



BOARD POLICY AND PLANNING COMMITTEE MEETING

# MINUTES

Wednesday, February 6, 2023  
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 (Committee) was called to order at 2:00 p.m. on February 6, 2023.

Board Members in attendance: Director Nai Hsueh-District 5; Director Tony Estremera – District 6; and Director Rebecca Eisenberg-District 7, constituting a quorum of the Committee.

Staff members in attendance: Lisa Bankosh, Rechelle Blank, John Bourgeois, Rick Callender, Theresa Chinte, Mike Cook, Rachael Gibson, Vincent Gin, Brian Hopper, Michele King, Janice Lum, Carlos Orellana, Melanie Richardson, Kirsten Struve, Greg Williams, and Tina Yoke.

Guests in attendance: Arthur Keller, 2022 Environmental and Water Resources Committee (EWRC) Vice Chair; Charles Ice, 2023 EWRC Vice Chair; Peter Van Dyke, 2022 and 2023 Agricultural Water Advisory Committee (Ag Water) Chair; Bob Levy, 2022 EWRC Chair; Loren Lewis, 2023 EWRC Chair; Hon. Karen Hardy, 2023 Santa Clara Valley Water Commission (Water Commission) Chair; Hon. Kitty Moore, 2023 Water Commission Vice Chair; and Barbara Keegan, Director District 2 were in attendance.

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. Hon. Karen Hardy, City of Santa Clara Councilmember, stated that VTA would soon begin tunneling and has no plans for the dirt. She stated that perhaps Valley Water could use this dirt for the levees. Committee Chair Hsueh asked Melanie Richardson, Assistant Chief Executive Officer to follow up on this matter.

3. **3.1 APPROVAL OF MINUTES – January 11, 2023.**

The Committee considered the draft minutes from the January 11, 2023, meeting. It was moved by Director Hsueh, seconded by Director Estremera, with Director Eisenberg abstaining, and carried to approve the minutes as presented.

Chair Hsueh moved the agenda to Item 5.1.

**5.1 Receive Feedback from the Board Advisory Committees' 2022 and/or 2023 Chairpersons and/or Vice Chairpersons on the Committees' Purposes and Accomplishments and Suggest Areas of Improvement.**

Committee Chair Hsueh provided background on the purpose for this item and asked the advisory committee members to introduce themselves. The Committee received feedback from former and current Chairpersons and Vice Chairpersons of the Ag Water, EWRC and Water Commission. The feedback is included in the attached notes.

Chair Hsueh thanked all committee members for participating in this important feed-back session, and stated that their input would be summarized and be brought back to the BPPC and shared with the advisory committee to discuss and provide recommendations on how the Board can improve the planning of Advisory Committee agendas.

The Chair returned to Item 4.1.

**4.1 Election of 2023 Board Policy and Planning Committee Officers.**

It was moved by Director Estremera, seconded by Director Eisenberg, and unanimously approved to elect Director Hsueh as 2023 Committee Chair and Director Eisenberg as 2023 Committee Vice Chair.

The Chair moved the agenda to item 5.2.

**5.2 Analyze Santa Clara County Civil Grand Jury Final Report: If you Only Read the Ballot, You're Being Duped, October 7, 2022, and Provide Recommendation to Full Board by March 31, 2023.**

The Committee discussed the information provided in the agenda memorandum and Grand Jury Final Report.

There was a motion by Director Hsueh, seconded by Director Eisenberg, and unanimously approved to recommend to the Board to Partially Agree with Finding 1 because local ballot measure language can be confusing or misleading to voters but doesn't require another layer of review by a third party. Disagree with Recommendations 1B, 1C and 1E since they are related a third-party review of ballot measure language. The Committee also requested that the letter be simplified, with simple statements - agree, disagree or partially agree, and the tone should be professional with no finger wagging.

**5.3 Review Board-Approved Committee Purpose and 2023 WORK PLAN AND MEETING SCHEDULE**

Committee Chair Hsueh provided a brief overview of the Committee's schedule and purpose, and Michele King, Clerk of the Board, reviewed the current work plan and meeting schedule. The Committee agreed to schedule review of items on the Board's Code of Conduct and Board Governance Policies related to the Election of the Board Chairperson/Vice Chairperson and the Chairperson's role at the March meeting.

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

There were no formal requests from the Committee.

**6. ADJOURNMENT**

Chair Director Hsueh adjourned the meeting at approximately 3:45 p.m.

*Michele L. King*

Michele L. King  
Clerk of the Board

Approved: Marcy 6, 2023

February 6, 2023

Board Policy and Planning Committee

Item 5.1 – Receive Feedback from the Board Advisory Committees' 2022 and/or 2023 Chairpersons and/or Vice Chairpersons on the Committees' Purposes and Accomplishments and Suggest Areas of Improvement.

Board Advisory Committees' Feedback:

Hon. Karen Hardy, 2023 Water Commission Chair –

- Water Commission is concerned that rate payers are not being heard. Incremental changes in all services are very hard, especially for those that are on fixed incomes.
- There is a need to understand Pacheco Reservoir Project plan and timeline, and how the costs are baked into the water rates.
- There is also a need to work together to develop a plan on homelessness because it is complex and has many different moving parts and jurisdictions. It is a good idea to put together a joint powers board and work through the problems.

Bob Levy, 2022 EWRC Chair –

- There are engaged members serving on the EWRC.
- Engaging with staff in advance of meetings to identify subjects which the Valley Water Board would be interested in receiving feedback and mapping out agenda items for the entire year has work well. Generally, there are two things on each agenda for discussion, one more substantive than the other.
- The working groups still need some improvement for better engagement. They could benefit from direct staff intervention and assistance with proactively agendaing subjects for discussion. Perhaps working groups can meet on an ad hoc basis to address timely information to present to the full committee.

Arthur Keller, 2022 EWRC Vice Chair –

- EWRC Agenda planning process could be better coordinated so that agendas have regular substantive agenda items.
- The Advisory Committee member appointment process needs to be reviewed and new Board members educated on when appointments and reappointments of committee members should be completed. Valley Water should be notified about construction along creeks/streams and then share that information with the EWRC.

Hon. Kitty Moore, 2023 Water Commission Vice Chair –

- There is a knowledge divide among Water Commission members due to high turnover.
- Commission members participation in the water ambassador program to obtain a better understanding of Valley Water's mission could improve the knowledge divide.
- The Water Commission could benefit from Board feedback on how they are performing and whether the Board is receiving what they were hoping to receive.
- Some members feel that they are just an information sharing commission and would like to do more and be empowered to provide more policy advice to the Board.
- When information on water rates is provided it would be helpful if it were packaged in a way that is simple and easy to communicate to constituents.
- On boarding for new commissioners would be helpful and help new members get up to speed quickly. The Water Commission could benefit from the Board's support for less turnover of new members from appointing agencies.

Loren Lewis, 2023 EWRC Chair –

- EWRC should continue with current agenda setting process and make sure items on the agenda allow for timely and useful feedback to the Board. This could be accomplished by meeting with staff ahead of the agenda being created to make sure committee items are still timely.
- Working groups are developed to meet more often, drill down into issues of interest, and provide high-level feedback to the Board.

Peter Van Dyke, 2022/2023 Ag Water Vice Chair –

- Needs to be a balance between water security, ecology, open space and farmland.
- Growers needs to be educated on run off into creeks.
- There is a need to address urban development encroaching into rural land that could contribute to problems downstream and impact flood projects.
- There is a concern about the water quality coming out of Pacheco Reservoir and it being used for fish mitigation and the loss of riparian habitat upstream of the dam.
- Research use of recycling programs for drip tape and the plastic mulch used by agriculture, and pollution that ends up in creeks, rivers, and reservoirs.
- Agricultural water rates need to remain low so farmers can continue to farm in the area which provides open space, habitat, and potential use of land for percolation, if necessary.
- Underserved minority farmers could use help understanding conservation farming techniques.
- More habitat restoration.