



BOARD OF DIRECTORS MEETING

MINUTES

**REGULAR MEETING
TUESDAY, JANUARY 12, 2021
1:00 PM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Regular Meeting of the Santa Clara Valley Water District (Valley Water) Board of Directors was called to order in the Valley Water Headquarters Building Conference Room A-124 at 5700 Almaden Expressway, San Jose, California, at 1:00 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 in attendance was M. King, Clerk, Board of Directors. Staff participating by teleconference were R. Callender, Chief Executive Officer, L. Orta, Acting District Counsel, A. Baker, I. Bella, R. Blank, R. Chan, M. Cook, G. De La Piedra, A. Fulcher, R. Gibson, V. Gin, A. Gschwind, C. Hakes, B. Hopper, L. Infante, M. Lugo, H. McMahon, M. Richardson, D. Rocha, D. Taylor, S. Tippets, K. Wong, B. Yerrapotu, and T. Yoke.

1.2. Pledge of Allegiance/National Anthem.

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

1.3. Orders of the Day.

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

1.4. 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.

Chairperson Hsueh reported that, pertaining to the complaint filed by Rev. Jethroe Moore, San Jose Silicon Valley National Association for the Advancement of Colored People (NAACP) President, and consistent with Board Governance Policies, she had completed the Board Chairperson's review of the draft report from Ms. Amy Oppenheimer, Independent Investigator, to confirm the report's completeness and consistency with scope of work.

Chairperson Hsueh confirmed that she would work with the 2021 incoming Board Chairperson to distribute Ms. Oppenheimer's findings to the Board.

2. TIME CERTAIN:

1:00 PM

2.1. Election of Board Chair and Vice Chair for Year 2021.

Recommendation: Nominate and elect a new Chairperson and Vice Chairperson for the calendar year 2021.

Chairperson Hsueh opened the floor for nominations for the Board of Directors 2021 Chairperson.

Motion: Nominate and elect Director Tony Estremera as Board Chairperson for the calendar year 2021.

Move to Approve: Gary Kremen

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.

The remainder of the meeting was facilitated by newly-elected Chairperson Estremera.

Chairperson Estremera opened the floor for nominations for the Board of Directors 2021 Vice Chairperson.

Motion: Nominate and elect Director Gary Kremen as a Board Vice Chairperson for the calendar year 2021.

Move to Approve: Richard Santos

Second: Nai Hsueh

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.

2.2. Recognition of Outgoing Chair.

Mr. Rick Callender, Chief Executive Officer, reviewed the information on this item, per the attached Board Agenda Memo, and showed a brief video highlighting the accomplishments Director Hsueh had achieved during her term as 2020 Board Chairperson.

The Board individually and collectively acknowledged Director Hsueh's accomplishments as 2020 Board Chairperson, and thanked her for her service.

2.3. Ceremonial Swearing-In of Director Barbara Keegan, District 2, Director Richard Santos, District 3, and Director Nai Hsueh, District 5, for Terms Expiring December 2024.

Ms. Michele King, Clerk, Board of Directors, confirmed that consistent with requirements, an official swearing-in had been conducted on December 4, 2020, via Zoom; and administered the ceremonial swearing-in of District 2 Director Keegan, District 3 Director Santos, and District 5 Director Hsueh.

2.4. Update on Draft Watersheds and Water Utility Five-Year Operations and Maintenance Plans.

Recommendation: Receive Information on the Draft Watersheds and Water Utility Five-Year Operations and Maintenance Plans.

Ms. Erin Baker, Asset Management Manager, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

The Board noted the information, without formal action.

2.5. Pacheco Reservoir Expansion Project Preliminary Alternatives Analysis, Pursuant to the Water Storage Exploratory Committee's Recommendation Resulting from the December 28, 2020 Meeting.

Recommendation: Consider the Water Storage Exploratory Committee's recommendation resulting from the December 28, 2020 meeting to:
A. Receive and discuss information regarding status of the Pacheco Reservoir Expansion Project Preliminary Alternatives Analysis; and

- B. Discuss and approve recommendation that an audit be performed by the Board Audit Committee to determine the timeline associated with cost increases for the project.

