



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, AUGUST 9, 2022
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

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 Tony Estremera, Barbara Keegan, Gary Kremen, Linda J. LeZotte, and Richard Santos, constituting a quorum of the Board.

Chair Pro Tem John L. Varela and Director Nai Hsueh were excused from attending.

During Chair Pro Tem Varela's absence, the meeting was facilitated by Vice Chair Pro Tem Keegan.

Staff members in attendance were C. Orellana, District Counsel, M. King, Clerk, Board of Directors, A. Baker, J. Codianne, A. Fulcher, R. Gibson, V. Gin, D. Rocha, and G. Williams. Chief Operating Officer T. Yoke represented Chief Executive Officer R. Callender, Deputy Operating Officer P. McElroy represented Chief Operating Officer T. Yoke, Deputy Operating Officer C. Hakes represented Assistant Chief Executive Officer M. Richardson, and Deputy Operating Officer J. Bourgeois represented Chief Operating Officer R. Blank.

2. TIME CERTAIN:

11:00 AM

Vice Chair Pro Tem Keegan confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1 and 2.2.

- 2.1. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
Conference with Real Property Negotiators Pursuant to Government Code
Section 54956.8
Setting Negotiation Parameters for Price and Terms of Payment for Purchase,
Sale, or Exchange of Property Interest in APNs: 72937016, 72937017,
72937018, 72937019, 72937029, 72937030, 72937020, 72937021, 72937022
Agency Negotiators: Rick Callender, Melanie Richardson, Chris Hakes, Ryan
McCarter, Kathy Bradley, Bill Magleby, and Edna Campero
Negotiating Parties: James H. Woodward; Rebecca Grace Watkin; Hao Tan Le;
Robert Tomio Weir; Nicole Marie Weir; John B. Schlaefter; Martin E. Holler,
Trustee; Laura Nuno, Trustee; Guy Trujillo; and Janice M. Schultz, Trustee
- 2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
7 Potential Cases

Upon return to Open Session, the same Board members, excluding Chair Pro Tem
Varela and Director Hsueh, and staff were present.

1:00 PM

- 2.3. District Counsel Report on Closed Session.
- Carlos Orellana, District Counsel, reported that in regard to Items 2.1 and 2.2,
the Board met in Closed Session with all members present, excluding Chair Pro
Tem Varela and Director Hsueh, and gave direction to staff on Item 2.1 and took
no reportable action on Item 2.2.
- 2.4. Pledge of Allegiance/National Anthem.
- Vice Chair Pro Tem Keegan led all present in reciting the Pledge of Allegiance.
- 2.5. Orders of the Day.
- Vice Chair Pro Tem Keegan confirmed that there were no changes to the Orders
of the Day.
- 2.6. Time Open for Public Comment on any Item not on the Agenda.
- Vice Chair Pro Tem Keegan declared time open for public comment on any
subject not on the agenda.
- Ben Eichenberg, San Francisco Baykeeper Staff Attorney, spoke about the
significance of Valley Water's continued efforts to follow the Fish Aquatic Habitat
Collaborative Effort (FAHCE) Plus Plan Alternative in the Draft Environmental
Impact Report allowing support for the stewardship of creeks and rivers for the
survival of all endangered fish species.

2.7. Recognition of the Synopsys Science Fair Special Award Recipients.

Recommendation: Recognize the Synopsys Science Fair Special Award Recipients.

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

The Board noted the information, without formal action.

2.8. Youth Commission Drought Awareness and Conservation Toolkit.

Recommendation: Receive information on the Santa Clara Valley Water District Youth Commission's Drought Awareness and Conservation Toolkit.

Don Rocha, Deputy Administrative Officer, reviewed the information on this item, per the attached Board Agenda Memo; and Anika Kulkarni, Youth Commission Chair, and District 3 Representative, reviewed information contained in Attachment 1.

The Board noted the information, without formal action.

2.9. Presentation of the Santa Clara Valley Water District Youth Commission's (Youth Commission) Accomplishments Report and Recognition of the 2022 Outgoing Youth Commission Members.

Recommendation: A. Receive and accept the Youth Commission's Accomplishments Report; and
B. Acknowledge and recognize the 2022 outgoing Youth Commission Members.

Glenna Brambill reviewed the information on this item, per the attached Board Agenda Memo, and per the information on Attachment 2; and Anika Kulkarni, reviewed information on Attachment 1.

