



BOARD OF DIRECTORS MEETING

MINUTES

**AMENDED CLOSED SESSION AND REGULAR MEETING
TUESDAY, AUGUST 10, 2021
11:00 AM**

(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, conducted by Zoom Teleconference, 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 participating by teleconference were Barbara Keegan, Linda J. LeZotte, and John L. Varela, with Tony Estremera, Nai Hsueh, and Richard Santos being present in the Boardroom, constituting a quorum of the Board.

Director Gary Kremen was excused from attending.

Staff in attendance was M. King, Clerk, Board of Directors. Staff participating by teleconference were R. Callender, Chief Executive Officer, C. Orellana, District Counsel, J. Aranda, A. Baker, L. Bankosh, R. Blank, A. Fulcher, R. Gibson, V. Gin, C. Hakes, H. McMahon, L. Orta, M. Richardson, D. Rocha, K. Struve, D. Taylor, S. Tippets, G. Williams, K. Wong, B. Yerrapotu, and T. Yoke.

Chairperson Estremera confirmed that the Board would adjourn to Closed Session for consideration of Items 2.1, 2.2, and 2.3.

In regard to Item 2.1, eight statements expressing support for developing a memorandum of understanding that supports fair wages, benefits, keeps up with the cost of inflation, and remains competitive, were received from: Ms. Anjelica Arellano, Mr. John Brosnan, Ms. Jessica Collins, Mr. Mike Duffy, Ms. Cindy Kao, and Mr. Stanley Young, Valley Water Professional Manager's Association (PMA), representatives; and, Ms. Samantha Greene and Ms. Sunny Williams, Valley Water's Engineer's Society, representatives.

2. TIME CERTAIN:

11:00 AM

- 2.1 CLOSURE SESSION
CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6(a)
Agency Designated Representatives: Rick Callender, J. Carlos Orellana, Tina Yoke, Edward Kreisberg, Ingrid Bella, Bryant Welch, Laura Harbert, Emily Meeks
Employee Organizations: Employees Association, Engineers Society, Professional Managers
- 2.2 CLOSURE SESSION
Conference with Legal Counsel - Initiation of Litigation
Government Code Section 54956.9(d)(4)
7 Potential Cases
- 2.3 CLOSURE SESSION CONFERENCE WITH LEGAL COUNSEL
Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8
Setting Negotiation Parameters for Price and Terms of Payment for Purchase, Sale, or Exchange of Property Interest in APNs: 386-19-067; 386-21-039; 386-21-028; 386-07-076; 386-21-042; 386-21-027; 386-21-029; and 386-21-030
Agency Negotiators: Rick Callender, Melanie Richardson, Sue Tippetts, Jennifer Codianne, Usha Chatwani
Negotiating Parties: George III & Mary Fox; Saratoga Woods Community Association; David Stone & Peng Wenwei; Wesley & Linda Yamasaki; Alan & Ylva Smith; Walter & Susan Windus; Behnam Javanmardi & Vida Goudarzi; and Chao-Hung Huang & Li Yu Wang

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

1:00 PM

- 2.4 District Counsel Report on Closed Session.
- Mr. Carlos Orellana, District Counsel, reported that in regard to Items 2.1, 2.2, and 2.3, the Board met in Closed Session with all members present, excluding Director Kremen, and took no reportable action.
- 2.5 Pledge of Allegiance/National Anthem.
- Director Varela led all present in reciting the Pledge of Allegiance.
- 2.6 Orders of the Day.
- Chairperson Estremera confirmed that there were no changes to the Orders of the Day.

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

Chairperson Estremera declared time open for public comment on any subject not on the agenda.

Ms. Roberta Philipps, Los Altos resident, expressed concern about the impact of the drought on hydropower generation at facilities such as Oroville Dam, and the ongoing ability to sustain sufficient electrical power for new housing developments.

2.8 Monthly Drought Response and Water Supply Update.

Recommendation: Receive an update on water supply conditions in Santa Clara County and staff's drought response efforts and provide direction to staff, as necessary.

Ms. Neeta Bijoor, Senior Water Resources Specialist, 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.

3. CONSENT CALENDAR:

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

3.1 Authorize the Chief Executive Officer to Execute Cost Reimbursement Agreement HSR20-44, with the California High-Speed Rail Authority, in an Amount Not-to-Exceed \$80,923.23, for Technical/Engineering Review Support, and Right of Way Support, for the High-Speed Rail System San Francisco to San Jose and San Jose to Merced Sections (Various Cities and Unincorporated County) (Districts 1, 2, 3, 5, 7).

Recommendation: Authorize the Chief Executive Officer to Execute Cost Reimbursement Agreement HSR20-44, with the California High-Speed Rail Authority, in an Amount Not-to-Exceed \$80,923.23, for reimbursement of Staff Costs for Technical/Engineering Review Support, and Right of Way Support, for the High-Speed Rail System San Francisco to San Jose and San Jose to Merced Sections.

3.2 Amendment No. 2 to Agreement No. A4144A with Stantec Consulting Services, Inc. in the amount of \$1,563,241 for the Rinconada Water Treatment Plant Residuals Remediation Project, Project No. 93294058, CAS File # 4818 (Los Gatos), (District 7).

Recommendation: Approve Amendment No. 2 to Agreement No. A4144A with Stantec Consulting Services, Inc. to increase the not-to-exceed fee by \$1,563,241, for a new not-to-exceed fee of \$4,860,036, for engineering support services during construction.

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

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

3.4 Adopt the Resolution Affirming Support for Voting Rights for All.

Recommendation: Adopt the Resolution AFFIRMING SUPPORT FOR VOTING RIGHTS FOR ALL.

3.5 Receive Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities Aimed at Influencing District Decisions, in Accordance With District Ordinance No. 10-01.

Recommendation: Receive the Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities for the period January 1, 2021 through June 30, 2021.

3.6 Approval of Minutes.

Recommendation: Approve the minutes.

3.7 Accept the CEO Bulletins for the Weeks of July 9 through July 22, 2021, and July 23 through August 5, 2021.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 through 3.7, under one motion, as follows: authorize the Chief Executive Officer to Execute Cost Reimbursement Agreement HSR20-44, with the California High-Speed Rail Authority, in an Amount Not-to-Exceed \$80,923.23, for reimbursement of Staff Costs for Technical/Engineering Review Support, and Right of Way Support, for the High-Speed Rail System San Francisco to San Jose and San Jose to Merced Sections, as contained in Item 3.1; approve Amendment No. 2 to Agreement No. A4144A with Stantec Consulting Services, Inc. to increase the not-to-exceed fee by \$1,563,241, for a new not-to-exceed fee of \$4,860,036, for engineering support services during construction of the Rinconada Water Treatment Plant Residuals Remediation Project, as contained in Item 3.2; consider nominations for two-year commission appointments to the Santa Clara Valley Water Youth Commission, as contained in Item 3.3; adopt Resolution 21-78 AFFIRMING SUPPORT FOR VOTING RIGHTS FOR ALL, by roll call vote, as contained in Item 3.4; receive the Semi-Annual Lobbyist Report of Individuals Engaged in Compensated Lobbying Activities for the period January 1, 2021 through June 30, 2021, as

contained in Item 3.5; approve the minutes, as contained in Item 3.6; and accept the CEO Bulletin, as contained in Item 3.7.

Move to Approve: Richard Santos
Second: Tony Estremera
Yeas: Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

REGULAR AGENDA:

Director LeZotte concluded her participation by teleconference and rejoined as noted below.

4. BOARD OF DIRECTORS:

- 4.1 Consider the June 23, 2021, Recycled Water Committee Recommendation Regarding Presentation of the Countywide Recycled Water Master Plan Project Completion.

Recommendation: Consider the Recycled Water Committee's recommendation to accept project completion of the Countywide Recycled Water Master Plan (CoRe Plan).

Mr. David Tucker, Associate Engineer, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachment 1.

Director Santos suggested consolidating the committee's working on the South County Water Purification Project into one committee, consisting of the Valley Water Board members and City Council members of both Morgan Hill and Gilroy.

Move to Accept: Nai Hsueh
Second: Barbara Keegan
Yeas: Nai Hsueh, Barbara Keegan, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen, Linda J. LeZotte
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

- 4.2 Consider Water Storage Exploratory Committee's Recommendation from the Committee's June 30, 2021 Meeting.

Recommendation: Consider the Water Storage Exploratory Committee's (WSEC) recommendation: Request the Board initiate discussions to form a User Group Ad Hoc (non-Brown Act)

Committee having at least 1 WSEC Director, appropriate staff representation, and potentially having 1 or 2 elected officials from each user agency to discuss the Los Vaqueros Reservoir Expansion Project JPA Agreement, usage, and other pertinent business and policy terms.

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

Move to Approve: Richard Santos
Second: John L. Varela
Yeas: Nai Hsueh, Barbara Keegan, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen, Linda J. LeZotte
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

Director LeZotte rejoined the meeting by teleconference.

4.3 Board Committee Reports.

Hon. Lynette Lee Eng, speaking as a Los Altos resident, expressed support for, and encouraged the Board to approve, the recommendation contained in Handout 4.3-K.

Chairperson Estremera noted that the Board would consider the recommendation referenced by Ms. Eng during the August 24, 2021 Regular Meeting.

The Board noted the information, without formal action.

4.4 Proposed Future Board Member Agenda Items.

None.

5. WATER UTILITY ENTERPRISE:

None.

6. WATERSHEDS:

None.

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 7.1 Approve the Agreement with Kayuga Solution, Inc. for On-Call Asset Management Services, Project No. 00061045, CAS File No. 5175, for a Not-to-Exceed Fee of \$1,100,000.

Recommendation: Approve the Standard On-Call Agreement with Kayuga Solution, Inc., Project No. 00061045, CAS File No. 5175, for On-Call Asset Management Services (Project) for a not-to-exceed fee of \$1,100,000.

Ms. Erin Baker, Asset Management Manager, reviewed the information on this item, per the attached Board Agenda Memo.

Move to Approve: Nai Hsueh
Second: Richard Santos
Yeas: Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

8. EXTERNAL AFFAIRS:

None.

9. CHIEF EXECUTIVE OFFICER:

- 9.1 Approve the Central Fiscal Year 2020-21 Year-End and Fiscal Year 2021-22 Budget Adjustments.

Recommendation: Approve the central Fiscal Year 2020-21 year-end and Fiscal Year 2021-22 budget adjustments.

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

Move to Approve: John L. Varela
Second: Richard Santos
Yeas: Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
Nays: None
Abstains: None
Recuses: None
Absent: Gary Kremen
Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

- 9.2 CEO and Chiefs' Report.

Ms. Sue Tippets, Interim Chief Operating Officer, reviewed the information on the attached Watersheds Operations & Maintenance Report, as contained in Handout 9.2-D, and advised the Board that Handout 9.2-D replaced Handout 9.2 A.

Ms. Rachel Gibson, Chief of External Affairs, reviewed the information on the attached Office of Communications and Office of Government Relations Updates, as contained in Handouts 9.2-B and 9.2-C respectively.

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

10. ADMINISTRATION:

- 10.1 Approve Project Labor Agreement Working Group Recommendation to Consider Draft Project Labor Agreement negotiated between Santa Clara Valley Water District and the Santa Clara and San Benito Counties Building Trades Council.

Recommendation:

- A. Approve the Project Labor Agreement Working Group recommendation to consider Draft Project Labor Agreement negotiated between Santa Clara Valley Water District and the Santa Clara and San Benito Counties Building Trades Council;
- B. Authorize the Chief Executive Officer or designee to facilitate the final approval process with the Santa Clara and San Benito Counties Building Trades Council (Council) and its affiliates at the national and local levels; and
- C. Direct CEO to agendize the finalized agreement for full board approval at future Board meeting.

