



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
AGENDA**

Regular Meeting of the Board of Directors
July 13, 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/82264614906>

Or One tap mobile:

US: +16699006833,,82264614906#

Or Telephone:

US: +1 669 900 6833

Webinar ID: 822 6461 4906

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 July 12, 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. 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.

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 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**
- 2.2 Consider adoption of Resolution No. 7-22-03 – Resolution of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Adopting a Social Media Policy**
- 2.3 Consider approval of Communications and Outreach Committee Charter**
- 2.4 Consider approval of a Fiscal Year 2022-23 Budget Transfer of an amount not to exceed \$258,900 from Contingency to CCWD Services for the Transfer Pipeline Inspection**

DISCUSSION ITEMS

- 3.1 Program Management Approach**
- 3.2 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. 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.

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. 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 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. 7-22-01

RESOLUTION NO. 7-22-01

**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 JULY 7, 2022 TO AUGUST 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 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 13th day of July, 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 JUNE 8, 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 June 8, 2022 Board of Directors meeting.

DISCUSSION:

The Interim Clerk, Interim General Counsel, Interim Administrator and Secretary have prepared the attached draft minutes from the June 8, 2022 Board of Directors meeting.

ALTERNATIVES:

Any suggested revisions to the draft June 8, 2022 Board meeting minutes will be considered.

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Draft minutes from June 8, 2022 Board of Directors meeting.



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
MINUTES**

Regular Meeting of the Board of Directors
June 8, 2022 – 9:30 a.m.

CALL TO ORDER at 9:30 a.m.

PLEDGE OF ALLEGIANCE – led by Chair, Angela Ramirez Holmes

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 Sathy, Treasurer, Alameda County Water District
John Coleman, Director, East Bay Municipal Utility District
Gary Kremen, Director, Santa Clara Valley Water District
TBD, Director, Contra Costa Water District
TBD, Director – Ex Officio - Department of Water Resources

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
TBD, Alternate Director – Ex Officio, Department of Water Resources
*Alternate Directors who replaced absent Directors from their member agencies

ABSENT

Dennis Herrera, Director, San Francisco Public Utilities Commission
Lesla McIntosh, Alternate Director, East Bay Municipal Utility District

OTHERS PRESENT

Marguerite Patil, Interim Administrator
James Ciampa, Lagerlof, LLP, Interim General Counsel
Rosemarie Perea, Interim Board Clerk
Diane Schmidt, Lagerlof, LLP
Approximately 18 others

CONSIDER ADOPTION OF RESOLUTION NO. 6-22-01 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 JUNE 7, 2022 TO JULY 6, 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 such remote meetings continue to exist. Attached Resolution No. 6-22-01 sets forth those required findings, in light of the continued presence of COVID-19 and recent increase in COVID-19 cases, 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.

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 Alternate Director Ritchie, seconded by Secretary Wehr, Resolution No. 6-22-01 was approved 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
- Ellen Wehr, Secretary, Grassland Water District
- Paul Sethy, Treasurer, Alameda County Water District
- John Coleman, Director, East Bay Municipal Utility District
- Gary Kremen, Director, Santa Clara Valley Water District
- Ernesto Avila, Alternate Director, Contra Costa Water District
- Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

- NOES: None
- ABSENT: None
- ABSTAIN: None

The motion passed with an 8-0 vote.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CONSENT CALENDAR

Upon motion by Director Coleman, seconded by Treasurer Sethy, the Consent Calendar was approved 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
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
John Coleman, Director, East Bay Municipal Utility District
Gary Kremen, Director, Santa Clara Valley Water District
Ernesto Avila, Alternate Director, Contra Costa Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None
ABSENT: None
ABSTAIN: None

The motion passed with an 8-0 vote.

The approval of the Consent Calendar included:

- 1.1 - Approval of Minutes from May 11, 2022 Board of Directors Meeting**
- 1.2 - Treasurer's Report – Month Ended April 30, 2022**

ACTION ITEMS

2.1

Consider adoption of Resolution No. 6-22-02 – Resolution of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Approving Fiscal Year 2022-23 Budget

Interim Administrator Marguerite Patil advised that the Los Vaqueros Reservoir Joint Exercise of Powers Agreement (JPA Agreement) requires that the Board of Directors adopt a budget prior to the start of each Fiscal Year (i.e., by July 1, 2022), to include, at this stage of the Authority's existence, components to fund the Authority's administrative and operational costs.

In prior Board of Directors' meetings, the Board was provided an overview of the Budget development process for a single Fiscal Year Budget for Fiscal Year 2023 ("FY23", for the period of July 1, 2022 through June 30, 2023). The final version of the FY23 Budget was presented to the Finance Committee at its May 26, 2022 meeting. The Finance Committee approved of that Budget and recommended that the Board of Directors consider adoption of the FY23 Budget in the form presented. The Board of Directors were provided with further details on the FY23 Budget.

Chair Ramirez Holmes requested that the dollar amounts shown on pages 9, 12 and 14 of the Budget document include a reference to "thousands of dollars" and on page 15 that all 12 months be included in the graphic. Treasurer Sethy requested that a stand-alone copy of the FY 23 Budget document be provided to all Members and their boards and staff.

After discussion, upon motion by Treasurer Sethy, seconded by Vice Chair Hansen, the Resolution No. 6-22-02 of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Approving Fiscal Year 2022-23 Budget 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
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
John Coleman, Director, East Bay Municipal Utility District
Gary Kremen, Director, Santa Clara Valley Water District
Ernesto Avila, Alternate Director, Contra Costa Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None
ABSENT: None
ABSTAIN: None

The motion passed with an 8-0 vote.

2.2

Consider adoption of Resolution No. 6-22-03 – Resolution of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Establishing a Reserve Policy

James Ciampa, Interim General Counsel, advised that although the Authority will be funded by the Members on a pass-through basis based on the respective Members' Service Agreements, to ensure adequate monies are on hand to meet the Authority's financial obligations, it would be prudent for the Authority to establish monetary reserves that can be drawn upon if necessary to meet Authority financial obligations and then be subsequently replenished. The Reserve Policy was reviewed and revised by the Finance Committee, which unanimously concurred at its May 26, 2022 meeting to recommend that the Board of Directors consider adoption of the Reserve Policy in the form presented.

