



Santa Clara Valley Water District Board Policy and Planning Committee Meeting

Headquarter Board Room

AGENDA

**Monday, August 1, 2022
2:00 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

AGENDA

Monday, August 1, 2022

2:00 PM

Headquarter Board Room

*****IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS*****

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to wear a mask and comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

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.

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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:
<https://valleywater.zoom.us/j/81170871803>
Meeting ID: 811 7087 1803

Join by Phone:
1 (669) 900-9128, 81170871803#

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.

[22-0871](#)

Recommendation: Approve the June 6, 2022, Minutes.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: June 6, 2022, Minutes.](#)

4. REGULAR AGENDA:

- 4.1. Review Proposed Changes to Board Governance Policies - Executive Limitations (EL) 4 - Financial Management and Related BAO Interpretations. [22-0897](#)

Recommendation: A. Review and provide input on the proposed changes to Board Governance Policies, Executive Limitations (EL) 4 - Financial Management and related BAO Interpretations; and
B. Recommend that the revisions be presented to the full Board for approval.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: EL-4 Proposed Revisions](#)
[Attachment 2: BAO Interpretation Proposed Revisions](#)

- 4.2. 2022 Work Plan and Meeting Schedule. [22-0872](#)

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.



Santa Clara Valley Water District

File No.: 22-0871

Agenda Date: 8/1/2022
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM

Board Policy and Planning Committee

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve the June 6, 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: June 6, 2022, Minutes.

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711.



BOARD POLICY AND PLANNING COMMITTEE MEETING

DRAFT MINUTES

**Monday, June 6, 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 (Committee) was called to order at 2:00 p.m. on June 6, 2022.

Board Members in attendance: Director Nai Hsueh-District 5; and Director Barbara Keegan-District 2 constituting a quorum of the Committee. Director Linda LeZotte-District 4 was excused from attending.

Staff members in attendance: Aaron Baker, Lisa Bankosh, Rechelle Blank, Rick Callender, Jen Codianne, Rachael Gibson, Brian Hopper, Michele King, Carlos Orellana, Melanie Richardson, Mark Seelos, Kirsten Struve, Sue Tippetts, Greg Williams, Tina Yoke and Lydia Yiu.

Mr. Arthur Keller, Vice Chair, Environmental and Water Resources Committee.

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 – May 11, 2022.

The Committee considered the draft minutes from the May 11, 2022, meeting. It was moved by Director Keegan, seconded by Director Hsueh, and unanimously carried to approve the minutes as presented.

4. Information and Action Items

4.1 EXPANSION OF THE WATER RESOURCES PROTECTION MANUAL (RIGHT OF WAY USE POLICY PROJECT).

Ms. Lisa Bankosh, Assistant Officer, introduced Ms. Lydia Yiu, Associate Engineer and Mr. Mark Seelos, Associate Water Resource Specialist, members of the Emerging Leaders Certification Program's Right of Way Use Policy Project team, presented the information on this item per the attached Board agenda memorandum and Attachment 1.

The following input was given on the collaborative process:

Director Keegan -

- Follow up on prior commitments with cities.
- Suggested that the group begin with the end in mind.
- If the goal is to have consistent application of this throughout county, then we need to be clear with the cities what our desired outcome is and persuade them that it's in their best interest to adopt and formalize as a joint tool for protection.
- If political discussions are needed, then the Directors can assist by contacting their counterparts.
- Consider including an adaptive management and training component.
- City planning and public works directors would be great stakeholders to get technical buy-in.
- When reporting to the Board include a list of cities that have included this information in their municipal codes.

Director Hsueh -

- Agreed that connecting with Planning and Public Works Directors on the technical side and memorialize the process through municipal codes will be beneficial.
- As part of the implementation process identify roles and responsibilities of each authority, including issuing of encroachment permits.
- As part of the permit issuing process for construction pieces on District property, include submittal of as-builts for historical records.

Director Keegan requested that staff provide the last actions and commitments taken with the Water Resources Protection Collaborative, which should have included ongoing engagement and follow up with cities to ensure that permits issued are consistent with the process.

4.2 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's requests to check on the necessity for a July meeting and follow up with staff to place the next Expansion of the Water Resources Protection Manual (Right of Way use Policy Project) on the work plan.

6. ADJOURNMENT

Chair Director Hsueh adjourned the meeting at approximately 2:45 p.m.

Michele L. King
Clerk of the Board

Approved:

Attachment 1
Page 2 of 2



Santa Clara Valley Water District

File No.: 22-0897

Agenda Date: 8/1/2022

Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM

Board Policy and Planning Committee

SUBJECT:

Review Proposed Changes to Board Governance Policies - Executive Limitations (EL) 4 - Financial Management and Related BAO Interpretations.

RECOMMENDATION:

- A. Review and provide input on the proposed changes to Board Governance Policies, Executive Limitations (EL) 4 - Financial Management and related BAO Interpretations; and
- B. Recommend that the revisions be presented to the full Board for approval.

SUMMARY:

In line with the comprehensive review of the Executive Limitations of the Board Governance Policies, staff has evaluated Executive Limitations (EL) 4 - Financial Management and the related BAO Interpretations and proposes the revisions document in Attachment 1 and Attachment 2, respectively. As noted in Attachment 2, staff proposed removing the BAO Interpretations in favor of clear and concise EL statements documented in the proposed revisions.

ATTACHMENTS:

Attachment 1: EL-4 Proposed Revisions

Attachment 2: BAO Interpretation Proposed Revisions

UNCLASSIFIED MANAGER:

Darin Taylor, 408-630-3068

Governance Policies of the Board

Title: Financial Management Category: Executive Limitations		
Policy No. EL-4	Adopted: September 28, 1999 Chair: Larry Wilson	Latest Revision: August 11, 2020 Chair: Nai Hsueh
The Board of Directors revised and adopted this policy at its public meeting on the latest revision date.		

Financial planning for any fiscal year shall be aligned with the Board's Ends, not risk fiscal jeopardy, and be derived from a multi-year plan. With respect to the actual, ongoing financial condition and activities, the BAOs shall provide for the development of fiscal sustainability. *See BAO Interpretation*

Further, a BAO shall:

Conditions and Activities

- 4.1. Expend only those funds that have been appropriated in the Operating and Capital budgets, reserves, and debt service.
- 4.2. Spend in ways that are cost-efficient. *See BAO Interpretation*
- 4.3. Pursue continual improvement efforts, benchmarking studies and best practice implementations.

Planning and Budgeting

- 4.34. Annual financial planning will include a credible multi-year projection of revenues and expenses, separation of capital and operational items, cash flow, staffing needs, external services, and disclosure of planning assumptions.
 - 4.34.1. Produce an annual Rolling Five-Year Capital Improvement Plan with the first year aligning with serving as the adopted capital budget and the remaining years in place as a projected capital funding plan.
 - 4.34.2. Solicit Board input on staffing and organizational changes resulting from major events before final decisions by the BAOs.
- ~~4.4. Plan the expenditure in any budget period within the funds that are conservatively projected to be received or appropriated from reserves in that period.~~

Governance Policies of the Board

4.4.~~43~~. Demonstrate to the Board the planned expenditures for the identified and selected capital projects in the Rolling Five-Year Capital Improvement Plan are aligned with the Board's ~~capital priorities~~Ends Policies.

4.4.~~24~~. Inform the board on an annual basis of planned state subvention reimbursements and receive Board direction regarding use and/or spending. ~~Not allocate state subvention reimbursements for use and/or spending.~~

4.5. Budget fund reserves at or above reserve policy minimums.

4.6. At least annually present the Board with information about the District's financial reserves and schedule an opportunity for the public to comment thereon.

Treasury, Investment and Debt Management

4.7. Not indebt the organization, except as provided in the District Act, and in an amount greater than can be repaid by certain, otherwise unencumbered, revenues within 90 days, or prior to the close of the fiscal year.

4.7.1. Not issue debt (long or short-term obligations that are sold within the financial marketplace) that conflicts with the District Act or the legal authority of the District without Board authorization;

4.7.2. Not issue debt without a demonstrated financial need;

4.7.3. Meet debt repayment schedules and covenants of bond documents;

4.7.4. Establish prudent District Debt Policies that are consistent with Board policies and provide guidance to employees in regards to administering the debt programs and agreements, including consideration for the appropriate level of debt for the District to carry and structuring debt repayment to address intergenerational benefits;

4.7.5. Be consistent with the District's Debt Policies and any addendums when issuing debt;

4.7.6. Maintain strong credit ratings and good investor relations.

4.7.7. Valley Water shall not do business with banks who do not have an ESG ranking at or better than the "Average/Medium" category by at least one of the professional ESG research companies such as Sustainalytics, or other equivalent rankings published by other ESG research firms. Small and local banks/credit unions located within the nine Bay Area counties with total assets at or below \$10 billion are exempt from this provision.

4.8. Not use any unappropriated long-term reserves or undesignated fund balance.

Governance Policies of the Board

- 4.9. Not invest or hold funds of the District in accounts or instruments that are inconsistent with the following statement of investment policies:
- 4.9.1. Public funds not needed for the immediate necessities of the District should, to the extent reasonably possible, be prudently invested or deposited to produce revenue for the District consistent with the Board Investment Policy and applicable law.
 - 4.9.2. The Treasurer or his or her designee shall submit quarterly investment reports to the Board as specified under Government Code Section 53646.
 - 4.9.3. No investments will be made in the top 200 fossil fuel companies with significant carbon emissions potential. *See BAO Interpretation*

General Accounting

- ~~4.10. Not invoice/charge or demand payment from water customers (raw, ground, treated, or recycled) of the District that is inaccurate, illegal, and inconsistent with District and Board policies. (moved to Revenue Collection Section)~~
- 4.1~~0~~4. Not conduct unbudgeted interfund transfers in any amount greater than can be repaid by certain, otherwise unencumbered revenues within 90 days, or prior to the close of the fiscal year.
- 4.1~~1~~2. Settle payroll and debts in a timely manner.
- 4.1~~2~~3. Not allow tax payments or other government ordered payments or filings to be overdue or inaccurately filed.
- ~~4.14. Pursue receivables after a reasonable grace period in a timely and business-like manner. moved to Revenue Collection Section)~~
- 4.1~~3~~5. Receive, process, or disburse funds under controls which meet audit standards.
- 4.14 File all federal, state and local mandated reports within the prescribed deadlines.

Revenue Collection

- 4.15 Not invoice/charge or demand payment from water customers (raw, ground, treated, or recycled) of the District that is inaccurate, illegal, and inconsistent with District and Board policies.

Governance Policies of the Board

4.16 Pursue receivables after a reasonable grace period in a timely and business-like manner.

4.17 Ensure adequate segregation of duties for all invoices preparation, collection of funds, and recording of payments into the system of record.

Title: Financial Management Category: BAO Interpretations		
Interpretation of Policy No. EL-4	CEO Approval: April 8, 2008	Latest Revision: July 28, 2014

~~Financial planning for any fiscal year shall be aligned with the Board's Ends, not risk fiscal jeopardy, and be derived from a multi-year plan. With respect to the actual, ongoing financial condition and activities, the BAOs shall provide for the development of fiscal sustainability.~~

- ~~I-EL-4.a. Financial planning will include the following: meeting the minimum reserve, meeting debt service coverage ratio, a balanced budget, funding annual required Other Post-Employment Benefits (OPEB) contribution, and a Board review of OPEB and funding levels annually.~~
- ~~I-EL-4.b. Present a 10-year projection to Board as part of the annual budget review and approval process.~~

~~4.2. Spend in ways that are cost-efficient.~~

- ~~I-EL-4.2.a. Costs of the long-term Delta solution should be allocated fairly to all beneficiaries.~~
- ~~I-EL-4.2.b. The District favors a flexible approach to cost allocation that maximizes the opportunity for discretionary allocations of cost based on incremental benefits.~~
- ~~I-EL-4.2.c. The FAHCE Draft Settlement Agreement of 2003 established a balanced framework to achieve reliable future water supply, protect water rights, and enhance the quality of life in Santa Clara County without spending extravagantly or in ways more costly than necessary.~~
- ~~I-EL-4.2.d. Utilize a competitive procurement process (unless authorized by the Board or exempted).~~
- ~~I-EL-4.2.e. Limit spending to the budgeted amounts at the project level without executive approval.~~
- ~~I-EL-4.2.f. Conduct an open and transparent budget review process.~~

~~4.9.3. No investments will be made in fossil fuel companies with significant carbon emissions potential.~~

- ~~I-EL-4.9.3.a. No investments will be made in the top 200 fossil fuel companies that control most of the world's oil, coal, and natural gas supplies.~~



Santa Clara Valley Water District

File No.: 22-0872

Agenda Date: 8/1/2022
Item No.: 4.2.

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	5/11/22	6/6/22	8/1/22	9/5/22	10/3/22	11/7/22	12/5/22
Board Planning Process	A. Provide Support for Board Planning Activities										
	1. Discuss FY22-23 Board Budget Message & Board Work Plan	X									
	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		X	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						X				
	6. Rules of Decorum Ordinance			X	X						
Board Committees Principles and Structures	C. Align Board Committees' Work Plans with Board Planning Calendar										
	1. Review Effectiveness of Board Advisory Committees (External)										
Other Assignments Requested by Board	D. Other Assignments as Requested by the Board										

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)	4/5/22 - BPPC approved reporting 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.
	2.	Expansion of the Water Resources Protection Manual	
	3.	Fuel Management Policy and Wildfire Resilience Plan	
	4.	One Water Watershed Plans	
	5.	Governance Policies of the Board: Executive Limitations	
	6.	Rules of Decorum Ordinance	4/05/22 - 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. 5/11/22 – The Committee recommended the staff add back in the prohibited objects language that was removed, excluding knitting needles and hooks, and forward the revised ordinance to the full board for consideration. The BPPC also recommended that the security screening process be enhanced to include members of the public, Valley Water staff, and elected officials; that the ordinance, once adopted, be posting and published in several in-person and web-based locations, so the public is aware of the requirements; and that staff return to the BPPC next year to do a check in on how the ordinance implementation process is going and that the purpose is being met. 6/28/22 – Ordinance adopted by the Board.
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	



MEMORANDUM

FC 14 (02-08-19)

TO: Board Policy and Planning Committee (BPPC)

FROM: Director Nai Hsueh,
BPPC Chair

SUBJECT: Item 4.2 - 2022 Work Plan and Meeting
Schedule

DATE: 7/31/22

The purpose of this memorandum is to present Board Governance Policy amendment/enhancement suggestions received by BPPC since January 2022 (see below), and

- 1) to receive Committee input on these suggestions;
 - 2) discuss whether to include suggestions in the BPPC work plan; and
 - 3) discuss whether to request support from staff, including outside consultants, if needed (likely we'll need Board approval for II and III)
- I. At the 1/11/2022 Board meeting, the Board accepted a memorandum from Directors Estremera and Hsueh. A recommendation in the memorandum stated, "the Board to review and amend the Board's current complaint process". —Board Policy GP 6.9—
- II. At the 5/11/2022 BPPC meeting, during the rules of decorum ordinance discussion, Director LeZotte suggested that a policy governing board members' behavior for conducting board meetings is needed. —Board Policy GP 2.4 and 6.5—
- III. The Board currently has clear policies in establishing BAO compensation (GP 3.3 and GP 3.4). However, the process the Board used in recent years to establish BAOs' "performance levels" that lead to compensation determination is informal. Is there a need to establish a more structured process?

Additionally, while reviewing Board Governance Policies for the above items, I found a few requirements in the BP policies that are not consistent with our practices. I'll go over them with Ms. King and come back to the BPPC in September.