



BOARD POLICY AND PLANNING COMMITTEE MEETING

AMENDED MINUTES

**Thursday, August 10, 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 August 10, 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: Lisa Bankosh, Rechelle Blank, John Bourgeois, Theresa Chinte, Jennifer Codianne, Chris Hakes, Michele King and Carlos Orellana, Melanie Richardson, Don Rocha, Bhavani Yerrapotu, and Tina Yoke.

2. **Time Open for Public Comment on Any Item Not on 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.

Chair Hsueh moved Item 3.1-Approval of Minutes to the end of the agenda.

4. **Information and Action Items**

4.1 Review the Draft Board of Directors Code of Ethics and Conduct Policy and Recommend Sending to the Full Board for Review and Approval

Director Eisenberg arrived during discussion of this item.

Chair Hsueh reviewed the current draft Board of Director Code of Ethics and Conduct Policy (Policy). The Committee provided the following revisions:

Opening

Remove “D. Reporting Misconduct and Associated Enforcement and Consequences” from the list of applicable sections since it has been marked for deletion.

Ethics

4. Conduct of Public Meetings, second sentence, replace “ad hominem” with “personal.”

5. Decisions Based on Merit, move “with the public interest in mind” after “decisions.”

Conduct

At the end of the third paragraph add “stakeholders,” after “employees” in response to Katja Irvin’s request listed in Handout 4.1-A.

1. Board Members Conduct with One Another, Follow the role of the Board Chair in maintaining order, replace “parliamentary procedure” with Board parliamentary procedures as documented in Board Governance Policy GP-12, Conduct of Board Meetings,”

2. Board Members’ Conduct with Valley Water Staff, Never publicly criticize an individual employee, add “including through social media” after “in public”

3. Board Members’ Conduct with the Public, add “or the organization which they represent” after “public forum” in the second to last sentence,” in response to Katja Irvin’s request listed in Handout 4.1-A.

Director Eisenberg demands that the words “including Board Appointed Officers (BAOs)” added to section **2. Board Members’ Conduct with Valley Water Staff** be removed because it will muzzle the many times *that a director has spoken out to the press when we’ve had ethical issues.*

It was recommended that Director Eisenberg’s objection to the new addition of “Board Appointed Officers (BAOs)” in section **2. Board Members’ Conduct with Valley Water Staff**, Never publicly criticize an individual employee, because it prohibits a Director from speaking negatively about the CEO, District Counsel and the Clerk.

Katja Irvin, thanked the Committee for considering her requests and adding language where appropriate. She also requested that committee meeting minutes could be clearer on identifying guests versus members of the public.

It was moved by Director Estremera, seconded by Director Hsueh, with Director Eisenberg voting no, to incorporate the additional changes to the draft Policy and present the final version to the full board for consideration, and include a note *in the memo* that the Board should review and discuss Director Eisenberg’s objection to the new addition of “Board Appointed Officers (BAOs)” in Section **2. Board Members’ Conduct with Valley Water Staff**, Never publicly criticize an individual employee, *including the BAOs, as stated above.*

Director Eisenberg expressed concern for the format of Committee meetings, including seating, and Zoom functionality. Chair Hsueh stated that she would convey Director Eisenberg’s concerns to the full Board.

Chair Hsueh returned to Item 3.1 – Approval of Minutes.

3. 3.1 Approval of Minutes.

The Committee considered the June 5 and June 30, 2023, meeting minutes.

Director Eisenberg expressed objection to the Committee action documented for June 5, 2023, item 4.1 – Review Board Governance Policies Related to the Election of the Board Chairperson/Vice Chairperson and the role of the Board Chairperson. She indicated that she felt the motion documented in the Minutes was not the motion that was being deliberated and voted on at the time.

It was moved by Director Estremera, seconded by Director Hsueh, with Director Eisenberg voting no, to approve the June 5, 2023, Minutes as presented.

It was moved by Director Estremera, seconded by Director Hsueh, with Director Eisenberg voting no, to approve the June 30, 2023, Minutes as presented.

Chair Hsueh moved the agenda to Item 4.2.

4. Information and Action Items

4.2 Board Governance Encampments of Unsheltered People Ends Policy E-6.

Rechelle Blank, Deputy Operating Officer, made herself available for any questions on this item.

Director Estremera suggested, and the Committee concurred, that Chair Hsueh work with staff on refining and reformatting the proposed policy and return to the Committee for review. The Committee also suggested that the Board recommend the review of this policy by the Environmental Creek Cleanup Committee after the full Board reviews the BPPC proposed language.

Katja Irvin suggested that the EUP objects were not actually objectives.

4.3 Discuss Candidate Statement Fee Associated with Filing for a Santa Clara Valley Water District Board of Director Seat and Identify Board Actions to Support Potential Future Candidates, if any.

Estremera recommend that Valley Water pay or reimburse 50% or an amount specified by the Board toward candidate filing fees.

Eisenberg would like Valley Water to refund the fee in its entirety and for the Board to look at creating campaign contribution limits and revising the District Act so a more representative group of people can serve.

It was moved by Director Estremera, seconded by Director Hsueh, and unanimously approved, to recommend to the Board to consider supporting each candidate with their statements fees by providing financial reimbursement of 50% or more, as the Board may determine.

4.4 2023 Climate Change Action Plan Update.

Chair Hsueh continued this item to the September Committee meeting.

4.5 Review Committee 2023 Work Plan and Meeting Schedule.

Chair Hsueh reviewed the work plan and meeting scheduled.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

Michele King, Clerk of the Board, reviewed the actions taken by the Committee.

6. ADJOURNMENT

Chair Director Hsueh adjourned the meeting at approximately 3:50 p.m.



Michele L. King
Clerk of the Board

Approved: September 7, 2023