Mr. Ken Wong, Deputy of General Services, reviewed the information on this item, per the attached Board Agenda Memo, and per the information contained in Attachments 1 and 2.

Mr. Joe Lubas, Associated Builders and Contractors of Northern California, Policy Analyst, recommended amendments to Section 8.4, Article 8, to specify that all journey workers in Santa Clara County are allowed to work on projects; Section 9.2, Wages and Benefits, to specify all collective bargaining agreements that contain portability clauses so workers can receive said benefits upon completion of projects and any collective bargaining agreements that do not have portability clauses so that non-signatory workers can receive benefits through their companies; and Section 10.1, Article 10, to ensure that all State approved apprentices are allowed to work on these projects. Mr. Lubas also asked the Board to clarify Section 7.2, specifically if whether non signatory workers will be forced to pay union dues, fees and assessments.

In response to Mr. Lubas, Mr. Wong confirmed that workers on the projects would be subject to union membership dues and fees.

Four statements expressing support for the proposed Project Labor Agreement with the Santa Clara and San Benito Counties Building and Trades Council were received by: Mr. David Bini, Santa Clara County and San Benito County Building and Trades Council; Ms. Louise Auerhahn, Working Partnerships USA; and Mr. Clint Steele and Mr. Neil Ash, Operating Engineers Local 3.

Move to Approve: Richard Santos
 Second: John L. Varela
 Yeas: Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
 Nays: None
 Abstains: None
 Recuses: None
 Absent: Gary Kremen
 Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

11. DISTRICT COUNSEL:

- 11.1 Approve the Agreement with Arthur Gallagher & Co. Insurance Brokers of California, for Insurance Broker Services-2021, Liability Property Program Project, Project No. 65051001 CAS File No. 5177, for a Not-To-Exceed Fee of \$303,000.

Recommendation: Approve the agreement with Arthur J. Gallagher & Co., Insurance Brokers of California, Inc. for Insurance Broker Services - 2021 for a not-to-exceed fee of \$303,000.

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

Move to Approve: Richard Santos
 Second: Nai Hsueh
 Yeas: Nai Hsueh, Barbara Keegan, Linda J. LeZotte, Richard Santos, John L. Varela, Tony Estremera
 Nays: None
 Abstains: None
 Recuses: None
 Absent: Gary Kremen
 Summary: 6 Yeas; 0 Nays; 0 Abstains; 1 Absent.

12. ADJOURN:

- 12.1 Board Member Reports/Announcements.

Director Varela reported attending a Joint Water Resources Committee meeting with Morgan Hill and Gilroy; and Morgan Hill Chamber of Commerce, San Luis Delta-Mendota Water Authority, and Association of California Water Agencies (ACWA) Board and Latino Coalition meetings.

Director Santos reported attending a Landscaping Committee meeting; and Penitencia and River Oaks Home Association meetings.

Director LeZotte reported attending Board Policy and Planning Committee (BPPC) and Water Conservation and Demand Management (WCaDM) meetings; West Valley Mayors and Managers and Water Conservation Focus Group meetings and various meetings with staff; and reported participating in a Valley Water Racial Equity, Diversity and Inclusion Cultural Speaker Series Panel.

Director Hsueh reported attending the aforementioned WCaDM Committee meeting; Environmental and Water Resources Committee (EWRC), Diversity and Inclusion (D&I) Ad Hoc Committee, and Capital Improvement Program (CIP) Committee meetings; and various meetings with staff; and reported participating in a presentation to the Organization of Chinese American Women and a radio interview for 96.1 FM.

Chairperson Estremera reported attending the aforementioned EWRC, CIP, and D&I Committee meetings; a Recycled Water Committee meeting; a meeting with the Vice Mayor of Palo Alto; and a meeting with members of the environmental community.

12.2 Clerk Review and Clarification of Board Requests.

None.

12.3 Adjourn to Special Joint Meeting with the Cities of Gilroy and Morgan Hill at 6:00 p.m., on August 23, 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-08-21.

Chairperson Estremera adjourned the meeting at 3:45 p.m., to the 6:00 p.m. Special Meeting on August 23, 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: