COUNSEL:**

None.

**13. REPORTS/ANNOUNCEMENTS AND OTHER MATTERS:**

13.1. Board Member Reports/Announcements.

None.

13.2. Proposed Future Board Member Agenda Items.

None.

13.3. Clerk Review and Clarification of Board Requests.

None.

**14. ADJOURN:**

Director Eisenberg expressed empathy regarding the recent humanitarian crisis in the Middle East.

Director Santos expressed sympathy regarding the passing of Dianne Feinstein, President of the San Francisco Board of Supervisors, 38th Mayor of San Francisco, and United States Senator representing California. He attributed the success of the Wildlife Restoration Project to her efforts.



- 14.1 Adjourn to the 11:00 a.m. Closed Session and 1:00 p.m. Regular Meeting on October 24, 2023, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Chairperson Varela adjourned the meeting in memory of Dianne Feinstein, President of the San Francisco Board of Supervisors, 38th Mayor of San Francisco, and United States Senator representing California, at 1:43 p.m. to the 11:00 a.m. Closed Session and 1:00 p.m. Regular Meeting on October 24, 2023, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Michele L. King, CMC  
Clerk, Board of Directors

Approved:

Date:

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