



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, MARCH 12, 2024
10:00 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 10:00a.m.

1.1. Roll Call.

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

Directors Jim Beall, Rebecca Eisenberg, 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, E. Aryee, A. Baker, L. Bankosh, M. Bilski, S. Bogale, J. Codianne, R. Gibson, A. Gordon, A. Gschwind, B. Hopper, C. Lawson, M. Lugo, R. McCarter, P. McElroy, T. Ndah, L. Penilla, D. Rocha, G. Williams, 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, 2.5 and 2.6.

Samantha Green, President of Engineers Society, addressed the Board regarding closed session items 2.5 and 2.6.

Carlos Orellana, District Counsel, confirmed written claims or communications relating to Closed Session Item 2.1 are available for public inspection upon request as required by the Brown Act.

Directors Beall and Eisenberg arrived.

- 2.1. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case
- 2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)
Santa Clara Valley Water District v. 3M Company et al.
(U.S.D.C., D.S.C. Case No. 5:23-cv-04894-RMG)
- 2.3. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case
- 2.4. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Santa Clara Valley Water District v. CH2MHill, Inc.
CDM Smith, Inc. (Santa Clara County Superior Court, Case No. 19CV357874)
Previously Listed as Item 2.6
- 2.5. 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
- 2.6. 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
- 2.7. District Counsel Report on Closed Session.

Carlos Orellana, District Counsel, reported that in regard to Items 2.1, 2.2, 2.3, 2.4, and 2.5, the Board met in Closed Session with all members participating, excluding Director Keegan, and gave direction to staff. Item 2.6 was continued to a future board meeting.

3. 1:00 PM - TIME CERTAIN:

Upon return to Open Session, the same Board members, including Directors Beall, Eisenberg, Keegan, and staff, were present.

Michele King, Clerk, Board of Directors, confirmed District 2 Director Barbara F. Keegan has requested to attend today's Board meeting remotely in compliance with AB 2449 due to illness.

Michele King requested that Director Keegan state for the record if there are any individuals over 18 years of age present in the room, and if so, state the general relationship of that individual to the Director. Director Keegan confirmed that there were no individuals over 18 years of age present in the room.

Please note that in compliance with AB 2449, all votes taken at today's meeting will be conducted by roll call vote.

3.1. Pledge of Allegiance/National Anthem.

Chris Hakes, Chief Operating Officer, 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.

Ideen Sayed, a Los Altos Hills Resident, addressed the board regarding a potential safety hazard on Adobe Lane in Los Altos Hills.

3.4. Receive the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee's Annual Report for Fiscal Year 2022-2023.

Recommendation: Receive the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee's Annual Report for Fiscal Year 2022-2023.

Jeffrey Hare, Committee Chair, reviewed the information on this item, per the attached Board Agenda Memo.

Move to Accept: Tony Estremera
Second: Rebecca Eisenberg
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.

3.5. Accept Management Response to the Independent Monitoring Committee Report on the Safe, Clean Water and Natural Flood Protection Program Annual Report for Fiscal Year 2022-2023.

- Recommendation: A. Accept Management Response to the Independent Monitoring Committee Report on the Safe, Clean Water and Natural Flood Protection Program Annual Report for Fiscal Year 2022-2023; and
 B. Provide additional direction as necessary.

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 2.

Motion: The Board approved staff recommendation A, which included comments from the Board and IMC members.

Move to Accept: Nai Hsueh
Second: Richard Santos
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.

3.6. 24-0289 Receive the Fiscal Year 2024-25 Second Pass Biennial Budget Overview.

- Recommendation: Receive and discuss the overview of the Santa Clara Valley Water District's Fiscal Year 2024-25 Second Pass Biennial Budget.

Darin Taylor, Chief Financial Officer, reviewed the information on this item, per the attached Board Agenda Memo, and the corresponding presentation materials contained in Supplemental Attachment 1 were reviewed by staff as follows: Darin Taylor, reviewed Slides 1 through 11; Enrique De Anda, Budget Manager, reviewed Slides 12 through 38.

The Board noted the information, without formal action.

REGULAR AGENDA:

4. CONSENT CALENDAR:

The Board considered Consent Calendar Items 4.1 through 4.4 under one motion.

- 4.1. Adopt a Resolution Declaring March 24 - March 30, 2024, as a Week of Public Service in Honor of César Chávez.

Recommendation: Adopt the RESOLUTION DECLARING MARCH 24 TO MARCH 30, 2024, AS A WEEK OF PUBLIC SERVICE IN HONOR OF CESAR CHAVEZ.

- 4.2. Adopt the Federal Funding Requests for Federal Fiscal Year 2025.

Recommendation: Adopt the recommended appropriations requests for federal Fiscal Year 2025 for Santa Clara Valley Water District-sponsored and Santa Clara Valley Water District-supported projects.

- 4.3. Consider and Approve New Membership Nomination for Appointment for Two-Year Term to the Environmental and Water Resources Committee.

Recommendation: Consider and Approve New Membership Nomination for Appointment for Two-Year Term to the Environmental and Water Resources Committee.

- 4.4. Accept the CEO Bulletin for the Weeks of February 23 - March 07, 2024.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 4.1 through 4.4, under one motion, as follows: adopt Resolution No. 24-08, DECLARING MARCH 24 - MARCH 30, 2024, AS A WEEK OF PUBLIC SERVICE IN HONOR OF CESAR CHAVEZ by roll call vote, as contained in item 4.1; adopt the Federal Funding Requests for Federal Fiscal Year 2025, as contained in item 4.2; consider and Approve New Membership Nomination for Appointment for Two-Year Term to the Environmental and Water Resources Committee, as contained in item 4.3; accept the CEO Bulletin for the Weeks of February 23 - March 07, 2024, as contained in item 4.4.

Move to Approve: Tony Estremera

Second: Rebecca Eisenberg

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. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2023.

- Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2023; and
 B. Approve the report if the reimbursements comply with Board Policy.

The Board considered Item 5.1 without a staff presentation.

Move to Accept: Tony Estremera
Second: Richard Santos
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.

5.2. Board Committee Reports.

The Board reviewed the information on the December 15, 2023 Joint Recycled Water Policy Advisory Committee meeting summary contained in Handout 5.2-A and noted the information without formal action. Copies of the Handout were distributed to the Board and made available to the public.

6. WATER UTILITY ENTERPRISE:

None.

7. WATERSHEDS:

7.1. Approve an Increase of \$1,110,000 to the Construction Contract Contingency Sum for the Bolsa Road Fish Passage Improvements Project, Project No. 26044004, Contract No. C0687 (Unincorporated Santa Clara County, District 1).

- Recommendation: Approve an increase of \$1,110,000 to the construction contract contingency sum, bringing the total contingency to \$1,867,186.05 for the Bolsa Road Fish Passage Improvements Project.

Madhu Thummaluru, Capital Engineering Manager, reviewed the information on this item, per the attached Board Agenda Memo.

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.

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 Government Relations update, identified as Handout 10.1-A; and Office of Civic Engagement update, identified as Handout 10.1-B; and Darin Taylor, reviewed the attached Grants Update, identified as Handout 10.1-C, respectively herein. Copies of the Handouts were distributed to the Board and made available to the public.

The Board noted the information, without formal action.

11. ADMINISTRATION:

None.

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.

The Board noted the information, without formal action.

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

Director Varela reported attending the Association of California Water Agencies (ACWA), Diversity, Equity and Inclusion, and Agriculture Water Committee meetings.

Director Estremera reported attending the Special Districts Association, Delta Conveyance Design and Construction Joint Powers Authority meetings; and met with staff.

Chair Hsueh reported meeting with staff and constituents.

Vice Chair Santos reported attending the Berryessa Citizens Advisory Committee and Agricultural Water Advisory Committee meetings; and attending the Ninth Annual Landscaping Summit.

Director Eisenberg reported meeting with constituents.

Director Beall attended the Rinconada Water Treatment Plant briefing.

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

Michele King, Clerk, Board of Directors, confirmed that there were no new Board Member Requests.

16. ADJOURN:

16.1 Adjourn to the 10:00 a.m. Special meeting on March 14, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Chairperson Hsueh adjourned the meeting in recognition of March being the National Woman's History, National Irish American Heritage, and National Greek American Month at 11:44 a.m. to the 10:00 a.m. Special meeting on March 14, 2024, 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: June 11, 2024