



BOARD OF DIRECTORS MEETING

MINUTES

**SPECIAL MEETING
TUESDAY, APRIL 26, 2022
6:00 PM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Special 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 6:00 p.m.

1.1 Roll Call.

Board members in attendance were Nai Hsueh, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, and Tony Estremera, constituting a quorum of the Board.

Director Keegan was excused from attending.

Staff members in attendance were R. Callender, Chief Executive Officer, C. Orellana, District Counsel, M. King, Clerk, Board of Directors, A. Baker, I. Bella, R. Blank, R. Gibson, M. Lugo, M. Richardson, D. Rocha, K. Struve, D. Taylor, and T. Yoke.

1.2 Pledge of Allegiance/National Anthem.

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

1.3 Orders of the Day.

Chair Pro Tem Varela confirmed that there were no changes to the Orders of the Day.

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

Chair Pro Tem Varela declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

2. TIME CERTAIN:

6:00 PM

- 2.1 Public Hearing to Consider the Santa Clara Valley Water District's Draft Fiscal Years 2023-27 Five-Year Capital Improvement Program (Continued From April 12, 2022).

Recommendation: A. Open the continued public hearing to receive public comments and Board feedback regarding the Santa Clara Valley Water District's Fiscal Years 2023-27 Five-Year Capital Improvement Program; and
 B. Continue the public hearing to the Board's Budget Work Study Session currently set for April 27, 2022, and if needed, April 28, 2022, and conclude at the regularly scheduled Board meeting on May 10, 2022.

Chair Pro Tem Varela opened the Public Hearing and declared time open for public comments.

Ms. Katja Irvin, Sierra Club, acknowledged the Sierra Club Loma Prieta Chapter having submitted the attached letter, identified as Handout 2.1-A herein, and expressed appreciation to responses received to some of Sierra Club's comments.

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

Chair Pro Tem Varela continued the Public Hearing to the April 27, 2022, Special Meeting.

- 2.2 Public Hearing on February 2022 Annual Report on the Protection and Augmentation of Water Supplies and Recommended Increases to Groundwater Production and Other Water Charges for Fiscal Year 2022-2023 (Continued from April 14, 2022).

Recommendation: A. Continue the public hearing, pursuant to Section 26.6 of the District Act, to consider Santa Clara Valley Water District's Fiscal Year (FY) 2022-23 Annual Report on the Protection and Augmentation of Water Supplies and recommended increases to groundwater production charges (between 5.2% to 15%), surface water charges (between 5.9% to 15%), and recycled water charges (between 4.4% to 5.3%);
 B. Hear public comments from groundwater producers and any interested persons regarding such report;
 C. Close the public hearing; and
 D. At the close of the public hearing, count all written protests received, if any, regarding proposed surface water rates.

Chair Pro Tem Varela opened the Public Hearing.

Mr. Aaron Baker, Chief Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo and Ms. Carmen Narayanan, Financial Planning and Revenue Manager, reviewed the information contained in Supplemental Attachment 1.

Chair Pro Tem Varela declared time open for public comments and, seeing no one present who wished to speak, closed the Public Hearing.

Following adjournment of the meeting, the process to validate and tabulate all written protests received would be performed by the Clerk of the Board, following parameters outlined in Resolution 12-10.

- 2.3 Receive Update on Low-Income Residential Water Rate Assistance Program and Consider One-Year Extension of Program with Additional Funding in an Amount Not to Exceed \$1,225,000, Resulting in Total Program Funding of Up to \$2.5 million.

Recommendation: A. Receive an update on the Low-Income Residential Water Rate Assistance Program (WRAP); and
 B. Consider a one-year extension of WRAP and provide additional WRAP funding in an amount not to exceed \$1.225 million (up to \$1 million for additional community relief, and up to \$225,000 for additional administrative costs), resulting in total program funding in an amount not to exceed \$2.5 million.

Ms. Sherylin Tran, Civic Engagement Manager, reviewed the information on this item per the attached Board Agenda Memo.

Move to Approve: Tony Estremera
Second: Richard Santos
Yeas: Nai Hsueh, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Barbara Keegan
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

3. **CONSENT CALENDAR:**

Chair Pro Tem Varela removed Item 3.6 from the Consent Calendar for individual consideration, and the Board considered Consent Calendar Items 3.1 through 3.5, and 3.7 through 3.9, under one motion.

- 3.1 Adopt Plans and Specifications and Authorize Advertisement for Bids for the Santa Clara Conduit Rehabilitation and Pacheco Sectionalizing Valve Replacement Project, under the 10-Year Pipeline Inspection and Rehabilitation Project, Project No. 95084002, Contract No. C0673 (Gilroy, San Benito, and Unincorporated Santa Clara County), (District 1).