Interim General Counsel Ciampa advised there will be minor revisions to the Reserve Policy to reflect a current target of \$0 for the Administrative and Operating Fund Reserve because all budgeted monies are currently considered to be capital. A sentence will be added to the "Reserve Target" provisions for the Capital Project Fund Reserve to reflect that target based on the FY 23 Budget that was approved. Interim Administrator Patil stated that target figure will be \$3.83 million but emphasized that figure is only a target and that amount of reserves is not currently necessary in light of the Project's present status.

Interim Administrator Patil then provided supplemental information in answer to the Board's request for clarification on certain items.

After discussion, upon motion by Alternate Director Avila, seconded by Director Coleman, Resolution No. 6-22-03 of the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority Establishing a Reserve Policy, with the revisions discussed, 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
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
John Coleman, Director, East Bay Municipal Utility District
Ernesto Avila, Alternate Director, Contra Costa Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Linda J. LeZotte, Alternate Director, Santa Clara Valley Water District [voting because Director Kremen temporarily dropped from the meeting]

NOES: None
ABSENT: None
ABSTAIN: None

The motion passed with an 8-0 vote

2.3

Consider Approval of Finance Committee Charter

Interim General Counsel Ciampa presented the draft Finance Committee Charter to the Board. He stated the Authority's Bylaws requires each committee to develop a charter and that the charter is to be provided to and approved by the Board of Directors.

The Finance Committee Charter, as presented to the Board, has been reviewed and revised by the Finance Committee, which recommended it for approval by the Board of Directors. Interim General Counsel Ciampa noted a change was necessary to reflect the preparation of meeting summaries instead of minutes. Chair Ramirez Holmes then noted the word "Los" had been deleted in the title of the document. After discussion, it was suggested by Director Kremen that "draft" be inserted in the third bullet point of the "Scope of Work and Responsibilities", after "Review the Authority's" and before "annual audit."

After discussion, upon motion by Vice Chair Hansen, seconded by Treasurer Sethy, the Finance Committee Charter, with the revisions noted above, was approved 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
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
John Coleman, Director, East Bay Municipal Utility District
Gary Kremen, Director, Santa Clara Valley Water District
Ernesto Avila, Alternate Director, Contra Costa Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None
ABSENT: None
ABSTAIN: None

The motion passed with an 8-0 vote

2.4

Consider approval of Operations and Engineering Committee Charter

Interim General Counsel Ciampa then introduced the draft Operations and Engineering Committee Charter for consideration by the Board of Directors. Interim General Counsel Ciampa mentioned the Operations and Engineering Committee recommended the draft Charter for approval by the Board of Directors in the form presented.

One change was suggested to the fourth bullet point of the “Scope of Work and Responsibilities”, to replace “determine” with “recommend” at the end of the second line of that paragraph.

After discussion, upon motion by Director Kremen, seconded by Alternate Director Avila, the Operations and Engineering Committee Charter, with the revision noted above, was approved 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
 Ellen Wehr, Secretary, Grassland Water District
 Paul Sethy, Treasurer, Alameda County Water District
 John Coleman, Director, East Bay Municipal Utility District
 Gary Kremen, Director, Santa Clara Valley Water District
 Ernesto Avila, Alternate Director, Contra Costa Water District
 Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

NOES: None

ABSENT: None

ABSTAIN: None

The motion passed with an 8-0 vote

DISCUSSION ITEMS

3.1

Program Management Approach

Interim Administrator Patil advised that the JPA Agreement provides that the Board of Directors may engage one or more persons or entities to provide program management services as a Program Manager. Interim Administrator Patil discussed this position and its contemplated roles and advised that a more detailed presentation would occur at the July Board meeting. Feedback was provided by various Directors and Alternate Directors regarding that position, including that the qualifications criteria and selection process be included in the July presentation, that the budget impact be clarified that it is on an annual basis and that the search include a diverse field, including emerging consultants.

3.2

Review of Board Policy and Action Calendar

Interim Administrator Patil reviewed the updated Board Policy and Action Calendar. She noted that this item will in future months include an emphasis on changes made to the calendar from the prior month.

FUTURE AGENDA ITEMS - None.

REPORTS

4.1

Directors - None.

4.2

Interim General Counsel

Interim General Counsel Ciampa advised that he had finally received the initial review of the Authority's draft Conflict of Interest Code from the Fair Political Practices Commission. He has responded to them with the additional information required and made several other changes to reflect the Authority's contemplated contractor staffing. He is awaiting their response and will advise the Board once it is received.

4.3

Interim Administrator

Interim Administrator Patil advised as follows:

1. The application process for the Executive Director position closes on June 17, 2022. She has been working with the recruiter on questions that have come up, including regarding the need for compliance with independent contractor status requirements, and has provided clarification.
2. Increases in water storage project funding to account for recent inflation, including for the Authority's Project, have been included in Governor Newsom's May revise of the state budget. Letters of support to the State Legislature will be sent to encourage the Legislature to accept those increases.
3. Interim Administrator Patil encouraged members of the Board to sign up for Authority website automatic alerts.

4.4

Committee Meeting Summaries

Interim General Counsel Ciampa advised that attached for the Board of Directors' information are the summaries from April 28, 2022 and May 26, 2022 Finance Committee meetings, the April 21, 2022 and May 26, 2022 Operations and Engineering Committee meetings and the April 27, 2022 Communications and Outreach Committee meeting. The Board stated it agreed with Interim General Counsel Ciampa signing those summaries.

The meeting was adjourned at 10:33 a.m.

Angela Ramirez Holmes, Chair

ATTEST:

Ellen Wehr, Secretary

ITEM 1.2: TREASURER’S REPORT – MONTH ENDED MAY 31, 2022

RESPONSIBLE/LEAD STAFF MEMBER:

Marguerite Patil, Interim Administrator

DISCUSSION:

Staff has prepared and the Finance Committee has reviewed the Draft Treasurer’s Report for May 2022. The final version of that report, that incorporates one update to the summary of Outstanding Receivable to reflect payment status of the Local Agency Partners through June 30, 2022 as previously discussed with the Finance Committee, is attached for the Board’s review and possible approval.

ALTERNATIVES:

For discussion purposes

FISCAL ANALYSIS:

None

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Treasurer’s Report for Month Ended May 31, 2022



TREASURER 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 will be sent out in July 2022.

