

**Michele King**

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**Subject:** FW: Board Policy and Planning Committee and Agenda item 2.1 and 4.2 June 28, 2022  
**Attachments:** Attachment 5 051122 Handout 4.pdf

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**From:** John Public <[civilian9898@gmail.com](mailto:civilian9898@gmail.com)>  
**Sent:** Thursday, June 23, 2022 6:05 PM  
**To:** Clerk of the Board <[clerkoftheboard@valleywater.org](mailto:clerkoftheboard@valleywater.org)>; Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Subject:** Board Policy and Planning Committee and Agenda item 2.1 and 4.2 June 28, 2022

Please attach to the minutes of both the BPPC and Agenda 4.2 and Agenda 2.1

In reviewing the BPPC minutes and comments from Doug Muirhead statement ( which I attached) I agree 100% with his comments. I do have questions and concerns.

"Although I will not argue for the proposal, it might help to define actual Water District context rather than accept at face value staff's justification that "other bodies do it" so you must also. Would any Board Member or staff member care to share if they have received credible threats and their level of concern over their safety not just at Board meetings but on campus and out engaging with the public (who are both your customers and your constituents)?"

This is about forcing people who are not known in any way to be a threat or a disrupter to give up the privacy of their person and property to District employees who have given themselves (with Board approval) the sole right to do so. Please remember that we are guaranteed the right to privacy in the California Constitution."

BPPC Minutes April 5, 2022. ( Attached)

"Director Hsueh requested that the purpose and intent of the ordinance be clarified and identify why it's important to have such an ordinance for board and committee meetings."

In reviewing the minutes and agenda from April 5th to the current date, why has Staff not brought to the BPPC what Director Hsueh requested? and why has the BPPC committee not pressed for this request that Director Nai requested? Staff has failed so far from submitting documents ``identifying why it's important to have such an ordinance for board and committee meetings"

3/22/22 CEO reported out Death Threats, why is it that no Board Member has questioned this and or asked for any proof of death threats and take it at face value? No logical questions were asked at that time regarding this and should have had questions as the ones I sent in on 6/14/22 agenda.

Matter of fact some Directors on that Date wanted this to pass knowing that the CEO and Security manager did not follow protocol, why is that? If this was a violation of policy are the Directors going to reprimand the CEO/Security Manager ? if not then what is the reason?

So you had several BPPC meetings and the last meeting minutes have not been posted, is this where it was finally identified or will it be discussed publicly at the Board Meeting on June 28th?

As Director Estemera said on 3/22/22 "committee work on details" agreed!! What is the credible threat and proof of these allegations on not only 1 but 2 Valley Water Staff and those being CEO and COO, so why no information on that up to this point? Would you not lead with this important information when you are going around protocols and publicly

announcing it to push a county wide ordinance that also includes Valley Water employees? That should have been at the forefront on 3/22/22 The Directors need to do better.

"The Committee requested that staff return with a clear analysis of the ordinance language and comments made by the public, and who it applies to clarification of the purpose and intent of the ordinance and why it's necessary;" BPPC Minutes 4/5/2022

## Michele King

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**Subject:** FW: comment BPPC 5/11/2022 Item #4.1: meeting rules

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**From:** D. Muirhead <[doug.muirhead@stanfordalumni.org](mailto:doug.muirhead@stanfordalumni.org)>  
**Sent:** Friday, May 6, 2022 1:23 PM  
**To:** Clerk of the Board <[clerkoftheboard@valleywater.org](mailto:clerkoftheboard@valleywater.org)>  
**Subject:** comment BPPC 5/11/2022 Item #4.1: meeting rules

Hello Board Policy and Planning Committee,

For your Meeting: 5/11/2022 Item #4.1: Rules of Decorum Ordinance

4.1. Discuss Proposed Rules of Decorum Ordinance and Enhanced Metal Detector Screening Measures.

I dislike euphemisms since they attempt to misdirect.

This is not primarily a set of rules for "decorum":

- 1) Appropriateness of behavior or conduct; propriety
- 2) The conventions or requirements of polite behavior.

