



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, JUNE 9, 2020
12:00 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 12:00 p.m.

1.1. Roll Call.

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

Staff members in attendance were M. King, Clerk, Board of Directors. Staff participating by teleconference were N. Camacho, Chief Executive Officer (CEO), S. Yamamoto, District Counsel, J. Aranda, A. Baker, R. Callender, G. De La Piedra, A. Fulcher, R. Gibson, V. Gin, C. Hakes, G. Hall, M. Lugo, H. McMahon, M. Richardson, D. Taylor, S. Tippetts, B. Yerrapotu, and T. Yoke.

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

2. TIME CERTAIN:

12:00 PM

- 2.1. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
POTENTIAL INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(D)(4)
Two Potential Cases**

1:00 PM

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

2.2. District Counsel Report on Closed Session.

Mr. Stan Yamamoto, District Counsel, reported that in regard to Item 2.1, the Board met in Closed Session with all members present, and gave direction to staff.

2.3. Pledge of Allegiance/National Anthem.

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

2.4. Orders of the Day.

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

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

Seven statements expressing support for the completion of the investigation and public records request letter from Rev. Jethroe Moore II, San Jose Silicon Valley National Association for the Advancement of Colored People (NAACP), dated May 27, 2020 were received from: Ms. Alice Huffman, and Rev. Moore, San Jose Silicon Valley NAACP former and current Presidents, respectively, and Mr. Dan Daniels, NAACP Coastal Region Director; Mr. Walter Wilson, Silicon Valley Minority Business Consortium; Mr. Bob Nunez, La Raza Roundtable Co-Chairperson; Mr. Bob Pasqua, Native Voice Television; and Ms. Rose Amador, ConXion to Community Chief Executive Officer.

3. CONSENT CALENDAR:

Chairperson Hsueh removed Items 3.2 and 3.3 from the Consent Calendar for individual consideration, and the Board considered Consent Calendar Items 3.1 and 3.4 through 3.6, under one motion.

3.1. Adopt the Resolution Requesting and Consenting to Consolidation of Elections for November 3, 2020.

Recommendation: Adopt the Resolution REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTION.

3.4. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending March 31, 2020.

Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending March 31, 2020; and
B. Approve the report, if the reimbursements comply with Board Policy.

3.5. Accept the CEO Bulletin for the Weeks of May 22 Through June 4, 2020.

Recommendation: Accept the CEO Bulletin.

3.6. Approval of Minutes.

Recommendation: Approve the minutes.

Motion: Approve Consent Calendar Items 3.1 and 3.4 through 3.6, under one motion, as follows: Adopt Resolution No. 20-56, REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTION, by roll call vote, as contained in Item 3.1; approve the Board of Directors' quarterly expense report for the quarter ending March 31, 2020, as contained in Item 3.4; accept the CEO Bulletin, as contained in Item 3.5; and approve the minutes, as contained in Item 3.6.

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. Resolution to Set a Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project, Project No. 91864005 (Morgan Hill) (District 1).

Recommendation: Adopt the Resolution PROVIDING FOR THE NOTICE OF TIME AND PLACE OF PUBLIC HEARING ON THE ENGINEER'S REPORT AND CEQA EXEMPTION DETERMINATION FOR THE ANDERSON DAM FEDERAL ENERGY REGULATORY COMMISSION ORDER COMPLIANCE PROJECT to occur on June 23, 2020, at 6:00 PM by teleconference Zoom meeting.

The Board considered Item 3.2 without a staff presentation.

Director LeZotte asked staff if they were planning on responding to the letter from Sierra Club, Handout 3.2-A. Chairperson Hsueh stated that there wouldn't be any discussion at this time because this Item's intention was to set the time and place for the public hearing. Therefore, this letter will become a part of the public record for the June 23, 2020 public hearing.

Motion: Adopt Resolution No. 20-57, PROVIDING FOR THE NOTICE OF TIME AND PLACE OF PUBLIC HEARING ON THE ENGINEER'S REPORT AND CEQA EXEMPTION DETERMINATION FOR THE ANDERSON DAM FEDERAL ENERGY REGULATORY COMMISSION ORDER COMPLIANCE PROJECT, by roll call vote.