Move to Accept: Tony Estremera
Second: Richard Santos
Yeas: Tony Estremera, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos
Nays: None
Abstains: None
Recuses: None
Absent: Nai Hsueh, John L. Varela
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

2.10. Monthly Drought Emergency Response and Water Supply Update.

Recommendation: Receive an update on water supply conditions in Santa Clara County and staff's drought response efforts and provide direction to staff, as necessary.

Aaron Baker, Chief Operating Officer, reviewed the information on this item, per attached Board Agenda Memo; and Neeta Bijoor, Senior Water Resource Specialist, reviewed the information contained in Supplemental Attachment 1.

The Board noted the information, without formal action.

REGULAR AGENDA:

3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 through 3.8, under one motion.

- 3.1. Consider Nominations for the Board to approve the Reappointments and New Appointments for Two-Year Terms to the Santa Clara Valley Water Youth Commission.

Recommendation: Consider Nominations for the Board to approve the Reappointments and New Appointments for Two-Year Terms to the Santa Clara Valley Water Youth Commission.

- 3.2. Deny Claim of Downtown L.A. Law Group on behalf of Felicia Saabedra.

Recommendation: Deny the claim.

- 3.3. Adopt Resolution Authorizing Conveyance of Real Property Interest to the County of Santa Clara; and Authorize the Chief Executive Officer to Execute a Purchase and Sale Agreement and the Grant Deed for the Uvas Road Bridge Replacement Project, APN No. 712-30-005, Real Estate File No. 5018-3.1 (District 1).

Recommendation: A. Adopt the Resolution authorizing CONVEYANCE OF REAL PROPERTY TO THE COUNTY OF SANTA CLARA;
B. Authorize the Chief Executive Officer to execute a Purchase and Sale Agreement between the County of Santa Clara and Santa Clara Valley Water District, for the conveyance of real property interest, located at Uvas Creek, based upon the terms and conditions as set forth in the Agreement; and
C. Authorize the Chief Executive Officer to execute the grant deed, Real Estate File No. 5018-3.1.

- 3.4. Approve and Authorize the Chief Executive Officer to Execute Amendment No. 1 to Agreement A4214R, with the Santa Clara Valley Transportation Authority, for the Safe, Clean Water and Natural Flood Protection Program, FY2018 Priority B3 Grant Pollution Prevention Agreement for the Keep Santa Clara Valley Beautiful Project, to Retroactively Extend the Agreement Expiration Date as a No-Cost Extension and Reallocate Funding in the Project Budget (Countywide).

Recommendation: Approve and authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement A4214R Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program, FY2018 Safe, Clean Water Project B3 Grant Agreement with the Santa Clara Valley Transportation Authority, for the Keep Santa Clara Valley Beautiful Project, to retroactively extend the Agreement expiration date from November 9, 2021, to June 30, 2024, as a no-cost extension and reallocate funding in the Project budget.

- 3.5. Adopt Resolution Approving the Application for Grant Funds from the United States Bureau of Reclamation (USBR) for Expanded Water Conservation Services in an Amount up to \$2,000,000 from Fiscal Years 2023-2025, and Authorize the CEO, or Designee, to Accept the Grant, Negotiate, and Execute a Grant Agreement with USBR for the Drought Emergency Project, Project Number 91061008, and Other Related Actions.

Recommendation: A. Approve the grant application submitted by the Chief Executive Officer (CEO) on July 28, 2022, to the United States Bureau of Reclamation for grant funds;
B. Authorize the CEO, or designee appointed by the CEO if the grant is awarded to Santa Clara Valley Water District, to:
i. Accept the grant and negotiate and execute a grant agreement with USBR for expanded water conservation services, provided all grant requirements can be met;
ii. Sign and submit any required documents, invoices, and reports to USBR to obtain grant fund reimbursements to be made pursuant to the Grant Agreement; and
iii. As needed, to provide management and support services required for the performance of the work and administration pursuant to the grant agreement, as deemed necessary and appropriate; and
C. Adopt the Resolution of the Board of Directors of the Santa Clara Valley Water District APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE UNITED STATES BUREAU OF RECLAMATION FOR EXPANDED WATER CONSERVATION SERVICES.

