



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, NOVEMBER 26, 2024
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER/ROLL CALL:

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, Richard P. Santos, John L. Varela, and Nai Hsueh, Chairperson presiding, constituting a quorum of the Board.

Directors Jim Beall, Rebecca Eisenberg and Barbara F. Keegan arrived as noted below.

Staff members in attendance were R. Callender, Chief Executive Officer, C. Orellana, District Counsel, M. King, Clerk, Board of Directors, E. Aryee, A. Baker, L. Bankosh, M. Bilski, S. Bogale, R. Chan, J. Codianne, R. Gibson, C. Hakes, C. Lawson, M. Lugo, R. McCarter, P. McElroy, T. Ndah, K. Struve, D. Taylor, B. Yerrapotu, and T. Yoke.

2. 11:00 AM - CLOSED SESSION:

Chairperson Hsueh confirmed that the Board would adjourn to Closed Session to consider Items 2.1.

Directors Jim Beall, Rebecca Eisenberg and Barbara F. Keegan arrived.

2.1. CLOSED SESSION
PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code Section 54957(b)(1)
Title: Clerk of the Board

2.2. District Counsel Report on Closed Session.

Upon return from Closed Session, the same Board members, including Director Beall, Director Eisenberg and Director Keegan, and staff were present.

Carlos Orellana, District Counsel, reported that in regard to Item 2.1, the Board met in Closed Session with all members participating, including Director Beall, Director Eisenberg and Director Keegan, and took no reportable action.

3. 1:00 PM - TIME CERTAIN:

3.1. Pledge of Allegiance/National Anthem.

Director Jim Beall led all present in reciting the Pledge of Allegiance.

3.2. Orders of the Day.

Chairperson Hsueh confirmed that there were no changes to the Orders of the Day.

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

Chairperson Hsueh declared time open for public comment on any subject not on the agenda.

Abdul Johnson, AFSCME Union representative, expressed concern over the perceived lack of action regarding an investigation into actions by a senior staff member against a union member.

3.4. Receive an Overview of the Fiscal Year 2025-26 Rolling Biennial Budget Process.

Recommendation: Receive an overview of the Fiscal Year 2025-26 Rolling Biennial Budget process to provide an opportunity for Board input.

Enrique De Anda, Budget Manager, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

The Board noted the information, without formal action.

3.5. Consider the August 29, 2024, Environmental Creek Cleanup Committee Recommendation to Adopt the Proposed Water Resources Protection Zones Ordinance.

Recommendation: A. Consider the recommendation resulting from the August 29, 2024, Environmental Creek Cleanup Committee meeting to:
i. Adopt the proposed Water Resources Protection Zones Ordinance; and
ii. Provide feedback and direction as necessary.
B. Consider the Chair's recommendation to refer to the Environmental Creek Cleanup Committee a review of current Unhoused Related Agreements with the County of Santa Clara and City of San Jose.

Mark Bilski, Assistant Officer, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 5.

Chairperson Hsueh declared time open for public comment on this Item.

Seven (7) statements expressing opposition for the Environmental Creek Cleanup Committee's recommendation to adopt the proposed Water Resources Protection Zones Ordinance were received from: James Campbell, undisclosed residency;

Ryan Mee, undisclosed residency; Gail Osmer, undisclosed residency; Shaunn, undisclosed residency; Debra Townley, undisclosed residency; Kathryn Hedges, undisclosed residency; Mis Rayn, Amigos de Guadalupe representative; Rose, undisclosed residency and Todd P. Langton, undisclosed residency.

Three (3) statements expressing support for the Environmental Creek Cleanup Committee's recommendation to adopt the proposed Water Resources Protection Zones Ordinance with revisions were received from: David Low, Destination Home representative; Jeremy Barouse, Amigo de Guadalupe representative; and Alex Senegal, undisclosed residency.

Sixteen (16) statements expressing support for the Environmental Creek Cleanup Committee's recommendation to adopt the proposed Water Resources Protection Zones Ordinance were received from: Robert Ewing, Employees' Association; Katie Muller, Engineer's Society; Jeffrey Shore, Palo Alto resident; Daniel Hansen, San Jose resident; Daniel Costa, S.O.S. representative; Michael Morand, S.O.S. representative; Sam, Hamilton Place Neighborhood Association representative; Hope, undisclosed residency; Jeff Holmbeck, undisclosed residency; Shani Kleinhaus, undisclosed residency; Katja Irvin, Sierra Club Loma Prieta Chapter; Tom Wilson, undisclosed residency; Sharon Luna, San Martin resident; Wendy Li, undisclosed residency; Elva Wilson, undisclosed residency; and Petea, undisclosed residency.

Chairperson Hsueh acknowledged receipt of the attached public comments, identified as Handouts 3.5-A through 3.5-K, respectively herein. Copies of the Handouts were distributed to the Board and made available to the public.

- Motion:
- A. Consider the recommendation resulting from the August 29, 2024, Environmental Creek Cleanup Committee meeting to:
 - i. Adopt the proposed Water Resources Protection Zones Ordinance; and
 - ii. Refer to the Environmental Creek Cleanup Committee a review of current Unhoused Related Agreements with the County of Santa Clara and City of San Jose and Director Beall's collaboration requests.
 - iii. Send Letters to Santa Clara County and the City requesting the opening of cold weather shelters
 - iv. Send a formal request to the San Francisquito Creek Joint Powers Authority (SFCJPA) requesting that they consider adopting a similar Ordinance.

Move to Adopt: Tony Estremera
Second: Barbara F. Keegan
Yeas: Jim Beall, Tony Estremera, Barbara F. Keegan, Richard Santos, John L. Varela, Nai Hsueh
Nays: Rebecca Eisenberg
Abstains: None
Recuses: None
Absent: None
Summary: 6 Yeas; 1 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - 4.4)

Chairperson Hsueh removed Item 4.3 from the Consent Calendar for individual consideration, and the Board considered Consent Calendar Items 4.1 through 4.2, and Item 4.4, under one motion.

- 4.1. Approve Amendment No. 1 to Agreement No. A4536R, with Grassroots Ecology for the Santa Clara Valley Water District, Safe, Clean Water and Natural Flood Protection Program, FY 2020 Safe, Clean Water Project B3 Grant, Extending the Term of the Agreement for One Year and Modifying the Scope and Budget.

Recommendation: Approve Amendment No. 1 to Agreement No. A4536R with Grassroots Ecology for the Santa Clara Valley Water District, Safe, Clean Water and Natural Flood Protection Program, FY 2020 Safe, Clean Water Project B3 Grant, Extending the Term of the Agreement for One Year and modifying the scope and budget.

- 4.2. Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Calabazas Creek Rehabilitation Project, Stage 1-Civil Work (Milestones 1-3) and Stage 2 - Plant Establishment (Milestones 3A, 4, & 5), Under the Watersheds Asset Rehabilitation Program, Granite Construction Company, Contractor, Project No. 62084001, Contract No. C0683, (Cupertino, District 5).

Recommendation: A. Accept the work on the Calabazas Creek Rehabilitation Project, Stage 1 - Civil Work (Milestones 1-3) and Stage 2 - Plant Establishment (Milestones 3A, 4, & 5), Project No. 62084001, Contract No. C0683 as complete; and
B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

- 4.4. Accept the CEO Bulletin for the Weeks of November 8, 2024 - November 21, 2024.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 4.1 through 4.2 and Item 4.4, under one motion, as follows: approve Amendment No. 1 to agreement No. A4536R with Grassroots Ecology for the Santa Clara Valley Water District, Safe, Clean Water and Natural Flood Protection Program, FY 2020 Safe, Clean Water Project B3 Grant, extending the term of the agreement for one year and modifying the scope and budget, as contained in Item 4.1; accept the work on the Calabazas Creek Rehabilitation Project, Stage 1 - Civil Work (Milestones 1-3) and Stage 2 - Plant Establishment (Milestones 3A, 4, & 5), project no. 62084001, contract no. C0683 as complete;

and direct the clerk of the board to sign the notice of completion of contract and acceptance of work and submit for recording to the Santa Clara County Clerk-Recorder, as contained in Item 4.2; and accept the CEO Bulletin, as contained in Item 4.4.

Move to Approve: Richard Santos
Second: John L. Varela
Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera, Barbara F. Keegan, Richard Santos, John L. Varela, Nai Hsueh
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

4.3. Denial of Claim of Robert Liu.

Recommendation: Deny the claim.

Robert Liu, Los Altos resident, expressed disappointment regarding recommended denial of his claim, and requested that the Board reconsider the recommendation.

Move to Deny Claim: Tony Estremera
Second: Nai Hsueh
Yeas: Jim Beall, Tony Estremera, Barbara F. Keegan, Richard Santos, John L. Varela, Nai Hsueh
Nays: Rebecca Eisenberg
Abstains: None
Recuses: None
Absent: None
Summary: 6 Yeas; 1 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

5. BOARD OF DIRECTORS:

5.1. Consider the September 30, 2024, Board Policy and Monitoring Committee Recommendation to Adopt the Proposed Changes to Board Governance Policy 5 (GP-5) to Add Language on the Timing of the Election of the Board Chairperson and Vice Chairperson.

Recommendation: Consider recommendations resulting from the September 30, 2024, Board Policy and Monitoring Committee to:

- A. Adopt the proposed changes to Board Governance Policy GP-5 to add language on the Timing of the Election of the Board Chairperson and Vice Chairperson; and
- B. Provide feedback and recommendations to staff as necessary.

The Board considered Item 5.1 without a staff presentation.

Move to Adopt: Richard Santos
Second: Nai Hsueh
Yeas: Jim Beall, Tony Estremera, Richard Santos,
John L. Varela, Nai Hsueh
Nays: Rebecca Eisenberg, Barbara F. Keegan
Abstains: None
Recuses: None
Absent: None
Summary: 5 Yeas; 2 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

5.2. Board Committee Reports.

The Board reviewed the information on the August 21, 2024, Youth Commission; October 16, 2024, Youth Commission; October 25, 2024, Board Audit Committee; and October 31, 2024, Board Policy and Monitoring Committee meeting summaries and agendas contained in Handouts 5.1-A through 5.1-D, respectively herein, and noted the information without formal action. Copies of the Handouts were distributed to the Board and made available to the public.

6. WATER UTILITY ENTERPRISE:

None.

7. WATERSHEDS:

7.1. Approve a Budget Adjustment in the Amount of \$121,000 for the Construction Contract Contingency Increase of \$121,000 for the Lower Calera Creek Flood Protection Project, Project No. 40174005, Contract No. CO666-1 (Milpitas, District 3).

Recommendation: A. Approve a budget adjustment in the amount of \$121,000 from the Lower Berryessa Creek Phase 1 Flood Protection Project to the Fiscal Year 2025 Lower Berryessa Creek Phase 2 Flood Protection Project; and
B. Approve an increase of \$121,000 to the construction contract contingency sum for the Lower Calera Creek Flood Protection Project for a new running contingency sum of \$380,816.59 and overall contingency sum of \$4,210,571.50.

The Board considered Item 7.1 without a staff presentation.

Move to Approve: John L. Varela
Second: Richard Santos
Yeas: Jim Beall, Rebecca Eisenberg, Tony Estremera,
Barbara F. Keegan, Richard Santos, John L. Varela,
Nai Hsueh
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

None.

9. EXTERNAL AFFAIRS:

None.

10. CHIEF EXECUTIVE OFFICER:

*10.1. CEO and Chiefs' Reports.

Rick Callender, Chief Executive Officer, reviewed the attached Communications Summary, REDI Summary and Storm Report, identified as Handouts 10.1-A through 10.1-C respectively herein. Copies of the Handouts were distributed to the Board and made available to the public.

11. ADMINISTRATION:

None.

12. DISTRICT COUNSEL:

None.

13. BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:

13.1. Review the Fiscal Year 2024-2025 Board Policy Planning Calendar.

Recommendation: Review the Fiscal Year 2024-2025 Board Policy Planning Calendar.

The Board noted the information, without formal action.

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

Director Keegan reflected on her twelve years as a Board Director and thanked Valley Water staff for their hard work and dedication. Director Keegan also thanked Graham Bradner, Executive Director of the Delta Conveyance Authority and Edmund Sullivan, Executive Officer for the Santa Clara Valley Habitat Agency for their acknowledgement of her contributions to the Agency. Director Keegan reported attending regular Committee meetings and various meetings with staff.

Director Varela reported attending the Special Board Meeting, Los Vaqueros Joint Power Authority, Association of California Water Agencies (ACWA) and the Annual Public Facilities Finance Corporation (PFFC) meetings; and reported participating in various meetings with staff.

Director Estremera reported attending aforementioned Special Meeting; and reported participating in various meetings with staff.

Chair Hsueh reported attending the aforementioned Special Board Meeting, Annual PFFC meeting, San Francisquito Creek Joint Powers Authority, and Youth Commission Committee meetings; and reported participating in a Storm Preparedness Media event, and various meetings with staff.

Vice-Chair Santos reported attending the Emergency Operational Area Council (EOAC) Meeting; the Our City Forest Tree Planting event; and reported participating in various meetings with staff.

Director Eisenberg reported auditing the Board Audit Committee (BAC) and Capital Improvement Program (CIP) Committee meetings; and reported participating in meetings with her constituents.

Director Beall reported attending the aforementioned YC and Public Policy Institute on Climate Change (PPIC), and Santa Clara Valley Habitat Agency meetings; a Central Labor Council meeting; the workshop on rain water capture; and reported participating in various meetings with staff.

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

Michele King, Clerk, Board of Directors, confirmed that there were no new Board Member Requests.

16. ADJOURN:

16.1 Adjourn to the 1:00 p.m. Regular meeting on December 10, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Chairperson Hsueh adjourned the meeting at 4:50 p.m., to the 1:00 p.m. Regular meeting on December 10, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Michele L. King, CMC
Clerk, Board of Directors

Approved:
Date: Month DD, YYYY