



# **Santa Clara Valley Water District Board Policy and Planning Committee Meeting**

Board Conference Room A-124

## **AMENDED SPECIAL MEETING AGENDA**

**Tuesday, April 5, 2022  
1:00 PM**

**District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.**

### **BOARD POLICY AND PLANNING COMMITTEE**

Nai Hsueh - District 5, Committee  
Chair

Barbara Keegan - District 2,  
Committee Vice Chair

Linda J. LeZotte, District 4

During the COVID-19 restrictions, all public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

### **COMMITTEE CLERK**

Michele L. King, CMC  
Clerk, Board of Directors

**Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

**Santa Clara Valley Water District**  
**Board Policy and Planning Committee**  
**SPECIAL MEETING**  
**AGENDA**

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Tuesday, April 5, 2022

1:00 PM

Board Conference Room A-124

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\*\*\*BY VIRTUAL TELECONFERENCE ONLY\*\*\*

Pursuant to California Government Code section 54953(e), this meeting will be held by teleconference only. No physical location will be available for this meeting; however, members of the public will be able to participate in the meeting as noted below.

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the "Raise Hand" tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

Santa Clara Valley Water District (Valley Water) in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Committee meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

**Join Zoom Meeting:**  
**Meeting ID: 970 6472 5908**

**Dial by your location**  
**1 669 900 9128 US (San Jose)**  
**Meeting ID: 970 6472 5908**

**1. CALL TO ORDER:**

1.1. Roll Call.

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

*Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*

**3. APPROVAL OF MINUTES:**

3.1. Approval of Minutes.

[22-0520](#)

Recommendation: Approve the February 7, 2022 Minutes.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: February 7, 2022 Minutes.](#)

**4. INFORMATION AND ACTION ITEMS:**

4.1. Next Steps Evaluating Potential Revisions to the Untreated Surface Water Program. [22-0518](#)

- Recommendation:
- A. Receive a financial update on the Untreated Surface Water Program;
  - B. Recommend to staff a process for presenting the two-phase proposal for revising the Program to the Agricultural Water Advisory Committee and Landscape Committee;
  - C. Recommend the two-phase proposal for revising the Program for Board approval; and
  - D. Receive information on the development of an appeal process for impacted surface water permittees.

Manager: Greg Williams, 408-630-2867

4.2. Rules of Decorum Ordinance. [22-0519](#)

Recommendation: Discuss and Provide Feedback Regarding Rules of Decorum Ordinance.

Manager: Alexander Gordon, 408-630-2637

Attachments: [Attachment 1: Ordinance](#)

4.3. 2022 Work Plan and Meeting Schedule. [22-0522](#)

- Recommendation:
- A. Review the 2022 Board Policy and Planning Committee's Work Plan and incorporate any new tasks; and
  - B. Schedule Committee meetings as appropriate.

Manager: Michele King, 408-630-211

Attachments: [Attachment 1: 2022 BPPC Work Plan](#)

**5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**

*This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.*

**6. ADJOURN:**

6.1. Adjourn to Regular Meeting at 2:00 p.m., on May 2, 2022.



# Santa Clara Valley Water District

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**File No.:** 22-0520

**Agenda Date:** 4/5/2022  
**Item No.:** 3.1.

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## COMMITTEE AGENDA MEMORANDUM

### Board Policy and Planning Committee

**SUBJECT:**

Approval of Minutes.

**RECOMMENDATION:**

Approve the February 7, 2022 Minutes.

**SUMMARY:**

A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Committee's meetings.

**ATTACHMENTS:**

Attachment 1: February 7, 2022 Minutes.

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711.





BOARD POLICY AND PLANNING COMMITTEE MEETING

# DRAFT MINUTES

**Monday, February 7, 2022  
2:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER  
1.1 ROLL CALL**

A regular meeting of the Santa Clara Valley Water District (Valley Water) Board Policy and Planning Committee (BPPC) was called to order at 2:00 p.m. on February 7, 2022, via teleconference Zoom meeting.

Board Members in attendance: Director Nai Hsueh-District 5 (in Conference Room A-124); Director Linda J. LeZotte-District 4; and Director Barbara Keegan-District 2 via teleconference constituting a quorum of the BPPC.