- Recommendation:
- A. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Santa Clara Conduit Rehabilitation and Pacheco Conduit Sectionalizing Valve Replacement Project per the Notice to Bidders;
 - B. Find that the Santa Clara Conduit Rehabilitation and Pacheco Conduit Sectionalizing Valve Replacement Project is substantially complex and requires a construction contract retention of 10 percent; and
 - C. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

3.2 Adopt Resolution Amending Santa Clara Valley Water District's Conflict of Interest Code.

- Recommendation: Adopt the Resolution AMENDING THE SANTA CLARA VALLEY WATER DISTRICT CONFLICT OF INTEREST CODE.

3.3 Resolution Declaring May 2022 as National Jewish American Heritage Month.

- Recommendation: Adopt the RESOLUTION DECLARING MAY 2022 AS NATIONAL JEWISH AMERICAN HERITAGE MONTH.

3.4 Resolution Recognizing May as National Asian American and Native Hawaiian/Pacific Islander (AANHPI) Heritage Month.

- Recommendation: Adopt the Resolution RECOGNIZING MAY AS NATIONAL ASIAN AMERICAN AND NATIVE HAWAIIAN/PACIFIC ISLANDER (AANHPI) HERITAGE MONTH.

3.5 Approve Recommended Positions on Federal Legislation: S. 3624 (Carper) - Shoreline Health Oversight, Restoration, Resilience, and Enhancement (SHORRE) Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

- Recommendation: Adopt a position of "Support" on S. 3624 (Carper) - Shoreline Health, Oversight, Restoration, Resilience, and Enhancement (SHORRE) Act.

3.7 Report of Bids Received and Award of Construction Contract to Telstar Instruments, Inc. for the Pacheco Pumping Plant Electrical Current Limiting Fuse & Hydraulic Valve Operating System (HVOS) Upgrades, Under the Small Capital Improvements, San Felipe Reach 1 Project, Project No. 91214010, Contract No. C0682 (Merced County).

- Recommendation:
- A. Ratify Addendum No. 1 to the Contract Documents for the Pacheco Pumping Plant Electrical Current Limiting Fuse & Hydraulic Valve Operating System (HVOS) Upgrades Project;
 - B. Award the Construction Contract to Telstar Instruments, Inc., in the sum of \$655,536; and

- C. Approve a contingency sum of \$65,554 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

3.8 Approval of Minutes.

Recommendation: Approve the minutes.

3.9 Accept the CEO Bulletin for the Weeks of April 8 - 21, 2022.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.5, and 3.7 through 3.9, under one motion, as follows: adopt the Plans and Specifications for the Santa Clara Conduit Rehabilitation and Pacheco Conduit Sectionalizing Valve Replacement Project, find that the Project requires a 10 percent construction contract retention, and authorize the advertisement for bids and the Designated Engineer to issue addenda, as contained in Item 3.1; adopt Resolution No. 22-22, AMENDING THE SANTA CLARA VALLEY WATER DISTRICT CONFLICT OF INTEREST CODE, by roll call vote, as contained in Item 3.2; adopt Resolution No. 22-23, DECLARING MAY 2022 AS NATIONAL JEWISH AMERICAN HERITAGE MONTH, by roll call vote, as contained in Item 3.3; adopt Resolution No. 22-24, RECOGNIZING MAY AS NATIONAL ASIAN AMERICAN AND NATIVE HAWAIIAN/PACIFIC ISLANDER (AANHPI) HERITAGE MONTH, by roll call vote, as contained in Item 3.4; adopt a position of "Support" on S. 3624 (Carper), as contained in Item 3.5; ratify Addendum No. 1 for the Pacheco Pumping Plant Electrical Current Limiting Fuse & Hydraulic Valve Operating System (HVOS) Upgrades Project, award the construction contract to Telstar Instruments, Inc., in the sum of \$655,536, approve a contingency sum of \$65,554, and authorize the CEO or designee to approve individual change orders, as contained in Item 3.7; approve the minutes, as contained in Item 3.8; and accept the CEO Bulletin, as contained in Item 3.9.

Move to Approve: Richard Santos
Second: Gary Kremen
Yeas: Nai Hsueh, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Barbara Keegan
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

Chair Pro Tem Varela returned the agenda to Item 3.6.

- 3.6 Adopt Recommended Positions on State Legislation: AB 1817 (Ting, Garcia) Product Safety: Textile Articles: Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), AB 2016 (Bauer-Kahan) San Francisco Bay Desalination Feasibility Study, AB 2247 (Bloom) Perfluoroalkyl (PFAS) Products and Product Components: Publicly Accessible Reporting Platform, AB 2313 (Bloom) Water Judges and Adjudication: Education, AB 2563 (Quirk) Mobile Fueling On-Demand Tank Vehicles, SB 1094 (Becker) Local Planning, SB 1469 (Bradford) Water Corporations: Demand Elasticity, AB 2208 (Kalra) Fluorescent Lamps Prohibition, AB 2771 (Friedman) Cosmetic Products Safety, and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

Recommendation:

- A. Adopt a position of "Support" on: AB 1817 (Ting, Garcia) Product Safety: Textile Articles: Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS);
- B. Adopt a position of "Support" on: AB 2016 (Bauer-Kahan) San Francisco Bay Desalination Feasibility Study;
- C. Adopt a position of "Support" on: AB 2247 (Bloom) Perfluoroalkyl (PFAS) Products and Product Components: Publicly Accessible Reporting Platform;
- D. Adopt a position of "Support" on: AB 2313 (Bloom) Water Judges and Adjudication: Education;
- E. Adopt a position of "Support" on: AB 2563 (Quirk) Mobile Fueling On-Demand Tank Vehicles;
- F. Adopt a position of "Support" on: SB 1094 (Becker) Local Planning;
- G. Adopt a position of "Support" on: SB 1469 (Bradford) Water Corporations: Demand Elasticity;
- H. Adopt a position of "Support" on: AB 2208 (Kalra) Fluorescent Lamps Prohibition; and
- I. Adopt a position of "Support" on: AB 2771 (Friedman) Cosmetic Products Safety.

Director LeZotte requested that staff continue following AB 2016, San Francisco Bay Desalination Feasibility Study, and come back to the Board with updates, and when passed, provide the Board with a summary to assist them in responding to questions.

Motion:

- A. Adopt a position of "Support" on: AB 1817 (Ting, Garcia) Product Safety: Textile Articles: Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS);
- B. Adopt a position of "Support" on: AB 2016 (Bauer-Kahan) San Francisco Bay Desalination Feasibility Study;
- C. Adopt a position of "Support" on: AB 2247 (Bloom) Perfluoroalkyl (PFAS) Products and Product Components: Publicly Accessible Reporting Platform;

- D. Adopt a position of "Support" on: AB 2313 (Bloom) Water Judges and Adjudication: Education;
- E. Adopt a position of "Support" on: AB 2563 (Quirk) Mobile Fueling On-Demand Tank Vehicles;
- F. Adopt a position of "Support" on: SB 1094 (Becker) Local Planning;
- G. Adopt a position of "Support" on: SB 1469 (Bradford) Water Corporations: Demand Elasticity;
- H. Adopt a position of "Support" on: AB 2208 (Kalra) Fluorescent Lamps Prohibition; and
- I. Adopt a position of "Support" on: AB 2771 (Friedman) Cosmetic Products Safety.

Move to Adopt:	Linda J. LeZotte
Second:	Richard Santos
Yeas:	Nai Hsueh, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays:	None
Abstains:	None
Recuses:	None
Absent:	Barbara Keegan
Summary:	6 Yeas; 0 Nays; 0 Abstains; 1 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 Board Committee Reports.

Chair Pro Tem Varela confirmed that the Association of California Water Agencies (ACWA) Spring Conference would be held May 3 through 5, 2022, in Sacramento, California.

The Board noted the information, without formal action.

5. WATER UTILITY ENTERPRISE:

5.1 Report of Bids Received and Award of Construction Contract to Thompson Builders Corporation for the Santa Teresa Water Treatment Plant Filter Media Replacement Project, Project No. 93284013, Contract No. C0681 (San Jose) (District 7).

- Recommendation:
- A. Ratify Addenda Nos. 1 and 2 to the Contract Documents for the Santa Teresa Water Treatment Plant Filter Media Replacement Project;
 - B. Award the Construction Contract to Thompson Builders Corporation, in the sum of \$13,187,640; and
 - C. Approve a contingency sum of \$1,978,146 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

The Board considered Item 5.1 without a staff presentation.

Move to Approve: Nai Hsueh
Second: Richard Santos
Yeas: Nai Hsueh, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Barbara Keegan
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

6. WATERSHEDS:

None.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

None.

8. EXTERNAL AFFAIRS:

None.

9. CHIEF EXECUTIVE OFFICER:

9.1 CEO and Chiefs' Report.

Ms. Rachael Gibson, Chief of External Affairs, reviewed the information contained on the attached Office of Government Relations and Office of Civic Engagement Updates, identified as Handouts 9.1-A and 9.1-B 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.

10. ADMINISTRATION:

None.

11. DISTRICT COUNSEL:

None.

12. ADJOURN:

12.1 Board Member Reports/Announcements.

Chair Pro Tem Varela reported participating in the Gilroy Chamber of Commerce's Annual Legislative Summit; shared his key speaking points at the event pertaining to the drought, water conservation, and water supply; and confirmed having received feedback that indicated that his comments had been well received.

12.2 Proposed Future Board Member Agenda Items.

None.

12.3 Clerk Review and Clarification of Board Requests.

Ms. King confirmed that there were no new Board Member Requests.

12.4 Adjourn to Special Meeting at 6:00 p.m. on April 27, 2022.

Chair Pro Tem Varela adjourned the meeting at 6:30 p.m., to the Special Meeting at 6:00 p.m. on April 27, 2022.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: 06/14/2022

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