Move to Adopt: 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.

- 3.3. Approve Amendment No. 1 to Agreement No. A4265G with Carpi and Clay, Inc., for Federal Representation Services, Project No. 60231003, CAS File No. 4942, Increasing the Not-to-Exceed Fee from \$112,800 by \$117,600, for a Total Revised Fee of \$230,400, and Extend the Agreement Term to June 30, 2021.

Recommendation: Approve Amendment No. 1 to Agreement No. A4265G with Carpi and Clay, Inc., for Federal Representation Services, Project No. 60231003, CAS File No. 4942, increasing the not-to-exceed fee from \$112,800 by \$117,600, resulting in a total revised fee of \$230,400, and extend the Agreement term to June 30, 2021.

The Board considered Item 3.3 without a staff presentation.

Director Kremen, requested that staff, in the future, consider reviewing agreements, in the post COVID-19 pandemic financial environment, in order to identify potential cost savings.

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 4.1.

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Discuss Conducting Board and Committee Meetings in Consideration of the COVID-19 Pandemic and Current Shelter in Place Orders.

Recommendation: A. Discuss parameters for conducting Board and Committee meetings in consideration of the COVID-19 Pandemic and current Shelter in Place Orders; and
B. Provide direction to staff.

Ms. Michele King, Clerk, Board of Directors, reviewed the information on this item, per the attached Board Agenda Memorandum.

The Board confirmed that it would continue to move forward with all regularly scheduled Board meetings; requested that staff continue to cancel Committee meetings; suggested needs to hold committee or special Board meetings, be discussed with the Board Chairperson; and requested that staff return to the Board in July 2020 for further review and discussion.

- 4.2. Formation of a Fiscal Year 2021 Budget Review Board Working Group and a Project Labor Agreement Board Working Group.

Recommendation: Discuss and approve the formation of a Fiscal Year 2021 Budget Review Board Working Group and a Project Labor Agreement Board Working Group, and the purposes, scopes, outcomes, completion dates and appointments, as proposed by the Board Chair.

Chairperson Hsueh reviewed the information on this item, per the attached Board Agenda Memorandum.

Motion: Approve the formation of a Fiscal Year 2021 Budget Review Board Working Group and a Project Labor Agreement Board Working Group, and the purposes, scopes, outcomes, completion dates and appointments, as proposed by the Board Chair.

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.

4.3. Proposed Future Board Member Agenda Items.

Chairperson Hsueh acknowledged Director Santos' request for staff to come to the Board with a discussion on how Valley Water can continue to provide the Intern Program during the COVID-19 Pandemic.

5. WATER UTILITY ENTERPRISE:

5.1. Climate Change Mitigation - Update on Progress Towards Carbon Neutrality by 2020.

Recommendation: Receive and discuss information on Valley Water's progress towards carbon neutrality by 2020.

Ms. Bhavani Yerrapotu, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

The Board noted the information without formal action.

6. WATERSHEDS:

None.

7. EXTERNAL AFFAIRS:

None.

8. CHIEF EXECUTIVE OFFICER:

8.1. Results of Solicitation of Bank Line(s) of Credit with Aggregate Stated Amount Not-To-Exceed \$200 Million.

Recommendation: A. Receive information regarding bank line(s) of credit solicitation;
B. Provide staff with direction on the bank(s) with which to proceed with negotiations and execution of line(s) of credit; and
C. *Reserve \$20 million of the \$200 million Line of Credit capacity for local financial institutions headquartered in the Bay Area each having total assets not to exceed One Billion Dollars.

Ms. Charlene Sun, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

During the presentation, the Board made the following requests of staff:

- For the top five financial institutes that submitted proposals for the \$180M bank line(s) of credit, review their social responsibility (corporate practices) policies and return to the Board with the information; and
- For the \$20M bank line(s) of credit, expand the search to include the greater bay area (9 counties).

8.2. Discuss Potential Customer Assistance Alternatives During COVID-19 Pandemic.

Recommendation: Discuss potential customer assistance alternatives that could be undertaken in response to the COVID-19 Pandemic and provide direction to staff as necessary.

Mr. Darin Taylor, Chief Financial Officer reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 1.

During the presentation, the Board made the following request of staff:

- The Board requested staff to use options 2, 3, and 4 (Attachment 1, Page 2) because it is a less administratively burdensome way to make it available ASAP.

8.3. Update on COVID-19 Response.

Mr. Alex Gordon, Emergency and Security Manager, reported that the countywide shelter-in-place order remained in effect, and provided a verbal update on Valley Water's COVID-19 response, including continued preparation efforts being made to facilitate the return of Valley Water employees to on-site workspaces.

8.4. CEO and Chiefs' Report.

Mr. Rick Callender, Chief of External Affairs, informed the Board that the Guadalupe Coyote Resource Conservation District voted in a closed session meeting to withdraw from the Fish and Aquatic Habitat Collaborative Effort Agreement; the Youth Commission had a virtual 2020 graduation for the Water Ambassador leaders; updated the Board on AB-3005 Leroy Anderson Dam and Reservoir: permitting, and public contracting; and informed the Board of two upcoming Coyote Creek Virtual Public Meetings on June 11 and June 17, 2020.

Mr. Garth Hall, Acting Chief Operating Officer, updated the Board on the Upper Llagas Creek, and Coyote Warehouse projects.

Ms. Melanie Richardson, Chief Operating Officer, updated the Board on the Stream Maintenance Program; introduced Mr. Alec Nicholas, who was recently promoted as Unit Manager for the Watersheds Design and Construction Unit 1; and advised the Board of Ms. Rochelle Blank's recent promotion as Deputy Operating Officer for the Design and Construction Division.

9. ADMINISTRATION:

9.1. Adopt the Resolution Adopting Employee Salary Schedule for Fiscal Year 2021.

Recommendation: Adopt the Resolution ADOPTING EMPLOYEE SALARY SCHEDULE - EFFECTIVE THE BEGINNING OF PAY PERIOD 14 FOR FISCAL YEAR 2021.

Ms. Anna Noriega, Chief People Officer, reviewed the information on this item, per the attached Board Agenda Memorandum.

Motion: Adopt the Resolution No. 20-58, ADOPTING EMPLOYEE SALARY SCHEDULE - EFFECTIVE THE BEGINNING OF PAY PERIOD 14 FOR FISCAL YEAR 2021, by roll call vote.

Move to Adopt: Tony Estremera

Second: Barbara Keegan

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; 0 Abstains; 1 Absent.

10. DISTRICT COUNSEL:

None.

11. ADJOURN:

11.1. Board Member Reports/Announcements.

Director Varela reported attending San Luis Delta-Mendota Water Authority (SLDMWA) and Association of California Water Agencies virtual Board meetings.

Director Keegan reported attending an Anderson Dam Seismic Retrofit Project virtual meeting; a Santa Clara County COVID-19 Elected Officials Conference Call; a Valley Water Town Hall virtual meeting; and various virtual meetings with staff.

Director Santos reported attending the aforementioned SLDMWA virtual Board meeting; a South County Regional Wastewater Authority virtual Board meeting; an Employees Association virtual meeting; a Bay Planning Coalition virtual meeting; a virtual meeting with Sunnyvale Mayor Larry Klein and City Manager Kent Steffens; and various virtual meetings with staff.

Director LeZotte reported attending the aforementioned Anderson Dam Seismic Retrofit Project and Valley Water Town Hall virtual meetings; and various virtual meetings with staff.

Chairperson Hsueh reported attending the aforementioned virtual meeting with Sunnyvale Mayor Larry Klein and City Manager Kent Steffens and Anderson Dam Seismic Retrofit Project meetings; a Youth Commission virtual meeting; and various virtual meetings with staff.

Director Estremera reported attending the aforementioned Valley Water Town Hall virtual meeting and SCC COVID-19 Officials conference call; and a Santa Clara County Special Districts Association virtual meeting.

11.2. Clerk Review and Clarification of Board Requests.

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

11.3. Adjourn to Special Meeting at 10:00 a.m., on June 16, 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 4:00 p.m., to the 10:00 a.m. Special Meeting on June 16, 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: 07/28/2020

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