



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
AGENDA**

Regular Meeting of the Board of Directors
August 10, 2022 – 9:30 a.m.

SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY

Pursuant to the provisions of Government Code Section 54953(e), as amended by Assembly Bill 361, any Director and any member of the public who desires to participate in the open session items of this meeting may do so by accessing the Zoom link below without otherwise complying with the Brown Act's teleconference requirements.

Please click the link below to join the webinar:

<https://lagerlof.zoom.us/j/87545898409?pwd=U2RRSXU0QzRSNkR4Wkt3bWE4MTc5QT09>

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or Telephone: US: +1 669 900 6833

Webinar ID: 875 4589 8409

Passcode: 023733

Any member of the public wishing to make any comments to the Board of Directors may do so by accessing the above-referenced link where they may select the option to join via webcam or teleconference. Members of the public may also submit written comments to the Interim Clerk by 4:00 p.m. on the day prior to the meeting for the Interim Clerk to read into the record (subject to three-minute limitation). The meeting Chair will acknowledge such individual(s) at the appropriate time in the meeting prior to making their comment. Members of the public will be disconnected from the meeting prior to any Closed Session, if applicable.

NOTE: To comply with the Americans with Disabilities Act, if you need special assistance to participate in any Board meeting, please contact the Authority's Interim Clerk at rperea@lagerlof.com by 4:00 p.m. on August 9, 2022 to inform the Authority of your needs and to determine if accommodation is feasible. Each item on the Agenda shall be deemed to include any appropriate motion, resolution, or ordinance, to take action on any item. Materials related to items on this Agenda are available for public review at: www.losvaquerosjpa.com/board-meetings.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF DIRECTORS

Angela Ramirez Holmes, Chair, Zone 7 Water Agency
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
Ernesto Avila, Director, Contra Costa Water District
John Coleman, Director, East Bay Municipal Utility District
Dennis Herrera, Director, San Francisco Public Utilities Commission
Gary Kremen, Director, Santa Clara Valley Water District
TBD, Director – Ex Officio - Department of Water Resources

ALTERNATE DIRECTORS

Jonathan Wunderlich, Alternate Director, Alameda County Water District
Antonio Martinez, Alternate Director, Contra Costa Water District
Lesa McIntosh, Alternate Director, East Bay Municipal Utility 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
TBD, Alternate Director – Ex Officio, Department of Water Resources

CONSIDER ADOPTION OF RESOLUTION NO. 8-22-01 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 AUGUST 6, 2022 TO SEPTEMBER 5, 2022 PURSUANT TO BROWN ACT PROVISIONS.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Any member of the public wishing to address the Board of Directors regarding items not on the Agenda should do so at this time. The Board welcomes your comments and requests that speakers present their remarks within established time limits and on issues that directly affect the Authority or are within the jurisdiction of the Authority.

CONSENT CALENDAR

- 1.1 Approval of Minutes from July 13, 2022 Board of Directors Meeting**
- 1.2 Draft Treasurer’s Report – Month Ended June 30, 2022**

CLOSED SESSION

2.1 Closed Session to be held in accordance with Government Code Section 54957

PUBLIC EMPLOYMENT – TITLE: EXECUTIVE DIRECTOR

RECONVENE FROM CLOSED SESSION

2.2 Report on Closed Session

ACTION ITEMS

None.

DISCUSSION ITEMS

3.1 Review of Board Policy and Action Calendar

FUTURE AGENDA ITEMS

REPORTS

4.1 Directors

4.2 Interim General Counsel

4.3 Interim Administrator

4.4 Committee Meeting Summaries

ADJOURNMENT

CONSIDER ADOPTION OF RESOLUTION NO. 8-22-01 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 AUGUST 6, 2022 TO SEPTEMBER 5, 2022 PURSUANT TO BROWN ACT PROVISIONS.

RESPONSIBLE/LEAD STAFF MEMBER:

James Ciampa, Interim General Counsel

RECOMMENDATION:

That the Los Vaqueros Reservoir Joint Powers Authority (Authority) Board of Directors' (Board) approve the above-referenced resolution making certain findings to allow for the Authority's Board meetings to continue to be conducted remotely by teleconference without compliance with the Brown Act's established teleconference meetings requirements, as allowed by AB 361, while ensuring public access to such Board meetings.

DISCUSSION:

At the November 10, 2021 Board of Directors' meeting, the Board approved Resolution No. 11-21-01, which authorized the Board to conduct its meetings virtually by video conference. That resolution made certain findings as required by Assembly Bill 361 (AB 361) with respect to such remote meetings. That resolution has been continued at the subsequent Board meetings.

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. Attached Resolution No. 8-22-01 sets forth those required findings to allow for continued remote teleconferenced Board meetings, including that requiring in-person attendance at meetings of the Board would pose an imminent risk to the health and safety of those in attendance, while ensuring public access to those meetings. The attached resolution is substantially similar to the resolutions the Board previously adopted and the findings continue to be valid in light of the persistent COVID-19 statistics.

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).

ALTERNATIVES:

If the Board does not adopt the resolution, in-person attendance will be required, or for those calling in, compliance with the notice and posting, in-person participation, and quorum requirements in Government Code section 54953(b)(3) would be required.

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Resolution No. 8-22-01

RESOLUTION NO. 8-22-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS
RESERVOIR JOINT POWERS AUTHORITY 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 AUGUST 6, 2022 TO SEPTEMBER 5, 2022
PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the Los Vaqueros Reservoir Joint Powers Authority (the “Authority”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

WHEREAS, all meetings of the Authority’s Board of Directors are to be open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

WHEREAS, the Brown Act, in Government Code Section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for application of Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Authority’s boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Authority’s Board of Directors previously adopted Resolutions finding that the requisite conditions exist for the Authority’s Board of Directors to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953; and

WHEREAS, such conditions continue to exist in the Authority’s geographical jurisdiction, specifically, a state of emergency has been proclaimed in the State of California pertaining to the threat to the health, safety and well-being of the Authority’s directors, staff,

vendors, contractors, customers and residents presented by COVID-19, and its Delta, Omicron, BA.2, BA.5 and possibly other variants, which remain highly contagious; and

WHEREAS, orders and guidance from local counties and regulations from the State of California impose limitations on gatherings and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

WHEREAS, allowing all individual members of the Authority's Board of Directors and staff to travel from various areas around the state to meet in person would present an imminent risk to the health and safety of attendees given the spread of the Delta, Omicron and other variants of the COVID-19 virus throughout the state; and

WHEREAS, the Authority's Board of Directors does hereby find that the continuing state of emergency poses imminent risks to attendees and has caused, and will continue to cause, conditions of peril to the safety of persons within the Authority's jurisdiction that are likely to be beyond the control of services, personnel, equipment, and facilities of the Authority, and the Board of Directors desires to re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the continuing local emergency, the Board of Directors does hereby find that the Authority's Board of Directors and any Authority committees shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Section 54953, and shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Section 54953; and

WHEREAS, the Authority will provide proper notice to the public regarding all Authority Board of Directors' and committee meetings, in accordance with Government Code Section 54953(e)(2)(A) and shall provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation Regarding Local Emergency. The Board of Directors hereby proclaims that a local emergency continues to exist in the geographical jurisdiction of the Authority and allowing individual members of the Authority's Board of Directors and members of the public to meet in person would present an imminent risk to the health and safety of attendees, and that conducting Authority Board of Directors virtually will minimize the possible spread COVID-19 and any variant thereof.

Section 3. Re-Ratification of Governor’s Proclamation of a State of Emergency. The Board hereby again ratifies the Governor of the State of California’s Proclamation of State of Emergency regarding COVID-19, dated March 4, 2020.

Section 4. Remote Teleconference Meetings. The Interim Administrator, Authority staff and the Board of Directors are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) the expiration of thirty (30) days from the date this Resolution was adopted, as set forth below, or (ii) 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 of Directors of the Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority this 10th day of August, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Angela Ramirez Holmes, Chair

Attest:

Ellen Wehr, Secretary

CONSENT CALENDAR

ITEM 1.1: APPROVAL OF MINUTES FROM JULY 13, 2022 BOARD OF DIRECTORS MEETING

RESPONSIBLE/LEAD STAFF MEMBER:

James Ciampa, Interim General Counsel

RECOMMENDATION:

That the Authority's Board of Directors approve the attached minutes from the July 13, 2022 Board of Directors meeting.

DISCUSSION:

The Interim Clerk, Interim General Counsel, Interim Administrator and Secretary have prepared the attached draft minutes from the July 13, 2022 Board of Directors meeting.

ALTERNATIVES:

Any suggested revisions to the draft July 13, 2022 Board meeting minutes will be considered.

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Draft minutes from July 13, 2022 Board of Directors meeting.



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
MINUTES**

Regular Meeting of the Board of Directors
July 13, 2022 – 9:30 a.m.

CALL TO ORDER at 9:38 a.m.

PLEDGE OF ALLEGIANCE – led by Vice Chair, Anthea Hansen

ROLL CALL OF DIRECTORS

Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
Ernesto Avila, Director, Contra Costa Water District
Gary Kremen, Director, Santa Clara Valley Water District

ALTERNATE DIRECTORS

Jonathan Wunderlich, Alternate Director, Alameda County Water District
Antonio Martinez, 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
*Alternate Directors who replaced absent Directors from their member agencies

ABSENT

Angela Ramirez Holmes, Chair, Zone 7 Water Agency
John Coleman, Director, East Bay Municipal Utility District
Dennis Herrera, Director, San Francisco Public Utilities Commission
Lesa McIntosh, Alternate Director, East Bay Municipal Utility District
Sandy Figuers, Alternate Director, Zone 7 Water Agency

OTHERS PRESENT

Marguerite Patil, Interim Administrator
Maureen Martin, Deputy Interim Administrator
James Ciampa, Lagerlof, LLP, Interim General Counsel
Rosemarie Perea, Interim Board Clerk
Diane Schmidt, Lagerlof, LLP
Approximately 21 others

CONSIDER ADOPTION OF RESOLUTION NO. 7-22-01 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 JULY 7, 2022 TO AUGUST 5, 2022 PURSUANT TO BROWN ACT PROVISIONS.

AB 361 requires that a subsequent resolution be adopted every 30 days to make findings that the emergency conditions justifying remote meetings continue to exist. Attached Resolution No. 7-22-01 sets forth those required findings to allow for continued remote teleconferenced Board meetings, including that requiring in-person attendance at meetings of the Board would pose an imminent risk to the health and safety of those in attendance, while ensuring public access to those meetings. The findings set forth in the attached resolution continue to be valid in light of the persistent COVID-19 statistics.

After discussion and upon motion by Treasurer Paul Sethy, seconded by Director Avila, Resolution No. 7-22-01 was approved by the following roll call vote:

- AYES: Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
Ernesto Avila, Director, Contra Costa Water District
Gary Kremen, Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
- NOES: None
- ABSENT: Angela Ramirez Holmes, Chair; John Coleman, Director
- ABSTAIN: None

The motion passed with a 6-0 vote.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Interim General Counsel, James Ciampa, advised the Board that an e-mailed comment was received on July 4, 2022 from Leland Frayseth criticizing the proposed Phase 2 Los Vaqueros Reservoir Expansion Project and calling on the Authority’s directors to resign.

CONSENT CALENDAR

Upon motion by Treasurer Paul Sethy, seconded by Director Avila, the Consent Calendar was approved by the following roll call vote:

AYES: Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
Ernesto Avila, Director, Contra Costa Water District
Gary Kremen, Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None

ABSENT: Angela Ramirez Holmes, Chair; John Coleman, Director

ABSTAIN: None

The motion passed with an 6-0 vote.

The approval of the Consent Calendar included:

1.1 - Approval of Minutes from June 8, 2022 Board of Directors Meeting

1.2 - Treasurer's Report – Month Ended May 31, 2022

ACTION ITEMS

2.1

Consider adoption of Resolution No. 7-22-02 – Resolution of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Establishing a Records Retention Policy

James Ciampa, Interim General Counsel, provided background information on the draft resolution and Records Retention Policy being presented to the Board. Interim General Counsel Ciampa explained the summary schedule attached to the policy was based on the general categories of documents set forth in Contra Costa Water District's Records Retention Schedule, with the deletion of various categories of documents that are not applicable to the Authority. In addition, specific provisions have been added to the policy that address electronic and e-mail records. The draft policy was approved by the Communications and Outreach Committee.

After discussion, upon motion by Director Kremen, seconded by Secretary Wehr, Resolution No. 7-22-02 of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Establishing a Records Retention Policy was adopted by the following roll call vote:

AYES: Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
Ernesto Avila, Director, Contra Costa Water District
Gary Kremen, Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None

ABSENT: Angela Ramirez Holmes, Chair; John Coleman, Director

ABSTAIN: None

The motion passed with an 6-0 vote.

2.2

Consider adoption of Resolution No. 7-22-03 – Resolution of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Adopting a Social Media Policy

Interim General Counsel Ciampa advised that an important part of the Authority's activities will involve use of the Authority's website and various social media platforms and channels to communicate with various stakeholders and interested members of the public. The draft Social Media Policy was reviewed, discussed and approved by the Communications and Outreach Committee. Further comments were received after posting of the agenda with respect to changes to clarify application of the policy to the Authority's website and postings made on behalf of the Authority. Interim General Counsel Ciampa reviewed the proposed revisions to the policy through a redlined version presented to the Board.

After discussion, upon motion by Director Avila, seconded by Director Kremen, Resolution No. 7-22-03 of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Adopting a Social Media Policy, with the revisions discussed and presented, was adopted by the following roll call vote:

AYES: Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
 Ellen Wehr, Secretary, Grassland Water District
 Paul Sethy, Treasurer, Alameda County Water District
 Ernesto Avila, Director, Contra Costa Water District
 Gary Kremen, Director, Santa Clara Valley Water District
 Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None

ABSENT: Angela Ramirez Holmes, Chair; John Coleman, Director

ABSTAIN: None

The motion passed with an 6-0 vote.

2.3

Consider Approval of Communications and Outreach Committee Charter

Interim General Counsel Ciampa advised that Section 4.3 of the Authority's Bylaws states that after each committee is formed, it is to develop a charter that sets forth the subject matter areas and scope of activities for that committee. Section 4.3 further provides that committee charters are to be provided to and approved by the Board of Directors. The draft Communications and Outreach Committee Charter, as presented to the Board, has been reviewed and revised by the Communications and Outreach Committee, which recommends it for approval by the Board of Directors.

After discussion, upon motion by Secretary Wehr, seconded by Treasurer Sethy, the Communications and Outreach Committee Charter was approved by the following roll call vote:

AYES: Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
 Ellen Wehr, Secretary, Grassland Water District
 Paul Sethy, Treasurer, Alameda County Water District
 Ernesto Avila, Director, Contra Costa Water District

Gary Kremen, Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None
ABSENT: Angela Ramirez Holmes, Chair, John Coleman, Director
ABSTAIN: None

The motion passed with an 6-0 vote.

2.4

Consider Approval of Fiscal Year 2022-23 Budget Transfer of an Amount Not to Exceed \$258,900 From Contingency to CCWD Services for the Transfer Pipeline Inspection

Marguerite Patil, Interim Administrator, advised the Board that the Fiscal Year 2022-23 Budget for the Los Vaqueros Reservoir Joint Powers Authority was approved by the Board of Directors on June 8, 2022 and included a contingency amount of \$1.34 million.

The current scope of work for CCWD Services includes an inspection of the existing Transfer Pipeline as part of the Engineering Feasibility Task. The Transfer Pipeline is an important transmission facility that conveys water into and out of the Los Vaqueros Reservoir. A pipeline structural integrity analysis confirmed sufficient pipeline capacity exists to meet the higher-pressure conditions that will result from the proposed reservoir expansion project; however, an interior inspection was recommended to confirm the analysis' assumptions. The Transfer Pipeline Inspection will confirm the condition of the interior of the pipeline and identify any improvements that may be needed as part of the Project.

CCWD received two bids for the Transfer Pipeline Inspection. CCWD authorized a contract with Con-Quest Contractors, Inc., the lowest responsive, responsible bidder, in an amount of \$1,758,900, including a change order authority of \$159,900. The total contract amount exceeded the budgeted amount of \$1,500,000 included in the Fiscal Year 2022-23 Budget by \$258,900. A budget transfer of \$258,900 from Contingency to CCWD Services is required for CCWD to complete the Transfer Pipeline Inspection.

After discussion, upon motion by Treasurer Sethy, seconded by Alternate Director Ritchie, the transfer of an amount not to exceed \$258,900 from Contingency to CCWD Services for the Transfer Pipeline Inspection, was approved by the following roll call vote:

AYES: Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
Ernesto Avila, Director, Contra Costa Water District
Gary Kremen, Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None
ABSENT: Angela Ramirez Holmes, Chair; John Coleman, Director
ABSTAIN: None

The motion passed with an 6-0 vote.

DISCUSSION ITEMS

3.1

Program Management Approach

Interim Administrator Patil advised that the Los Vaqueros Reservoir Joint Exercise of Powers Agreement (JPA Agreement) provides that the Board of Directors may engage a Program Manager to provide program management services. The Program Manager would report to the Executive Director and would coordinate various design and construction activities for the Project under the Project-related agreements that will be forthcoming.

Interim Administrator Patil presented an overview of the proposed program management consultant services, including the proposed qualifications criteria and the upcoming competitive selection process. Members of the Board posed questions and requested clarification on certain slides contained in the presentation. Interim Administrator Patil provided further information and provided answers to the questions, including acknowledging the need for a clarity on the roles and responsibilities of that position.

3.2

Review of Board Policy and Action Calendar

Interim Administrator Patil presented the updated Board Policy and Action Calendar for the Board's information. The Calendar was presented in outline form including Authority Board meeting items by month for the next six months. In addition, overview graphics were included, organized by functional area to show potential discussion and action items for Authority Board and Committee meetings for 2022 and early 2023.

The following updates were incorporated into the current version of the Board Policy and Action Calendar to align various milestones with the anticipated September/October start date of the new Executive Director (to be selected):

- Program Management Services Contract – Board approval of the release of the Request for Proposals was moved from August to September 2022 and the selection process timeline was adjusted accordingly.
- DWR MOU – Board approval of the MOU was moved from July to September 2022.
- Interim Funding Agreement and Plan of Finance – Finance Committee updates in July were deleted as the Finance Committee has opted not to hold a meeting in July 2022.
- WIFIA Funding – Timeline was updated to reflect the planned submittal of the Letter of Interest (LOI) in September 2022. Added a Finance Committee item in August to allow for the committee to review the WIFIA Proforma model that will be submitted with the LOI.
- Bank Services – Timeline was adjusted by two months.

Treasurer Sethy requested an update on the Executive Director recruitment. Interim Administrator Patil advised that two candidates had been selected for final interviews. Interim General Counsel Ciampa advised the Board that the Brown Act allows for closed session interviews to be held, as the independent contractor position will be fulfilling a role that could be considered to otherwise be a public employee. Thus, the August 10, 2022 Board meeting Agenda will include those interviews as a closed session item.

Secretary Wehr inquired about the nature of the proposed MOU with the Department of Water Resources (DWR) and Interim Administrator Patil responded that MOU relates to DWR's status in providing an ex officio member on the Authority's Board of Directors.

FUTURE AGENDA ITEMS - None.

REPORTS

4.1 Directors - Director Avila welcomed new Alternate Director Antonio Martinez representing Contra Costa Water District to the Board.

4.2 Interim General Counsel - Interim General Counsel Ciampa advised that he will be putting together a Policy Manual which will include all policies which have been approved to date, allowing for revisions and updates as needed.

4.3 Interim Administrator - Interim Administrator Patil reported:

1. A trip to Washington D.C. is being planned to take place in September to meet with congressional representatives regarding the Project.
2. Ms. Patil recently met with Wade Crowfoot, Secretary of the California Natural Resources Agency, and with representatives of the California Water Commission, the Department of Water Resources and the California Department of Fish and Wildlife. Secretary Crowfoot expressed his support for the Project and his willingness to support the Project with the agencies under his purview.
3. The Authority is continuing to seek funding from the State's budget surplus to support an additional inflation adjustment to the Project's current funding amount previously awarded by the California Water Commission.
4. Work is continuing on preparation of the WIFIA Loan Letter of Interest, which is planned to be submitted in September.
5. The Bureau of Reclamation has identified Vincent Barbara as its representative in connection with the Authority and Project.

4.4 Committee Meeting Summaries - Summaries from the June 16, 2022 Operations and Engineering Committee meeting, the June 22, 2022 Communications and Outreach Committee meeting and the June 23, 2022 Finance Committee Meeting were included in the Board meeting materials.

The meeting was adjourned at 10:50 a.m.

Anthea Hansen, Vice Chair

ATTEST:

Ellen Wehr, Secretary

ITEM 1.2: DRAFT TREASURER’S REPORT – MONTH ENDED JUNE 30, 2022

RESPONSIBLE/LEAD STAFF MEMBER:

Marguerite Patil, Interim Administrator

DISCUSSION:

Staff has prepared the Draft Treasurer’s Report for June 2022. This report has been provided to Treasurer Sethy but was not reviewed by the Finance Committee, which did not meet in July.

ALTERNATIVES:

For discussion purposes

FISCAL ANALYSIS:

None

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Draft Treasurer’s Report for Month Ended June 30, 2022



DRAFT TREASURER’S MONTHLY REPORT

MULTI-PARTY AGREEMENT STATUS

Amendment No. 3 to the Multi-party Cost Share Agreement (MPA) was executed on November 1, 2021 and the second invoice of \$448,560 per agency was sent out in July 2022.

AUGUST 4, 2022

UPCOMING ACTIVITIES

August 8 at 1:30 p.m. – Finance workgroup meeting on Draft WIFIA LOI (with LAP Staff and Clean Energy Capital)

August 10 at 9:30 a.m. – JPA Board Meeting via Zoom

August 25 at 1:00 – Finance Committee Meeting via Zoom

Finance Committee Members:

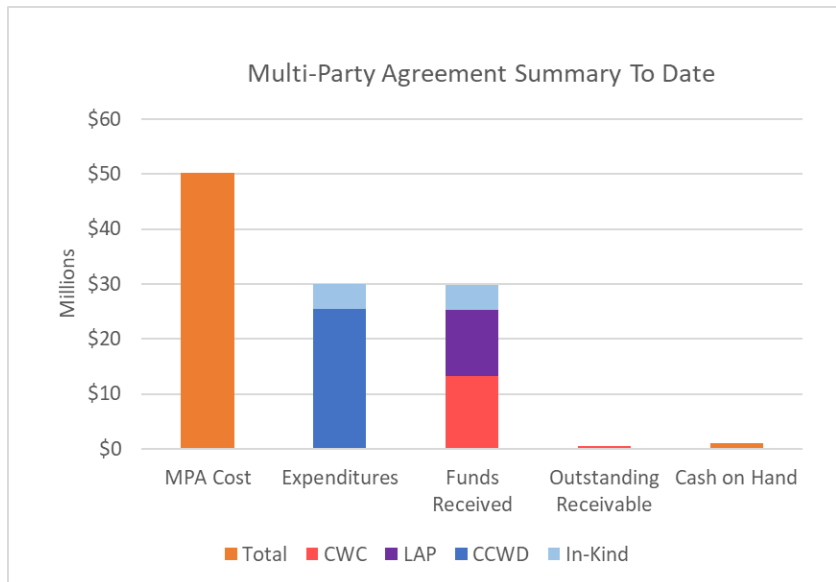
Chair: Anthea Hansen, SLDMWA

Vice-Chair: Paul Sethy, ACWD

John Coleman, EBMUD

Linda LeZotte, SCVWD

The following chart provides an overview of the MPA expenditures through June 30, 2022. The in-kind services, funds received, outstanding receivable, and cash on hand are shown through June 30, 2022. All LAPs remain in good standing on progress payments and the Project cash on hand remains positive.



ACRONYM KEY

ACWD – Alameda County Water District

CCWD – Contra Costa Water District

CWC – California Water Commission

EBMUD – East Bay Municipal Utility District

LAP – Local Agency Partners

MPA – Multi-party Cost Share Agreement

SCVWD – Santa Clara Valley Water District (Valley Water)

WIFIA LOI – Water Infrastructure Finance and Innovation Act Letter of Interest

MPA Summary to Date:

MPA Cost: \$50,187,865 (total through Amendment No. 3)

Expenditures:

CCWD: \$25,396,390 (includes consultants and legal services)

LAP: \$4,543,284 (in-kind services)

Total: \$29,939,673

Funds Received:

CWC: \$13,211,826

LAP: \$12,054,922 (cash contributions)

LAP: \$4,543,284 (in-kind services)

Total: \$29,810,032

Outstanding Receivable:

CWC: \$501,089

LAP: \$0 (Note: invoices sent in July 2022 not included)

Cash on Hand: \$1,060,579

FEDERAL FUNDING STATUS

The FY22 Continuing Resolution that went into effect September 30, 2021 included \$50 million in Federal funding for the Project. This is in addition to the \$14 million that was appropriated in FY21. An assistance agreement has been executed with Reclamation for a total of \$7.2 million in federal funding for permitting, design, and other pre-construction activities and the initial invoice is being prepared.

Future Federal funding requests include the remainder of the maximum federal share of 25 percent of the total project cost (approximately \$160 million). Some portion of the federal funding share may be available in the Bipartisan Infrastructure Law (the Infrastructure Investment and Jobs Act that was signed on November 15, 2021).

STATE FUNDING STATUS

The Project qualified for funding under the Water Storage Investment Program and received an adjusted Maximum Conditional Eligibility Determination of \$477,558,343 from the California Water Commission (CWC) on March 16, 2022. This amount reflects an additional inflation adjustment of 1.5 percent and an increase in over \$7 million from the previous award.

The Early Funding Agreement with the CWC provides for a cost share of 50 percent of eligible costs through December 31, 2022. An amendment was approved by the CWC on May 18, 2022 to extend the agreement through December 31, 2023 and include \$927,917 in additional early funding that is now available as a result of the inflation adjustments to the total award amount. The summary below reflects the current Early Funding Agreement. The Total Budget and other budget status information will be updated following execution of the amendment.

Early Funding Agreement Summary to Date:

Total Budget:	\$45,900,000
Total Program Funding:	\$22,950,000 (50 percent cost share)
Total Billed To Date:	\$27,425,831 (60% spent to date)
Total Amount Remaining:	\$18,474,169
Total Retention To Date:	\$501,089
Outstanding Invoices:	\$0 (Note: invoices under review)

DISCUSSION ITEMS

ITEM 3.1: REVIEW OF BOARD POLICY AND ACTION CALENDAR

RESPONSIBLE/LEAD STAFF MEMBER:

Marguerite Patil, Interim Administrator

DISCUSSION:

The updated Board Policy and Action Calendar is provided for the Board's information. The Calendar is presented in outline form including Authority Board meeting items by month for the next six months. In addition, the overview graphic is included, organized by functional area to show potential discussion and action items for Authority Board and Committee meetings for 2022 and early 2023.

The following updates were incorporated into the current version of the Board Policy and Action Calendar:

- Board Clerk Recruitment – removed milestones from outline form to align with previous update to overview graphic.
- Program Management Services Contract – moved Board discussion item from August to September and the selection process timeline was adjusted accordingly.
- Liability and Errors and Omissions Insurance – added Board discussion item in September.
- Interim Funding Agreement – added Finance Committee discussion in August and moved Board discussion item to September and Board action item to October.
- Service Agreement – moved Board discussion items from August to September and from October to November.
- CCWD Facilities Usage Agreement – added for Finance Committee and Board discussion over various months on outline form to align with previous update to overview graphic.
- Contracts for Administration of Public Benefits – added for Operations and Engineering Committee and Board discussion over various months on outline form to align with previous update to overview graphic.
- CCWD Design and Construction Agreement – moved Operations and Engineering Committee discussion from August to October and adjusted timeline accordingly.

ALTERNATIVES:

Not applicable

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

6-Month Calendar and Outline of Board Policies and Actions

Overview Graphic of 2022 Draft Major Policy Calendar

**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
6-MONTH CALENDAR AND OUTLINE OF BOARD POLICIES AND ACTIONS**

August 2022

Executive Director Interviews [Discussion Item; to be conducted in Closed Session]

Interim Funding Agreement [Finance Committee]

Draft CCWD Technical Services Agreement Principles [Finance Committee]

WIFIA Proforma Model for Letter of Interest [Finance Committee]

Contracts for Administration of Public Benefits [Operations and Engineering Committee]

September 2022

Executive Director Contract [Action Item]

DWR MOU [Action Item]

Conflict of Interest Code [Discussion Item]

Program Management Services Contract Request for Proposals [Discussion Item]

Liability and Errors and Omissions Insurance [Discussion Item]

Interim Funding Agreement [Discussion Item]

Service Agreement Approach [Discussion Item]

Draft CCWD Facilities Usage Agreement [Finance Committee]

WIFIA Loan Credit Rating [Finance Committee]

Bank Services [Finance Committee]

October 2022

Conflict of Interest Code [Action Item]

Program Management Services Contract Request
for Proposals [Action Item]

Liability and Errors and Omissions Insurance
[Action Item]

Interim Funding Agreement [Action Item]

WIFIA Loan Credit Rating [Discussion Item]

Bank Services [Discussion Item]

Draft CCWD Facilities Usage Agreement [Finance
Committee]

Plan of Finance [Finance Committee]

Draft CCWD Design and Construction Agreement
Principles [Operations and Engineering Committee]

Contracts for Administration of Public Benefits
[Operations and Engineering Committee]

November 2022

WIFIA Loan Credit Rating [Action Item]

Bank Services [Action Item]

CCWD Technical Services Agreement [Discussion
Item]

Service Agreement Approach [Discussion Item]

Draft CCWD Facilities Usage Agreement
[Discussion Item]

Plan of Finance [Discussion Item]

Contracts for Administration of Public Benefits
[Discussion Item]

Draft CCWD Design and Construction Agreement

December 2022

Principles [Operations and Engineering Committee]
CCWD Technical Services Agreement [Action
Item]

Plan of Finance [Action Item]

Draft CCWD Design and Construction Agreement
Principles [Discussion Item]

Draft Service Agreement [Finance Committee]

January 2023

CCWD Design and Construction Agreement
Principles [Action Item]

Draft Service Agreement [Discussion Item]

Draft CCWD Facilities Usage Agreement
[Discussion Item]

Draft Contracts for Administration of Public
Benefits [Discussion Item]

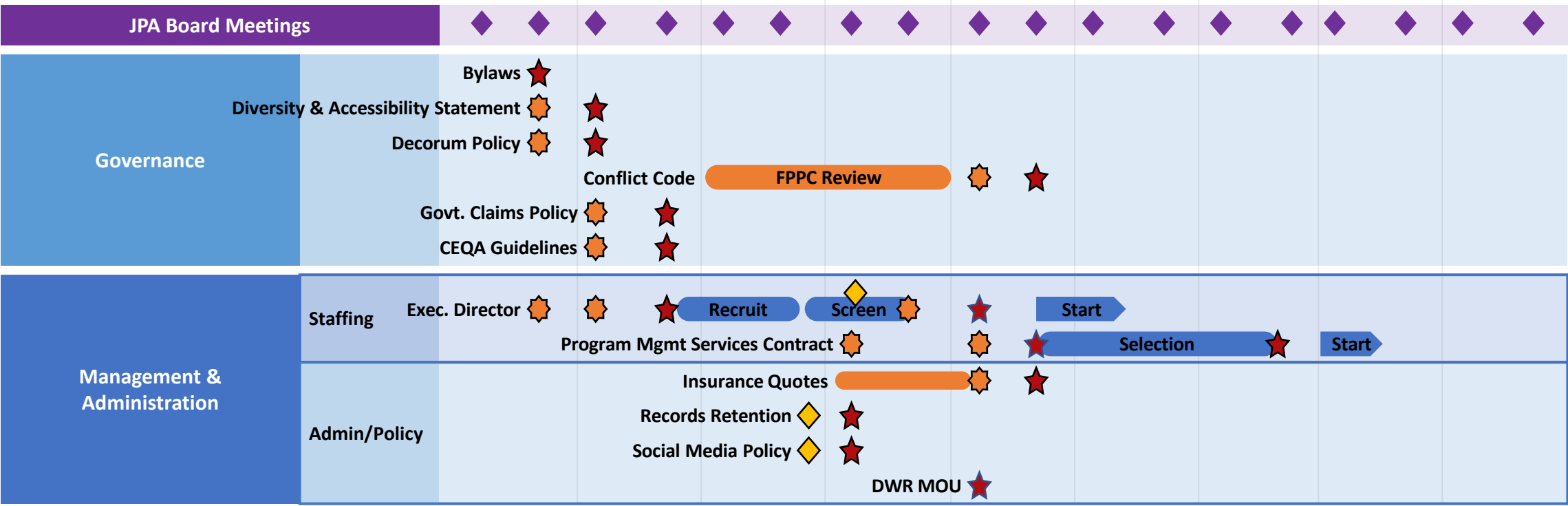
Los Vaqueros Reservoir Joint Powers Authority

Draft 2022 Major Policy Calendar

Dates Subject to Change

CWC Award Hearing

2022						2023			
Jan	Mar	May	Jul	Sep	Nov	Jan	Mar	May	



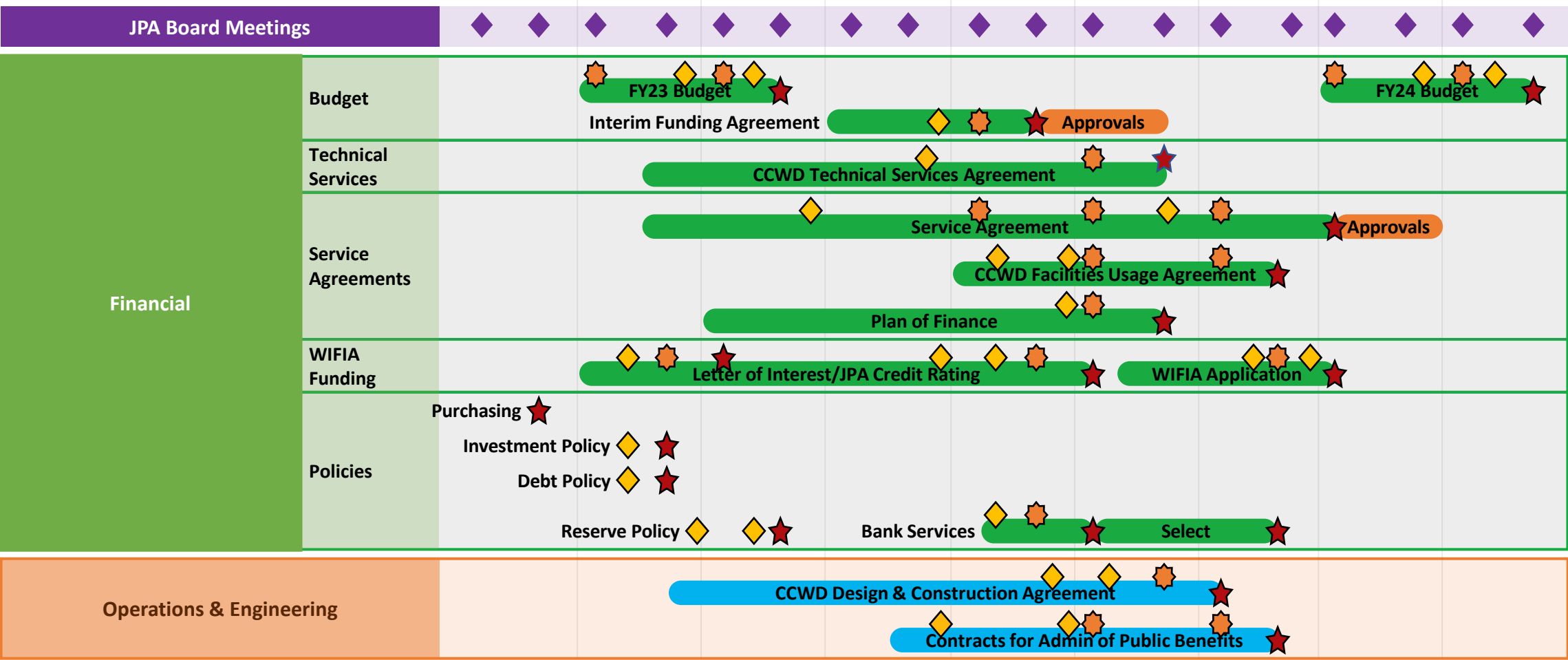
Los Vaqueros Reservoir Joint Powers Authority

Draft 2022 Major Policy Calendar

Dates Subject to Change

CWC Award
Hearing

2022						2023		
Jan	Mar	May	Jul	Sep	Nov	Jan	Mar	May



Future Agreements to Develop (Schedules TBD)
 EBMUD Facility Usage Agreement, EBMUD Design & Construction Agreement, Conveyance Agreement(s) (e.g., SBA), O&M Agreements, CCWD Backstop Agreement

ITEM 4.4: COMMITTEE MEETING SUMMARIES

RESPONSIBLE/LEAD STAFF MEMBER:

Marguerite Patil, Interim Administrator

RECOMMENDATION:

None

DISCUSSION:

The Communications and Outreach Committee, Finance Committee, and Operations and Engineering Committee did not meet during July. Committee meetings will resume in August.