Mr. Chris Hakes, Deputy Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo, and Mr. Ryan McCarter, Pacheco Project Manager, reviewed the presentation materials contained in Attachment 2.

Ms. King acknowledged receipt of, and read into the record, the following Zoom Chat Box Comment from Ms. Katja Irvin, Sierra Club Loma Prieta Chapter: *If this project moves forward, please do more community engagement than has been done to date. The project delivery process shows public outreach during the alternatives development.*

The Board made the following requests of staff:

- Remain sensitive to issues associated with Henry W. Coe State Park encroachment;
- Come back with information on anticipated permit issues; and
- Increase the project's outreach to allow two-way communication between Valley Water and stakeholders.

Chairperson Estremera confirmed he would investigate options for Board/Stakeholder engagement; and Director Hsueh suggested utilizing the water fluoridation and trails program outreach efforts as models for effective stakeholder engagement.

Motion: Authorize the Board Audit Committee to perform an audit to determine the timeline associated with cost increases for the project.

Move to Authorize: Gary Kremen
Second: John L. Varela
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.

- 2.6. Work Study Session on Preliminary Fiscal Year 2021-22 Groundwater Production Charges and Fiscal Years 2022-26 Preliminary Capital Improvement Program.

- Recommendation:
- A. Review the Fiscal Year (FY) 2022-26 Preliminary Capital Improvement Program (CIP) and provide direction to staff for development of the Draft FY 2022-26 CIP; and
 - B. Discuss and provide direction on the preliminary FY 2021-22 Groundwater Production Charge analysis prepared by staff.

Mr. Darin Taylor, Chief Financial Officer, reviewed the information on this item, per the attached Board Agenda Memo; and the corresponding presentation materials contained in Attachment 1 were reviewed by staff as follows: Mr. Taylor reviewed Slides 1 through 3, and 28 through 44; and Mr. Heath McMahon, Deputy Operating Officer, reviewed Slides 4 through 27.

Mr. Taylor advised the Board that Attachment 1, Page 35, would be revised as follows: an accidental drop in the 2028 *Source of Supply* data would be adjusted to the level shown in 2027, and 2029 through 2031 would be adjusted accordingly; and an accidental increase in the 2028 *Debt Service* data would be corrected, with 2029 through 2031 adjusted accordingly.

Mr. Taylor further advised the Board that the Agricultural Water Advisory Committee, during its January 4, 2021 meeting, had passed a motion to recommend to the Board that the Board consider continuing the discretionary portion of the Open Space Credit.

Motion: Approve staff's proposal to include in the Fiscal Year 2021-22 Report on the Protection and Augmentation of Water Supplies (FY 21-22 PAWS Report), an Open Space Credit increase from 6 percent, to 10 percent, of Municipal and Industrial water rates; and direct staff to come back with discussion on the Board's April 2019 direction to eliminate the discretionary portion of the Open Space Credit.

Move to Approve: Nai Hsueh
Second: The motion did not receive a second and was lost.

The motion was withdrawn.

Motion: Approve including a Treated Water surcharge increase to \$115 per acre foot in the FY 21-22 PAWS Report.

Move to Approve: Nai Hsueh
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.

The Board requested that staff prepare the FY 21-22 PAWS Report with Agricultural Water rates at 25 percent of Municipal and Industrial; and with the Pacheco Reservoir Expansion Water Supply Master Plan Projects included in the analysis.

3. CONSENT CALENDAR:

The Board removed Items 3.5 and 3.16 from the Consent Calendar for individual consideration; noted that Item 3.8 had been removed from the agenda; and considered Consent Calendar Items 3.1 through 3.4, 3.6 and 3.7, and 3.9 through 3.15, under one motion.

- 3.1. Adopt Resolutions Expressing Appreciation for the Outgoing Safe, Clean Water Independent Monitoring Committee (SCW IMC) Members.

Recommendation: Adopt the Resolutions EXPRESSING APPRECIATION to outgoing SCW IMC members.

