



BOARD OF DIRECTORS MEETING

MINUTES

**REGULAR MEETING
TUESDAY, MARCH 9, 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, conducted by Zoom Teleconference, was called to order in the Valley Water Headquarters Building Boardroom 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, B. Hopper, Acting District Counsel, J. Aranda, A. Baker, B. Broome, R. Chan, M. Cook, A. Fulcher, R. Gibson, V. Gin, A. Gschwind, C. Hakes, M. Lugo, H. McMahon, M. Richardson, D. Rocha, K. Struve, D. Taylor, S. Tippetts, B. Yerrapotu, and T. Yoke.

1.2. Pledge of Allegiance/National Anthem.

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

1.3. Orders of the Day.

Chairperson Estremera confirmed 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 Estremera declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

2. TIME CERTAIN:

1:00 PM

None.

3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 through 3.7, under one motion.

- 3.1. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Lower Penitencia Creek Improvements Project, Project No. 40334005, Contract No. C0655 (Milpitas) (District 3).

Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Lower Penitencia Creek Improvements Project per the Notice to Bidders; and
 B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

- 3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Piedmont Creek Interim Concrete Repair Project, Project No. 62084001, Contract No. C0669 (Milpitas) (District 3).

Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Construction of the Piedmont Creek Interim Concrete Repair Project per the Notice to Bidders; and
 B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

- 3.3. Approve Amendment No. 1 to Agreement A4296A with Vena Solutions USA, Inc. for On-Call Enhancements and Support Services to Support the Capital Improvement Program Project, CAS No. 5027, and to Assist in the Implementation of the Biennial Budget, Increasing the Not-to-Exceed fee by \$198,000 for a Revised Total Fee of \$500,000, and Extending the Term to January 31, 2023.

Recommendation: Approve Amendment No. 1 to Agreement A4296A with Vena Solutions USA, Inc. for On-Call Enhancements and Support Services to support the Capital Improvement Program Project, CAS No. 5027, and to assist in the implementation of the biennial budget, increasing the Not-to-Exceed fee by \$198,000 for a revised total fee of \$500,000, and extending the term to January 31, 2023.

- 3.4. Membership Nominations for Committee Appointment to the Renewed Safe, Clean Water Independent Monitoring Committee.

Recommendation: Consider two-year/three-year membership appointments to the Renewed Safe, Clean Water Independent Monitoring Committee.

- 3.5. Consider Membership Nomination for Committee Appointment to the 2012 Safe, Clean Water Independent Monitoring Committee.

Recommendation: Consider the Membership Nomination for Committee Appointment to the 2012 Safe, Clean Water Independent Monitoring Committee (2012 SCW IMC).

- 3.6. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2020.

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

- 3.7. Accept the CEO Bulletin for the Weeks of February 19, through March 4, 2021.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.7, under one motion, as follows: adopt plans and specification and authorize advertisement for bids for the Lower Penitencia Creek Improvements Project and Construction of the Piedmont Creek Interim Concrete Repair Project, per the Notices to Bidders, as contained in Items 3.1 and 3.2; approve Amendment No. 1 to Agreement A4296A with Vena Solutions USA, Inc. for On-Call Enhancements and Support Services to support the Capital Improvement Program Project and to assist in the implementation of the biennial budget, increasing the Not-to-Exceed fee by \$198,000 for a revised total fee of \$500,000, and extending the term to January 31, 2023, as contained in Item 3.3; approve membership nominations for committee appointments to the renewed Safe, Clean Water Independent Monitoring Committee and the 2012 Safe, Clean Water Independent Monitoring Committee, as contained in Items 3.4 and 3.5; approve the Board of Directors' Quarterly Expense Report for the quarter ending December 31, 2020, as contained in Item 3.6, and accept the CEO Bulletin, as contained in Item 3.7.

Move to Approve: John L. Varela
 Second: Richard Santos
 Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
 Nays: None
 Abstains: None
 Recuses: None
 Absent: None
 Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Consider the February 26, 2021, Board Audit Committee's Recommendations to Approve the Scope of Work for the 2021 Risk Assessment; and to Extend the Term of the Board Independent Auditing Services Agreement with Tap International, Inc. by Three Months to September 30, 2021.

Recommendation: A. Approve the Scope of Work for the 2021 Risk Assessment based on Option 3; and
 B. Approve the extension of the term of the Board Independent Auditing Services Agreement with Tap International, Inc. by three months to September 30, 2021.

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

Move to Approve: Nai Hsueh
 Second: John L. Varela
 Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
 Nays: None
 Abstains: None
 Recuses: None
 Absent: None
 Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

- 4.2. Board Committee Reports.

The Board noted the information, without formal action.

- 4.3. Proposed Future Board Member Agenda Items.

None.

5. WATER UTILITY ENTERPRISE:

None.

6. WATERSHEDS:

- 6.1. Approve the Sole Source Purchase of Reservoir Oxygenation System Maintenance Services from Mobley Engineering, Incorporated Under the Impaired Water Bodies Improvement Project, Project No. 26752043 for an Amount Not-to-Exceed \$179,800 (San Jose and Cupertino) (Districts 1 and 7).

Recommendation: Approve the Sole Source Purchase of Reservoir Oxygenation System Maintenance Services from Mobley Engineering, Incorporated (MEI) under the Impaired Water Bodies Improvement Project, Project No. 26752043 for an amount not-to-exceed \$179,800.

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

Move to Approve: Richard Santos
Second: Nai Hsueh
Yeas: Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: None
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 7.1. Management Response to Independent Monitoring Committee Report on Safe, Clean Water and Natural Flood Protection Program Year 7 Annual Report for Fiscal Year 2019-2020.

Recommendation: A. Accept Management Response to Independent Monitoring Committee Report on Safe, Clean Water and Natural Flood Protection Program Year 7 Annual Report for Fiscal Year 2019-2020; and
B. Provide additional direction as necessary.

Ms. Meenakshi Ganjoo, Program Administrator, reviewed the information on this item, per the attached Board Agenda Memorandum, and per the information contained in Attachment 2.

Move to Accept:	Richard Santos
Second:	Nai Hsueh
Yeas:	Nai Hsueh, Barbara Keegan, Gary Kremen, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays:	None
Abstains:	None
Recuses:	None
Absent:	None
Summary:	7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

8. EXTERNAL AFFAIRS:

None.

9. CHIEF EXECUTIVE OFFICER:

9.1. CEO and Chiefs' Report.

Ms. Sue Tippets, Interim Chief Operating Officer, informed the Board that the Calabazas and San Tomas Aquino Creeks Realignment Project Feasibility Study was underway, as an integrated component of the South Bay Salt Pond Restoration Project. She reported that integration had been made possible through receipt of \$3.37M Measure AA Grant Funding and that staff would come back with a summary of the proposed feasibility study for Board approval; and recognized Mr. Mike Haggerty, Grants Manager, for expediting the grant application.

Ms. Rachael Gibson, Chief of External Affairs, reviewed and distributed the attached Office of Communications Update, identified as Handout 9.1-A herein. Copies of the Handout were distributed to the Board and made available to the public.

10. ADMINISTRATION:

None.

11. DISTRICT COUNSEL:

None.

12. ADJOURN:

12.1. Board Member Reports/Announcements.

Director Varela reported attending an Agricultural Water Advisory Committee (AWAC) meeting; San Luis and Delta-Mendota Water Authority (SLDMWA) Board briefing and Board meeting; a Pacheco Reservoir Expansion Project Public Scoping Meeting; a Water Infrastructure Virtual Bus Tour; and a Water 101 Academy event.

Director Keegan reported attending the aforementioned Water 101 Academy event; Delta Conveyance Authority (DCA) Stakeholder Engagement Committee, Youth Commission, Stream Planning and Operations Committee (SPOC), Special Board Audit Committee (BAC), and Board Policy and Planning Committee (BPPC) meetings; a BAC Preparation meeting; a Valley Water Town Hall meeting; and various meetings with staff.

Director Santos reported attending a Berryessa Citizens Advisory Committee meeting; a Briefing with City of Santa Clara Councilmember Sudhanshu “Suds” Jain; a San Jose District 4 Councilmember David Cohen Town Hall meeting; and various meetings with staff.

Director LeZotte reported attending the aforementioned SPOC and BPPC meetings; a City of San Jose District 10 Councilmember Matt Mahan meeting; a Santa Clara County District 5 Supervisor Joe Simitian Sixth Annual Lehigh Town Hall meeting; a Santa Clara County Special Districts Association meeting; and various meetings with staff.

Director Hsueh reported attending the aforementioned BPPC, Youth Commission, Pacheco Reservoir Expansion Project Public Scoping, and Santa Clara County District 5 Supervisor Joe Simitian Sixth Annual Lehigh Town Hall meetings; a Landscape Summit meeting; and various meetings with staff.

Director Kremen reported attending the aforementioned Pacheco Reservoir Expansion Project Public Scoping, Santa Clara County Special Districts Association, and SLDMWA Board Briefing and Board meetings; a Water Storage Exploratory Committee meeting; a Santa Clara County Local Agency Formation Commission (LAFCO) Finance Committee meeting; a San Francisquito Creek Project Update Community meeting; an Imported Water meeting; a La Raza Roundtable meeting; an Antelope Valley-East Kern Water Agency Virtual Tour; and various meetings with staff.

Director Estremera reported attending the aforementioned Valley Water Town Hall and DCA Stakeholder Engagement Committee meetings; a Recycled Water Committee meeting; a City of San Jose Mayor Sam Liccardo meeting; and various meetings with staff.

12.2. Clerk Review and Clarification of Board Requests.

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

- 12.3. Adjourn to Special Closed Session Meeting at 10:00 a.m., on March 16, 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 1:30 p.m., to the 10:00 a.m., Special Closed Session Meeting on March 16, 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: