



BOARD POLICY AND PLANNING COMMITTEE MEETING

MINUTES

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

(Paragraph numbers coincide with agenda item numbers)

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

A special meeting of the Santa Clara Valley Water District (Valley Water) Board Policy and Planning Committee (Committee) was called to order at 1:00 p.m. on April 5, 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 Committee.

Staff members in attendance: Jason Araujo, Aaron Baker, Lisa Bankosh, Rechelle Blank, Rick Callender, Robert Ewing, Alex Gordon, Brian Hopper, Bassam Kassab, Michele King (in Conference Room A-124), Carlos Orellana, Carmen Narayanan, James Randol, Samina Shaikh, Kirsten Struve, Darin Taylor, Greg Williams, and Tina Yoke.

Guests in attendance: Arthur Keller, Environmental and Water Resources Committee Vice Chair; and Tony Estremera, Director District 6.

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

Committee 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 – February 7, 2022.

The Committee considered the draft minutes from the February 7, 2022, meeting. It was moved by Director LeZotte, seconded by Director Hsueh, and unanimously carried by roll call vote to approve the minutes as presented.

4. Action and Information Items

4.1 NEXT STEPS EVALUATING POTENTIAL REVISIONS OT THE UNTREATED SURFACE WATER PROGRAM

Staff reviewed the information on this item per the attached Agenda Memorandum and the Committee provided the following input:

Untreated Surface Water Program Update:

- Director Keegan suggested that staff consider working on a cost administration and recovery process for the program; identifying way(s) to better track increased costs as users are only paying about a third of what they should be paying and should be informed that the current charge is not reflecting the true cost of the service.
- Director Hsueh requested that when the item is brought back to the Board, that the cost recovery process be highlighted and clear.

Presentation of Program to Agricultural Water and Landscape Committees:

- Director LeZotte stated that the committees should only receive the information, since this was requested by the Board, but it should be clear that this program is not related to agricultural water. She suggested that staff do a formal presentation on Phase 1 and Phase 2.
- Directors Keegan and Hsueh suggested that staff return to the Board for approval of the program, and not wait until after presenting to the committees.

Two-Phase Proposal:

- Director LeZotte asked that the language be clarified in Phase 1 where it mentions fire safety will be guided by a separate effort. It should be clear that the program doesn't affect water for fire safety and that staff is addressing fire safety through a different policy.

Appeal Process:

- The Committee recommended that the appeal process be presented in detail to the Board as a separate item after the revisions to the program are presented. There could a mention of the appeal process when the revisions are presented, stating that it will come back to the board for consideration as a separate item.
- Director LeZotte agreed with the proposed appeal process laid out in the memo, including the opportunity to take the appeal to the Board.
- The Committee recommended that the criteria be clear in the appeal process on disputes. The appeal language should be limited to the two conditions - water used for landscaping and where alternate supplies are available.
- Impacted permittees may appeal if they feel they do not meet these criteria.

It was moved by Director Hsueh, seconded by Director LeZotte, and unanimously carried by roll call vote to report to the Board that the Committee considered all board comments and directions from the March 22, 2022, board meeting regarding the Proposed Two-Phase Plan for the Untreated Surface Water Program, and supports staff's recommended revisions which include: Board comments and directions from the March 22, 2022, Board meeting; a formalized appeal process (as a separate item); a proposal to present this subject to the Landscape Committee and Agricultural Water

Advisory Committee in July as an information only item; and recommends presenting the item to the full board for approval, ensuring that it's clear that surface water use for fire safety will be guided by a separate policy.

4.2 RULES OF DECORUM ORDINANCE

Mr. Alex Gordon, Assistant Officer, and Mr. James Randol, Security Manager, reviewed the information on this item per the attached Agenda Memorandum and Attachment 1, and the Committee provided the following input:

Director Keegan expressed concern that the district's requirements were stricter than those outlined by Transportation Security Administration (TSA).

Directors Keegan and LeZotte requested that the proposed updated ordinance be resubmitted to list the recommended changes in a red line format, and a matrix be provided comparing the current proposed ordinance and the information presented from other agencies so it's easier to compare.

Director LeZotte requested that the ordinance language be specific on who it applies to - the board, staff and public (anyone who enters the boardroom).

Director Hsueh requested that the purpose and intent of the ordinance be clarified and identify why it's important to have such an ordinance for board and committee meetings. There also needs to be information on how the ordinance will be enforced as well as the associated consequences if violated.

Doug Muirhead, Morgan Hill resident, expressed his discontent with staff's comparison of the City of San Jose Council decorum when the two agencies are very different; and stated he was offended by the requirements, and if implemented will not attend meetings.

The Committee requested that staff return with a clear analysis of the ordinance language and comments made by the public, and who it applies to; clarification of the purpose and intent of the ordinance and why it's necessary; a matrix comparing our ordinance language with the language of other agencies; a comparison table outlining how our requirements compare with those of other agencies, including the TSA; and language on how the ordinance will be enforced and the associated consequences if violated.

4.3 2022 WORK PLAN AND MEETING SCHEDULE

Ms. Michele King, Clerk of the Board, reviewed the updates to the Committee work plan and schedule.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

Ms. King reviewed the Committee requests:

In regards to the Untreated Surface Water Program, the Committee approved reporting to the Board that they considered all board comments and directions from the March 22, 2022, board meeting regarding the Proposed Two-Phase Plan for the Untreated Surface Water Program, and supports staff's recommended revisions which include:

Board comments and directions from the March 22, 2022, Board meeting; a formalized appeal process (as a separate item); a proposal to present this subject to the Landscape Committee and Agricultural Water Advisory Committee in July as an information only item; and recommends presenting the item to the full board for approval, ensuring that it's clear that surface water use for fire safety will be guided by a separate policy..

In regards to the Rules of Decorum Ordinance, the Committee requested that staff return with a clear analysis of the ordinance language and comments made by the public, and who it applies to; clarification of the purpose and intent of the ordinance and why it's necessary; a matrix comparing our ordinance language with the language of other agencies; a comparison table outlining how our requirements compare with those of other agencies, including the TSA; and language on how the ordinance will be enforced and the associated consequences if violated

6. ADJOURNMENT

Chair Director Hsueh adjourned the meeting at approximately 2:30 p.m.



Michele L. King
Clerk of the Board

Approved: May 11, 2022