



BOARD OF DIRECTORS MEETING

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# MINUTES

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**CLOSED SESSION AND REGULAR MEETING  
TUESDAY, SEPTEMBER 28, 2021  
4:00 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, conducted by Zoom Teleconference, was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 4:00 p.m.

**1.1. Roll Call.**

Board members participating by teleconference were Barbara Keegan, Gary Kremen, 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.

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, E. Aryee, A. Baker, R. Blank, R. Chan, J. Codianne, R. Gibson, B. Hopper, L. Bankosh, M. Lugo, H. McMahon, L. Orta, M. Richardson, D. Rocha, K. Struve, D. Taylor, S. Tippetts, B. Yerrapotu, and T. Yoke.

**2. TIME CERTAIN:**

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

**4:00 PM**

- 2.1. CLOSED SESSION  
THREAT TO PUBLIC SERVICES OR FACILITIES  
Pursuant to Government Code Section 54957(a)  
Consultation with Alex Gordon, Assistant Officer**

- 2.2. CLOSED SESSION  
CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6(a)  
Agency Designated Representatives: Rick Callender, J. Carlos Orellana, Brian Hopper, Tina Yoke, Edward Kreisberg, Ingrid Bella, Bryant Welch, Laura Harbert, Emily Meeks  
Employee Organizations: Employees Association, Engineers Society, Professional Managers

Director Kremen concluded his participation by teleconference and rejoined as noted below.

- 2.3. CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION  
Government Code Section 54956.9(d)(4)  
One Potential Case

**6:00 PM**

Director Kremen rejoined the meeting by teleconference.

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

- 2.4. District Counsel Report on Closed Session.

Mr. Carlos Orellana, District Counsel, reported that in regard to Item 2.1, the Board deferred; in regard to Item 2.2, the Board met in Closed Session with all members present, and took no reportable action; and that in regard to Item 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.

Chairperson Estremera 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 item not on the agenda. There was no one present who wished to speak.

- 2.8. Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Santa Teresa Water Treatment Plant Filter Media Replacement Project, Project No. 93284013 (Santa Clara County, District 7).

Recommendation: A. Conduct a Public Hearing on the Engineer's Report and the CEQA Exemption Determination for the Santa Teresa Water Treatment Plant Filter Media Replacement Project (Project);

- B. Close the Public Hearing;
- C. Approve the CEQA Exemption Determination for the Project;
- D. Adopt Resolution APPROVING THE ENGINEER'S REPORT FOR THE SANTA TERESA WATER TREATMENT PLANT FILTER MEDIA REPLACEMENT PROJECT; and
- E. Approve the Project.

Chairperson Estremera opened the Public Hearing.

Mr. Brandon Ponce, Capital Engineering Manager, reviewed the information on this item, per the attached Board Agenda Memo, and per the attached presentation materials contained in Attachment 6.

Chairperson Estremera declared Time Open for Public Comments and, seeing no one present who wished to speak, closed the Public Hearing.

Motion: Adopt Resolution No. 21-86, APPROVING THE ENGINEER'S REPORT FOR THE SANTA TERESA WATER TREATMENT PLANT FILTER MEDIA REPLACEMENT PROJECT, by roll call vote; approve the CEQA Exemption Determination for the Project; and approve the Project.

Move to Adopt: 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.

### 3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 and 3.2, under one motion.

- 3.1. Approve Recommended Positions on Federal Legislation: H.R. 1563 (Garcia) – To Extend the Authorities Under the Water Infrastructure Improvements for the Nation Act of 2016 Providing the Operational Flexibility, Drought Relief, and Other Benefits to the State of California; H.R. 2895 (Peters)/S. 1499 (Warner) – Reinventing Economic Partnerships And Infrastructure Redevelopment (REPAIR) Act; H.R. 3282 (McKinley) – Drinking Water Funding for the Future Act of 2021; H.R. 3228 (Velazquez) – National Coastal Resilience Data and Services Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

Recommendation: A. Adopt a position of "Support" on H.R. 1563 (Garcia) – To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing the operational flexibility, drought relief, and other benefits to the State of California;

- B. Adopt a position of "Support" on H.R. 2895 (Peters)/S. 1499 (Warner) – Reinventing Economic Partnerships And Infrastructure Redevelopment (REPAIR) Act;
- C. Adopt a position of "Support" on H.R. 3282 (McKinley) – Drinking Water Funding for the Future Act of 2021; and
- D. Adopt a position of "Support" on H.R. 3228 (Velazquez) – National Coastal Resilience Data and Services Act.

3.2. Accept the CEO Bulletin for the Weeks of September 10-23, 2021.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 and 3.2, under one motion, as follows: adopt positions of "Support" on H.R. 1563 (Garcia), H.R. 2895 (Peters)/S. 1499 (Warner), H.R. 3282 (McKinley), and H.R. 3228 (Velazquez), as contained in Item 3.1; and accept the CEO Bulletin, as contained in Item 3.2.

Move to Approve: Richard Santos  
 Second: Barbara Keegan  
 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. Review Fiscal Year 2022 Board Policy Planning Calendar.

