



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND SPECIAL MEETING
MONDAY, APRIL 6, 2020
11:00 AM**

(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 11:00 a.m.

1.1 Roll Call.

Board members in attendance were Nai Hsueh and Richard Santos, and 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 in attendance was M. King, Clerk, Board of Directors, and staff members participating by teleconference were N. Camacho, Chief Executive Officer, S. Yamamoto, District Counsel, A. Baker, R. Callender, M. Cook, G. De La Piedra, A. Fulcher, R. Gibson, C. Hakes, G. Hall, B. Hopper, N. Hawk, M. Lugo, H. McMahon, M. Richardson, D. Taylor, B. Yerrapotu, and T. Yoke.

Chairperson Hsueh announced that the Board would adjourn to Closed Session and declared time open for public comment on Item 2.1.

Five statements expressing support for the continuation of Valley Water's teleworking program, the use of COVID-19 Charge Codes, and alternating work schedules for social distancing were received from Mr. Stanley Young, International Federation of Professional and Technical Engineers, Local 21; Mr. Brian Dane, American Federation of State, County and Municipal Employees, Local 101; Mr. Michael Duffy, President, Professional Managers Association; Ms. Marisela Garcia-Benitez, President, Engineers Society; and Ms. Christina Pilson, President, Employees Association.

Mr. Duffy additionally encouraged the Board to refrain from making long-term decisions due to the uncertainty of the current emergency situation.

2. TIME CERTAIN:

11:00 AM

- 2.1. CLOSED SESSION
CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Norma Camacho, Michael Baratz, Tina Yoke, Anna Noriega.
Employee Organizations: Employees Association, Engineers Society, Professional Managers Association.

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

12:00 PM

- 2.2. District Counsel Report.

Chairperson Hsueh reported that the Board met in Closed Session in regard to Item 2.1, with herself and Director Santos present, and with Directors Estremera, Keegan, Kremen, LeZotte, and Varela participating by teleconference, and voted unanimously to continue use of COVID-19 charge codes until the County of Santa Clara and the State of California modify the shelter in place order.

- 2.3. Pledge of Allegiance/National Anthem.

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

- 2.4. 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.

- 2.5. Discussion on Alternatives to Consider for Purposes of the Fiscal Year (FY) 2020-21 Budget, Capital Improvement Program (CIP), and Water Charge Setting Processes in Response to the COVID-19 Pandemic.

Recommendation: Discuss alternatives for staff to consider in preparation for the Groundwater Production Charge and CIP public hearings scheduled for April 28, 2020, and the Budget Work Study Session scheduled for April 29, 2020, and provide direction to staff as necessary.

Mr. Darin Taylor, Chief Financial Officer, reviewed the information on this item, per the attached Board Agenda Memo.

Chairperson Hsueh acknowledged receipt of the attached memo from Director Varela, requesting the Board consider freezing ground and surface water charges for one year at their current rate, identified as Handout 2.5-A herein. Copies of the Handout were distributed to the Board and made available to the public.

The Board made the following requests of staff:

- Examine no increase in water rates for FY 21 for a period of three months, one-half of the year, and the entire year;
- Bring back ideas on how Valley Water could engage in targeted assistance to end customers, including potential partnerships with

non-profit organizations within the county that provide direct assistance to families;

- Bring back ideas on how Valley Water could provide targeted loans to end customers or retailers; and
- Discuss the merits of a hiring freeze.

In response to Director LeZotte, Mr. Stanley Yamamoto, District Counsel, reminded the Board that Section 26.3 of the District Act specifies that revenue generated from groundwater production must be used for Water Utility projects.

Mr. Taylor informed the Board that, as a work-around to limitations similar to those described by Mr. Yamamoto, some municipalities had established programs where more fortunate members of the community were enabled to make private donations towards the utilities expenses of others.

Ms. Norma Camacho, Chief Executive Officer, confirmed that staff would also investigate any additional legislative initiatives that should be considered by the Board.

Chairperson Hsueh declared time open for public comment and, seeing no one present who wished to speak, requested that staff investigate all matters discussed herein, and come back to the Board during the April 28 and 29, 2020 Regular and Special Meetings.

- 2.6 Proposed Amendments to Consultant Agreements to Enable Valley Water's Compliance with February 20, 2020 Order of the Federal Energy Regulatory Commission on Anderson Dam Seismic Retrofit Project, Project No. 91864005; Authorize Chief Executive Officer to Negotiate and Execute Amendment No. 7 to Agreement A3676A Between Santa Clara Valley Water District and URS Corporation and Amendment No. 8 to Agreement A3555A Between Santa Clara Valley Water District and Black and Veatch Corporation up to an additional \$10M.

- Recommendation:
- A. Discuss the need to amend consultant agreements with URS Corporation (for engineering design services) and Black and Veatch Corporation (for project management services) to enable Valley Water's compliance with the February 20, 2020 letter order of Federal Energy Regulatory Commission (FERC) concerning the Anderson Dam Seismic Retrofit Project (ADSRP); and
 - B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 7 to Agreement A3676A with URS Corporation up to an additional \$8M and Amendment No. 8 to Agreement A3555A with Black and Veatch Corporation up to an additional \$2M.

Mr. Chris Hakes, Deputy Operating Officer, reviewed the information on this item per the attached Board Agenda Memo.

Move to Authorize: 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.

3. ADJOURN:

3.1. Board Member Reports/Announcements.

Director LeZotte requested that staff support the Santa Clara County Department of Public Health's efforts to promote social distancing, by providing links to the Department of Public Health website on Valley Water's social media posts; that staff initiate public outreach messages that discuss the impact of flushing paper towels and sanitizing wipes on personal and public infrastructure sewer systems; and that staff also make public the summaries it prepares from Santa Clara County COVID-19 weekly conference calls with elected officials.

3.2 Clerk Review and Clarification of Board Requests.

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

3.3. Adjourn to the 11:00 a.m. Special Closed Session Meeting on Tuesday, April 14, 2020, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

Chairperson Hsueh adjourned the meeting at 1:20 p.m. to the 11:00 a.m. Special Closed Session Meeting on April 14, 2020, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

Michele L. King, CMC
Clerk, Board of Directors

Approved:

Date: