



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
MINUTES**

Regular Meeting of the Board of Directors
March 9, 2022 – 9:30 a.m.

CALL TO ORDER at 9:37 a.m.

PLEDGE OF ALLEGIANCE – led by Vice Chair Anthea Hansen

ROLL CALL OF DIRECTORS

Angela Ramirez Holmes, Chair, Zone 7 Water Agency (arrived at 9:49 a.m.)
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Director, Alameda County Water District
Lisa Borba, Director, Contra Costa Water District
John Coleman, Director, East Bay Municipal Utility District

ALTERNATE DIRECTORS

Jonathan Wunderlich, Alternate Director, Alameda County Water District
Ernesto Avila, Alternate Director, Contra Costa Water District
Ricardo Ortega, Alternate Director, Grassland Water District
*Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Jose Gutierrez, Alternate Director, San Luis & Delta-Mendota Water Authority
*Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District
*Sandy Figuers, Alternate Director, Zone 7 Water Agency (*until Chair Ramirez Holmes arrived)

*Alternate Directors who replaced absent Directors from their member agencies

ABSENT

Dennis Herrera, Director, San Francisco Public Utilities Commission
Gary Kremen, Director, Santa Clara Valley Water District [to be sworn in]
Lesa McIntosh, Alternate Director, East Bay Municipal Utility District

OTHERS PRESENT

Marguerite Patil, Contra Costa Water District

Maureen Martin, Contra Costa Water District
Mimi Mehaouchi, Contra Costa Water District
James Ciampa, Lagerlof, LLP, Interim General Counsel
Rosemarie Perea, Interim Board Clerk
Joel Lopez, Lagerlof, LLP
Diane Schmidt, Lagerlof, LLP
Approximately 17 others

CONSIDER ADOPTION OF RESOLUTION NO. 3-22-01 RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY FOR THE PERIOD FROM MARCH 9, 2022, TO APRIL 7, 2022 PURSUANT TO BROWN ACT PROVISIONS.

Assembly Bill 361 (AB 361) requires that a subsequent resolution be adopted every 30 days to make findings that the emergency conditions justifying such remote meetings continue to exist. Like prior resolutions the Board previously adopted, Resolution No. 3-22-01 sets forth the findings required by AB 361 to allow for continued remote teleconferenced Board meetings. The resolution will take effect immediately and will be effective for 30 days, or until such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board may continue to meet by teleconference without compliance with Government Code section 54953(b)(3).

After discussion and upon motion by Director Borba, seconded by Alternate Director LeZotte, Resolution No. 3-22-01 was approved by the following roll call vote:

AYES: Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Paul Sethy, Director, Alameda County Water District
Lisa Borba, Director, Contra Costa Water District
John Coleman, Director, East Bay Municipal Utility District
Ellen Wehr, Director, Grassland Water District
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Sandy Figuers, Alternate Director, Zone 7 Water Agency

NOES: None

ABSENT: None

ABSTAIN: None

The motion passed with an 8-0 vote

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CONSENT CALENDAR

1.1

Approval of Minutes from February 9, 2022 Board of Directors' Meeting

Upon motion by Director Sethy, seconded by Alternate Director Figuers, the February 9, 2022, Minutes, in the form presented, were approved by the following roll call vote:

AYES: Anthca Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Paul Sethy, Director, Alameda County Water District
Lisa Borba, Director, Contra Costa Water District
John Coleman, Director, East Bay Municipal Utility District
Ellen Wehr, Director, Grassland Water District
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Sandy Figuers, Alternate Director, Zone 7 Water Agency

NOES: None

ABSENT: None

ABSTAIN: None

The motion passed with an 8-0 vote.

Chair Ramirez Holmes entered the meeting at 9:49 a.m.

ACTION ITEMS

2.1

Consider adoption of Resolution No. 3-22-02 – Resolution of the Board of Directors of Los Vaqueros Reservoir Joint Powers Authority Adopting Policy Statement: Commitment to Diversity and Accessibility

Marguerite Patil, Interim Administrator, advised that staff developed the policy statement attached to Resolution No. 3-22-02, setting forth the Authority's commitment to diversity and accessibility for the Board's consideration and possible adoption. The draft policy statement was presented to the Board at its February 9, 2022 meeting. The policy statement is modeled after the Policy Principles on Diversity, Equity and Inclusion adopted by the California Urban Water Agencies, of which several Authority Members are members. The policy statement is unchanged from the statement provided at the February 9, 2022 Board meeting.

After discussion and upon motion by Alternate Director Ritchie, seconded by Director Wehr, and unanimously carried, Resolution No. 3-22-02 Adopting Policy Statement: Commitment to Diversity and Accessibility was adopted by the following roll call vote:

AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Paul Sethy, Director, Alameda County Water District
Lisa Borba, Director, Contra Costa Water District
John Coleman, Director, East Bay Municipal Utility District
Ellen Wehr, Director, Grassland Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District

NOES: None
ABSENT: None
ABSTAIN: None

The motion passed with an 8-0 vote.

2.2

Consider Adoption of Resolution No. 3-22-03 – Resolution of the Board of Directors of Los Vaqueros Reservoir Joint Powers Authority Adopting Board Meeting and Decorum Policy

James Ciampa, Interim General Counsel, advised that as discussed at the February 9, 2022 Board meeting, many public agencies adopt Board Meeting and Decorum Policies to apply to their board of directors' meetings. Such policies set ground rules for communications at board meetings, both with members of the public and among directors and staff.

The Board Meeting and Decorum Policy is presented for approval, with a minor revision from the Board's discussion at the February 9, 2022 Board meeting in Section 2(b) on page 24 of the agenda packet to specifically address the confidentiality of closed session discussions and documents. That policy would establish such rules of decorum for the Authority's Board meetings, including for members of the public in addressing the Board and for Directors and Alternate Directors in connection with Board discussions.

After discussion and upon motion by Director Coleman, seconded by Director Borba, and unanimously carried, Resolution No. 3-22-03 Adopting Board Meeting and Decorum Policy was approved, including the changes noted in the form provided, by the following roll call vote:

AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Paul Sethy, Director, Alameda County Water District
Lisa Borba, Director, Contra Costa Water District
John Coleman, Director, East Bay Municipal Utility District
Ellen Wehr, Director, Grassland Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District

NOES: None
ABSENT: None
ABSTAIN: None

The motion passed with an 8-0 vote.

DISCUSSION ITEMS

3.1

JPA Board In-Person Meetings

Marguerite Patil, Interim Administrator, discussed that as the Omicron variant of COVID-19 has subsided and COVID-19 cases overall continue to decline, the Board will need to determine in coming months how and where it desires to conduct its meetings.

In answer to questions posed by members of the Board, Interim General Counsel, James Ciampa, advised that the statute allowing for remote teleconference meetings of the Board of Directors still applies, but there must be a proclaimed state of emergency in effect and either an imminent risk to the health and safety of in-person attendees or ordered or recommended social distancing in effect. If trends continue to decline, the Board will need to decide on the location of its meetings.

The Directors and Alternate Directors then discussed how their respective agencies are handling their board meetings and other COVID-19-related restrictions. Interim General Counsel Ciampa was then asked to prepare a memorandum to be brought back to the Board for discussion at the April 13 Board meeting, setting forth options as to how to proceed.

Interim Administrator Patil noted that it will take a significant amount of time to consider a location to implement possible technology for hybrid meetings.

3.2

Authority Management Approach

Interim Administrator Patil advised that at the February 9, 2022, Board meeting, the Board gave staff direction on how to initially proceed with the recruitment process for an Executive Director. The Interim Administrator advised that several recommendations for a recruiting firm have been received. An Ad Hoc Committee will make the initial selections from among the candidates submitted and will conduct the first round of interviews.

Chair Ramirez Holmes has appointed the Ad Hoc Committee that will assist in that process, consisting of Chair Ramirez Holmes of Zone 7 Water Agency, Alternate Director Jose Gutierrez representing San Luis & Delta-Mendota Water Authority and Alternate Director Steve Ritchie of San Francisco Public Utilities Commission.

3.3

FY23 Budget Development Approach

Interim Administrator Patil gave an overview of the approach in preparing the Fiscal Year 2023 (FY23) Budget. She noted the Authority's Joint Exercise of Powers Agreement (the "JPA Agreement") requires the Board to adopt a budget prior to the start of each July 1-June 30 Fiscal Year. The JPA Agreement gives the Board discretion on whether to adopt a single year or bi-annual budget, but the thought is that a one-year budget for Fiscal Year 2022-23 is appropriate.

The Interim Administrator and staff are currently working on developing the FY23 Budget for the Authority in the coming months. The Finance Committee will have an important role in that process before the draft budget is presented to the Board of Directors. Also, the Finance Work Group will assist the process. It is her plan to have a draft Budget to the Board in May for discussion and the final version in June for approval. Ms. Patil asked for feedback from the Board. Several Directors voiced their preference for an initial single-year budget and then transitioning to a two-year budget moving forward.

3.4

Draft Government Claims Policy

Interim General Counsel Ciampa advised the Board that Government Code Section 935 authorizes local agencies to adopt their own claims procedures, which can include broader categories of potential claims being subject to the claims-filing requirement than are otherwise required under the Government Claims Act. A draft claim form is attached to the draft procedures, and use of that form would be required under the proposed procedures. The proposed procedures otherwise follow the claims procedures of the Government Claims Act.

Section 935 requires that a local agency's claims procedures be adopted by charter (not applicable to the Authority), ordinance or regulation (not yet established by the Authority), so the proposed procedures have been prepared in the form of an ordinance. If subsequently adopted by the Board, staff would follow applicable requirements in publishing and posting notice of the procedures after adoption by the Board and there would be a 30-day delay in the ordinance taking effect.

Chair Ramirez Holmes requested that this matter be brought back next month for action.

3.5

Draft CEQA Guidelines Implementation

Interim General Counsel Ciampa advised that the California Environmental Quality Act ("CEQA"), in Public Resources Code Section 21082, requires that all public agencies adopt by ordinance, resolution, rule or regulation, objectives, criteria and procedures for the evaluation of projects and the preparation of environmental reports and negative declarations. The Office of Planning and Research has prepared the CEQA Guidelines, which are set forth in Title 14, Chapter 3 of the California Code of Regulations, to implement CEQA and provide further criteria and procedures to implement CEQA. Subdivision (d) of Section 15022 of the CEQA Guidelines authorizes a local agency to adopt the CEQA Guidelines by incorporation by reference to those regulations.

A draft resolution was provided which would adopt the CEQA Guidelines as the Authority's "objectives, criteria and procedures" as specified in Public Resources Code Section 21082 by incorporating those Guidelines by reference. The draft resolution was reviewed by the project's CEQA counsel, who suggested an addition to the resolution and that provision was added to the draft resolution.

It was the consensus of the Board that this matter be brought back for action at the April 13 Board meeting.

3.6

Review of Board Policy and Action Calendar

Interim Administrator Patil provided the updated Board Policy and Action Calendar for the Board's information. The Calendar, in outline form, includes Board meeting items by month for the next six months. In addition, the overview graphic included is organized by functional area to show potential discussion and action items for Authority Board and Committee meetings for 2022 and early 2023. Ms. Patil advised she will add committee items as needed.

FUTURE AGENDA ITEMS

None.

REPORTS

4.1 – Directors

Chair Ramirez Holmes advised she will work with the chair of each committee to schedule meetings. Director Wehr stated that Grassland Water District hosted representatives of East Bay Municipal Utilities District for a tour of the wetlands, focusing on ecological practices in the grasslands. Director Coleman noted that he had received favorable comments from one of his fellow EBMUD directors regarding that tour.

4.2 - Treasurer

Treasurer Paul Sethy advised he attended a meeting on March 2, 2022 with Contra Costa Water District’s finance team and he was very impressed with that team. A finance workshop on the 2023 fiscal budget will be held on March 14, 2022. Interim Administrator Patil provided information on federal and state funding activities and stated the California Water Commission would be meeting on March 16 to consider further inflation adjustments.


4.3 - Interim General Counsel

No report.

4.4 - Interim Administrator

Interim Administrator Patil stated she and Mr. Ciampa met with the Department of Water Resources to discuss the filling of its Ex Officio seat on the Authority’s Board.

The meeting was adjourned at 10:39 a.m.



Angela Ramirez Holmes (May 11, 2022 11:20 PDT)

Angela Ramirez Holmes, Chair

ATTEST:



Ellen Wehr (May 11, 2022 15:23 PDT)

Ellen Wehr, Secretary