Recommendation: Review, discuss and revise the Fiscal Year 2022 Board Policy Planning Calendar.

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

The Board noted the information without formal action.

4.2. Receive the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year Ended June 30, 2020.

Recommendation: Receive the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year ended June 30, 2020.

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

The Board noted the information without formal action.

4.3. Board Committee Reports.

The Board noted the information, without formal action.

4.4. Proposed Future Board Member Agenda Items.

None.

**5. WATER UTILITY ENTERPRISE:**

- 5.1. Approve the Agreement with Carollo Engineers, Inc. for Consulting Services, for the Water Treatment Plant Implementation Project, Project No. 93044001, CAS File No. 5144, for a Not-to-Exceed Fee of \$6,461,429.

Recommendation: Approve the Agreement with Carollo Engineers, Inc. for consulting services, for the Water Treatment Plant Implementation Project, for a Not-to-Exceed Fee of \$6,461,429.

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

Move to Approve: Richard Santos  
Second: Gary Kremen  
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.

**6. WATERSHEDS:**

None.

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

- 7.1. Approve, and Authorize Staff to Finalize and Submit the Fiscal Year 2020-2021 (FY21) Safe, Clean Water and Natural Flood Protection Program Annual Report – Year 8 (Final 2012 Program Report), for Independent Monitoring Committee (IMC) Review.

Recommendation: A. Approve the FY21 Safe, Clean Water Program Annual Report – Year 8 with unaudited financials; and  
B. Authorize staff to finalize the FY21 Safe, Clean Water Program Annual Report – Year 8 (with audited financials) and submit the final report to the IMC for its review.

Ms. Meenakshi Ganjoo, Program Manager, reviewed the information on this item, per the attached Board Agenda Memo, and per the attached presentation materials contained in Attachment 2.

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.

**8. EXTERNAL AFFAIRS:**

None.

**9. CHIEF EXECUTIVE OFFICER:**

**9.1. CEO and Chiefs' Report.**

Ms. Melanie Richardson, Chief Operating Officer, reported that Valley Water had received Federal Energy Regulatory Commission authorization to begin work on Phase II-B of the Anderson Dam Seismic Retrofit Project.

Ms. Sue Tippets, Interim Chief Operating Officer, read into the record the attached Watershed Operations and Maintenance Report, identified as Handout 9.1-C, herein.

Ms. Rachael Gibson, Chief of External Affairs, reviewed the attached Office of Government Relations and Office of Civic Engagement Activities Updates, identified as Handouts 9.1-A and 9.1-B herein.

Copies of the Handouts 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 various Association of California Water Agencies meetings; a Purified Water Press Conference at the Silicon Valley Advanced Water Purification Center; and a meeting with Morgan Hill resident Mr. Doug Muirhead.

Director Keegan reported attending the aforementioned Purified Water Press Conference; an Arts Podcast preparation meeting; various Delta Conveyance Authority meetings; Board Audit Committee and Water Conservation and Demand Management (WCaDM) meetings; a Santa Clara Valley Habitat Joint Governing and Implementation Board meeting; a Special Board meeting; and various meetings with staff.

Director Santos reported attending the California Coastal Cleanup Day and Hispanic Contributions in Science events.

Director LeZotte reported attending the aforementioned WCaDM and Special Board meetings, and Purified Water Press Conference; Capital Improvement Program (CIP) Committee, Stream Planning and Operations Committee, Board Policy and Planning Committee, Recycled Water Committee (RWC), and Joint Recycled Water Advisory Committee with City of Sunnyvale (JRWAC, Sunnyvale) meetings; and various meetings with staff.

Director Kremen reported attending the aforementioned Purified Water Press Conference; a Palo Alto-based bike-path tour; a Pacheco Reservoir Expansion Project audit briefing; San Francisquito Creek Joint Powers Authority and Redistricting Advisory Committee meetings; a meeting with Director LeZotte; and various drought and water supply-related media interviews.

Director Hsueh reported attending the aforementioned Purified Water Press Conference, CIP Committee, WCaDM Committee, and Special Board meetings; an FM 96.1 drought-related interview; and various meetings with staff.

Chairperson Estremera reported attending the aforementioned Purified Water Press Conference, RWC, CIP, and JRWAC, Sunnyvale meetings; a La Raza Roundtable meeting; and the Asian Law Alliance 44th Anniversary event.

12.2. Clerk Review and Clarification of Board Requests.

None.

12.3. Adjourn to Special Joint Meeting with the City of Sunnyvale at 6:00 p.m., on October 6, 2021.

Chairperson Estremera adjourned the meeting at 6:35 p.m., to the 6:00 p.m. Special Joint Meeting with City of Sunnyvale on October 6, 2021, to be called to order in compliance with the Brown Act as currently in effect and Santa Clara Valley Water District Resolution 21-85, adopted on September 28, 2021, in compliance with the provisions of AB361 (Rivas).

Michele L. King, CMC  
Clerk, Board of Directors

Approved:

Date:

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