



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, AUGUST 23, 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, Gary Kremen, Linda J. LeZotte, Richard Santos, and John L. Varela, Chair Pro Tem presiding, constituting a quorum of the Board.

Directors Nai Hsueh and Barbara Keegan were excused from attending.

Staff members in attendance were R. Callender, Chief Executive Officer, C. Orellana, District Counsel, M. King, Clerk, Board of Directors, L. Bankosh, R. Blank, J. Bourgeois, J. Codianne, M. Cook, R. Gibson, V. Gin, B. Hopper, M. Lugo, P. McElroy, M. Richardson, D. Taylor, B. Yerrapotu, and T. Yoke.

2. TIME CERTAIN:

Carlos Orellana, District Counsel, confirmed that written claims or communications relating to Closed Session Items 2.1 and 2.2 are available for public inspection upon request as required by the Brown Act.

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

11:00 AM

Director Keegan joined Closed Session via Zoom teleconference.

- 2.1. CLOSED SESSION
ANTICIPATED LITIGATION
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
1 potential case
- 2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
1 potential case

Director Keegan concluded their participation via Zoom teleconference and did not rejoin.

1:00 PM

Upon return to Open Session, the same Board members, excluding Directors Hsueh and Keegan, and staff were present.

- 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 participating, excluding Director Hsueh, and took no reportable action.

- 2.4. Pledge of Allegiance/National Anthem.

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

- 2.5. Orders of the Day.

Chair Pro Tem Varela 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.

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.

- 2.7. Approve the May 16, 2022, Environmental Creek Cleanup Committee's Recommendation to Implement the Water Resources Encampment Risk Assessment.

Recommendation: Approve the May 16, 2022, Environmental Creek Cleanup Committee's Recommendation to Implement the Water Resources Encampment Risk Assessment to Aid Staff in Documenting and Assessing Risks Related to Encampments on Santa Clara Valley Water District Lands.

Jennifer Codianne, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 2.

David Noel, San Jose resident, expressed support regarding the Water Resources Encampment Risk Assessment.

Brigette, San Jose resident, expressed support regarding the Water Resources Encampment Risk Assessment.

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

3. CONSENT CALENDAR:

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

- 3.1. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Permanente Creek Flood Protection Project - Floodwall Retrofit, Project No. 10244001, Contract No. C0689. (Mountain View) (District 7)

Recommendation: A. Consider the Seventh Addendum to the Final Subsequent Environmental Impact Report (Final Subsequent EIR) for the Permanente Creek Flood Protection Project;
B. Approve Permanente Creek Flood Protection Project - Floodwall Retrofit;
C. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Permanente Creek Flood Protection Project - Floodwall Retrofit (Project) per the Notice to Bidders; and
D. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

- 3.2. Approve the San Francisquito Creek Joint Powers Authority Operating Budget for Fiscal Year 2022-2023 and Authorize Santa Clara Valley Water District Fiscal Year 2022-2023 Financial Contribution of \$395,926. (Palo Alto) (District 7)

Recommendation: A. Approve the San Francisquito Creek Joint Powers Authority Fiscal Year 2022-2023 Operating Budget; and
B. Authorize the Santa Clara Valley Water District's Fiscal Year 2022-2023 financial contribution to the San Francisquito Creek Joint Powers Authority in the amount of \$395,926.

- 3.3. Approve Recommended Positions on Federal Legislation: S. 4494 (Cortez Masto) / H.R. 8434 (S. Lee) - Facilitating Large-Scale Water Recycling and Reuse Projects Act; H.R. 8300 (Blumenauer) - Empowering Resilient Local Communities Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

Recommendation: A. Adopt a position of "Support" on S. 4494 (Cortez Masto) / H.R. 8434 (S. Lee) - Facilitating Large-Scale Water Recycling and Reuse Projects Act; and
B. Adopt a position of "Support" on H.R. 8300 (Blumenauer) - Empowering Resilient Local Communities Act.

- 3.4. Approve the Submission of an Application to the U.S. Environmental Protection Agency (EPA) San Francisco Bay Water Quality Improvement Fund (SFBWQIF) for Grant Funding to Support the Preparation of CEQA/NEPA Documents and Design Plans for the Calabazas San Tomas Aquino Creek - Marsh Connection Project (Project). (Sunnyvale, Santa Clara, and San Jose) (District 3)

Recommendation: Approve and Authorize the Chief Executive Officer (CEO) to submit a grant application to EPA Southwest Pacific Region's SFBWQIF by the deadline of September 20, 2022 while staff concurrently conducts an internal review of the grant terms and conditions. If the grant is awarded, and staff determines SFBWQIF terms and conditions can be met by Santa Clara Valley Water District (Valley Water), a subsequent agenda item will be scheduled for Board approval to accept the grant funding.

- 3.5. Consider and Approve the Membership Nomination for New Appointment to the Renewed, Safe Clean Water and Natural Flood Protection Program Independent Monitoring Committee.

Recommendation: Consider and approve the Membership Nomination for Appointment for Three-Year Term to the Renewed, Safe Clean Water and Natural Flood Protection Program Independent Monitoring Committee.

- 3.6. Consider and Approve the Membership Nomination for New Two-Year Term Committee Appointment to the Agricultural Water Advisory Committee.

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

- 3.7. Receive Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities Aimed at Influencing District Decisions, in Accordance With District Ordinance No. 10-01.

Recommendation: Receive the Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities for the period January 1, 2022 through June 30, 2022.

3.8. Accept the CEO Bulletin for the Week of August 5-18, 2022.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.8, under one motion, as follows: adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Permanente Creek Flood Protection Project - Floodwall Retrofit, Project No. 10244001, Contract No. C0689 (Mountain View) (District 7), as contained in Item 3.1; approve the San Francisquito Creek Joint Powers Authority Operating Budget for Fiscal Year 2022-2023 and Authorize Santa Clara Valley Water District Fiscal Year 2022-2023 Financial Contribution of \$395,926 (Palo Alto) (District 7), as contained in Item 3.2; approve Recommended Positions on Federal Legislation: S. 4494 (Cortez Masto) / H.R. 8434 (S. Lee) - Facilitating Large-Scale Water Recycling and Reuse Projects Act; H.R. 8300 (Blumenauer) - Empowering Resilient Local Communities Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board, as contained in Item 3.3; approve the Submission of an Application to the U.S. Environmental Protection Agency (EPA) San Francisco Bay Water Quality Improvement Fund (SFBWQIF) for Grant Funding to Support the Preparation of CEQA/NEPA Documents and Design Plans for the Calabazas San Tomas Aquino Creek - Marsh Connection Project (Project) (Sunnyvale, Santa Clara, and San Jose) (District 3), as contained in Item 3.4; consider and Approve the Membership Nomination for New Appointment to the Renewed, Safe Clean Water and Natural Flood Protection Program Independent Monitoring Committee, as contained in Item 3.5; consider and Approve the Membership Nomination for New Two-Year Term Committee Appointment to the Agricultural Water Advisory Committee, as contained in Item 3.6; receive Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities Aimed at Influencing District Decisions, in Accordance With District Ordinance No. 10-01, as contained in Item 3.7; and Accept the CEO Bulletin for the Weeks of August 5-18, 2022, as contained in Item 3.8.

Move to Approve: Richard Santos

Second: Linda J. LeZotte

Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela

Nays: None

Abstains: None

Recuses: None

Absent: Nai Hsueh, Barbara Keegan

Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Approve Fiscal Year 2022 Board Performance Report.

Recommendation: A. Review and provide feedback, if necessary, on the Fiscal Year 2022 Board Performance Report; and
B. Approve the Fiscal Year 2022 Board Performance Report.

Michele King, Clerk of the Board, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

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

Glenna Brambill, Management Analyst II, reviewed the information on items 4.2 and 4.3, per the attached Board Agenda Memos.

4.2. Consider Approval of the July 11, 2022, Recommendation from the Agricultural Water Advisory Committee to add "Request to Recognize Growers as Land-Use Stewards, Contributors to Groundwater Recharge" to Their October Agenda for an In-Depth Discussion.

Recommendation: Consider the Agricultural Water Advisory Committee's Recommendation to approve adding "Request to recognize growers as land-use stewards, contributors to groundwater recharge" to their October agenda for an in-depth discussion.

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

4.3. Consider Approval of the June 27, 2022, Recommendation from the Water Conservation and Demand Management Committee to Schedule a Board Workshop Regarding the Water Supply Master Plan's Monitoring and Assessment Program.

Recommendation: Consider approval of the Water Conservation and Demand Management Committee's Recommendation to schedule a Board Workshop on the Water Supply Master Plan's (WSMP) Monitoring and Assessment Program (MAP) process to engage all that would benefit (i.e., Board, Committee and Community) when staff is ready.

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

4.4. Consider Approval of the July 13, 2022, Water Storage Exploratory Committee's Recommendation to start negotiations on the Los Vaqueros Reservoir Expansion (LVE) Project.

Recommendation: A. Consider the July 13, 2022, Water Storage Exploratory Committee's (WSEC) recommendation to start negotiations for the LVE Project for 30 to 50 thousand-acre feet of storage; and
B. Direct staff on starting negotiation parameters for storage in the LVE Project.

Samantha Greene, Senior Water Reservation Specialist, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 3.

Motion: A. Consider the July 13, 2022, Water Storage Exploratory Committee's (WSEC) recommendation to start negotiations for the LVE Project for 30 to 50 thousand acre-feet of storage; and
B. Direct staff on starting negotiation parameters for storage in the LVE Project.

Director Varela requested the motion be amended to increase the storage capacity to 50 thousand acre-feet.

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

Michele King reviewed the information on items 4.5 and 4.6, per the attached Board Agenda Memos.

- 4.5. Consider Request of the August 1, 2022, Board Policy and Planning Committee to Add Two Board Governance Policy Review items to Their 2022 Work Plan - Review of Board Complaint Process (Governance Process-6), and Addition of a Policy Governing Board Members' Behavior for Conducting Board Meetings (Governance Process-2 and 6).

Recommendation: Consider Request from the August 1, 2022, Board Policy and Planning Committee to add two Board Governance Policy review items to their 2022 work plan:
A. Review of Board Complaint Process (Governance Process-6); and
B. Addition of policy governing board members' behavior for conducting board meetings (Governance Process-2 and 6)

Move to Approve: Linda J. LeZotte
Second: John L. Varela
Yeas: Linda J. LeZotte, John L. Varela
Nays: Tony Estremera, Gary Kremen, Richard Santos
Abstains: None
Recuses: None
Absent: Nai Hsueh, Barbara Keegan
Summary: 2 Yeas; 3 Nays; 0 Abstains; 2 Absent.

Directors Estremera, Kremen, and Santos explained that they voted in opposition to the item because they want the item to return to the Board for consideration when the full Board is in attendance.

Chair Pro Tem Varela requested that staff bring the item back to the Board when all members are present.

- 4.6. Review the Fiscal Year 2023 Board Policy Planning Calendar.

Recommendation: Review the Fiscal Year 2023 Board Policy Planning Calendar.

The Board noted the information, without formal action.

- 4.7. Board Committee Reports.

The Board noted the information, without formal action.

5. WATER UTILITY ENTERPRISE:

None.

6. WATERSHEDS:

- 6.1. Approve the Budget Adjustment for the Calabazas/San Tomas Aquino Creek-Marsh Connection Project, Formerly Known as the Salt Ponds A5-11 Restoration Project (Project No. 20444001) and Approve Consultant Agreement with Stillwater Sciences, LLC, to Provide Planning and Monitoring Services in Support

of the Project, Planet Bid File No. VW0085, for a Not-to-Exceed amount of \$3,370,000. (Cities of Sunnyvale, Santa Clara and San Jose) (District 3)

Recommendation: A. Approve Budget adjustment in the amount of \$1M for the Calabazas/San Tomas Aquino Creek-Marsh Connection Project (Project); and
B. Approve the Consultant Agreement (Agreement) with Stillwater Sciences, LLC, for planning and monitoring services in support for the Calabazas/San Tomas Aquino Creek-Marsh Connection Project, for a Not-to-Exceed amount of \$3,370,000.

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

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

None.

8. EXTERNAL AFFAIRS:

None.

9. CHIEF EXECUTIVE OFFICER:

9.1. (ITEM REMOVED FROM AGENDA)
Approve the Central Fiscal Year-End and Fiscal Year 2022-23 Budget Adjustments.

9.2. CEO and Chiefs' Report.

Rechelle Blank, Chief Operating Officer, reviewed the information contained in the Watersheds Operations and Maintenance Report, identified as Handout 9.1-A; Tina Yoke, Chief Operating Officer, reported that on August 11, 2022, it was announced that Valley Water was among the "2022 Healthiest Employers of the Bay Area" according to Springbuk; and Rachael Gibson, Chief of External Affairs, reviewed the information contained in the OCEA Summary, identified as Handout 9.1-C. Copies of the Handouts were distributed to the Board and made available to the public.

10. ADMINISTRATION:

None.

11. DISTRICT COUNSEL:

None.

12. ADJOURN:

12.1. Board Member Reports/Announcements.

None.

12.2 Proposed Future Board Member Agenda Items.

None.

12.3. Clerk Review and Clarification of Board Requests.

None.

12.4. Adjourn to Regular Meeting at 1:00 p.m., on September 13, 2022.

Chair Pro Tem Varela adjourned the meeting at 1:50 p.m., to the 1:00 p.m. Regular Meeting on September 13, 2022.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: 11/22/2022