



BOARD POLICY AND PLANNING COMMITTEE MEETING

MINUTES

Friday, June 30, 2023
2:00 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 2:00 p.m. on June 30, 2023.

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

Staff members in attendance: Rick Callender, Theresa Chinte, Michele King and Carlos Orellana.

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 Review the Draft Board of Directors Code of Ethics and Conduct Policy and Provide**

Committee Chair Hsueh reviewed the information outlined in the memorandum and the Committee decided to review Attachment 1 line by line. Director Rebecca Eisenberg arrived.

The Committee provided the following input:

Introduction Section

Add reference to Governance Policy GP-7 to the Values statement on page 9.

A. Ethics Section

1. **Act in the Public Interest** – None.
2. **Comply with both the spirit and the letter of the Law and Board Governance Policy** - Change both occurrences of the word “discipline” to “self-control,” and add timely arrival to and start of meetings.
3. **Respect for Process** – Add reference to GP-12, after “public policy issues.”
4. **Conduct of Public Meetings** –
 - Add ethical before “fair” and, at the end, add “and shall avoid ad hominem attacks.” in GP-5.1.2 statement.
 - Remove “be” and change “prepared” to “prepare” in GP-6.5
5. **Decisions Based on Merit** – Add at the end “with the public interest in mind.”
6. **Communication** – Add the identity of the person who provided the information related to discussion at hand.

7. **Conflict of Interest** - Add "in accordance with applicable law, including but not limited to Valley Water's Conflict of Interest Code."
8. **Gifts and Favors** - Start with "In addition to complying with applicable law,"
9. **Confidential Information** - Better define "sensitive nature."
10. **Use of Public Resources** – None.
11. **Representation of Private Interests**. None.
12. **Advocacy** – Add to section, "Members are required to state they are speaking for themselves when doing so."
13. **Policy Role of Members** – None.
14. **Positive Work Place Environment** – Add "gender," before "racial" in third paragraph in GP-11.

B. Conduct Section

1. **Board Members Conduct with One Another** –

1(a) In Public Meetings

- Add texting/messaging during meetings.
- Add "unauthorized interruptions" and "no physical actions, such as finger-pointing at individuals" to *Practice civility and decorum in discussions and debate* section.
- Replace "Honor" with "Follow" the title line of *Honor the role of the Board Chair in maintaining order* section.
- Replace "represent" with "state" and add "when speaking on behalf of the Board" to the last sentence in the *Representing the Board* section.

1(b) In Private encounters – Add social media to the *Be aware of the insecurity of written notes, voicemail messages, and Email* section.

2. **Board Members Conduct with Valley Water Staff** –

- Add "BAOs" to the *Never publicly criticize an individual employee* section.
- Change the word "functions" to "details" in the *Do not get involved in administrative functions* section.

3. **Board Members Conduct with the Public**

3(a) In Public Meetings – change "devises" to "devices" in the *Active listening is significant* section.

3(b) In Unofficial Settings –

- In the second paragraph under *Make no promises on behalf of the board* section change the word "expect" to "except".
- In the *Make no personal comments about other Members* section, add the word "personal" before "comments".

3(c) Board Correspondence with the Public – Add approach to handling anonymous correspondence.

Add board correspondence process improvement language, stated by the Clerk, to this section.

C. Accountability

None.

D. Reporting Misconduct and Associated Enforcement and Consequences

Remove Consequence language.

It was a consensus of the Committee for the Chair to work with staff to incorporate revisions identified, share individually with the Committee members, and if additional review/edits are necessary, schedule on the August Committee Agenda for review and consideration to schedule for Board approval. If no additional review is necessary, the policy with edits identified by the Committee will be sent to the full Board for approval consideration.

The Committee agreed that Director Eisenberg's individual comments/revisions be documented in the Board agenda memo for the Board's information.

4. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

There were no requests.

5. ADJOURNMENT

Chair Director Hsueh adjourned the meeting at approximately 5:15 p.m.



Michele L. King
Clerk of the Board

Approved: 8/10/23