This is about forcing people who are not known in any way to be a threat or a disrupter to give up the privacy of their person and property to District employees who have given themselves (with Board approval) the sole right to do so. Please remember that we are guaranteed the right to privacy in the California Constitution.

Although I will not argue for the proposal, it might help to define actual Water District context rather than accept at face value staff's justification that "other bodies do it" so you must also. Would any Board Member or staff member care to share if they have received credible threats and their level of concern over their safety not just at Board meetings but on campus and out engaging with the public (who are both your customers and your constituents)?

As I said to the Board when staff tried to slip this through on Consent, there are less restrictive ways to increase safety if that is truly needed. So I would ask that you consider what might be appropriate alternatives as you review the current proposal which mirrors that which former Supervisor Cortese imposed on County BoS meetings. He decided to use criminal prosecution against a person who repeatedly attended County Policy Committee meetings to express his dissatisfaction with the Supervisor.

We have one alternative displayed by Supervisor Simitian who paused a meeting when a speaker would not yield the podium, cleared the room, selectively re-admitted attendees, and resumed the meeting. You could also partition the Board room, with the dais behind bullet-proof glass and another physical separation between District

staff and their presenters and the general public. You could also allow each Committee to decide on what level of "screening" if any they desire.

The proposed resolution claims you are imposing a limitation on California Constitution Article I - Declaration of Rights Section 3 (a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good. and in doing so further the purposes of Article I Section 3 subdivision (b) paragraph (7) as it relates to the right of public access to the meetings of local public bodies [i.e. Brown Act]

I find that it is the proposed staff actions that are disrespectful and will stifle public participation, I reject the claim that this ordinance furthers the purpose of public access to meetings.

Staff says the Ordinance, combined with new enhanced security screening measures, form a security policy. The policy also includes extra uniformed security personnel, armed off duty SJPd Officers, and Valley Water Security staff. For years you have had a person with a gun sitting behind me at Board meetings but not Committee meetings. You have never published a policy on how much violence that person could employ against a "disruptive" attendee. Thoughtful police agencies are looking at ways to de-escalate situations rather than employing force. Staff is proposing to treat violations of this ordinance with fines and jail time,

As mentioned above, staff says the Ordinance, combined with new enhanced security screening measures, form a security policy. We should see this policy to see what other procedures are being implemented but not mentioned in the Ordinance.

You also have several undefined conditions:

- 1) In those instances where an attendee fails the secondary screening process, they will be referred to the on-duty San Jose Police Department Officer for additional [undefined] security screening.
- 2) The objection to large suitcases, bags, or backpacks (where "large" is not defined) is primarily about additional burden on security staff which exists only because they have imposed these conditions on us. I have always loved the story about the young man who killed his parents then begged for mercy from the judge because he was an orphan.
- 3) While the over-reach in the list of prohibited objects has been reduced, staff keeps a giant loophole with "other objects that Valley Water security staff or law enforcement personnel construe in their professional judgement as a weapon or security risk." Ambiguous and arbitrary.

Since, without cause, you will not trust members of the public, why should we trust District staff and SJPd Officers when it comes to storage of items. And does not the claim ticket requirement violate the Brown Act allowance for anonymity?

I self-exclude in several ways as a matter of principal in support of an individual right to privacy and protections under the Bill of Rights. This ordinance reverses presumption of innocence and ignores probable cause.

I made an exception for TSA fondling me because I saw no reasonable alternative for getting to the other side of the Rocky Mountains to support my family members. And I accept screening at Courthouses since I am not willing to go to jail for failing to obey a jury summons. The Water District does not qualify for either of my exceptions.

You are a public agency and exist to serve the residents of this County. This proposal says to me that you see yourselves as being above those you say you serve.

authoritarian: Tending to tell other people what to do in a peremptory or arrogant manner.

You could instead start with the intent of the Ralph M. Brown Open Meeting Act and seek a solution that does not treat your constituents as enemies.

How do those less restrictive options look now compared to staff's proposal? Please do not forward a favorable recommendation to the Board.

Do keep yourselves safe.

Thank you for your consideration. Doug Muirhead, Morgan Hill.

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