Staff members in attendance: Jason Araujo, Aaron Baker, Lisa Bankosh, Rechelle Blank, Luan Buckley, Theresa Chinte, Jessica Collins, Anthony Fulcher, Jeff Ham, Bassam Kassab, Michele King (in Conference Room A-124), Carmen Narayanan, Samina Shaikh, Kirsten Struve, Sue Tippetts, Jose Villarreal, Greg Williams, Sunny Williams, and Tina Yoke.

Guests in attendance: Arthur Keller, Environmental and Water Resources Committee Vice Chair.

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT AN AGENDA**

BPPC Chair Hsueh declared time open for public comment on any item not on the agenda. There was no one present who requested to speak.

**3. 3.1 APPROVAL OF MINUTES – January 4, 2022.**

The BPPC considered the draft minutes from the January 4, 2022, meeting. It was moved by Director LeZotte, seconded by Director Keegan, and unanimously carried by roll call vote to approve the minutes as presented.

#### **4. Action and Information Items**

##### **4.1 DISCUSS OUTREACH FINDINGS ON THE UNTREATED SURFACE WATER PROGRAM AND PROPOSED TWO-PHASE PLAN FOR IMPLEMENTING CHANGES TO THE PROGRAM.**

Ms. Samina Shaikh, Associate Engineer, presented information on this item as outlined in the attached committee memorandum.

Mr. Roger Costa, undisclosed location, stated that since 1988 his property has had a pipeline from Valley Water's surface water turnout which irrigates more than 140 mature trees, including 65 large redwood trees. The domestic well on the property only has capacity for the home and the immediate landscaping and is drilled down to bedrock, so it has no additional capacity. He stated that he feels that the existing Valley Water surface water use permit is vested and, as long as the account is maintained in good standing, Valley Water should treat it as a vested use and allow for continued use.

Director Keegan requested that staff provide additional information on whether native landscaping, i.e., mature trees and items of that nature, are included in Phase One of the program changes.

Chair Hsueh supports staff's plan to meet with every owner to verify information and review water source and use. She requested that staff return to the Committee or full Board with any unresolved issues or requests for exceptions, after the in-person visits.

It was moved by Director LeZotte, seconded by Director Keegan, and unanimously approved by roll call vote, to request staff present the two-phase plan to the full Board in March.

##### **4.2 2022 WORK PLAN AND MEETING SCHEDULE**

Ms. Michele King, Clerk of the Board, Mr. Jeff Ham, Program Administrator, and Ms. Sue Tippets, Interim Chief Operating Officer, reviewed the three proposed areas where the committee could provide review and input on in 2022: Governance Policies of the Board; Executive Limitations; Fuel Management Policy and Wildfire Resilience Plan; and Expansion of the Water Resources Protection Manual, respectively.

Regarding the Wildfire Resilience Plan, Director Keegan suggested that staff check in with the full board as part of the initial planning efforts to ensure there is input from directors who represent rural areas where fire risk is high, and from other directors that are interested in emergency response and firefighting in general.

Regarding the Water Resources Protection Manual, Directors Keegan and LeZotte suggested that there be a review of what has and has not been working as part of our existing agreements with the cities in use of the manual, and if there are areas that need to be updated to provide greater resource protection, or if cities think there are areas that can be improved.



Director LeZotte stated that in addition to Director Keegan's suggestion to check in with the full board, she feels there is a need to define Valley Water's role in a wildfire resilience plan before the BPPC begins any work on the subject.

Chair Hsueh suggested that when staff reviews the Executive Limitation Governance Policies, that priority be given to those policies that may be impacting business operations, such as causing process obstacles or adding unnecessary workflow steps, etc.

The BPPC requested that the three subjects proposed to be added to the 2022 Work Plan be presented to the full Board for approval, along with the 2021 BPPC Accomplishments report.

**5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**

Ms. King reviewed the actions taken on items 4.1 and 4.2.

**6. ADJOURNMENT**

Chair Director Hsueh adjourned the meeting at approximately 3:10 p.m.

Michele L. King  
Clerk of the Board

Approved:





# Santa Clara Valley Water District

**File No.:** 22-0518

**Agenda Date:** 4/5/2022

**Item No.:** 4.1.

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## **COMMITTEE AGENDA MEMORANDUM Board Policy and Planning Committee**

### **SUBJECT:**

Next Steps Evaluating Potential Revisions to the Untreated Surface Water Program.

### **RECOMMENDATION:**

- A. Receive a financial update on the Untreated Surface Water Program;
- B. Recommend to staff a process for presenting the two-phase proposal for revising the Program to the Agricultural Water Advisory Committee and Landscape Committee;
- C. Recommend the two-phase proposal for revising the Program for Board approval; and
- D. Receive information on the development of an appeal process for impacted surface water permittees.

### **SUMMARY:**

At the March 22, 2022, Board meeting, staff provided an update on the Untreated Surface Water Program (Program) information, stakeholder outreach findings, and two-phase proposal for revising the Program. The Board directed staff to seek input from the Agricultural Water Advisory Committee and Landscape Committee, work with the Board Policy and Planning Committee (BPPC) to develop an appeal process for surface water permittees (Permittees) impacted by the two-phase proposal, and return to the Board with the BPPC's recommendation for the future of the Program.

#### **A. Receive a financial update on the Program**

At the March 22, 2022, Board meeting, the annual Program water usage in acre-feet (AF) and revenue for fiscal year (FY) 2020-21 by charge zone were shared. As a reminder, in FY 2020-21, the total Program water use was around 2,518 AF (or about 1 percent of Santa Clara Valley Water District's (Valley Water) total water use) and total Program revenue was around \$1.78 million (or about 0.6 percent of the Water Utility Enterprise's total revenue). During that meeting, the Board asked for additional information with regard to recovery of costs as it relates to the Program.

The Surface Water charge is comprised of two components: the Basic User Charge (also called the Groundwater Production Charge) and the Surface Water Master Charge. Valley Water manages water conjunctively, with activities benefiting groundwater, surface water, and treated water. The

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Basic User Charge is a volumetric rate (\$/AF) and varies within each of the four (4) zones of benefit. Agricultural water customers benefit from a low agricultural rate, set at 10% of the lowest Municipal & Industrial (M&I) rate.

For the purpose of this discussion, the information that follows will focus on the revenue generated from the Surface Water Master Charge, which pays for the costs that are specific to surface water users only, including the work to operate surface water turnouts and maintain information on surface water accounts. Prior to FY 2021-22, revenues and costs related to the Surface Water Master Charge and associated activities were well aligned with some years seeing a slight overcollection and some years seeing a slight under collection (i.e., less than \$100,000 collection variance each year). However, beginning in FY 2020-21, Water Utility management made a concerted effort to enhance and refine the program. As such, the water master activity costs have increased significantly such that for FY 2021-22 and beyond, staff is projecting an annual under collection of over \$300,000. In order to avoid an under collection, the staff analysis shows that the Surface Water Master Charge would need to be increased in FY 2022-23 from the maximum proposed charge of \$47.10 per acre-foot to over \$150 per acre-foot. It should be noted that a \$300,000 under collection is an insignificant amount relative to the entire Water Utility, which generates over \$300 million in revenue each year. Staff is currently considering alternatives to achieve full cost recovery that would likely include a graduated plan to increase the Surface Water Master Charge steadily over several years until full cost recovery is achieved.

**B. Recommend to staff a process for presenting the two-phase proposal for revising the Program to the Agricultural Water Advisory Committee and Landscape Committee**

At the March 22, 2022, meeting, the Board directed staff to seek input from the Agricultural Water Advisory Committee and Landscape Committee on the two-phase proposal. Staff seeks the BPPC's guidance on the following items before presenting the two-phase proposal to these two advisory committees:

- a) The content of the presentation: Two-phase proposal; impact to various Permittees depending on type of use (Ag, M&I, and/or domestic);
- b) Format of the presentation: A formal presentation or a verbal report; and
- c) Desired outcome of presentation to the two advisory committees: To provide information to the two advisory committees or seek input on the two-phase proposal?

**C. Recommend the two-phase proposal for revising the Program for Board approval**

Staff presented the BPPC's recommendations to update the Program at the November 12, 2019, Board meeting. In subsequent meetings with the BPPC, staff received feedback that the Program should be fair and equitable and should also provide an overall public benefit that includes public spaces and commercial businesses that serve the community. Based on that guidance, staff returned to the BPPC with a two-phase proposal for their consideration. With the BPPC's support, staff presented the two-phase proposal to update the Program to stakeholders on November 16 and 18, 2021. Following stakeholder input, staff further refined two-phase proposal, then presented it to the Board on March 22, 2022, as follows:

*Phase 1: All Domestic Landscape Use off by end of Calendar Year 2023*

- Impacts approximately one third of current customers that use the supply solely for outdoor private landscaping where retailer service and/or groundwater wells are available.
- Preserves interruptible service to current agricultural and M&I customers that provide goods and services to the community and restricts use to agricultural and/or M&I purposes only.
- Solves inequity of neighbors with an alternate source of water receiving program benefit solely for private landscaping use.
- Supports water conservation.
- Surface water use for fire safety will be guided by a separate Valley Water effort.
- Staff will perform property inspections for impacted customers to verify information prior to phasing out of domestic landscaping use.

*Phase 2: Revise Surface Water Rules*

- Update the Program Rules to include a metering requirement and associated fees.
- Service will be specified to exclude domestic landscaping use.
- Customers may be required to install backflow preventers to prevent cross-contamination.
- Creek diverters will be reminded to comply with all local, state, and federal regulatory requirements for operating diversions.
- Incorporate annual acknowledgement that water supply is interruptible.

The two-phase proposal is clear in that service will continue for those Permittees who currently rely on untreated surface water for their livelihood (agricultural or commercial water users). However, Permittees using surface water for landscaping will be required to switch to an alternate water supply, if available, by end of 2023.

Staff recommends presenting the two-phase proposal for Board approval after having presented the Program's two-phase proposal at the Landscape Committee in June 2022 and the Agricultural Water Advisory Committee in early July 2022, as well as after returning to the BPPC if directed to do so. Staff will invite all surface water Permittees and other stakeholders to the Board meeting. At the Board meeting, staff will also offer updates on input from the BPPC and the two advisory committees and share the proposed appeals process for impacted Permittees.

**D. Receive information on the development of an appeal process for impacted Permittees**

Phase 1 proposes to remove domestic water use from the Program by end of 2023 for those with an alternate water source available. On March 22, 2022, the Board directed staff to develop an appeal process for impacted Permittees.

Staff seeks the BPPC's guidance and comments on the proposed appeal process, as shown below:

- Following property inspection by the Water Resources Supervisor, as defined in Phase 1, the Water Resources Supervisor and Untreated Surface Water Program Manager may

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recommend to the Raw Water Division's Deputy Operating Officer (DOO) that the Permittee be taken off the Program by end of 2023.

- If the DOO concurs, the DOO will send a letter to the Permittee informing them of the decision.
- The Permittee can request a hearing with the Chief Operating Officer (COO) of the Water Utility Enterprise or their designee.
- A hearing officer will preside, hear the evidence, and then make their determination.
- If the hearing is not settled by the COO (or their designee) to the satisfaction of the Permittee, the Permittee may appeal to the Board according to the following Right to Appeal process that will be provided to them by the COO (or their designee) in a hearing determination letter.

*Right to Appeal: "You may appeal a decision, related to findings or conditions of approval, made by the Permit Authority. The appeal must be in writing, must be accompanied with the filing fee of \$100, and must be filed with the Clerk of the Board no later than ten (10) calendar days following the date of this notice. Within 10 calendar days from receipt of the request of appeal, a time and place for a hearing will be set. The hearing will be conducted by the Board of Directors and will be scheduled within 45 calendar days of receipt of the hearing request. Upon conclusion of the hearing, the Board will issue a tentative decision on the appeal. A resolution setting forth the Board's decision and the basis therefore will be placed on the Board agenda within 30 days. The Board's decision as set forth in the resolution is final."*

**NEXT STEPS:**

After presenting the two-phase proposal at the two advisory committees and with the BPPC's support, staff proposes to take the two-phase proposal and appeal process to the Board for its consideration.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Greg Williams, 408-630-2867



# Santa Clara Valley Water District

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**File No.:** 22-0519

**Agenda Date:** 4/5/2022  
**Item No.:** 4.2.

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## **COMMITTEE AGENDA MEMORANDUM** **Board Policy and Planning Committee**

### **SUBJECT:**

Rules of Decorum Ordinance.

### **RECOMMENDATION:**

Discuss and Provide Feedback Regarding Rules of Decorum Ordinance.

### **SUMMARY:**

The Board Policy and Planning Committee is interested in discussing issues and concerns the board identified in the Rules of Decorum Ordinance at the March 22, 2022, Board of Directors Meeting, including:

- Comparison to other agency and jurisdiction Rules of Decorum
- Items excluded from public meetings for safety
- Managing excluded items for members of the public attending without a vehicle

In response to concerns expressed by some Board members at the March 22, 2022 Board meeting, language clarifying the purpose and intent of the ordinance has been added.

### **ATTACHMENTS:**

Attachment 1: Ordinance

### **UNCLASSIFIED MANAGER:**

Alexander Gordon, 408-630-2637





**BOARD OF DIRECTORS  
SANTA CLARA VALLEY WATER DISTRICT**

**ORDINANCE NO. 22-**

**AN ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF  
DECORUM IN THE PARTICIPATION OF BOARD AND COMMITTEE MEETINGS**

**The Board of Directors of the Santa Clara Valley Water District (“Valley Water”) do ordain as follows:**

**SECTION 1. PURPOSE OF ORDINANCE**

The Valley Water Board of Directors (Board) finds and declares that this Ordinance imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. The Board further finds and declares that this Ordinance furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies.

Pursuant to those constitutional provisions, the Board makes the following findings to demonstrate the interests protected by Ordinance and the need for protecting those interests:

The purpose of this Ordinance is to promote the safe and orderly conduct of Valley Water Board and Committee meetings (“Meetings”) by enhancing civility and decorum, and by ensuring the safety of those participating in those Meetings. Valley Water seeks to avoid an atmosphere in Meetings that: is uncivil, threatening, and disrespectful; stifles public participation and debate; threatens the quality of decision making; or otherwise undermines the democratic process. To those ends, this Ordinance preserves the rights of other members of the public at the meeting and allows the Board and its committees to continue their work on behalf of the public.

**SECTION 2. DECORUM AT MEETINGS**

Meetings must, at all times, be conducted in an orderly and non-threatening manner to ensure the public has a full opportunity to be heard and that the Board may engage in the deliberative process.

**SECTION 3. RULES OF MEETING DECORUM**

While a Meeting is in session, the following rules of order and decorum must be observed:

- a. Persons in the audience will refrain from behavior which will disrupt the Meeting so as to render the orderly conduct of such Meeting unfeasible. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the Meeting. Audience members must also refrain from creating, provoking, or participating in any type of disturbance involving unwelcomed physical contact or other actions that could reasonably be construed as promoting or participating in violence.
- b. To ensure orderly conduct, Meeting participants must wear clothing covering the upper body, lower body, and feet.
- c. All persons attending the Meeting must remain seated in their seats unless addressing the Board at the podium or waiting in line to do so or when entering or leaving the Meeting.

- d. Persons in the audience must not place their feet on the seats in front of them.
- e. No person may bring any food, drink (other than drinks in reusable bottles with a cap) or chewing gum into the Board Room, Committee Room(s) and designated meeting room(s), except as otherwise pre-approved by Valley Water's Clerk of the Board.
- f. All persons entering the Board Room, Committee Room(s) and designated Meeting room(s) and their effects, including but not limited to their bags, purses, briefcases, and similar belongings are subject to search.
- g. All persons attending the meeting must obey any lawful order of the Board/Committee Chair to enforce any provision of this Ordinance.
- h. Objects or other materials must not obstruct the view of others or be used to disturb the orderly conduct of the Meeting.

#### **SECTION 4. RULES REGARDING SIGNS, BANNERS AND OTHER MATERIALS**

To ensure the safety of participants of the Meeting, audience members may not bring signs, banners or other materials ("Materials") into the Board Room, Committee Room or designated Meeting room, unless all of the following are met:

- a. Materials are no larger than 2 feet by 3 feet;
- b. No sticks, posts, poles, or other like items are attached to the Materials;
- c. Materials will not likely pose a building maintenance problem, a fire safety hazard, or a physical threat to others; and
- d. Materials do not impede the movement of other Meeting participants.

#### **SECTION 5. PROHIBITED OBJECTS**

No audience member may bring objects that are reasonably deemed a physical threat to the Meetings. Audience members must not bring to Meetings: firearms (including replicas and antiques) and their carriers (whether empty or not); toy guns; explosive material and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers; scissors; razors, scalpels, box cutting knives, and other cutting tools; letter openers; corkscrews; can openers with points; knitting needles and hooks; hairspray, pepper spray, and aerosol containers; tools that could reasonably be wielded as weapons; glass containers; large backpacks, suitcases, and bags; or other objects that Valley Water security staff or law enforcement personnel construe in their professional judgement as a weapon or security risk.

#### **SECTION 6. ENFORCEMENT**

This Ordinance will be enforced in the following manner:

- a. Audience members found to be in possession of a prohibited object (as defined in Section 5 hereof) will be asked to secure the prohibited object offsite. Security personnel will manage

prohibited items during the Meeting as appropriate. If the audience member refuses to comply, the audience member will be denied entry to the Meeting.

- b. When the Board/Committee Chair becomes aware that a person is in violation of this ordinance, the Board/Committee Chair will order that person to abide by it. If, after receiving a warning from the Board/Committee Chair, the person persists in disturbing the Meeting, continuing to pose a safety threat or otherwise refusing to abide by this Ordinance, the Board/Committee Chair will order the person to leave the Meeting. If such person does not leave the Meeting, the Board/Committee Chair may direct the law enforcement officer assigned to the Meeting to remove that person from the Meeting.
- c. Pursuant to the California Water Code Appendix, Chapter 60, Section 9, it is a misdemeanor for any person to violate this Ordinance. Such violation is punishable by a fine not exceeding five hundred dollars (\$500), or imprisonment in the county jail not exceeding 30 days, or both that fine and that imprisonment.
- d. If a Meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the Meeting may be adjourned or continued by the Board/Committee Chair or by a majority of the Board/Committee, and any remaining Board/Committee business may be continued to the next Meeting as may be allowed by the Ralph M. Brown Act (Government Code section 54950 *et seq.*).

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on April 12, 2022:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: \_\_\_\_\_  
JOHN L. VARELA  
Chair Pro Tem, Board of Directors

ATTEST: MICHELE L. KING, CMC

\_\_\_\_\_  
Clerk, Board of Directors



**Michele King**

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**Subject:** FW: comment BPPC 4/5/2022 #4.2: Rules of Decorum

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**From:** D. Muirhead <[doug.muirhead@stanfordalumni.org](mailto:doug.muirhead@stanfordalumni.org)>  
**Sent:** Sunday, April 3, 2022 8:51 AM  
**To:** Clerk of the Board <[clerkoftheboard@valleywater.org](mailto:clerkoftheboard@valleywater.org)>  
**Subject:** comment BPPC 4/5/2022 #4.2: Rules of Decorum

Hello Board Policy and Planning Committee,

For your Meeting: 4/5/2022 Item #4.2: Rules of Decorum Ordinance

I sincerely hope that this meeting of BPPC indicates the Board is restoring regular order for developing policy and associated ordinances.

I am quite troubled that in spite of Board Member direction, staff again fails to provide existing policies of other agencies used to justify the contents of this ordinance and comparison with other policies that are less onerous and not so vague that they can be applied in an arbitrary manner. This same agenda item for the April 12 Board meeting suffers from the same deficiencies.

The CEO and Security Manager are dividing your world into a group of people like themselves who are considered "worthy" and all other residents of Santa Clara County who are your constituents and customers but who they deem "unworthy".

I am quite fond of the protections enshrined in the Bill of Rights. Since staff is proposing to treat violations of this ordinance with fines and jail time, I would point out that this ordinance reverses presumption of innocence and ignores probable cause.

Ambiguity remains as to what conditions must exist in order for law-abiding persons to be subject to search of their persons and possessions. As a person on the receiving end of these "rules", I find that rather than seeking to "avoid an atmosphere", it in fact creates such an atmosphere. But lets see if we can know in advance who gets searched and when.

Before entering designated meeting rooms all persons and their belongings are subject to search.

So Board members will be searched? The CEO and Security Manager? Other District employees? Members of partner agencies? Elected officials? USACE officers? Given the people I expect you to exempt, why should I not see the remainder of us as having these rules applied in an arbitrary manner.

What constitutes a search? Metal detector? Wandering? TSA-style pat-down? And unless these searches are applied unconditionally for all meetings,

what conditions apply that will trigger search requirements?

Not only do I reject that the list of prohibited items are "reasonably deemed a physical threat" by reasonable people, but staff then leaves completely open-ended the rejection of any objects that they construe "in their professional judgment as a weapon or security risk". Ambiguous and arbitrary.

Here is what VTA has to say on "What are the rules to ride bus and light rail":

It is unlawful for any person to possess any of the following items on a bus, train or transit facility:

- Any firearm
- Any imitation firearm as defined in California Penal Code Section 417.4
- Any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun or paint gun
- Any metal military practice, metal or plastic replica hand grenade
- Any unauthorized tear gas weapon
- Any undetectable knife, as described in CPC Section 17290.

Staff "improved" the banned items list by replacing "bottled water" with "no drink (other than drinks in reusable bottles with a cap)". A coffee travel cup is not a reusable bottle. Still no "large backpacks". How large is large? I carry my laptop in one. Other people have those document carriers on wheels.

Given the number of vehicle break-ins making news these days, I would expect people who came in cars would prefer to keep their important property with them and not out of sight in the lot. And I take no comfort in "Security personnel will manage prohibited items during the Meeting as appropriate." If you are going to not trust me without cause, why would I trust you?

You are allowing at least one firearm into the room without any rules of engagement. Thoughtful police agencies are looking at ways to de-escalate situations rather than employing force.

If you must destroy the current culture of the Board meetings, you could choose to not force this on Committee meetings which are currently collegial and collaborative.

If Board members and staff feel they are under significant threat, you could physically partition the room.

You say you have the power to "impose a limitation on the public's right of access to the meetings of public bodies". But you could instead start with the intent of the Ralph M. Brown Open Meeting Act and seek a solution that does not treat your constituents as enemies.

Thank you for your consideration, Doug Muirhead, Morgan Hill



# Santa Clara Valley Water District

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**File No.:** 22-0522

**Agenda Date:** 4/5/2022  
**Item No.:** 4.3.

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## COMMITTEE AGENDA MEMORANDUM

### Board Policy and Planning Committee

**SUBJECT:**

2022 Work Plan and Meeting Schedule.

**RECOMMENDATION:**

- A. Review the 2022 Board Policy and Planning Committee's Work Plan and incorporate any new tasks; and
- B. Schedule Committee meetings as appropriate.

**SUMMARY:**

This item allows the Committee to review the 2022 Work Plan, meeting schedule and identify additional tasks and schedule meetings as appropriate.

**ATTACHMENTS:**

Attachment 1: 2022 BPPC Work Plan

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-211





## 2022 Board Policy and Planning Committee Work Plan and Schedule

Subject	Task	1/4/22	2/7/22	4/5/22	5/4/22	6/6/22	7/4/22	8/1/22	9/5/22	10/3/22	11/7/22	12/5/22
Board Planning Process	<b>A. Provide Support for Board Planning Activities</b>											
	1. Discuss FY22-23 Board Budget Message & Board Work Plan	X										
	2. Planning for Board's FY23-24 Strategic Planning Workshop											
	<b>B. Provide Support for Board Policy Review</b>											
	1. Outreach Findings on the Untreated Surface Water Program (if required)		X									
	2. Expansion of the Water Resources Protection Manual				X		X					
	3. Fuel Management Policy and Wildfire Resilience Plan										X	
	4. One Water Watershed Plans						X					
	5. Governance Policies of the Board: Executive Limitations											
	6. Untreated Surface Water Program			X								
	7. Rules of Decorum Ordinance			X								
	8. Ends Policy Revision to address Housing Justice				X							
Board Committees Principles and Structures	<b>C. Align Board Committees' Work Plans with Board Planning Calendar</b>											
	1. Review Effectiveness of Board Advisory Committees (External)											
Other Assignments Requested by Board	<b>D. Other Assignments as Requested by the Board</b>											

2022 Board Policy and Planning Committee Accomplishments Report

Subject	Task		Action Taken
Board Planning Process	A.	Provide ongoing support for Board Planning Activities	
	1.	Discuss FY22-23 Board Budget Message & Board Work Plan	1/4/22 - The Committee unanimously approved submitting the draft FY23 Board Work Plan, with action items and edits identified by the committee, to the full board for consideration. 2/22/22- Board approved the FY23 Board Work Plan.
	2.	Planning for Board's FY23-24 Strategic Planning Workshop	
	B.	Provide Support for Board Policy Review	
	1.	Outreach Findings on the Untreated Surface Water Program (if required)	
	2.	Expansion of the Water Resources Protection Manuel	
	3.	Fuel Management Policy and Wildfire Resilience Plan	
	4.	One Water Watershed Plans	
	5.	Governance Policies of the Board: Executive Limitations	
	6.	Untreated Surface Water Program	
	7.	Rules of Decorum Ordinance	
	8.	Ends Policy Revision to address Housing Justice	
Board Committees Principles and Structures	C.	Align Board Committees' Work Plans with Board Planning Calendar	
	1.	Review Effectiveness of Board Advisory Committees (External)	
Board & Organization Performance Monitoring	D.	Assignments as Requested by the Board	