JULY 6, 2022

UPCOMING ACTIVITIES

June 23 at 1:00 – Finance Committee Meeting via Zoom

Finance Committee Members:

Chair: Anthea Hansen, SLDMWA

Vice-Chair: Paul Sethy, ACWD

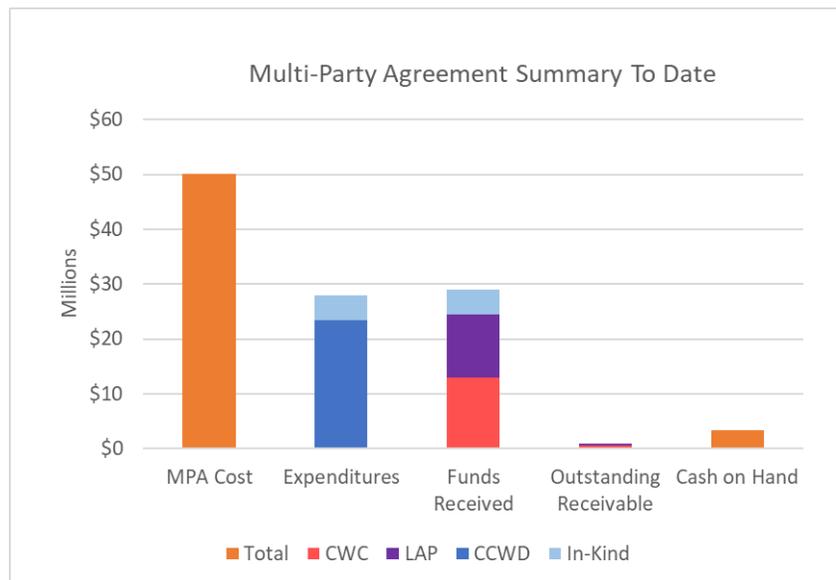
John Coleman, EBMUD

Linda LeZotte, SCVWD

June 27 at 1:00 p.m. – Finance workshop on LVE operations and capacity sharing via Teams (with LAP Staff and Clean Energy Capital)

July 13 at 9:30 a.m. – JPA Board Meeting via Zoom

The following chart provides an overview of the MPA expenditures through May 31, 2022. The in-kind services, funds received, outstanding receivable, and cash on hand are shown through May 31, 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)

MPA Summary to Date:

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

Expenditures:

CCWD: \$23,412,542 (includes consultants and legal services)

LAP: \$4,522,207 (in-kind services)

Total: \$27,934,749

Funds Received:

CWC: \$12,943,677

LAP: \$11,606,362 (cash contributions)

LAP: \$4,522,207 (in-kind services)

Total: \$29,072,247

Outstanding Receivable:

CWC: \$799,032

LAP: \$0 (Note: payment status updated as of June 30, 2022)

Cash on Hand: \$3,426,389

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.

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:	\$297,943

ACTION ITEMS

ITEM 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

RESPONSIBLE/LEAD STAFF MEMBER:

James Ciampa, Interim General Counsel

DISCUSSION:

Local agencies typically adopt a Records Retention Policy and schedule that sets forth periods for which various categories of documents are retained and after which such records may be destroyed. With input from the Communications and Outreach Committee, we have prepared the attached resolution that would establish the Records Retention Policy for the Authority and would incorporate a summary schedule based on the general categories set forth in Contra Costa Water District’s Records Retention Schedule. That summary schedule would be accessible through the Authority’s website. In addition, we have added specific provisions to the policy that address electronic and e-mail records.

ALTERNATIVES:

Board discretion

FISCAL ANALYSIS:

No fiscal impact at this time.

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Resolution 7-22-02 – Resolution of the Board of Directors Establishing a Records Retention Policy.

RESOLUTION NO. 7-22-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
ESTABLISHING A RECORDS RETENTION POLICY**

WHEREAS, the Los Vaqueros Reservoir Joint Powers Authority (the “Authority”) is committed to transparency in preserving and managing its records, and doing so in an efficient and cost-effective manner; and

WHEREAS, Contra Costa Water District (“CCWD”) currently serves as the Authority’s Interim Administrator and has been the lead agency for Phase 2 of the Los Vaqueros Reservoir Expansion Project (the “Project”) and stores and manages the Authority’s and Project’s records; and

WHEREAS, CCWD has an established a Records Retention Schedule that efficiently and cost effectively manages the storage, retention and destruction of CCWD’s and the Project’s records in accordance with industry best practices and in compliance with applicable law; and

WHEREAS, the Authority’s Directors find and determine that implementing certain portions of CCWD’s established Records Retention Schedule through a summary schedule will allow the Authority to most efficiently and cost effectively store, retain and destroy the Authority’s records in accordance with industry best practices and in compliance with applicable law,

**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. Adoption of Policy. The Authority’s Board of Directors adopts the Records Retention Policy in the form attached hereto as Exhibit A and its related appendix setting the summary of CCWD’s Records Retention Schedule as applicable to the Authority.

Section 3. Direction to Administrator and Staff. This Resolution shall take effect immediately and the Authority’s Interim Administrator, Executive Director (once engaged) and other Authority staff are hereby directed to immediately take any and all actions necessary to implement this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir
Joint Powers Authority this 13th day of July, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela Ramirez Holmes, Chair

ATTEST:

Ellen Wehr, Secretary

EXHIBIT A

LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY RECORDS RETENTION POLICY

1. Adoption of Summary of Relevant Portions of Contra Costa Water District's Records Retention Schedule. The Authority hereby adopts the general practices set forth in Contra Costa Water District's Records Retention Schedule, as summarized in the schedule attached as Appendix 1 to this Resolution, which shall be housed on the Authority's website and revised from time to time upon approval of the Board of Directors to reflect the Authority's ongoing operations and administration.

2. Electronic Records and E-Mail Correspondence. Notwithstanding Section 1, above, the following provisions shall apply to the Authority's electronic records and e-mail correspondence:

Electronic Records and Email Correspondence – In accordance with the California Public Records Act and other applicable statutes, electronic records will be retained as if they were paper documents (such electronic records include e-mails and text messages received on any communication device the Authority may provide for Authority business). Therefore, any electronic files that can be categorized into one of the document types on the applicable Records Retention Schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep email correspondence, the message should be printed in hard copy and kept in an appropriate file or moved to an electronic archive file folder. In an effort to maintain and purge dated correspondence, the email server has an internal electronic retention timer for messages sent and received. All email correspondence will be deleted and purged from the server following at least two years of retention. However, any records attached to email correspondence must be retained in accordance with the applicable Records Retention Schedule category for that attached document. Notwithstanding the foregoing, e-mail correspondence the Authority or its staff receives that does not pertain to the Authority's business (for example, unsolicited advertisements) may be deleted immediately. Any e-mails, text messages or other electronic messages that any Authority Director, Alternative Director or staff member receives on his or her personal electronic devices or personal e-mail accounts, which are not provided by the Authority and do not relate to Authority's business, are not Authority records and therefore are not subject to retention under this Policy.

APPENDIX 1

LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY

SUMMARY OF RECORDS RETENTION SCHEDULE

With Contra Costa Water District (“CCWD”) serving as the Authority’s Interim Administrator and housing the vast majority of the documents pertaining to the Project, the most efficient way to address the records retention periods for Authority records is to incorporate CCWD’s Record Retention Schedule into the Authority’s Record Retention Policy. A summary of CCWD’s Records Retention Schedule with those categories pertinent to the Authority is set forth below.

Records can be scanned in and retained in electronic or digital format prior to being completely destroyed, to minimize the need for hard copy/paper copies of documents. Authority staff will work with CCWD staff in connection with authorizing the eventual destruction of any Authority documents.

Description	Subject Area	CCWD Reference	Retention Period	Comments
1099’s and W-9’s	Finance	FIN-030	7 years	
Accident and incident reports	Operations	H&S-001	10 years	
Accounting – journal entries	Finance	FIN-019	7 years	
Accounts payable – invoices and other source documents	Finance	DW-003	7 years	
Affidavits regarding publication of legal notices	Administrative	DW-004	2 years	
Agenda packets (including staff reports and presentations) – Board and Committee meetings	Administrative	DW-005; DS-001	Permanent	
Agreements and contracts – non-infrastructure (e.g., consulting)	Administrative	DW-006	Completion + 10 years	
Agreements and contracts – infrastructure or real estate	Administrative	DW-008; DS-002; PWL-001 & -002	Permanent	

Description	Subject Area	CCWD Reference	Retention Period	Comments
Agreements and contracts – JPA formation	Administrative	DW-008	Permanent	
Agreements and contracts – grant funding	Administrative	DW-010; DS-003	Completion + 10 years	Longer retention period may apply depending upon the requirements of the grant with respect to record retention for audit purposes
Audit reports	Finance	DW-012; FIN-003	Permanent	
Audit work papers	Finance	FIN-002	7 years	
Audio/Computer recordings of Board and Committee meetings	Administrative	DW-013; DS-024	1 year	
Bank statements; checking account reconciliations; wire transfers; check listings	Finance	FIN-005	7 years	
Bids – unsuccessful	Operations	DW-011	2 years	Successful bids are retained in accordance with the applicable category of agreement or contract
Bonds, promissory notes, evidences of indebtedness	Finance	FIN-006	Fully matured or defeased +10 years	
Budget (adopted)	Finance	DW-015; FIN-008	Permanent	
Budget adjustments	Finance	FIN-007	7 years	
Cal-OSHA inspections and citations and related logs	Operations	H&S-005	5 years	

Description	Subject Area	CCWD Reference	Retention Period	Comments
CEQA/NEPA documentation and comments (EIRs, Negative Declarations, and including compliance/monitoring reports)	Operations	PWL-013	Permanent	
CEQA/NEPA correspondence and internal agency communications	Operations	PWL-012	Completion of CEQA process	
Check registers	Finance	FIN-029	7 years	
Claims	Administrative	DW-016; HR-025	Final resolution +5 years	
Closed Session materials	Administrative	GM-005	10 years minimum	
Committee meeting materials	Administrative	DW-017	2 years	
Correspondence (including e-mail correspondence)	Administrative	DW-19	2 years (minimum)	Correspondence to be categorized based on content; transitory or preliminary drafts may be discarded upon Counsel determination
Credit card statements	Finance	FIN-067	7 years	
Daily operations reports	Operations	O&M-015	Permanent	
Deeds; final orders of condemnation	Administrative	PWL-004	Permanent	
Depreciation schedule	Finance	FIN-016	5 years	
Director appointment materials	Administrative	DS-004	Permanent	Equivalent to CCWD "history of Board members"
Easements	Administrative	PWL-004	Permanent	
Emergency Directory	Operations	O&M-002	When superseded	

Description	Subject Area	CCWD Reference	Retention Period	Comments
Emergency Response Plan	Operations	H&S-007; O&M-004	When superseded	
Encroachment permits	Operations	PWL-005	Permanent	
Engineering project files – administration file	Operations	ENG-004	Completion + 10 years; or after funding agency audit whichever is longer	Files include project administration, advertising, certified payrolls, contractor insurance certificates, performance and payment bonds and project schedules
Engineering project files – drawings, including as-builts; and permanent file	Operations	ENG-005	Permanent	Files include specifications, photos, acceptance, testing reports, regulatory approvals, rights-of-way and submittals
Environmental Review Clearance/Survey form	Operations	PWL-033	Permanent	
Fact sheets	Administrative	PA-013	When no longer required	
Financial reports and periodic financial statements	Finance	FIN-013	When no longer required	
Financial reports – year-end statements	Finance	FIN-039	7 years	
Fixed asset records – including disposal, sale or surplus	Finance	FIN-015	Permanent	
Formation documents	Administrative	DS-005	Permanent	
FPPC Form 700	Administrative	DS-009	7 years	JPA to maintain originals
GIS	Operations	ENG-008	Indefinite	

Description	Subject Area	CCWD Reference	Retention Period	Comments
Grants – successful (including all underlying documents pertaining to work funded by the grant)	Administrative	DW-025	5 years	Retain for 5 years after end of audit period for the grant
Grants – unsuccessful	Administrative	DW-024	2 years	
Hazard maps – inundation maps	Operations	ENG-009	Permanent	
Hazardous Materials Business Plans	Operations	PWL-026	When superseded	
Hazardous waste manifests	Operations	PWL-027	Permanent	
Human resources complaints and investigations	Administrative	HR-007	Separation + 7 years	
Illness and Injury Prevention Program (if applicable)	Operations	H&S-014	Superseded + 2 years	
Insurance policies	Administrative	HR-027	30 years	
Investments	Finance	FIN-018	Maturity + 7 years	
Jurisdictional water permits	Operations	PWL-028	Expiration + 3 years	
Laboratory certification	Operations	O&M-061	10 years	
Lab reports	Operations	O&M-057; -059	10 years	
Laboratory testing procedures	Operations	O&M-065	Superseded + 10 years	
Land acquisition files	Administrative	PWL-006	Permanent	
Leases	Administrative	PWL-007	Completion + 5 years	
Legal counsel opinions	Administrative	DW-021	2 years	
License Agreement; USBR property license	Administrative	PWL-008	Completion + 5 years	
Litigation records; court case files	Administrative	GM-010	Final resolution of case + 5 yrs.	

