



Santa Clara Valley Water District Board of Directors Meeting

HQ. Bldg. Boardroom, 5700 Almaden Expressway, San Jose, California
Join Zoom Meeting: <https://valleywater.zoom.us/j/84454515597>

SPECIAL BOARD MEETING - CENSURE HEARINGS AGENDA

Thursday, March 14, 2024
10:00 AM

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

DISTRICT BOARD OF DIRECTORS
Nai Hsueh, Chair - District 5
Richard P. Santos, Vice Chair - District 3
John L. Varela- District 1
Barbara Keegan - District 2
Jim Beall - District 4
Tony Estremera - District 6
Rebecca Eisenberg - District 7

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

RICK L. CALLENDER, ESQ.
Chief Executive Officer

MICHELE L KING, CMC
Clerk of the Board
(408) 265-2600
Fax (408) 266-0271
www.valleywater.org

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
Board of Directors
SPECIAL BOARD MEETING - CENSURE HEARINGS
AGENDA

Thursday, March 14, 2024

10:00 AM

HQ. Bldg. Boardroom, 5700 Almaden
Expressway, San Jose, California
Join Zoom Meeting:

<https://valleywater.zoom.us/j/84454515597>

IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board. Written comments on any item on the agenda may be submitted to clerkoftheboard@valleywater.org or board@valleywater.org.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=TojJpYCxXm0>

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled

meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emmas.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:

<https://valleywater.zoom.us/j/84454515597>

Meeting ID: 844 5451 5597

Join by Phone:

1 (669) 900-9128, 84454515597#

1. CALL TO ORDER/ROLL CALL:

1.1. Roll Call.

2. 10:00 AM - TIME CERTAIN:

2.1. Pledge of Allegiance/National Anthem.

2.2. Time Open for Public Comment on any Item not on the Agenda.
Notice to the public: Members of the public who wish to address the Board/Committee on any item not listed on the agenda may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself to speak. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board/Committee. Speakers' comments should be limited to three minutes or as set by the Chair. The law does not permit Board/Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board/Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Board/Committee may take action on any item of business appearing on the posted agenda.

2.3. Review and Approve Process to Determine Whether Censure is Appropriate.

[24-0291](#)

Recommendation:

- A. Review proposed process to determine whether Censure is appropriate;
- B. Provide input and make revisions as Board finds necessary; and
- C. Approve Hearing Process to be used for Items 2.4 and 2.5.

Manager: Michele King, 408-630-2711

- 2.4. Conduct Hearing to Determine Whether to Censure Director Rebecca Eisenberg for Alleged Misconduct Set Forth in the February 2, 2024, Memorandum from Board Chair Nai Hsueh; If Censure Action is Approved, Adopt Resolution of the Santa Clara Valley Water District Providing for the Censure of Director Eisenberg For Actions of January 29, 2024; and Take Any Other Action the Board Deems Necessary or Appropriate in Response to Director Eisenberg's Alleged Misconduct.

[24-0281](#)

- Recommendation:
- A. Conduct Hearing to Determine Whether to Censure Director Rebecca Eisenberg for Alleged Misconduct Set Forth in the February 2, 2024, Memorandum from Board Chair Nai Hsueh;
 - B. If Censure Action is Approved, Adopt Resolution of the Santa Clara Valley Water District Providing for the Censure of Director Eisenberg FOR ACTIONS OF JANUARY 29, 2024; and
 - C. Take Any Other Action the Board Deems Necessary or Appropriate in Response to Director Eisenberg's Alleged Misconduct.

Manager: N/A

Attachments: [Attachment 1: 03/02/24 Memo from CEO Callender to Chair Hsueh](#)
[Attachment 2: 03/02/24 Memo from Chair Hsueh to Board Ethics &](#)
[Attachment 3: Sample Resolution](#)

- 2.5. Conduct Hearing to Determine Whether Censure Is Appropriate for the Misconduct Substantiated in the December 22, 2023, Executive Summary of Investigative Report #2; Approve Appropriate Action to Take, if Any, in Response to Director Rebecca Eisenberg’s Misconduct; and if Censure Action is Approved, Adopt Resolution of the Santa Clara Valley Water District Providing for the Censure of Director Rebecca Eisenberg.

[24-0282](#)

- Recommendation:
- A. Conduct Hearing to determine whether Censure of Director Rebecca Eisenberg is appropriate for the misconduct substantiated in the December 22, 2023, Executive Summary (Report #2) of Investigation into Allegations Made by Rick Callender, Carlos Orellana and other Employees against Director Rebecca Eisenberg;
 - B. Determine appropriate action, if any, in response to misconduct (Admonition, Sanction and Censure), if Censure action is approved, adopt Resolution of the Santa Clara Valley Water District Providing for the Censure of Director Rebecca Eisenberg; and
 - C. Determine whether additional actions are appropriate.

Manager: N/A

Attachments: [Attachment 1: Board Agenda Item 2.1 \(2/22/24 Board Meeting\)](#)
[Attachment 2: Sample Resolution](#)

3. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

4. ADJOURN:

- 4.1 Adjourn to the 1:00 p.m. Regular meeting on March 26, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.