



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, SEPTEMBER 24, 2019
4:00 PM**

(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, at 4:00 p.m.

1.1. Roll Call.

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

Staff members in attendance were N. Camacho, Chief Executive Officer (CEO), M. King, Clerk, Board of Directors, A. Baker, R. Callender, A. Fulcher, R. Gibson, V. Gin, G. Hall, N. Hawk, B. Hopper, S. Tippetts, B. Yerrapotu, and T. Yoke. Senior Assistant District Counsel L. Orta represented District Counsel S. Yamamoto.

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

2. TIME CERTAIN:

4:00 PM

**2.1. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL**
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

**2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL**
Pursuant to Government Code Section 54957(a):
Threat to Public Services or Facilities-Consultation with Alex Gordon, Emergency and Security Manager

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

6:00 PM

Chairperson LeZotte moved the agenda to Item 2.4.

2.4. Pledge of Allegiance/National Anthem.

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

Chairperson LeZotte returned the agenda to Item 2.3

2.3. District Counsel Report.

Ms. Leslie Orta, Senior Assistant District Counsel, reported that in regard to Items 2.1 and 2.2, the Board met in Closed Session with all members present, and gave direction to staff.

2.5. Orders of the Day.

Chairperson LeZotte 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.

Chairperson LeZotte declared time open for public comment on any item not on the agenda.

A speaker identified as Sam, of undisclosed residency, expressed concern for Valley Water's outreach spending and security at water treatment facilities.

2.7. Review Principles for Participation in the Delta Conveyance Project, and Adopt a Resolution Supporting Governor Newsom's Proposed Delta Conveyance Project.

Recommendation:

- A. Review and discuss proposed principles for participation in the Delta Conveyance Project;
- B. Rescind Resolution No. 17-68, CONDITIONAL SUPPORT OF CALIFORNIA WATERFIX, dated October 17, 2017; and
- C. Adopt the Resolution SUPPORT OF GOVERNOR NEWSOM'S PROPOSED DELTA CONVEYANCE PROJECT ("GOVERNOR'S PROPOSED PROJECT") that expresses support for Governor Newsom in his development of a single tunnel Delta Conveyance Project, and adopt Guiding Principles to shape Valley Water participation in the project.

Mr. Garth Hall, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachments 1 and 2.

Chairperson LeZotte expressed support for all staff-proposed revisions to the proposed resolution with the exception of Attachment 2, Page 4, Paragraph 9,

where she requested that *for a balanced water portfolio* be revised to read *for a portfolio of science-based actions*, and on Page 5, Paragraph 2, Item C, keep the wording *and the environment* previously marked for removal.

Motion: Rescind Resolution No. 17-68, CONDITIONAL SUPPORT OF CALIFORNIA WATERFIX, dated October 17, 2017, and adopt Resolution No. 19-69, SUPPORT OF GOVERNOR NEWSOM'S PROPOSED DELTA CONVEYANCE PROJECT ("GOVERNOR'S PROPOSED PROJECT") as revised by staff and amended by Chairperson LeZotte, by roll call vote.

Move to Adopt: Tony Estremera
Second: John L. Varela
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 through 3.3, under one motion.

- 3.1. Authorize Assignment of Interests Under the Land Transfer and Maintenance Agreement from the Successors-in-Interest of the Coyote Valley Research Park to the City of San Jose.

Recommendation: A. If Required, Authorize Assignment of Interests Under the Land Transfer and Maintenance Agreement from the Successors-in-Interest of the Coyote Valley Research Park, LLC to the City of San Jose; and
B. Authorize Chief Executive Officer to Sign a Letter of Consent to Assignment of Interests Under the Land Transfer and Maintenance Agreement from the Successors-in-Interest of the Coyote Valley Research Park, LLC to the City of San Jose.

- 3.2. Accept the CEO Bulletins for the Weeks of September 6-12, and 13-19, 2019.

Recommendation: Accept the CEO Bulletins.

- 3.3. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1 through 3.3, under one motion, as follows: If required, authorize Assignment of Interests Under the Land Transfer and Maintenance Agreement from the Successors-in-Interest of the Coyote Valley Research Park, LLC to the City of San Jose, and

authorize the CEO to sign a Letter of Consent, as contained in Item 3.1; accept the CEO Bulletins, as contained in Item 3.2; and approve the minutes, as contained in Item 3.3.

Move to Approve: Barbara Keegan
Second: Richard Santos
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela
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. Board Committee Reports.

Standing Reports (Verbal Reports):

1. Delta Conveyance Design and Construction Authority (DCA) Update
2. Delta Conveyance Finance Authority (Finance Authority) Update

Board Committees (Summary or Meeting Agenda):

3. Board Audit Committee (BAC)
4. Board Policy and Planning Committee (BPPC)
5. Capital Improvement Program (CIP) Committee
6. Coyote Flood Risk Reduction (CFRR) Ad Hoc Committee
7. Diversity and Inclusion (D&I) Ad Hoc Committee
8. Fishery and Aquatic Habitat Collaborative Effort (FAHCE) Ad Hoc Committee
9. Homeless Encampment Ad Hoc Committee
10. Recycled Water Committee (RWC)
11. Water Conservation and Demand Management (WCDM) Committee
12. Water Storage Exploratory Committee (WSEC)

Board Advisory Committees (Summary or Meeting Agenda):

13. Agricultural Water Advisory Committee (AWAC)
14. Environmental and Water Resources Committee (EWRC)
15. Santa Clara Valley Water Commission (Water Commission)
16. Youth Commission

Board Joint Committees (Summary or Meeting Agenda):

17. Joint Recycled Water Advisory Committee (JRWAC) (Sunnyvale)
18. Joint Recycled Water Advisory Committee (JRWAC) (East PA/PA/MV)
19. Joint Recycled Water Policy Advisory Committee (JRWPAC) (SJ/SC/TPAC)
20. Joint Water Resources Committee (JWRC) (Gilroy/Morgan Hill)
21. San Felipe Division Reach One

External Committees/Agencies (Verbal Report):

22. ACWA and ACWA Joint Powers Insurance Authority
23. Baylands Shoreline Steering Committee
24. California WaterReuse Association
25. Joint Venture Silicon Valley Board of Directors
26. Landscape Committee
27. Local Agency Formation Commission (LAFCO)
28. Northern California Latino Water Coalition
29. Pajaro River Watershed Flood Protection Authority
30. Redevelopment Dissolution Countywide Oversight Board of Santa Clara County
31. Safe, Clean Water Independent Monitoring Committee (SCW IMC)
32. San Francisquito Creek JPA
33. Santa Clara County Water Retailers
34. Santa Clara Valley Habitat Conservation Plan JPA
35. San Luis and Delta-Mendota Water Authority Board and Delta Habitat Conservation & Conveyance Plan Steering Committee
36. Santa Clara County Emergency Operations Area Council
37. Santa Clara County Recycling and Waste Reduction Commission
38. Santa Clara County Special Districts Association
39. South County Regional Wastewater Authority (SCRWA)
40. Station Area Advisory Group (SAAG)
41. Zone 7, EBRPD, ACWD, SCVWD, LARPD and Tri-Valley Conservancy Liaison Committee

In regard to Items 4.1.4, 4.1.5, 4.1.12, 4.1.16 and 4.1.20, Chairperson LeZotte acknowledged receipt of the attached CIP Committee agenda, and BPPC, WSEC, Youth Commission and JWRC (Gilroy/Morgan) meeting summaries.

Director Hsueh reviewed and distributed the attached CIP Committee meeting summary, identified as Handout 4.1.5-B, herein. Copies of the Handout were distributed to the Board, and made available to the public.

In regard to Item 4.1.1, Director Estremera reported on DCA activities as follows: approval of contracts for the establishment of an office facility, formation of an Engagement Committee consistent with the Joint Powers Authority (JPA) Agreement, appointment of Committee officers, establishment of an Ad Hoc Committee to review applications for Engagement Committee membership, and inclusion of the Delta community in DCA activities.

Director Varela reported on the Silicon Valley Joint Venture Board of Directors meeting, where Bay Area transportation inadequacies and Governor Newsom's housing mandate were discussed.

Directors Estremera, Keegan, Kremen, Santos and Varela encouraged hosting a workshop to discuss water supply to support development associated with Governor Newsom's housing mandate; and Director Keegan requested that staff come back with analysis on the Governor's mandate, and proposed workshop participants and outcomes, before a workshop is scheduled.

Chairperson LeZotte returned the agenda to Item 2.7.

- 2.7. Review Principles for Participation in the Delta Conveyance Project, and Adopt a Resolution Supporting Governor Newsom's Proposed Delta Conveyance Project.

- Recommendation:
- A. Review and discuss proposed principles for participation in the Delta Conveyance Project;
 - B. Rescind Resolution No. 17-68, CONDITIONAL SUPPORT OF CALIFORNIA WATERFIX, dated October 17, 2017; and
 - C. Adopt the Resolution SUPPORT OF GOVERNOR NEWSOM'S PROPOSED DELTA CONVEYANCE PROJECT ("GOVERNOR'S PROPOSED PROJECT") that expresses support for Governor Newsom in his development of a single tunnel Delta Conveyance Project and adopt Guiding Principles to shape Valley Water participation in the project.

Mr. Christophe LaBelle, Silicon Valley Leadership Group, expressed appreciation for the Board's support of a revised single tunnel project.

The Board noted Mr. LaBelle's comment, without formal action.

Chairperson LeZotte returned the agenda to Item 4.2.

- 4.2. Consider Board Policy and Planning Committee's Recommended Revisions to Board Governance Policies, GP-6.3 and EL-3, Associated with Board Members Exercising Authority Over the Organization.

- Recommendation: Review, revise if necessary, and approve the Board Policy and Planning Committee's proposed revisions to Board Governance Policies GP-6.3. and EL-3, incorporating a reporting and managing processes associated with Board Members exercising authority over the organization.

Ms. Michele King, Clerk, Board of Directors, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachments 1 and 2.

Mr. Brian Hopper, Senior Assistant District Counsel, advised the Board that Attachment 1, Page 1, Paragraph 5 should read GP 6.9.17.

- Motion: Deny the BPPC proposed revisions to Board Governance Policy GP-6 and EL-3, with the exception of the following: Attachment 1, Page 2, Paragraph 2, Line 3, ~~Board Administrative~~ **Chief Executive Officer**; Attachment 1, Page 4, Paragraph 2, ~~Human Resources Director~~ **Chief People Officer**. Upon receipt, the ~~Deputy Administrative Officer~~ **Chief People Officer**, and Attachment 1, Page 8, Paragraph 5, Line 4, ~~Deputy Administrative Officer~~ **Chief People Officer**, Human Resources Division. Upon receipt, the ~~Deputy Administrative~~ **Chief People Officer**...

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

Absent: None
Summary: 6 Yeas; 1 Nays; 0 Abstains; 0 Absent.

Director Keegan explained that she voted in opposition to the motion because she supported implementing the policy changes recommended by the BPPC.

4.3. Review of Fiscal Year 2020 Board Policy Planning and Performance Monitoring Calendars.

Recommendation: Review, discuss, and revise the Fiscal Year 2020 Board Policy Planning and Performance Monitoring Calendars.

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

Director Hsueh noted that she would be submitting additions to both calendars from the CIP and BPPC Committees, which would be available at the next meeting.

The Board noted the information, without formal action.

5. WATER UTILITY ENTERPRISE:

None.

6. WATERSHEDS:

6.1. Fiscal Year 2018-2019 (FY19) Safe, Clean Water and Natural Flood Protection Program Annual Report - Year 6.

Recommendation: A. Approve the proposed text adjustments to the Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Program;
B. Approve the FY19 Safe, Clean Water Program Annual Report - Year 6 with unaudited financials; and
C. Authorize staff to finalize the FY19 Safe, Clean Water Program Annual Report - Year 6 Annual Report (with audited financials) and submit the final report to the Independent Monitoring Committee for its review.

Ms. Jessica Collins, Watersheds Business Planning and Analysis Manager, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 2.

Director Hsueh suggested a footnote be included in the Safe, Clean Water and Natural Flood Protection Program Annual Report, to provide transparency of funds transferred from Safe, Clean Water to Water Utilities Enterprise, to support the Anderson Dam Seismic Retrofit Project.

Move to Approve:	Nai Hsueh
Second:	John L. Varela
Yeas:	Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

7. EXTERNAL AFFAIRS:

The Board considered Item 7.1 without a staff presentation.

- 7.1. Approve Recommended Positions on Federal Legislation: H.R. 4033 (Kildee) - Water Justice Act; S. 1837 (Gillibrand) / H.R. 3254 (Delgado) Protecting Infrastructure and Promoting the Economy (PIPE) Act; H.R. 3091 (Loebsack) - National Flood Research and Education Center Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

Recommendation:	A. Adopt a position of "Support and Amend" on H.R. 4033 (Kildee) - Water Justice Act;
	B. Adopt a position of "Support and Amend" on S. 1837 (Gillibrand) / H.R. 3254 (Delgado) - Protecting Infrastructure and Promoting the Economy (PIPE) Act; and
	C. Adopt a position of "Support" on H.R. 3091 (Loebsack) - National Flood Research and Education Center Act.

Move to Adopt:	Tony Estremera
Second:	John L. Varela
Yeas:	Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

8. CHIEF EXECUTIVE OFFICER:

- 8.1. CEO and Chiefs' Report.

Ms. Nina Hawk, Chief Operating Officer, reported on activities related to a Palo Alto/Mountain View/Valley Water Recycled Water partnership.

Mr. Vincent Gin, Acting Chief Operating Officer, reviewed and distributed the attached Stream Maintenance Report, identified as Handout 8.1-A, herein.

Copies of the Handout were distributed to the Board and made available to the public.

Mr. Rick Callender, Chief of External Affairs, reviewed and distributed the attached Office of Government Relations' Update, identified as Handout 8.1-B, herein. Copies of the Handout were distributed to the Board and made available to the public.

9. ADMINISTRATION:

None.

10. DISTRICT COUNSEL:

None.

11. ADJOURN:

11.1. Board Member Reports/Announcements.

Director Varela reported attending San Luis Delta-Mendota Water Authority (SLDMWA) and Joint Venture Silicon Valley Board meetings, a Homeless Encampment Ad Hoc Committee meeting, the Joint Venture Silicon Valley tour of the Bank of Italy, the Madrone Pipeline Restoration Project Community Appreciation Ceremony, and a Gilroy Chamber of Commerce meeting; and participating in two Coastal Cleanup events.

Director Santos reported attending a Guadalupe River community meeting and the opening of the Alviso Pump Station; and participating in a Coastal Cleanup event.

Director Estremera reported attending DCA Board and subcommittee meetings, a Recycled Water Committee meeting, and various meetings with staff; and announced his upcoming meeting with DCA Chief Executive Officer Kathryn Mallon and Mayor Michael Tubbs, City of Stockton.

Director Keegan reported attending the aforementioned DCA Board meeting, a Fishery and Aquatic Habitat Collaborative Effort (FAHCE) meeting, and the San Jose Water 17th Annual Community Leadership BBQ; and participating in a Coastal Cleanup event.

Director Kremen reported attending the aforementioned SLDMWA Board meeting, and meetings with Palo Alto City Council members and constituents.

Director Hsueh reported attending BPPC, WCDM, and CIP meetings, and a meeting regarding developing a Diversity and Inclusion Ad Hoc Committee agenda; and participating in a Coastal Cleanup outreach video and a Coastal Cleanup event.

Chairperson LeZotte reported attending the aforementioned BPPC, WCDM, CIP and FAHCE meetings, a Local Agency Formation Commission Finance

Committee meeting, a Santa Clara Valley Habitat Joint Governing and Implementation Board meeting, and various meetings with staff; and participating in the aforementioned Coastal Clean Up outreach video and a Coastal Cleanup event.

11.2. Proposed Future Board Member Agenda Items.

Director Santos requested that staff come back with quarterly Diversity and Inclusion reports that include information on staff promotions.

11.3. Clerk Review and Clarification of Board Requests.

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

11.4. Adjourn to Regular Meeting at 1:00 p.m., on October 8, 2019, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson LeZotte adjourned the meeting at 7:45 p.m. to the 1:00 p.m., Regular Meeting on October 8, 2019, in the Valley Water Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Michele L. King, CMC
Clerk/Board of Directors

Approved:

Date: