



BOARD OF DIRECTORS MEETING

MINUTES

**AMENDED 1:00 PM REGULAR MEETING
TUESDAY, OCTOBER 8, 2019
1:00 PM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A 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 1:00 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, T. Bramer, R. Callender, G. De La Piedra, R. Gibson, V. Gin, C. Hakes, G. Hall, B. Hopper, N. Nguyen, A. Noriega, M. Richardson, D. Taylor, B. Yerrapotu, and T. Yoke. Senior Assistant District Counsel A. Fulcher represented S. Yamamoto, District Counsel.

1.2 Pledge of Allegiance/National Anthem.

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

1.3 Orders of the Day.

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

1.4 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.

An anonymous representative of Ms. Marina Lipkind, Los Altos resident, expressed complaint that efforts to add an addition to Ms. Lipkind's home were being prevented by Valley Water easement set-back requirements, and

expressed frustration with identifying an agency that could address Ms. Lipkind's concerns.

Director Kremen confirmed that the Board would discuss encroachment policies at the October 22, 2019 regular Board meeting and confirmed his availability to meet with Ms. Lipkind in the interim.

2. TIME CERTAIN:

1:00 PM

- 2.1 Consider Water Storage Exploratory Committee's Recommendations and Associated Staff Analysis from the Committee's August 27, 2019, Meeting.

Recommendation: Consider the Water Storage Exploratory Committee's recommendation that the Board authorize the Chief Executive Officer to negotiate with San Benito County Water District on partnership terms for participation in the Pacheco Reservoir Expansion Project.

Mr. Chris Hakes, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

Move to Authorize: Gary Kremen
Second: Tony Estremera
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:

Chairperson LeZotte removed Items 3.2 and 3.3 from the Consent Calendar for individual consideration, and the Board considered Consent Calendar Items 3.1, 3.4 and 3.5, under one motion.

- 3.1 Claim of Diamond Creek Apartments.

Recommendation: Deny the claim.

- 3.4 Accept the CEO Bulletins for the Weeks of September 20-26, and September 27-October 3, 2019.

Recommendation: Accept the CEO Bulletins.

3.5 Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1, 3.4 and 3.5, under one motion, as follows: deny the claim of Diamond Creek Apartments, as contained in Item 3.1; accept the CEO Bulletins, as contained in Item 3.4; and approve the minutes, as contained in Item 3.5.

Move to Approve: Richard Santos

Second: Tony Estremera

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.

Chairperson LeZotte returned the agenda to Item 3.2.

3.2 Resolution Declaring September 15 to October 15, 2019 as National Hispanic Heritage Month.

Recommendation: Adopt the Resolution DECLARING SEPTEMBER 15 TO OCTOBER 15, 2019, AS NATIONAL HISPANIC HERITAGE MONTH, by roll call vote.

Mr. Christian Ruiz, Vice-President of the Valley Water Organization for Latino Affairs Employee Resource Group (ERG), reviewed the information on this item per the attached Board Agenda Memo, and expressed support for adoption of the resolution.

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.

3.3 Resolution Recognizing the 29th Anniversary of the Americans with Disabilities Act and Commemorating October as National Disability Employment Awareness Month.

Recommendation: Adopt the Resolution RECOGNIZING THE 29th ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT AND COMMEMORATING OCTOBER

AS NATIONAL DISABILITY EMPLOYMENT
AWARENESS MONTH, by roll call vote.

Ms. Katrina Jessop, Associate Engineer and President of the Valley Water Disability Awareness ERG, reviewed the information on this item per the attached Board Agenda Memo, expressed support for adoption of the resolution, and announced the October 17, 2019 informational event on visual disability with guest speaker Alice Turner, Community Relations Manager of Vista Center for the Blind and Visually Impaired.

Move to Adopt:	Gary Kremen
Second:	Barbara Keegan
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 (HEAHC)
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 (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 4.1.9, 4.1.11 and 4.1.18, Chairperson LeZotte acknowledged receipt of the attached letter from Ms. T. Mulvey, dated October 3, 2019, expressing concern about proposed Coyote Creek homeless encampment cleanup, and the attached Water Conservation and Demand Management and Joint Recycled Water Committee with the Cities of Palo Alto and Mountain View meeting summaries, identified as Handouts 4.1.9-A, 4.1.11-A, and 4.1.18-A respectively, herein.

Director Varela reported on the October 7, 2019, Agricultural Water Advisory Committee meeting which included continuing discussion on Open Space Credit, and planning for the December 16, 2019 meeting of stakeholders and elected city, county, and federal government officials to discuss solutions for affordable water for farming in the South Bay region.

5. WATER UTILITY ENTERPRISE:

- 5.1 Receive Additional Information on the Groundwater Benefit Zone Study and Consider Recommendations for Updates to the Groundwater Benefit Zones.

- Recommendation:
- A. Receive information on additional stakeholder feedback and staff recommendations on the Groundwater Benefit Zone Study;
 - B. Provide direction on the staff recommendation to modify existing groundwater benefit zones W-2 and W-5 and to create new zones W-7 (Coyote Valley) and W-8 (below Uvas and Chesbro Reservoirs);
 - C. Direct staff to prepare metes and bounds for Board consideration;
 - D. Provide direction on the staff recommendation to implement modified and new zones beginning July 1, 2020;
 - E. Take no action on policy issue no. 1 (gradational groundwater benefit zones) raised by stakeholders; and
 - F. Provide direction to staff on policy issue nos. 2 through 4 raised by stakeholders.

Mr. Garth Hall, Deputy Operating Officer, introduced presenting staff Ms. Vanessa De La Piedra, Groundwater Unit Manager, and panel members Mr. Adam Hoffman, Partner, Hanson Bridget LLP, Mr. George Cook, Senior Water Resources Specialist, and Mr. Darin Taylor, Chief Financial Officer.

Ms. De La Piedra reviewed the information on this item, per the attached Board Agenda Memo and, per the information contained in Attachment 5.

Mr. Tom Zigterman, Stanford University, Director of Water Resources and Civil Infrastructure, acknowledged meeting with Valley Water staff after the August 27, 2019 Board meeting to discuss areas of disagreement on the benefits of Valley Water activities in North County. He encouraged the Board to delay action on the zone study and continue working with stakeholders.

Motion: Approve Recommendations A-E, and in regard to Recommendation F, direct staff to explore Policy Issue No. 3, as contained in Attachment 3, Page 3, *Develop a mechanism to quantify and implement groundwater charge credits/offsets for direct recharge activities by others*, and to evaluate any proposals developed and funded by stakeholders related to Policy Issue Nos. 2, 4 and 5, as contained in Attachment 3, Pages 2 and 3.

Move to Approve: Gary Kremen
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.

The Board considered Item 5.2 without a staff presentation.

5.2 Accept Audit Report of the Water Utility Enterprise Funds for the Fiscal Year Ended June 30, 2018.

Recommendation: Accept the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year ended June 30, 2018.

Move to Accept: John L. Varela
Second: Tony Estremera
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.

6. WATERSHEDS:

6.1 Consider the Validation Process and Financial Planning Schedule for Capital Projects, and Review and Provide Feedback on the Fiscal Year 2020-21 (FY21) Initially Validated, and Current Unfunded Projects.

Recommendation: A. Consider the Validation Process for Capital Projects, as follows:
i. Receive the Capital Improvement Program (CIP) Committee recommendation to support the current Validation Process as the decision-making tool for the Board to approve the Preliminary CIP;
ii. Provide feedback, if necessary, and approve the Validation Process as a robust and appropriate process;
iii. Review and comment on the list of FY21 Initially Validated at Deputy level, and Current Unfunded Projects; and
B. Review the CIP Financial Planning Schedule.

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 1.

Move to Approve: Nai Hsueh
Second: Tony Estremera
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:

None.

Director Varela stepped out of the meeting and returned as noted below.

8. CHIEF EXECUTIVE OFFICER:

- 8.1 ITEM REMOVED FROM AGENDA (Fiscal Year 2018-19 Updated Preliminary and Unaudited Financial Status Report.)

The Board noted that Item 8.1 had been removed from the agenda, and considered Item 8.2 without a staff presentation.

- 8.2 Approve Sole-Source On-Call Agreement with Vena Solutions, Inc., for On-Call Enhancements and Support Services for the Capital Improvement Program Development Project, Project Nos. 00074033, 00074038, and 60221001, CAS File No. 5027, for an Amount Not-to-Exceed \$302,000.

Recommendation: Approve a Sole-Source On-Call Agreement with Vena Solutions, Inc., for On-Call Enhancements and Support Services for the Capital Improvement Program (CIP) Development Project, Project Nos. 00074033, 00074038, and 60221001, CAS File No. 5027, for a not-to-exceed total of \$302,000.

Move to Approve: Nai Hsueh
Second: Tony Estremera
Yeas: Tony Estremera, Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos
Nays: None
Abstains: None
Recuses: None
Absent: John L. Varela
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

Director Varela returned.

- 8.3 CEO and Chiefs' Report.

Ms. Norma Camacho, Chief Executive Officer, and Mr. Alex Gordon, Emergency Services Unit Manager, reported on preparations for the upcoming Pacific Gas & Electric power Public Safety Power Shutdown.

Ms. Nina Hawk, Chief Operating Officer, reported on precautionary efforts against a Santa Teresa Water Treatment Plant power shutdown and the resumption of operations at the Penitencia Water Treatment Plant.

Mr. Rick Callender, Chief of External Affairs, reported on outreach efforts associated with the Public Safety Power Shutdown and the October 4, 2019 Water Walk Tour; and reviewed and distributed the attached Office of Civic

Engagement and Office of Communication reports, identified as Handouts 8.3-A and 8.3-B herein.

Ms. Melanie Richardson, Chief Operating Officer, reviewed and distributed the attached Stream Maintenance Report, identified as Handout 8.3-C herein.

Copies of the Handouts 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 Santos reported attending Homeless Encampment Ad Hoc Committee, Agricultural Water Advisory Committee, Landscape Committee, and South County Regional Wastewater Authority Monthly Board meetings, and participating in the Water Conservation and Demand Management Committee (WCDM) and the Santa Clara County Farm Bureau (SCCFB) special joint tour, and the Silicon Valley Advanced Water Purification Center Water Walk Tour.

Director Estremera reported attending the Organization for Latino Affairs Hispanic Heritage Month event, a Delta Conveyance Authority (DCA) meeting, and meetings with Ms. Kathryn Mallon, DCA Executive Director, and Mr. Michael Tubbs, Stockton Mayor.

Director Kremen reported attending various meetings with staff.

Director Keegan reported attending various meetings with staff, a meeting with San Jose City Council Member Raul Perez, and a meeting organized by San Jose City Council Member Dev Davis regarding homeless encampments.

Director Hsueh reported participating in the aforementioned WCDM and SCCFB special joint tour, the Women of Water (WOW) event, and attending the aforementioned Landscape and Agricultural Water Advisory Committee meetings, a meeting with Mr. Peter Drekmeier, Policy Director for the Tuolumne River Trust, and various meetings with staff.

Chairperson LeZotte reported attending a Local Agency Formation Commission meeting, the aforementioned WOW Employee Resource Group event, and various meetings with staff.

Director Keegan requested that staff provide San Jose City Council Member Dev Davis' office with a brief summary of Valley Water funds spent and activities performed on homeless encampments (Board Member Request No. R-19-0013).

11.2 Proposed Future Board Member Agenda Items.

None.

11.3 Clerk Review and Clarification of Board Requests.

Ms. Michele King, Clerk, Board of Directors, read the new Board Member Request into the record.

11.4 Adjourn to 5:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on October 22, 2019, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson LeZotte adjourned the meeting at 2:30 p.m., to the 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on October 22, 2019, in the Valley Water Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: