



BOARD OF DIRECTORS MEETING

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# MINUTES

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**CLOSED SESSION AND SPECIAL MEETING  
TUESDAY, JULY 21, 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 on July 21, 2020, 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, 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 in attendance was M. King, Clerk, Board of Directors. Staff participating by teleconference were R. Callender, Chief Executive Officer (CEO), S. Yamamoto, District Counsel, R. Chan, A. Fulcher, G. Hall, D. Rocha, S. Tippetts, and T. Yoke.

**2. TIME CERTAIN:**

**11:00 AM**

Chairperson Hsueh acknowledged receipt of the attached letter dated July 19, 2020, from Dr. C. Mark Rockwell, D.C., President, Northern California Council, Fly Fishers International, identified as Handout 2.2-A herein, and confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1 and 2.2. Copies of the Handout were distributed to the Board and made available to the public.

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

**2.1 CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

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

Santa Clara Valley Water District v. San Francisco Bay Regional Water Quality Control Board (1st Civ. No. A157127).

- 2.2 CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code §54956.9(d)(1);  
Guadalupe Coyote Resource Conservation District v. SCVWD - Water Rights  
Complaint before the State Water Resources Control Board.

**1:00 PM**

- 2.3 District Counsel Report on Closed Session.

Ms. Rita Chan, Assistant District Counsel, reported that in regard to Item 2.1, the Board met in Closed Session with all members present and directed staff to pursue mediation on the case; and Mr. Anthony Fulcher, Senior Assistant District Counsel, reported that in regard to Item 2.2, the Board met in Closed Session with all members present and directed staff to schedule and publicly notice a Fish and Aquatic Habitat Collaborative Effort (FAHCE) Committee meeting.

- 2.4 Pledge of Allegiance/National Anthem.

Ms. Michele King, Clerk, Board of Directors, 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.

Mr. Richard McMurtry, Sebastopol resident, suggested the Board consider developing a pilot program that extends environmental education and outreach programs to low income and minority youth.

- 2.6 Recommendation Regarding Board Audit of Santa Clara Valley Water District Grant Management Program.

Recommendation:   A. Receive Information on the February 2020 Grant Management Desk Review by TAP, International; and  
                              B. Receive and Approve the recommendation from the July 15, 2020 Board Audit Committee meeting for Board Audit of Santa Clara Valley Water District Grant Management Program by TAP, International.

Director Keegan reviewed the information on this item, per the attached Board Agenda Memorandum.

Mr. McMurtry expressed concern with the effectiveness of desk audits and expressed support for implementation of a more comprehensive audit of Valley Water grant programs.

Move to Approve: 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.

2.7 Approval of Updated and Enhanced Safe, Clean Water and Natural Flood Protection Program for a Future Funding Measure (Continued from July 14, 2020).

- Recommendation:
- A. \*Receive additional information and clarification on questions from June 23, and July 14, 2020 Board meetings, including program financing, structure, and implementation;
  - B. Provide direction to staff on any final programmatic changes;
  - C. Adopt the Resolution, PROVIDING FOR THE CONTINUATION AND LEVY OF A SPECIAL TAX TO PAY THE COST OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM IN THE COMBINED FLOOD CONTROL ZONES OF THE SANTA CLARA VALLEY WATER DISTRICT, SUBJECT, NEVERTHELESS, TO SPECIFIED LIMITS AND CONDITIONS; and
  - D. Adopt the Resolution, CALLING A SPECIAL ELECTION TO BE HELD IN THE SANTA CLARA VALLEY WATER DISTRICT ON NOVEMBER 3, 2020, REQUESTING SERVICES OF REGISTRAR OF VOTERS, REQUESTING CONSOLIDATION OF ELECTION, AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATED ELECTION.

Ms. Marta Lugo, Assistant Officer, and Mr. Rick Callender, Chief Executive Officer, reviewed the information on this item, per the attached Board Agenda Memorandum, and the corresponding presentation materials contained in Supplemental Attachment 2 were reviewed by staff as follows: Ms. Lugo, reviewed Slides 1, 2, and 4; and Mr. Callender reviewed Slides 3, and 5 through 12.

Fourteen statements expressing support for the updated and enhanced Safe, Clean Water and Natural Flood Protection Program were received from: Ms. Andrea McKenzie, Open Space Authority; Ms. Annale Damabeh, Office of San Jose Vice Mayor Chappie Jones; Ms. Kit Gordon, Independent Monitoring Committee; Mr. Stanley Young and Ms. Elizabeth Kamya, International Federation of Professional and Technical Engineers; Ms. Chris Pilsen, Valley Water Employee Association President; Mr. Nick Kaspar, Silicon Valley Central

Chamber of Commerce President; Mr. Warren Wettenstein, Milpitas Chamber of Commerce President; Ms. Margaret Bruce, San Francisquito Creek Joint Powers Authority; Mr. Mike Duffy, Valley Water Professional Managers Association; Mr. John Tang, San Jose Water Company; Rev. Jethroe Moore, National Association for the Advancement of Colored People (NAACP) San Jose/Silicon Valley Chapter; Ms. Shani Kleinhaus, Santa Clara Valley Audubon Society; Hon. Susan Landry, City of Campbell Mayor; and Mr. Ted Smith, San Jose resident.

Among those expressing support for the program, some sentiments were received that simultaneously expressed opposition to the proposed measure not having a sunset date.

Five statements expressing opposition to the updated and enhanced Safe, Clean Water and Natural Flood Protection Program were received from: Ms. Katja Irvin, Sierra Club Loma Prieta Chapter; Mr. Peter Drekmeier, Tuolumne River Trust; Ms. Deidre Des Jardins, California Water Research; Mr. Dave Warner, of undisclosed residency or agency affiliation; and a participant identified as Les.

Motion: Adopt Resolution No. 20-64, PROVIDING FOR THE CONTINUATION AND LEVY OF A SPECIAL TAX TO PAY THE COST OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM IN THE COMBINED FLOOD CONTROL ZONES OF THE SANTA CLARA VALLEY WATER DISTRICT, SUBJECT, NEVERTHELESS, TO SPECIFIED LIMITS AND CONDITIONS, and Resolution No. 20-63, CALLING A SPECIAL ELECTION TO BE HELD IN THE SANTA CLARA VALLEY WATER DISTRICT ON NOVEMBER 3, 2020, REQUESTING SERVICES OF REGISTRAR OF VOTERS, REQUESTING CONSOLIDATION OF ELECTION, AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATED ELECTION, by roll call vote.

Move to Adopt:	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 Clerk Review and Clarification of Board Requests.**

Ms. King confirmed 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 July 28, 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 3:45 p.m. in memory of United States House of Representatives Congressman Hon. John Lewis, to the 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting, on July 28, 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: 09/08/2020

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