- 3.6. Adopt Resolution by the Santa Clara Valley Water District Authorizing Representatives to Submit a Grant Application to the Environmental Protection Agency's Water Quality Improvement Program for the San Francisco Bay Region for Fiscal Year 2023 and, if Awarded, Delegate Authority to the Chief Executive Officer (CEO) or Designee, to Negotiate and Execute a Grant Agreement and Any Amendments Thereto, for a Creek Cleanup Initiative at Eight Creeks in Santa Clara County and a Bank repair and Trash Raft and Woody Debris Removal Project at Coyote Creek, Project Numbers 26771027 and 62761027.

- Recommendation:
- A. Adopt A RESOLUTION BY THE SANTA CLARA VALLEY WATER DISTRICT AUTHORIZING REPRESENTATIVES TO SUBMIT A GRANT APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY'S WATER QUALITY IMPROVEMENT PROGRAM FOR THE SAN FRANCISCO BAY REGION FOR FISCAL YEAR 2023 AND, IF AWARDED, TO NEGOTIATE AND EXECUTE A GRANT AGREEMENT AND ANY AMENDMENTS THERETO, FOR A CREEK CLEANUP INITIATIVE AT EIGHT CREEKS IN SANTA CLARA COUNTY AND A BANK REPAIR AND TRASH RAFT AND WOODY DEBRIS REMOVAL PROJECT AT COYOTE CREEK, Project Numbers 26771027 and 6276102;
 - B. Delegate authority to the Chief Executive Officer (CEO), or designee appointed by the CEO, to apply for grant funds and, if successful, negotiate and execute a Grant Agreement with the U.S. Environmental Protection Agency (EPA) for funding to support a Creek Cleanup Initiative at eight creeks in Santa Clara County and a bank repair and trash raft and woody debris removal project at Coyote Creek;
 - C. Delegate authority to the CEO, or designee appointed by the CEO, to sign and submit invoices and requests to the EPA for grant fund reimbursements to be made pursuant to the Grant Agreement; and
 - D. Delegate to the CEO, or designee appointed by the CEO, such other authority as needed to provide management and support services required to perform and administer the work pursuant to the grant agreement, as deemed necessary and appropriate.

3.7. Accept the CEO Bulletins for the Weeks of July 8-21, and July 22 Through August 4, 2022.

Recommendation: Accept the CEO Bulletins.

3.8. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1 through 3.8 under one motion, as follows: approve the reappointments and new appointments for two-year terms to the Santa Clara Valley Water Youth Commission as contained in Item 3.1; deny claim of Felicia Saabedra as contained in Item 3.2; adopt Resolution 22-71, authorizing CONVEYANCE OF REAL PROPERTY TO THE COUNTY OF SANTA CLARA, and the Chief Executive Officer (CEO) to execute a Purchase and Sale Agreement for the conveyance of real property interest, and the grant deed at Uvas Creek, by

roll call vote, as contained in Item 3.3; approve and authorize the CEO to execute Amendment No. 1 to Agreement A4214R with the Santa Clara Valley Transportation Authority for the Santa Clara Valley Water District Safe, Clean Water and Natural Flood Protection Program and retroactively extend the Agreement expiration date from November 9, 2021, to June 30, 2024, as a no-cost extension and reallocate funding in the Project budget as contained in Item 3.4; approve grant application and authorize the CEO or designee to negotiate and execute a grant agreement with the United States Bureau of Reclamation (USBR) for water conservation services, and adopt Resolution 22-72, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE UNITED STATES BUREAU OF RECLAMATION FOR EXPANDED WATER CONSERVATION SERVICES, by roll call vote, as contained in Item 3.5; adopt RESOLUTION 22-73, BY THE SANTA CLARA VALLEY WATER DISTRICT AUTHORIZING REPRESENTATIVES TO SUBMIT A GRANT APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY'S (EPA) WATER QUALITY IMPROVEMENT PROGRAM FOR THE SAN FRANCISCO BAY REGION FOR FISCAL YEAR 2023 AND IF AWARDED, TO NEGOTIATE AND EXECUTE A GRANT AGREEMENT AND ANY AMENDMENTS THERETO, FOR A CREEK CLEANUP INITIATIVE AT EIGHT CREEKS IN SANTA CLARA COUNTY AND A BANK REPAIR AND TRASH RAFT AND WOODY DEBRIS REMOVAL PROJECT AT COYOTE CREEK, and delegate authority to the CEO, or designee, to apply for grant funds and execute the Grant Agreement, by roll call vote, as contained in Item 3.6; accept the CEO Bulletin as contained in Item 3.7; and approve the minutes as contained in Item 3.8.

Move to Approve:	Richard Santos
Second:	Tony Estremera
Yeas:	Tony Estremera, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos
Nays:	None
Abstains:	None
Recuses:	None
Absent:	Nai Hsueh, John L. Varela
Summary:	5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

4. BOARD OF DIRECTORS:

- 4.1. Vacancy on the Santa Clara Valley Water District Public Facilities Financing Corporation Board of Directors Resulting from the Resignation of David Vanni; adopt a Resolution of Appreciation for Mr. Vanni; and Appointment of Replacement.

- Recommendation:
- A. Accept Resignation of Public Facilities Financing Corporation Director David Vanni;
 - B. Adopt the Resolution EXPRESSING APPRECIATION TO DAVID VANNI;
 - C. Discuss the Public Facilities Financing Corporation Board of Directors vacancy and provide direction to the Clerk of the Board as to how the Board wishes to fill the vacancy; or
 - D. Adopt a Resolution FILLING THE VACANCY ON THE PUBLIC FACILITIES FINANCING CORPORATION BOARD OF DIRECTORS.

Michele King, Clerk, Board of Directors, reviewed the information on this item, per the attached Board Agenda Memo.

Motion: Accept Resignation of Public Facilities Financing Corporation Director David Vanni; adopt Resolution 22-74, EXPRESSING APPRECIATION TO DAVID VANNI; and direct staff to contact prior applicants, advertise the vacancy online and in community papers, review for financial backgrounds, and return to the Board with recommendations of potential candidates on the Public Facilities Financing Corporation Board of Directors, by roll call vote.

Move to Adopt: Linda J. LeZotte
Second: Richard Santos
Yeas: Tony Estremera, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos
Nays: None
Abstains: None
Recuses: None
Absent: Nai Hsueh, John L. Varela
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

4.2. Board Committee Reports.

Director Santos expressed support for the success of the Committees and their roles in assisting with sharing education and data to promote transparency and gain support with the public regarding water conservation and enforcement.

The Board noted the information, without formal action.

5. WATER UTILITY ENTERPRISE:

- 5.1. Approve Agreement with V & A Consulting Engineers to provide On-Call Corrosion Engineering and Support Services, PB File No. VW0035, for a Not-to-Exceed Fee of \$2,000,000.

Recommendation: Approve the Standard On-Call Consultant Agreement with V & A Consulting Engineers for On-Call Corrosion Engineering and Support Services for a not-to-exceed fee of \$2,000,000.

The Board considered Item 5.1. without a staff presentation.

Move to Approve: Tony Estremera
Second: Richard Santos
Yeas: Tony Estremera, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos
Nays: None
Abstains: None
Recuses: None
Absent: Nai Hsueh, John L. Varela
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent

6. WATERSHEDS:

None.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

None.

8. EXTERNAL AFFAIRS:

None.

9. CHIEF EXECUTIVE OFFICER:

9.1. CEO and Chiefs' Report.

John Bourgeois, Acting Chief Operating Officer, Watersheds, reviewed the Watersheds Operations and Maintenance Report for June 15, 2022 - July 15, 2022, identified as Handout 9.1.-C.

Rachael Gibson, Chief of External Affairs, reviewed the attached Office of Civic Engagement and Office of Communications Updates, identified as Handouts 9.1.-A and 9.1.-B respectively.

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.

Director Santos reported attending South County Regional Wastewater Authority, and Landscape Committee meetings; and a Rotary Club of Milpitas meeting.

Director Estremera reported attending a Capital Improvement Program Committee meeting; a public meeting with the United States Army Corps of Engineers at the Alma Senior Center; and various meetings with staff.

Director LeZotte reported attending the aforementioned Landscape meeting; Water Conservation and Demand Management, Board Policy and Planning, and Los Vaqueros Joint Power Authority Committee meetings; a staff briefing on Almaden Lake Improvement Project; and various Board meetings.

Vice Chair Pro Tem Keegan reported attending the aforementioned public meeting with the United States Army Corps of Engineers; Environmental Creek Cleanup Committee meeting; and gave a presentation at the Cory Neighborhood Association meeting.

12.2 Proposed Future Board Member Agenda Items.

None.

12.3. Clerk Review and Clarification of Board Requests.

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

12.4. Adjourn to Regular Meeting at 1:00 p.m., on August 23, 2022.

Vice Chair Pro Tem Keegan adjourned the meeting at 1:58 p.m.; to the 1:00 p.m. Regular Meeting on August 23, 2022.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: