



BOARD OF DIRECTORS MEETING

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# MINUTES

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**CLOSED SESSION AND SPECIAL MEETING  
WEDNESDAY, MARCH 18, 2020  
12:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER:**

A Closed Session and Special 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 12:00 p.m.

**1.1 Roll Call.**

Board members present were Nai Hsueh and Richard Santos.

Board members participating by teleconference were Tony Estremera, Barbara Keegan, Gary Kremen, Linda J. LeZotte, 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, and C. Kwok-Smith, Board Support Officer. Senior Assistant District Counsel B. Hopper represented District Counsel S. Yamamoto.

Staff members participating by teleconference were A. Baker, R. Blank, R. Callender, R. Chan, M. Cook, G. De La Piedra, A. Fulcher, R. Fuller, R. Gibson, V. Gin, C. Hakes, G. Hall, B. Hopper, N. Hawk, L. Bankosh, M. Lugo, H. McMahon, L. Orta, M. Richardson, D. Taylor, B. Yerrapotu, and T. Yoke.

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

**2. TIME CERTAIN:**

**12:00 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 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Herlinda Espitia vs. Santa Clara Valley Water District, et al.

Santa Clara County Superior Court, Case No. 20CV363712

The Board's return to Open Session, originally scheduled for 2:00 p.m., was delayed until 3:00 p.m.

Upon return to Open Session, Director Kremen left the teleconference and did not return, and the same Board members and staff, excluding Director Kremen, were present.

**2:00 PM**

2.3 District Counsel Report

Mr. Brian Hopper, Senior Assistant District Counsel, reported that in regard to Items 2.1 and 2.2, the Board met in Closed Session with Chairperson Hsueh and Director Santos physically present, and Directors Estremera, Keegan, Kremen, LeZotte, and Varela participating by teleconference, and gave direction to staff.

2.4. Pledge of Allegiance/National Anthem

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

2.5. 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 telephonically or physically present who wished to speak.

Chairperson Hsueh noted that Items 2.6 and 2.7, as described below, had been removed from the agenda.

2.6. Consideration of Project Labor Agreement.

2.7. Receive Information and Discuss Public Safety, Water Supply, Water Quality, and Biological Impacts of Additional Interim Risk Reduction Measures mandated by the Federal Energy Regulatory Commission (FERC) prior to Construction of the Anderson Dam Seismic Retrofit Project (ADSRP) (Morgan Hill, District 1).

Chairperson Hsueh moved the agenda to Item 2.9, and reviewed the information on Items 2.9 and 2.8, per the attached Board Agenda Memos.

2.9. Ratification and Declaration of State of Emergency COVID-19 Resulting in the Threat to Public Services.

Recommendation:   A. Ratify the declaration of emergency declared by Chief Executive Officer (CEO) on March 13, 2020; and  
                              B. Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by

the CEO on March 13, 2020, due to the threat to public services posed by the novel coronavirus – COVID-19.

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

Chairperson Hsueh returned the Agenda to Item 2.8.

2.8. Discuss Parameters for Conducting Brown Acted Public Board and Committee Meetings in Consideration of Section 11 of Governor Newsom's Executive Order N-25-20, Relevant to the Brown Act and Social Distancing.

Recommendation: A. Discuss parameters for conducting Brown Acted Public Board and Committee Meetings in consideration of Section 11 of Governor Newsom's Executive Order N-25-20, relevant to the Brown Act; and  
B. Provide direction to staff.

Chairperson Hsueh noted that Item 2.8 had been prepared and published prior to California State Governor Gavin Newsom's statewide order to shelter in place; discussed the need to cancel meetings in compliance with the order; and distributed and reviewed the attached memorandum proposing cancellations and rescheduling of meetings through April 28, 2020, identified as Handout 2.8-A, herein. Copies of the Handout were distributed to the Board and made available to the public.

The Board approved the following cancellation and rescheduling of meetings, as proposed in Handout 2.8-A:

- March 24, 2020 Regular Meeting – Postpone all non-essential business items to the April 28, 2020 Regular Meeting, and meet for Closed Session discussion only;
- April 14, 2020 Regular Meeting – Postpone all non-essential business items to the April 28, 2020 Regular Meeting, including the previously advertised public hearings on the Protection and Augmentation of Water Supplies, Modification of Groundwater Benefit Zones, and Draft Fiscal Years 2021-2025 Five-Year Capital Improvement Program, and meet for Closed Session discussion only;
- April 15, 2020 Special Meeting – Cancel;
- April 21, 2020 Special Meeting – Reschedule in May 2020, or later;

- April 22, 2020 Special Meeting – Proceed as planned;
- April 23, 2020 Special Meeting/South County Public Hearing – Postponed to the April 28, 2020 Regular Meeting;
- April 27, 2020 Special Joint Meeting with Cities of Gilroy and Morgan Hill – Reschedule to May 2020, or later;
- April 28, 2020 Regular Meeting – Proceed as planned, including conducting Public Hearings on the Protection and Augmentation of Water Supplies, Modification of Groundwater Benefit Zones, and the Draft Fiscal Years 2021-2025 Five-Year Capital Improvement Program, previously advertised to be held on April 14, 2020;
- April 29, 2020 Special Budget Hearing – Proceed as planned;
- April 30, 2020 Special Budget Hearing, Session 2 – Cancel.

Additionally, the Board requested that all committee meetings scheduled to be held between March 19 and April 30, 2020, be rescheduled to May 2020, or later.

2.10. Update on the Condition of the Milpitas Pipeline and Determination that the Condition of the Milpitas Pipeline Continues to Constitute an Emergency (San Jose) (District 3).

Recommendation:     A. Receive an update on the Milpitas Pipeline; and  
                               B. Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on March 16, 2020, pursuant to California Public Contract Code § 22050, to repair the Milpitas Pipeline.

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

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

### 3. ADJOURN:

3.1. Clerk Review and Clarification of Board Requests.

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

- 3.2. Adjourn to 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on March 24, 2020, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Hsueh adjourned the meeting at 4:20 p.m., to the 4:00 p.m. Special Closed Session Meeting on Tuesday, March 24, 2020, to be called to order in compliance with California State Governor Executive Orders N-25-20 and N-29-20.

Michele L. King, CMC  
Clerk, Board of Directors

Approved:

Date: 04/28/2020

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