- 3.2. Consider Membership Nominations for Two-Year Committee Appointments to the Santa Clara Valley Water Youth Commission.

Recommendation: Consider nominations for two-year membership appointments to the Santa Clara Valley Water Youth Commission.

- 3.3. Adopt Resolution Authorizing the Conveyance of Real Property by a Quitclaim Deed to California Antique Aircraft Museum, for the Upper Llagas Creek Flood Protection Project, Project No. 26174051 (Morgan Hill), (District 1).

Recommendation: A. Adopt a Resolution authorizing the CONVEYANCE OF REAL PROPERTY BY A QUITCLAIM DEED TO CALIFORNIA ANTIQUE AIRCRAFT MUSEUM FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT, PROJECT NO. 26174051 (MORGAN HILL);
B. Authorize the Chief Executive Officer to execute the Real Property Purchase and Sale Agreement; and
C. Authorize the Chief Executive Officer to execute the Quitclaim Deed Document No. 5010-107.1.

- 3.4. Approve Modification of Real Property Easement Rights Between Santa Clara Valley Water District and Milpitas Materials Company, for the Lower Calera Creek Flood Protection Project, Project No. 40174005, APN No. 022-02-014, Real Estate File No. 4018-6.1 (Milpitas) (District 3).

- Recommendation: A. Approve and Authorize the Chief Executive Officer to sign the Right of Way Agreement with Milpitas Materials Company; and
 B. Approve and Authorize the Chief Executive Officer to sign the Easement Modification Agreement (4018-6.1) with Milpitas Materials Company.

- 3.6. Approve Amendment No. 1 to Agreement No. A4158A, with Northgate Environmental Management, Inc. for On-Call Environmental Site Assessment, Remedial Design, and Storm Water Management and Engineering Services, CAS File No. 4825, Increasing the Fee by \$200,000, for a Total Not-To-Exceed Fee of \$700,000 and Extending the Term of the Agreement by Six Months.

- Recommendation: Approve Amendment No. 1 to Agreement No. A4158A with Northgate Environmental Management, Inc. for On-Call Environmental Site Assessment, Remedial Design, and Storm Water Management and Engineering Services, to increase the not-to-exceed fee by \$200,000, resulting in a total not-to-exceed fee of \$700,000, and to extend the term of the Agreement by six (6) months.

- 3.7. Approve Amendment No. 4 to Agreement No. A3536R, a Clean, Safe Creeks and Natural Flood Protection Program FY 2011 Trail and Open Space Grant Agreement between the Santa Clara Valley Water District and the City of San Jose, Providing a No-Cost Time Extension to the Agreement Expiration Date (San Jose) (District 2).

- Recommendation: Approve Amendment No. 4 to Agreement No. A3536R between the Santa Clara Valley Water District and the City of San Jose to retroactively extend the Agreement expiration date from March 20, 2020 to March 30, 2021, as a 12-month no-cost extension.

- 3.8. ITEM REMOVED FROM AGENDA.
Adopt Plans and Specifications and Authorize Advertisement for Bids for the Lower Calera Creek Flood Protection Project, Project No. 40174005, Contract No. C0666 (Milpitas) (District 3).

- 3.9. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Phase 2A Construction of the Upper Llagas Creek Flood Protection Project, Project No. 26174052, Contract No. C0645 (Morgan Hill) (District 1).

- Recommendation: A. Find the Phase 2A construction of the Upper Llagas Creek Flood Protection Project is substantially complex and requires a construction contract retention of 10 percent;
 B. Adopt the plans and specifications and authorize advertisement for bids for Phase 2A construction of the

Upper Llagas Creek Flood Protection Project, per the Notice to Bidders; and

- C. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

- 3.10. Notice of Completion of Contract and Acceptance of Work for the Lower Silver Creek Flood Protection and Creek Restoration Project, Reaches 5C to 6A (Landscape and Revegetation Establishment Maintenance Phase – Milestone 2), Proven Management, Inc., Contractor, Project No. 40264008, Contract No. C0580 (San Jose) (District 6).

- Recommendation:
- A. Accept the work on the Lower Silver Creek Flood Protection and Creek Restoration Project, Reaches 5C to 6A (Landscape and Revegetation Establishment Maintenance Phase – Milestone 2), Proven Management, Inc., Contractor, Project No. 40264008, Contract No. C0580 as complete; and
 - B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

- 3.11. Notice of Completion of Contract and Acceptance of Work for the Cross Valley and Calero Pipeline Inspection and Rehabilitation Project, Kiewit Infrastructure West Co., Contractor, Project No. 95084002, Contract No. C0650 (San Jose, Morgan Hill, Unincorporated Santa Clara County) (Districts 1 and 7).

- Recommendation:
- A. Accept the work on the Cross Valley and Calero Pipeline Inspection and Rehabilitation Project, Project No. 95084002, Contract No. C0650 as complete; and
 - B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

- 3.12. Certification of November 3, 2020 General Election and Official Results for Board of Directors Districts 2, 3, and 5 and Measure S – Safe, Clean Water and Natural Flood Protection Program.

- Recommendation:
- A. Accept the Santa Clara County Registrar of Voters' Statement of Votes and Certificates of Election Results for Measure S – Safe, Clean Water and Natural Flood Protection Project, declaring the totals to be the final results of the election, and declaring the passage of Measure S; and
 - B. Accept the Santa Clara County Registrar of Voters Certificate of Election Facts and Request to Fill Vacant Office by Appointment for District 2, District 3, and District 5.

- 3.13. Set Time and Place of Public Hearing for the Santa Clara Valley Water District Board of Directors to Determine the Necessity for Directors to be Compensated for up to 15 Days per Calendar Month and to Consider Directors' Compensation for Calendar Year 2021.

Recommendation: A. Set a time and place for a public hearing at 1:00 p.m., on February 9, 2021 at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California, for the Board of Directors to:

- i. Consider evidence and determine if there is an operational need for Directors to be compensated for up to 15 days per calendar month; and
- ii. Consider Directors' compensation for calendar year 2021, pursuant to Chapter 2, Division 10 of the California Water Code; and

B. Direct the Clerk of the Board to publish notice of public hearing in a newspaper of general circulation within Santa Clara County.

- 3.14. Approval of Minutes.

Recommendation: Approve the minutes.

- 3.15. Accept the CEO Bulletins for the Weeks of December 4-17, 2020, and December 18, 2020-January 7, 2021.

Recommendation: Accept the CEO Bulletins.

Motion: Approve Consent Calendar Items 3.1 through 3.4, 3.6 and 3.7, and 3.9 through 3.15, under one motion as follows: adopt Resolution Nos. 21-01, 21-02, 21-03, and 21-04, EXPRESSING APPRECIATION to outgoing SCW IMC members Tara Martin-Milius, Carmen Montano, Eileen McLaughlin, and Kit Gordon, respectively, by roll call vote, as contained in Item 3.1; approve the nominations for two-year membership appointments to the Santa Clara Valley Water Youth Commission, as contained in Item 3.2; adopt Resolution No. 21-05, CONVEYANCE OF REAL PROPERTY BY A QUITCLAIM DEED TO CALIFORNIA ANTIQUE AIRCRAFT MUSEUM FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT, by roll call vote, and authorize the CEO to execute the Real Property Purchase and Sale Agreement and Quitclaim Deed, as contained in Item 3.3; authorize the CEO to sign the Right of Way and Easement Modification Agreements with Milpitas Materials Company, as contained in Item 3.4; approve Amendment No. 1 to Agreement No. A4158A, with Northgate Environmental Management, Inc., as contained in Item 3.6; approve

Amendment No. 4 to Agreement No. A3536R, with the City of San Jose, as contained in Item 3.7; adopt the plans and specifications and authorize advertisement for bids for Phase 2A construction of the Upper Llagas Creek Flood Protection Project, and authorize the Designated Engineer to issue addenda, as contained in Item 3.9; accept the works as complete on the Lower Silver Creek Flood Protection and Creek Restoration Project, Reaches 5C to 6A, and the Cross Valley and Calero Pipeline Inspection and Rehabilitation Project, and direct the Clerk to sign and file the Notices of Completion of Contracts and Acceptance of Work with the Santa Clara County Clerk-Recorder, as contained in Items 3.10 and 3.11; accept the Santa Clara County Registrar of Voters' Statement of Votes and Certificates of Election Results declaring the passage of Measure S, and Certificate of Election Facts and Request to Fill Vacant Office by Appointment for Districts 2, 3, and 5, as contained in Item 3.12; set a time and place of a public hearing to consider evidence and determine if there is an operational need for Directors to be compensated for up to 15 days per calendar month, and to consider Directors' compensation for calendar year 2021, and direct the Clerk to publish notice of the public hearing, as contained in Item 3.13; approve the minutes, as contained in Item 3.14; and Accept the CEO Bulletins, as contained in Item 3.15.

Move to Approve:	Richard Santos
Second:	John L. Varela
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 Estremera returned the Agenda to Item 3.5.

3.5. Deny Claim of Hacienda Creek Senior Apartments.

Recommendation: Deny the claim.

Mr. Paul Trung, Hacienda Creek Senior Apartments, requested the Board approve paying the claim.

Mr. David Cahan, Risk Manager, reviewed the item on this item, per the attached Board Agenda Memo.

Motion: Deny staff's recommendation to deny the claim, and approve the claim of the Hacienda Creek Senior Apartments.

Move to Deny: Gary Kremen
 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.

Chairperson Estremera moved the agenda to Item 3.16.

3.16. Notice of Completion of Contract and Acceptance of Work for the Rinconada Water Treatment Plant Reliability Improvement Project, Balfour Beatty Infrastructure, Inc., Contractor, Project No. 93294057, Contract No. C0601 (Los Gatos) (District 7). (Continued from November 10, 2020)

Recommendation: A. Accept the work on the Rinconada Water Treatment Plant Reliability Improvement Project, Project No. 93294057, Contract No. C0601 as complete; and
 B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

Mr. Ken Fredrickson, Neal Electric Corporation, expressed appreciation for the Board's support of Neal Electric to-date in the matters pending resolution between Neal Electric and Balfour Beatty Infrastructure, Inc., and requested that the Board continue to withhold retention funds on the Rinconada Water Treatment Plant Reliability Improvement Projects until all issues are resolved.

Mr. McMahon confirmed that the Board taking action to accept the work as complete and direct the Clerk to file the Notice of Completion with the Santa Clara County Clerk Recorder, as recommended by staff in the attached Board Agenda Memo, did not preclude Valley Water from withholding the Stop Notice amounts, as required by law.

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

Summary: 6 Yeas; 1 Nays; 0 Abstains; 0 Absent.

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

The Board considered Item 4.1 without a staff presentation.

4.1. Set the Time and Place of Regular Meetings of the Santa Clara Valley Water District Board of Directors.

Recommendation: A. Consider the schedule for the regular meetings of the Board, currently held on the second and fourth Tuesday of each month, beginning at 1:00 p.m. and 6:00 p.m., respectively, or as designated by the Clerk of the Board to accommodate closed session subject matter;
B. Discuss and identify, if necessary, 2021 Board meeting recess dates; and
C. If a new regular Board meeting schedule is approved, adopt the Resolution SETTING TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND RESCINDING RESOLUTION NO. 17-55.

Motion: Approve making no changes to the existing schedule for the regular meetings of the Board, currently held on the second and fourth Tuesday of each month, beginning at 1:00 p.m. and 6:00 p.m., respectively, or as designated by the Clerk of the Board to accommodate closed session subject matter.

Move to Approve: Richard Santos
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.

4.2. Consider the Public Suggestion Brought to the Board Audit Committee, at its November 18, 2020 Meeting, Regarding a Desk Review or Audit of the Sponsorship Program.

Recommendation: Consider the Public Suggestion Brought to the Board Audit Committee, at its November 18, 2020 Meeting, Regarding a Desk Review or Audit of the Sponsorship Program.

Mr. Taylor reviewed the information on this item, per the attached Board Agenda Memo.

Motion: Deny the suggestion to incorporate into the Grants Management Audit, an audit of Valley Water's Sponsorship Program.

Move to Deny: Richard Santos

Second: The motion did not receive a second and was lost.

Director LeZotte requested that staff provide the Board with a report on Valley Water's Sponsorship Program activities for the past five years (Board Member Request No. R-21-0001).

The Board confirmed that in the future it wants items, such as public suggestions for audit topics, to be brought to the Board as part of the Board Audit Committee's annual audit review process.

4.3. Board Committee Reports.

Standing Reports (Summary or Verbal Report):

1. Delta Conveyance Design and Construction Authority (DCA) Update
2. Delta Conveyance Finance Authority (Finance Authority) Update

Board Committees (Summary or Meeting Agenda):

3. Board Audit Committee (BAC)
4. Board Policy and Planning Committee (BPPC)
5. Capital Improvement Program (CIP) Committee
6. Diversity and Inclusion (D&I) Ad Hoc Committee
7. Stream Planning and Operations Committee (SPOC)
8. Homeless Encampment Ad Hoc Committee (HEAHC)
9. Recycled Water Committee (RWC)
10. Water Conservation and Demand Management (WCDM) Committee
11. Water Storage Exploratory Committee (WSEC)

Board Advisory Committees (Summary or Meeting Agenda):

12. Agricultural Water Advisory Committee (AWAC)
13. Environmental and Water Resources Committee (EWRC)
14. Santa Clara Valley Water Commission (Water Commission)
15. Youth Commission

Board Joint Committees (Summary or Meeting Agenda):

16. Joint Recycled Water Advisory Committee (JRWAC) (Sunnyvale)
17. Joint Recycled Water Advisory Committee (JRWAC) (East PA/PA/MV)
18. Joint Recycled Water Policy Advisory Committee (JRWPAC) (SJ/SC/TPAC)
19. Joint Water Resources Committee (JWRC) (Gilroy/Morgan Hill)
20. San Felipe Division Reach One

External Committees/Agencies (Verbal Reports):

21. ACWA and ACWA Joint Powers Insurance Authority
22. Joint Venture Silicon Valley Board of Directors
23. Landscape Committee
24. Local Agency Formation Commission (LAFCO)
25. Northern California Latino Water Coalition
26. Pajaro River Watershed Flood Protection Authority
27. Redevelopment Dissolution Countywide Oversight Board of Santa Clara County
28. Safe, Clean Water Independent Monitoring Committee (IMC)
29. San Francisquito Creek JPA
30. Santa Clara County Water Retailers
31. Santa Clara Valley Habitat Conservation Plan JPA
32. San Luis and Delta-Mendota Water Authority Board
33. Santa Clara County Emergency Operations Area Council
34. Santa Clara County Recycling and Waste Reduction Commission
35. Santa Clara County Special Districts Association
36. South County Regional Wastewater Authority (SCRWA)
37. Zone 7, EBRPD, ACWD, SCVWD, LARPD and Tri-Valley Conservancy Liaison Committee

Director LeZotte requested that on Handout 4.3.28-A, December 2, 2020 IMC Meeting Summary, Page 1, *Attendees* Section, Line 2, *Jason Baker* be revised to read **Hon. Jason Baker**.

The Board noted the information, without formal action.

4.4. Proposed Future Board Member Agenda Items.

None.

5. WATER UTILITY ENTERPRISE:

None.

6. WATERSHEDS:

- 6.1. Approve a Budget Adjustment in the Amount of \$3,886,677 and Authorize the Chief Executive Officer to Negotiate and Execute Amendments to Consultant Agreements A4170G, for Native American Consulting Services for Permanente Creek Flood Protection Project, with Andrew Galvan, and A3932A, for Permanente Creek Flood Protection Project – Rancho San Antonio Construction Management Services, with Harris & Associates, Project No. 26244001, Rancho San Antonio Detention Basin Project. (Cupertino) (Districts 5 and 7).

Recommendation: A. Approve a budget adjustment of \$3,886,677 from Fund 26 Operating and Capital Reserves to the Permanente Creek Flood Protection Project;

- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement A4170G, for Native American Consulting Services for Permanente Creek Flood Protection Project, with Andrew Galvan, to provide Native American monitoring; and
- C. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. A3932A, for Permanente Creek Flood Protection Project – Rancho San Antonio Construction Management Services, with Harris & Associates, to provide construction management services for the Permanente Creek Project, Rancho San Antonio Detention Basin Project.

Ms. Sue Tippetts, Interim Chief Operating Officer, reviewed the information on this item, per the attached Board Agenda Memo.

Move to Approve:	Richard Santos
Second:	Nai Hsueh
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.

6.2. ITEM REMOVED FROM AGENDA.

Authorize the Chief Executive Officer to Execute the Master Agreement With the City of Milpitas for the Removal and Construction of City Improvements, Modifications to City Facilities, and Work Within City's Right of Way Included in the Lower Berryessa Creek Flood Protection, Lower Calera Creek Flood Protection, and Lower Penitencia Creek Improvements Projects (Project Nos. 40174005 and 40334005) for a Fee of \$1,665,505 (Milpitas) (District 3).

The Board noted that Item 6.2 had been removed from the agenda.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

None.

8. EXTERNAL AFFAIRS:

None.

9. CHIEF EXECUTIVE OFFICER:

9.1. CEO and Chiefs' Report.

Ms. Rachael Gibson, Chief of External Affairs, reviewed the information on the attached Office of Communications and Office of Civic Engagement Updates, identified as Handouts 9.1-A and 9.1-B, respectively, herein.

Ms. Tippetts informed the Board of the December 30, 2020 U.S. Army Corps of Engineers signing of an agreement with Valley Water for reevaluation of the Upper Guadalupe River; and reviewed the information contained in the attached Storm Report, identified as Handout 9.1-C herein.

Copies of the Handouts were distributed to the Board and made available to the public.

Ms. Tina Yoke, Chief Administrative Officer, provided a summary of COVID-19 positive cases reported to-date among Valley Water employees, contractors, temporary personnel, and internship participants.

Mr. Aaron Baker, Chief Operating Officer, advised the Board of the upcoming retirement of Mr. Jerry De La Piedra, and the recent promotion of Ms. Kirsten Struve, Assistant Officers.

The Board members individually and collectively congratulated Mr. De La Piedra and Ms. Struve on their retirement and promotion, respectively.

10. ADMINISTRATION:

None.

11. DISTRICT COUNSEL:

None.

12. ADJOURN:

12.1. Board Member Reports/Announcements.

Director Varela reported attending various Association of California Water Agencies meetings; a Valley Water Volunteer Recognition event; and Board Policy and Planning (BPPC) and Agricultural Water Advisory (AWAC) Committee meetings.

Director Keegan reported attending the aforementioned BPPC meeting; and various meetings with staff.

Director Santos reported attending the aforementioned AWAC meeting and Volunteer Recognition event; a Berryessa Citizens Advisory Committee meeting; and various meetings with staff.

Director LeZotte reported attending the aforementioned AWAC and BPPC meetings, and Volunteer Recognition event; Financial Sustainability Working

Group, Water Storage Exploratory (WSEC), and Capital Improvement Program (CIP) Committee meetings; and various meetings with staff.

Director Hsueh reported attending the aforementioned AWAC, BPPC, and CIP meetings; a Local Agency Formation Commission meeting; and various meetings with staff.

Director Kremen reported attending the aforementioned Volunteer Recognition event; a Delta Habitat Conservation & Conveyance Plan Steering Committee meeting; and various meetings with staff.

Chairperson Estremera reported attending the aforementioned WSEC, AWAC, and CIP Committee meetings; and various meetings with staff.

12.2. Clerk Review and Clarification of Board Requests.

Ms. Michele King, Clerk, Board of Directors, read the new Board Member Request into the record.

12.3. Adjourn to Special Closed Session Meeting at 10:00 a.m., on January 19, 2021, 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 Estremera adjourned the meeting at 4:35 p.m., to the Special Closed Session Meeting at 10:00 a.m., on January 19, 2021, 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:

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