



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, MARCH 10, 2020
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, at 11:00 a.m.

1.1. Roll Call.

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

Directors Gary Kremen and John L. Varela participated by teleconference.

Staff members in attendance were S. Yamamoto, District Counsel, M. King, Clerk, Board of Directors, R. Blank, R. Callender, R. Fuller, R. Gibson, V. Gin, C. Hakes, M. Lugo, H. McMahon, N. Nguyen, L. Orta, and M. Richardson. Mr. Heath McMahon, Deputy Operating Officer, represented Ms. Nina Hawk, Chief Operating Officer; Ms. Tina Yoke, Chief Operating Officer, represented Ms. Norma Camacho, Chief Executive Officer; and Mr. Michael Cook, Deputy Administrative Officer, represented Ms. Tina Yoke, Chief Operating Officer.

Chairperson Hsueh confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1, 2.2, and 2.3.

2. TIME CERTAIN:

11:00 AM

- 2.1. CLOSED SESSION WITH LEGAL COUNSEL
PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957(b)(1)
Title: CEO, District Counsel and Clerk of the Board

- 2.2. CLOSED SESSION
PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code Section 54957(b)(1)
Title: Chief Executive Officer/General Manager
- 2.3. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
Initiation of Litigation
Government Code Section 54956.9(d)(4)
One Case

1:00 PM

Upon return to Open Session, the same Board members, including Directors Kremen and Varela via teleconference, and staff were present.

- 2.4. District Counsel Report.

Ms. Leslie Orta, Senior Assistant District Counsel, reported that in regard to Items 2.1, 2.2, and 2.3, the Board met in Closed Session with all members present, including Directors Kremen and Varela via teleconference, and gave direction to staff.

- 2.5. Pledge of Allegiance/National Anthem.

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

- 2.6. Orders of the Day.

Chairperson Hsueh confirmed that Item 3.2 would be considered after the Consent Calendar.

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

Chairperson Hsueh declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

- 2.8. Sandy Rosenthal Presentation on Her Upcoming Book, Words Whispered in Water: Why the Levees Broke in Hurricane Katrina (Mango Publishing).

The Board noted that Item 2.8 had been removed from the Agenda.

- 2.9. Update on United States Army Corps of Engineers Partnership Projects for Fiscal Year 2020.

Recommendation: Receive and discuss information related to status of the United States Army Corps of Engineers projects where Valley Water is the Local Sponsor, Co-Local Sponsor, or member of a Local Sponsor Agency.

Mr. Ngoc Nguyen, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memorandum, and Lieutenant Colonel John Cunningham, and Mr. Stu Townsley, U.S. Army Corps of Engineers, reviewed the presentation materials contained in Attachment 1.

The Board noted the information without formal action.

2.10. Adopt Fiscal Year 2021 Federal Appropriations Requests.

Recommendation: Adopt the recommended federal Fiscal Year (FY) 2021 appropriations requests for Valley Water-sponsored and Valley Water-supported projects.

Ms. Rachael Gibson, Deputy Administrative Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

Move to Adopt: Linda J. LeZotte
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 Hsueh removed Item 3.2 from the Consent Calendar for individual consideration, and the Board considered Consent Calendar Items 3.1 and 3.3 through 3.7, under one motion.

3.1. Adopt Resolution Setting Time and Place of Public Hearing to Consider Adopting Modified Groundwater Benefit Zones W-2 and W-5, and New Groundwater Benefit Zones W-7 and W-8.

Recommendation: A. Adopt the RESOLUTION SETTING TIME AND PLACE OF PUBLIC HEARING TO CONSIDER ADOPTING MODIFIED GROUNDWATER BENEFIT ZONES W-2 AND W-5, AND NEW GROUNDWATER BENEFIT ZONES W-7 AND W-8; and
B. Set time and place for public hearing to occur on April 14, 2020 at 1:00 p.m., at the Santa Clara Valley Water District Board Room, 5700 Almaden Expressway, San Jose, CA 95118.

3.3. Claim of David Walter Wessel and Karen Michele Platt.

Recommendation: Deny the claim.

- 3.4. Membership Nomination for Board Chair Re-Appointment to the Agricultural Water Advisory Committee.

Recommendation: Consider Board Chair's one-year re-appointment to the Agricultural Water Advisory Committee.

- 3.5. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2019.

Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2019; and
B. Approve the report, if the reimbursements comply with Board Policy.

- 3.6. Accept the CEO Bulletins for the Weeks of February 21-27, and February 28 Through March 5, 2020.

Recommendation: Accept the CEO Bulletins.

- 3.7. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1, and 3.3 through 3.7, under one motion, as follows: Adopt Resolution No. 20-10, RESOLUTION SETTING TIME AND PLACE OF PUBLIC HEARING TO CONSIDER ADOPTING MODIFIED GROUNDWATER BENEFIT ZONES W-2 AND W-5, AND NEW GROUNDWATER BENEFIT ZONES W-7 AND W-8, by roll call vote, as contained in Items 3.1; deny the claim of David Walter Wessel and Karen Michele Platt, as contained in Item 3.3; approve the Board Chair's one-year re-appointment to the Agricultural Water Advisory Committee, as contained in Item 3.4; approve the Board of Director's quarterly expense report for the Quarter Ending December 31, 2019, as contained in Item 3.5; approve the CEO Bulletins, as contained in Item 3.6; and approve the minutes, as contained in Item 3.7.

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 Hsueh returned the Agenda to Item 3.2.

3.2. Deny Claim of Kiara Jones. (Continued from January 28, 2020)

Recommendation: Deny the claim.

Mr. David Cahen, Risk Manager, reviewed the information on this Item, per the attached Board Agenda Memorandum, and Ms. Kiara Jones reviewed the Repair Estimate materials contained in Attachment 2.

Motion: The Board accepted the claimant's repair estimate and approved payment of the claim, as contained in Attachment 2.

Move to Approve: Tony Estremera

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.

Chairperson Hsueh returned the Agenda to Item 4.1.

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Board Committee Reports.

In regard to Handouts 4.1-A, 4.1-B, 4.1-C, and 4.1-D, Chairperson Hsueh acknowledged receipt of the attached Board Audit Committee, Capital Improvement Program Committee, and Agricultural Water Advisory Committee summaries, and Capital Improvement Program agenda. Copies of the Handouts were distributed to the Board and made available to the public.

4.2. Proposed Future Board Member Agenda Items.

None.

4.3. Santa Clara Valley Water District Youth Commission's Recommendations and Associated Staff Analyses from the Commission's February 19, 2020 Meeting.

Recommendation: That the Board consider the following recommendations by the Santa Clara Valley Water District Youth Commission:
A. Consider the Artist, Mr. Paul J. Gonzalez's drawings for the Adopt-A-Bench Project; and
B. Consider the Commissioners having a signature on the seven benches from the 2019-2020 group for historical purposes.

Ms. Kristen Yasukawa, Program Administrator, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 1.

Move to Approve: Tony Estremera
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.

5. WATER UTILITY ENTERPRISE:

- 5.1. Amendment One to Contract No. C0601 for the Rinconada Water Treatment Plant Reliability Improvement Project, Balfour Beatty Infrastructure, Inc., Contractor, Project No. 93294057, Contract No. C0601 (Los Gatos) (District 7).

Recommendation: Approve Amendment One to Contract dated May 26, 2015, Rinconada Water Treatment Plant Reliability Improvement Project with Balfour Beatty Infrastructure, Inc.

Mr. Heath McMahon, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

Move to Approve: Tony Estremera
Second: Linda J. LeZotte
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. Capital Improvement Program Fiscal Year 2020 Progress Report for Watersheds Capital Projects.

Recommendation: Receive information from staff on the Fiscal Year (FY) 2020 Capital Improvement Program (CIP) progress reports for key Watersheds capital projects.

The Board noted the information contained in Item 6.1 without a staff presentation.

6.2. Management Response to Independent Monitoring Committee Report on Safe, Clean Water and Natural Flood Protection Program Year 6 Annual Report for Fiscal Year 2018-2019.

- Recommendation: A. Accept Management Response to Independent Monitoring Committee Report on Safe, Clean Water and Natural Flood Protection Program Year 6 Annual Report for Fiscal Year 2018-2019; and
 B. Provide additional direction as necessary.

Ms. Meenakshi Ganjoo, Program Administrator, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 2.

Ms. Alex Von Feldt, Grassroots Ecology, thanked the Board for their involvement with grant funding, and recommended that Valley Water take steps to simplify the Grantee repayment process.

Move to Accept: Tony Estremera
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.

7. EXTERNAL AFFAIRS:

None.

8. CHIEF EXECUTIVE OFFICER:

Chairperson Hsueh moved the Agenda to Item 8.2.

8.2. Update on Coronavirus Response.

Mr. Alexander Gordon, Emergency and Security Manager, reported that with the assistance of the janitorial service Valley Water increased the cleaning and hygiene for all facilities on a daily basis; reported on the development of an internal web page so that employees can review the best practices for hygiene, social distancing and suggestions to help protect themselves and to limit the spread for COVID-19; reported on the completion of the final draft of the new SCVWD Pandemic and Infectious Disease Plan; reported that the Emergency Operations Center was activated on Friday, March 6, 2020, and is being run remotely by video conferencing; and assured the Board that all actions being taken by Valley Water are in line with Federal, State, and local guidelines.

Chairperson Hsueh returned the Agenda to Item 8.1.

8.1. CEO and Chiefs' Report.

Mr. McMahon informed the Board that the Water Quality Lab Scored 100 percent during its annual performance review; reported on a meeting with the State of California Division of Drinking Water; and reported on staff discussions with the California Department of Water Resources regarding expediting preventative maintenance work on the South Bay Aqueduct.

Ms. Melanie Richardson, Chief Operating Officer, distributed and reviewed the attached Storm 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, distributed and reviewed the attached Office of Civic Engagement and Office of Communications Updates, identified as Handouts 8.1-B and 8.1-C, respectively herein. Copies of the Handouts were distributed to the Board and made available to the public.

Ms. Tina Yoke, Acting Chief Executive Officer, informed the Board that a staff member had tested positive for the Covid-19 virus, and discussed steps being taken to keep Valley Water employees safe.

9. **ADMINISTRATION:**

None.

10. **DISTRICT COUNSEL:**

None.

11. **ADJOURN:**

11.1. Board Member Reports/Announcements.

Director Santos reported attending a 2020 Landscape Summit meeting; and a Berryessa Citizens Advisory Council meeting.

Director Estremera reported attending a Delta Conveyance Design and Construction Authority (DCA) Stakeholder Engagement Committee Meeting; a Capital Improvement Program (CIP) Committee meeting; and various meetings with staff.

Chairperson Hsueh reported attending the aforementioned 2020 Landscape Summit, and CIP Committee meetings; a Water 101 Academy session 1 meeting; a Landscape Committee meeting; and a 2020 Priorities meeting.

Director Keegan reported attending the aforementioned DCA Stakeholder Engagement Committee meeting; and various meetings with staff.

11.2. Clerk Review and Clarification of Board Requests.

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

- 11.3. Adjourn to 12:00 p.m. Closed Session and 2:00 p.m. Special Meeting on March 18, 2020, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Hsueh adjourned the meeting at 3:00 p.m., in honor of Former Mayor Susan Hammer, to the 12:00 p.m. Closed Session and 2:00 p.m. Special Meeting on March 18, 2020, in the Valley Water Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose.

Michele L. King, CMC
Clerk/Board of Directors

Approved:

Date: 04/28/2020

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