



BOARD OF DIRECTORS MEETING

MINUTES

**4PM CLOSED SESSION & 6PM REGULAR MEETING
TUESDAY, FEBRUARY 14, 2017
4:00 PM**

(Paragraph numbers coincide with agenda item numbers)

A Closed Session and Regular Meeting of the Santa Clara Valley Water District Board of Directors was called to order at 4:00 p.m. on February 14, 2017, in the District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

1. CALL TO ORDER:

1.1. Roll Call.

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

Director Estremera arrived as noted below.

Staff members in attendance were N. Camacho, Interim Chief Executive Officer (Interim CEO), S. Yamamoto, District Counsel, M. King, Clerk/Board of Directors, M. Baratz, J. Brosnan, R. Callender, A. Cheung, A. Comelo, C. Elias, J. Fielder, V. Gin, G. Hall, D. Jacques, K. Oven, M. Richardson, S. Stanton, D. Taylor, and S. Tikekar.

2. TIME CERTAIN:

Chairperson Varela announced that the Board would adjourn to Closed Session for consideration of Items 2.1 and 2.2.

Director Estremera arrived.

4:00 PM

2.1. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6(a):

Agency Designated Representatives: Norma Camacho, Susan Stanton, Anil Comelo, Michael Baratz, and Laura Harbert

Employee Organizations: Employees Association, Engineers Society, Professional Managers Association

2.2. CLOSED SESSION
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Title: Interim Chief Executive Officer

Upon return to Open Session, the same Board members, including Director Estremera, and staff were present.

6:00 PM

2.3. District Counsel's Report.

Mr. Stan Yamamoto, District Counsel, reported that the Board met in Closed Session with all members present, and gave direction to staff.

2.4. Pledge of Allegiance/National Anthem.

Chairperson Varela led all present in reciting the Pledge of Allegiance.

2.5. Orders of the Day.

Chairperson 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.

Ms. Arlene Goetze, No Toxins for Children, requested information on the origin and chemical composition of fluoride used at District treatment plants, expressed opposition to fluoridation of drinking water, and submitted the attached materials identified as Handout 2.6-A herein. Copies of the Handout were distributed to the Board and made available to the public.

Ms. Katherine Cushing, San Jose State University (SJSU), advised the Board that she was in attendance with students from the SJSU Environmental Studies Department to allow students the opportunity to observe the Board, and expressed appreciation for the clarity of the Board's agenda.

Director Estremera requested that staff prepare a response to the questions raised by Ms. Goetze in Handout 2.6-A (Board Member Request No. R-17-0005).

2.7. State of the District.

Chairperson Varela read into the record the attached State of the District address, identified as Handout 2.7-A herein. Copies of the statement were distributed to the Board and made available to the public.

3. CONSENT CALENDAR:

Director LeZotte requested that Item 3.1 be removed from the Consent Calendar for individual consideration.

- 3.1. Resolution Setting Time and Place of Regular Meetings of the Santa Clara Valley Water District Board of Directors.

Recommendation: Adopt the RESOLUTION SETTING TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND RESCINDING RESOLUTION NO. 16-01.

Director LeZotte requested that the resolution be amended to indicate that the revised Board meeting schedule would be effective for a six month trial period.

Chairperson Varela returned Item 3.1 to the Consent Calendar, and the Board considered Consent Calendar Items 3.1 through 3.6 under one motion.

- 3.1. Resolution Setting Time and Place of Regular Meetings of the Santa Clara Valley Water District Board of Directors.

Recommendation: Adopt the RESOLUTION SETTING TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND RESCINDING RESOLUTION NO. 16-01.

- 3.2. Resolution Setting Time and Place of Public Hearing for the April 11, 2017 Report on Activities in Protection and Augmentation of Water Supplies of District - 2017.

Recommendation: A. Adopt the Resolution CALLING A PUBLIC HEARING TO CONSIDER COMMENTS FROM MEMBERS OF THE PUBLIC ON THE REPORT ON THE ACTIVITIES IN THE PROTECTION AND AUGMENTATION OF THE WATER SUPPLIES OF THE DISTRICT, 2017; and
B. Set time and place for public hearing to occur on April 11, 2017 at 1:00 p.m., at the Santa Clara Valley Water District Board Room, 5700 Almaden Expressway, San Jose, CA 95118.

- 3.3. Membership Nominations for Committee Appointments and Re-Appointments to the Agricultural Water Advisory Committee, the Environmental and Water Resources Committee, and the Safe, Clean Water Independent Monitoring Committee.

Recommendation: Consider the membership appointments to the Agricultural Water Advisory Committee, the Environmental and Water Resources Committee (EWRC), and the Safe, Clean Water Independent Monitoring Committee (SCW IMC).

- 3.4. Semi-Annual Lobbyist Activity Report for the Period July 1, 2016 through December 31, 2016.

Recommendation: Receive the Semi-Annual Lobbyist Activity Report for the period July 1, 2016 through December 31, 2016.

- 3.5. CEO Bulletins for the Weeks of January 20-26, January 27 - February 2, and February 3 - 9, 2017.

Recommendation: Accept the CEO Bulletins.

- 3.6. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1 through 3.6 under one motion, as follows: adopt Resolution No. 17-09, SETTING TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND RESCINDING RESOLUTION NO. 16-01, by roll call vote, as amended in Item 3.1; adopt Resolution No. 17-10, CALLING A PUBLIC HEARING TO CONSIDER COMMENTS FROM MEMBERS OF THE PUBLIC ON THE REPORT ON THE ACTIVITIES IN THE PROTECTION AND AUGMENTATION OF THE WATER SUPPLIES OF THE DISTRICT, 2017, by roll call vote and set time and place for public hearing to occur on April 11, 2017 at 1:00 p.m., as contained in Item 3.2; approve the membership appointments to the Agricultural Water Advisory Committee, the EWRC, and the SCW IMC, as contained in Item 3.3; receive the Semi-Annual Lobbyist Activity Report, as contained in Item 3.4; accept the CEO Bulletins, as contained in Item 3.5; and approve the minutes, as contained in Item 3.6.

Move to Approve: Richard Santos

Second: Gary Kremen

Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara 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.

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Review of 2017 Board Committee Appointments (Continued From January 10, 2017).

Recommendation: A. Review and approve the 2017 committee appointments as submitted by Board Chair in Supplemental Attachment 1; and

B. Appoint new Board Committee Representatives, as necessary.

Motion: Approve the 2017 committee appointments proposed by Chairperson Varela, as contained in Supplemental Attachment 1.

Move to Approve: Richard Santos
Second: Gary Kremen

Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara 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.

4.2. Board Committee Reports.

Director Hsueh reviewed the information contained in Handout 4.2-A, Director Estremera reviewed the information contained in Handout 4.2-B, and Chairperson Varela acknowledged receipt of the attached email from Ms. Lori Morris, Landscape Committee Chair, identified as Handout 4.2-C, herein. Copies of the Handouts were distributed to the Board and made available to the public.

The Board noted the information without formal action.

4.3. Board of Directors Fiscal Year 2018 Budget Message.

Recommendation: Review and adopt the Board Policy and Planning Committee's recommended Board Fiscal Year 2018 Budget Message.

Ms. Michele King, Clerk/Board of Directors, reviewed the information on this item, per the attached Board Agenda Memorandum; and Chairperson Varela acknowledged receipt of the attached email from Ms. Katja Irvin, Sierra Club Loma Prieta Chapter, identified as Handout 4.3-A herein. Copies of the Handout were distributed to the Board and made available to the public.

Motion: Adopt the Board Policy and Planning Committee's recommended Board Fiscal Year 2018 Budget Message, and direct staff to revise the Fiscal Year 2018 Budget Message before publication to ensure it reflects the Board's narrative, and not the Committee's.

Move to Adopt : Richard Santos
Second: Tony Estremera

Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara 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.

5. WATER UTILITY ENTERPRISE:

5.1. Sustainable Groundwater Management Act Compliance for Groundwater Basins Overlapping with San Benito County.

Recommendation: A. Receive information on Sustainable Groundwater Management Act (SGMA) compliance options for groundwater basins overlapping with San Benito County; and
B. Provide direction to staff on which compliance option to pursue for the overlapping groundwater basins described under Recommendation A.

Ms. Vanessa De La Piedra, Groundwater Management Manager, reviewed the information on this item, per the attached Board Agenda Memorandum.

Motion: Approve authorizing staff to take action for the District to become the groundwater sustainability agency for the overlapping groundwater basins between Santa Clara and San Benito Counties, as contained in the attached Board Agenda Memorandum, Pages 3 through 4, Option 1.

Move to Approve: Nai Hsueh
Second: Tony Estremera
Yeas: Tony Estremera, Gary Kremen, Linda J. LeZotte, Barbara 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.

6. WATERSHEDS:

None.

7. CHIEF EXECUTIVE OFFICER:

7.1. Chief Executive Officer Report.

Mr. Chris Elias, Deputy Administrative Officer, reported on staff participation in recent news interviews.

Ms. Angela Cheung, Deputy Operating Officer, reported on the schedule of upcoming Rinconada Water Treatment Plant shutdowns.

Mr. Garth Hall, Deputy Operating Officer, provided an overview of events leading to the evacuation of Oroville and surrounding areas and efforts to repair the Oroville Reservoir emergency spillway and reduce the reservoir level. He confirmed that issues at Oroville Reservoir would have minimal impact on District water supply.

Mr. Jim Fiedler, Chief Operating Officer, Water Utilities, reported that Oroville Reservoir evacuation orders had been lifted.

Mr. Hemang Desai, Engineering Unit Manager, Dam Safety Program, confirmed that the Division of Dam Safety (DOSD), Federal Energy Regulatory Commission (FERC), and various consultants regularly participated in the annual inspections of District dams and spillways. He confirmed that during 2016 inspections, all District dams and spillways were found to be in good condition with no repairs needed, and that all reservoir spill activity was closely monitored by staff. He reported that Anderson Dam had undergone three formal DSOD, FERC, and independent consultant inspections in 2016, all finding its spillway to be in good operating condition.

Ms. Katherine Oven, Deputy Operating Officer, confirmed that staff regularly engaged regulatory agencies in processes and discussions pertaining to District dams and spillways, and duly considered any recommendations and feedback they received.

Ms. Melanie Richardson, Chief Operating Officer, Watersheds, distributed the attached Storm Report identified as Handout 7.1-A herein. Copies of the Handout were distributed to the Board and made available to the public.

Director Keegan requested that staff come back after the storm season with information on the District's spillway and reservoir discharge rules and/or practices, and whether these are effective (Board Member Request No. R-17-0003).

Director Hsueh requested that staff investigate the how recently completed flood protection projects performed during storm events, and what damages would have occurred if those projects had not been done (Board Member Request No. R-17-0004).

8. ADMINISTRATION:

None.

9. DISTRICT COUNSEL:

None.

10. ADJOURN:

10.1. Board Member Reports/Announcements.

Director Keegan reported attending a Santa Clara Valley Water Commission meeting, a Safe, Clean Water Independent Monitoring Committee meeting, a special Board meeting, a Board Policy and Planning Committee meeting, a Board Audit Committee meeting, a Santa Clara City Council meeting, a meeting with a constituent, and a meeting with staff.

Director Santos reported attending a Landscape Committee meeting, a San Luis Delta Mendota Water Authority (SLDMWA) meeting, a South County Recycled Water Authority (SCRWA) meeting, a Berryessa Citizen's Advisory Council meeting, and various meetings with staff.

Chairperson Varela reported attending the aforementioned SLDMWA, SCRWA, Board Planning Policy Committee, and special Board meetings, a Santa Clara County Farm Bureau meeting, a Cunningham Lake Improvement Project meeting, and a Gilroy Chamber of Commerce meeting, and reported participating in a conference call with Board members from the Pajaro River Watershed Flood Prevention Authority.

Director Estremera reported attending a meeting with staff, a Board Audit Committee meeting, a Santa Clara County State of the County event, a City of San Jose Successor to the Redevelopment Agency meeting, and the aforementioned special Board meeting.

Director Hsueh reported attending an Environmental Water Resources Committee meeting.

Director Kremen reported attending the aforementioned SLDMWA meeting.

10.2. Clerk Review and Clarification of Board Requests.

Ms. King read the new Board Member Requests into the record.

10.3. Adjourn to 6:00 p.m. Regular Meeting on February 28, 2017, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Varela adjourned the meeting at 7:20 p.m., in memory of Mr. George Malekos, Project Assistant in the District's Community Projects Review Unit, to the next regularly scheduled meeting at 6:00 p.m. on February 28, 2017, in the District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Michele L. King, CMC
Clerk/Board of Directors

Approved:

Date: 03/14/2017