Description	Subject Area	CCWD Reference	Retention Period	Comments
Marina vessel maintenance history	Operations	PWL-036	Sale or disposal + 1 year	
Minutes – Board and Committee meetings	Administrative	DW-029; DS-018	Permanent	
Modeling and calculations	Operations	WR-001	When no longer required – minimum 2 years	
News clippings	Administrative	PA-004	When no longer required	
Newsletters	Administrative	PA-005	Permanent	
Notices – Public Hearings	Administrative	DW-031	2 years	
NPDES permits	Operations	PWL-023	Expiration + 3 years	
NPDES monitoring and compliance reports	Operations	PWL-029	Minimum 3 years	
Oaths of Office	Administrative	DS-019	Separation + 6 years	
Operations and Maintenance Manuals	Operations	O&M-006	Upon disposal of equipment	
Operating Permits and amendments	Operations	O&M-017	Permanent	
Ordinances	Administrative	DW-032; DS-020	Permanent	
Photos, videos and slides	Administrative	PA-007	When no longer required	
Policies and procedures; administrative regulations	Administrative	DW-037	2 years after superseded	Superseded by replacement or updated policy or procedure

Description	Subject Area	CCWD Reference	Retention Period	Comments
Position descriptions	Administrative	HR-011	Superseded + 4 years	
Press Releases	Administrative	DW-035; PA-009	2 years	
Project forecasting and analysis	Operations	WR-001	When no longer required – minimum 2 years	
Public Records Act requests	Administrative	PA-008	2 years	
Purchase orders	Finance	FIN-068	5 years	
Records destruction authorization	Administrative	PA-010	Permanent	
Recruitment files – applications or proposals submitted for specific positions	Administrative	HR-019	3 years	
Registry of Public Agencies	Administrative	DS-022.2	2 years	
Regulatory/external agency meetings and records	Operations	WR-005	When no longer required – minimum 2 years	
Regulatory hearing records	Operations	WR-006	When no longer required – minimum 2 years	
Reports and studies – if historically significant	Operations	DW-040; PWL-018	Permanent	Executive Director to determine if historically significant
Reports and studies – if not historically significant	Operations	DW-041	10 years	Executive Director to determine if not historically significant

Description	Subject Area	CCWD Reference	Retention Period	Comments
Reports to regulatory agencies	Operations	WR-007	When no longer required – minimum 2 years	
Reservoir inspections (USBR; DSOD)	Operations	ENG-015	Permanent	
Resolutions	Administrative	DW-042; DS-021	Permanent	
Rights of entry (temporary)	Administrative	PWL-010	Expiration + 2 years	
Risk Management Program	Operations	PWL-030	When superseded	
SCADA database and related SCADA information	Operations	O&M-019	Indefinite	
Service contracts	Finance	FIN-044	Account closed + 5 years	
Small Claims Court	Administrative	HR-032	Final resolution + 5 years	
Software licenses	Administrative	IS-004	Superseded + 2 years	
Standard drawings and construction standards	Operations	ENG-017	Permanent	
Standard Operating Procedures	Operations	O&M-008	When superseded	
State Controller's Report – Special Districts Financial Transactions Report (if applicable)	Finance	FIN-027	7 years	
State reports regarding Project operations	Operations	O&M-009	Permanent	

Description	Subject Area	CCWD Reference	Retention Period	Comments
Subpoenas or Summons	Administrative	DS-023	2 years	
Underground Service Alerts	Operations	O&M-036	10 years	
USBR Contract Compliance Reports and other USBR reports and correspondence	Operations	O&M-020; O&M-021	Permanent	
Waivers and permissions	Administrative	PA-014	1 year	
Water Quality Program Manual	Operations	O&M-068	Permanent	
Water resources reports and technical memos	Operations	WR-008	When no longer required – minimum 2 years	
Watershed & Mitigation Lands Mitigation Reports	Operations	PWL-039	Permanent	
Work orders and service requests	Operations	O&M-041	Indefinite	

ITEM 2.2: CONSIDER ADOPTION OF RESOLUTION NO. 7-22-03 – RESOLUTION OF THE BOARD OF DIRECTORS OF THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY ADOPTING A SOCIAL MEDIA POLICY

RESPONSIBLE/LEAD STAFF MEMBER:

James Ciampa, Interim General Counsel

DISCUSSION:

An important part of the Authority’s activities will involve use of the Authority’s website and various social media platforms to communicate with various stakeholders and interested members of the public. Attached to this staff report is the draft Social Media Policy, which has been reviewed, discussed and approved by the Communications and Outreach Committee.

ALTERNATIVES:

The draft Social Media Policy is presented for Board action, but any revisions or other conceptual changes desired by the Board can be incorporated into a revised final version or further draft.

FISCAL ANALYSIS:

Not applicable

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Resolution No. 7-22-03 – Resolution of the Board of Directors Adopting a Social Media Policy.

RESOLUTION NO. 7-22-03

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
ADOPTING A SOCIAL MEDIA POLICY**

WHEREAS, it is an important principle of the Los Vaqueros Reservoir Joint Powers Authority (the “Authority”) that it is transparent in its dealings with local, state and federal agencies, other stakeholders and members of the public, and that it provides timely information to such persons and entities; and

WHEREAS, the Authority intends to use its website and various social media platforms in connection with its communication and outreach efforts; and

WHEREAS, it is prudent to have in place guidelines to govern the Authority’s use of its website and such social media platforms to ensure the Authority’s messaging is accurate and the rights of the public are protected,

NOW THEREFORE, the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority hereby adopts the Social Media Policy in the form attached hereto as Exhibit A and directs the Authority’s staff to take all actions necessary to implement this Policy.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority this 13th day of July, 2022, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Angela Ramirez Holmes, Chair

ATTEST:

Ellen Wehr, Secretary

EXHIBIT A

LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY POLICY REGARDING AUTHORITY SOCIAL MEDIA

The Los Vaqueros Reservoir Joint Powers Authority (the “Authority”) may utilize various social media channels (e.g., Facebook, Twitter, Instagram, LinkedIn, and YouTube) as a communications tool to provide Authority Members, members of the public, stakeholders, and water industry and regional partners with information pertaining to, but not limited to, the Authority’s activities and status updates concerning the Phase 2 Los Vaqueros Reservoir Expansion Project (the “Project”). This Policy is intended to establish guidelines to govern the Authority’s use of its website and those social media platforms to ensure the Authority’s messaging is accurate and the rights of the public are protected. This Policy applies to the Authority and its representatives in their use of social media on the Authority’s behalf and to any other persons or entities who use a social media platform affiliated with the Authority as described below.

The Authority will not post, comment, share, or message any material that is related to political campaigns or stances that are not directly related to the Project and related water issues nor will it post, comment, share or message any personal information of its Board of Directors, staff and contractors. All postings shall be subject to the Authority’s Policy regarding Decorum During Board of Directors’ Meetings and Establishing Rules of Conduct for Directors (Resolution No. 3-2022-03), which is incorporated herein in full by this reference. In utilizing any Authority social media platforms, Directors and Alternate Directors must comply with all applicable laws and regulations applicable to their service as members of the Authority’s Board of Directors, including, without limitation, the Political Reform Act and Fair Political Practices Commission regulations, Government Code Section 1090 and the Brown Act.

The Authority’s official pages are strictly limited to those found at the Project website (www.losvaquerosjpa.com) and the social media channels directly accessed by the links located on the Project website. Any other page not officially claimed by the Authority and with the aforementioned titles are unaffiliated with the Authority.

The Authority’s social media pages are intended to provide information regarding the Project but may not be consistently monitored with respect to requests for responsive information. Messages, comments, requests for public records, and any other form of communication directed to the Authority should be delivered through the Project website “Contact Us” message portal, email or regular mail. Such messages, comments, requests or other communications will be responded to in a timely manner. Members of the public should visit the Project’s website for further detailed information regarding the Authority and the Project.

This Policy applies to all current and future Authority social media pages including, but not limited to: Twitter, Facebook, YouTube, LinkedIn, and Instagram. The Authority will not edit comments for grammar or spelling but reserves the right to moderate any and all comments and messages, including the right to remove any post, comment, or message and the right to

revoke a user's privilege to post, comment, and share to its website or other pages, based on the following criteria:

1. Posts containing profanity, hate speech, violence, and offensive or inappropriate language will be deleted.
2. Personal attacks on other users, community members, the Authority's Board of Directors, and staff are prohibited and will be deleted.
3. Posts supporting illegal activity or copyright/trademark infringement will be deleted.
4. Posts that are commercial in nature, fundraising solicitations, and other spam or subject matter that is far off-topic may be hidden from public view and under the review of the Interim Administrator or Executive Director may be deleted.
5. Posts that make statements that are not truthful or considered harmful may be hidden from public view and under the review of the Interim Administrator or Executive Director may be deleted.
6. Posts that contain personal or private information will be deleted to ensure privacy.

The Authority encourages participation by members of the public on its social media channels. However, these pages constitute a limited public use forum. Content on these sites must remain relevant to Authority and the Project. Commentary not related to the Authority or the Project or inappropriate for its audience (including offensive language, personal attacks, attempts to sell a product or service, copyright infringement, or violation of local, state, or federal law) may be removed in order to protect the security of the Authority and Project and the privacy of Authority Directors, staff and contractors. Additionally, any technical disruption, intervention, or "hacking" of the Authority's social media sites will not be allowed and will be subject to criminal investigation. Postings and messages are welcome at any time, but in general, the Authority will post and respond to comments during regular Authority business hours, Monday through Friday 8 a.m. to 5 p.m.

Comments posted by others on the Authority's social media pages do not reflect the opinions of the Authority, its Board of Directors, or its staff or contractors. Personal pages and postings of the Authority's Board of Directors and employees do not reflect the opinions of the Authority.

This Policy is subject to change at the discretion of the Authority.

**ITEM 2.3: **CONSIDER APPROVAL OF COMMUNICATIONS AND OUTREACH
COMMITTEE CHARTER****

RESPONSIBLE/LEAD STAFF MEMBER:

James Ciampa, Interim General Counsel

DISCUSSION:

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 and, in conjunction with the Administrator or Executive Director, to develop an annual work plan for the committee. Section 4.3 further provides that committee charters are to be provided to and approved by the Board of Directors.

Attached for the Board’s consideration is the Charter for the Communications and Outreach Committee, which has been reviewed and revised by the Communications and Outreach Committee, which recommends it for approval by the Board of Directors.

ALTERNATIVES:

The Board could recommend revisions to the Charter or defer action on this item to a later date.

FISCAL ANALYSIS:

None

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

Communications and Outreach Committee Charter

LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY COMMUNICATIONS AND OUTREACH COMMITTEE CHARTER

INTRODUCTION AND PURPOSE

The Communications and Outreach Committee will assist the Authority's Board of Directors (Board) by reviewing the Authority's communications and outreach efforts to other governmental entities, Project stakeholders and members of the public, and making recommendations to the Board. The Communications and Outreach Committee will collaborate with Authority staff in developing an effective communications plan that will recommend to the Board processes related to the delivery of accurate and timely information and messaging concerning the Project.

STRUCTURE AND ORGANIZATION

The Communications and Outreach Committee will be served by a minimum of three members appointed by the Chair of the Authority's Board of Directors.

MEETINGS AND OPERATIONS

The Communications and Outreach Committee will establish a regular meeting schedule to accommodate the availability of its members. Meetings will be held in accordance with the Brown Act (Government Code Sections 54950 et seq.). The Communications and Outreach Committee will prepare summaries of items discussed at its meetings and report activities, discussions and recommendations to the Board of Directors.

COMMITTEE GOALS

1. Provide accurate, timely and easy-to-understand information on Project activities;
2. Maintain open and transparent communications with stakeholders;
3. Ensure the Authority's accessibility standards for information are met;
4. Support the annual Communications and Outreach Plan to ensure it is consistent with the Authority's goals and objectives; and
5. Seek input from stakeholders, other agencies and the public.

SCOPE OF WORK AND RESPONSIBILITIES

The Communications and Outreach Committee shall have the following responsibilities, and any other responsibilities reasonably related to its purpose or assigned by the Chair of the Board of Directors:

- Take necessary actions to achieve the Committee Goals specified above.
- Collaborate with Authority staff in developing the annual Communications and Outreach Plan.
- Review policies adopted by the Board of Directors regarding communications and outreach issues on a periodic basis to determine appropriate or necessary revisions.
- Provide input on other issues determined by the Board of Directors or Chair of the Communications and Outreach Committee.
- Annually review this Charter and make appropriate recommendations to the Board of Directors for any necessary revisions.

CHARTER APPROVAL AND ADOPTION

This Charter represents the framework for the conduct of the Communications and Outreach Committee. As recommended by the Communications and Outreach Committee, this charter shall be reviewed, considered and adopted by the Authority's Board of Directors and reviewed from time to time by the Committee and Board.

ADOPTED by the Board of Directors of the Los Vaqueros Reservoir Joint Powers Authority on July 13, 2022.

Angela Ramirez Holmes, Chair

ATTEST:

Ellen Wehr, Secretary

ITEM 2.4: CONSIDER APPROVAL OF A FISCAL YEAR 2022-23 BUDGET TRANSFER OF AN AMOUNT NOT TO EXCEED \$258,900 FROM CONTINGENCY TO CCWD SERVICES FOR THE TRANSFER PIPELINE INSPECTION

RESPONSIBLE/LEAD STAFF MEMBER:

Marguerite Patil, Interim Administrator

DISCUSSION:

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 to be used to address changes to the Project while continuing to meet key milestones and could be applied to JPA Services, Contra Costa Water District (CCWD) Services, or CCWD Labor.

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 conveys water into and out of the Los Vaqueros Reservoir and will operate similarly with the expanded reservoir included in the Phase 2 Los Vaqueros Reservoir Expansion Project (“Project”). The Transfer Pipeline will be operated at higher pressures following expansion of the reservoir from 160,000 acre-feet to 275,000 acre-feet. A pipeline structural integrity analysis confirmed sufficient pipeline capacity exists to meet these higher-pressure conditions; 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 a total of 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 change order authority of \$159,900. The total contract amount exceeded the Engineer’s Estimate, including a 10 percent allowance for change orders, of \$1,500,000 that was 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.

ALTERNATIVES:

The Board could defer action on this item to a later date.

FISCAL ANALYSIS:

Approval of the budget transfer of an amount not to exceed \$258,900 from Contingency to CCWD Services would result in a remaining Contingency budget of approximately \$1.08 million for the remainder of the fiscal year.

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

None

ITEM 3.1: PROGRAM MANAGEMENT APPROACH

RESPONSIBLE/LEAD STAFF MEMBER:

Marguerite Patil, Interim Administrator

DISCUSSION:

The Los Vaqueros Reservoir Joint Exercise of Powers Agreement (JPA Agreement) provides that the Board of Directors may engage one or more persons or entities to provide program management services as a Program Manager. 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.

The Interim Administrator will present an overview of the proposed program management consultant services, including the proposed qualifications criteria and the upcoming competitive selection process, at the Board meeting.

ALTERNATIVES:

For discussion purposes

FISCAL ANALYSIS:

Fiscal impact is estimated to be up to \$200,000 during the second half of Fiscal Year 2022-23.

ENVIRONMENTAL REQUIREMENTS:

Not applicable

EXHIBITS/ATTACHMENTS:

None

ITEM 3.2: 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 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.

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**

July 2022	Records Retention Policy and Schedule [Action Item]
	Social Media Policy [Action Item]
	Communications and Outreach Committee Charter [Action Item]
	Program Management Services Contract Request for Proposals [Discussion Item]
August 2022	Program Management Services Contract Request for Proposals [Discussion Item]
	Executive Director Interviews [Discussion Item; to be conducted in Closed Session]
	Interim Funding Agreement [Discussion Item]
	Service Agreement Approach [Discussion Item]
	Draft CCWD Design and Construction Agreement Principles [Operations and Engineering Committee]
	WIFIA Proforma Model for Letter of Interest [Finance Committee]
September 2022	Executive Director Contract [Action Item]
	Interim Funding Agreement [Action Item]
	DWR MOU [Action Item]
	Program Management Services Contract Request for Proposals [Action Item]
	Authority WIFIA Credit Rating [Finance Committee]

September 2022 (continued)	Liability and Errors and Omissions Insurance [Discussion Item]
	Conflict of Interest Code [Discussion Item]
October 2022	Liability and Errors and Omissions Insurance [Action Item]
	Conflict of Interest Code [Action Item]
	Bank Services [Discussion Item]
	Board Clerk Recruitment [Discussion Item]
	Service Agreement Approach [Discussion Item]
	WIFIA Loan Credit Rating [Discussion Item]
	CCWD Design and Construction Agreement [Discussion Item]
November 2022	Board Clerk Recruitment [Action Item]
	WIFIA Loan Credit Rating [Action Item]
	CCWD Design and Construction Agreement Principles [Action Item]
	Bank Services [Action Item]
	CCWD Technical Services Agreement [Discussion Item]
	CCWD Usage Fee Agreement [Discussion Item]
	Plan of Finance [Discussion Item]
	Contracts for Administration of Public Benefits [Discussion Item]
December 2022	CCWD Technical Services Agreement [Action Item]
	Plan of Finance [Action Item]

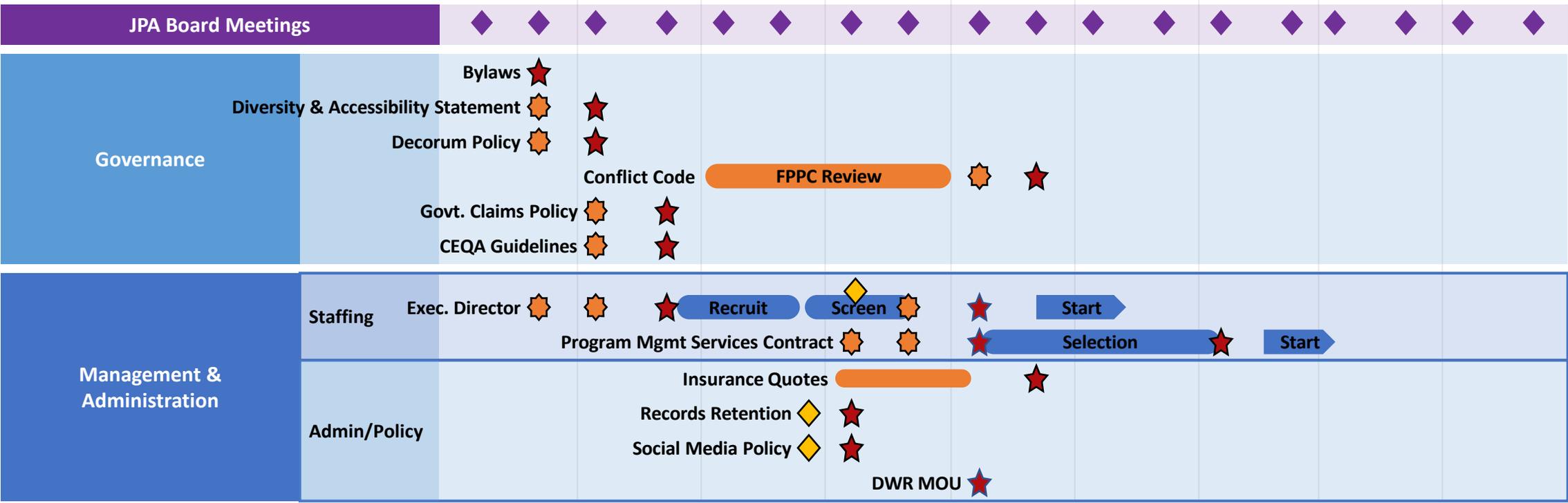
Los Vaqueros Reservoir Joint Powers Authority

Draft 2022 Major Policy Calendar

Dates Subject to Change

CWC Award Hearing

2022						2023			
Jan	Mar	May	Jul	Sep	Nov	Jan	Mar	May	



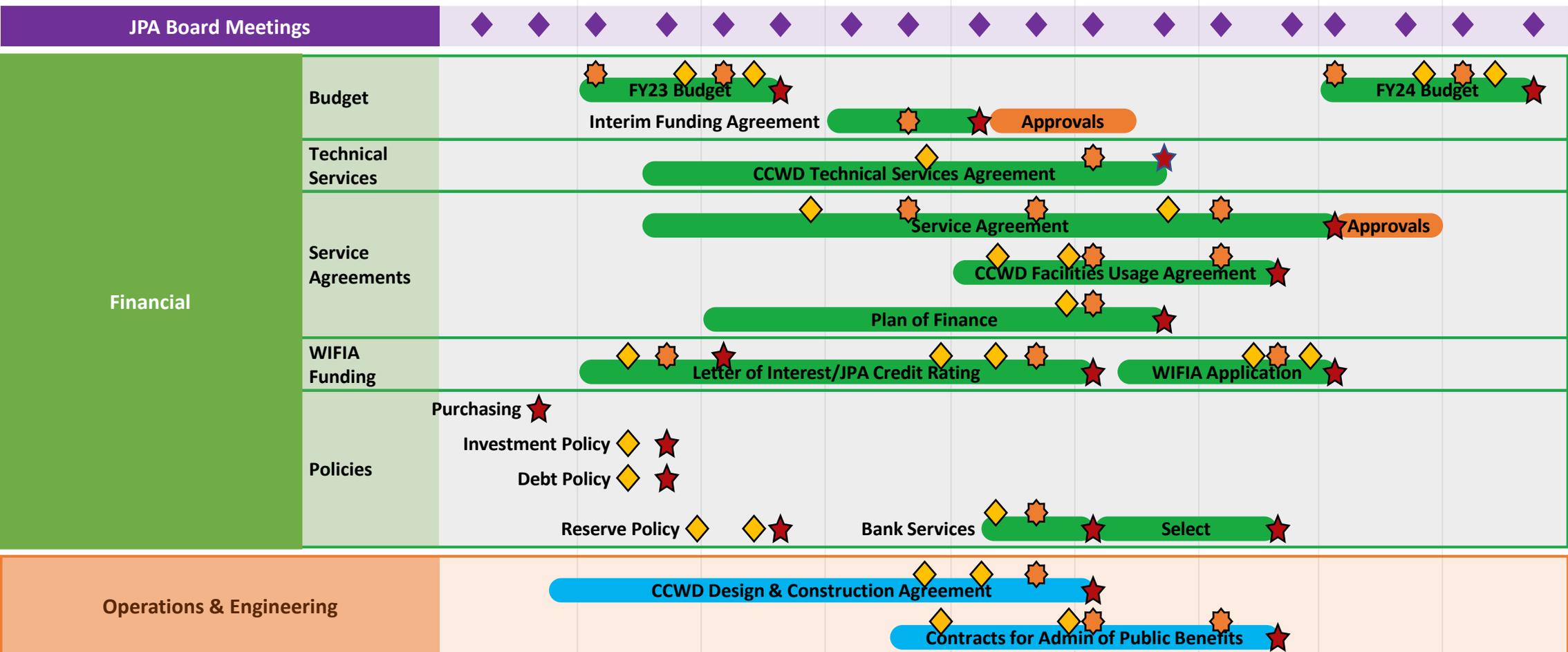
Los Vaqueros Reservoir Joint Powers Authority

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

Key: ◆ Committee Discussion ★ Board Discussion ★ JPA Board Action

ITEM 4.4: COMMITTEE MEETING SUMMARIES

RESPONSIBLE/LEAD STAFF MEMBER:

James Ciampa, Interim General Counsel

RECOMMENDATION:

None

DISCUSSION:

Attached for the Board of Directors' information are the summaries from June 16 Operations and Engineering Committee meeting, June 22 Communications and Outreach Committee meeting and June 23 Finance Committee meeting.



SUMMARY OF REGULAR MEETING OF OPERATIONS AND ENGINEERING COMMITTEE

June 16, 2022 – 10:00 a.m.

All members of the Committee (Jose Gutierrez, Chair; Jonathan Wunderlich and Steve Ritchie) were present.

1.1 May 26, 2022 Operations and Engineering Committee Meeting Summary

The summary from the May 26, 2022 Operations and Engineering Committee meeting was presented and was unanimously accepted without change.

1.2 Overview of Los Vaqueros Dam Design and Cost Estimate

Marguerite Patil, Interim Administrator, introduced Stan Ali, Senior Engineer at Contra Costa Water District, who provided the Committee with a PowerPoint presentation that gave an overview of the design of the proposed changes to the Los Vaqueros Dam and presented the current draft cost estimate for such project-related work as well as next steps in design. The current cost estimate is \$253 million, which is lower than prior estimates due to refinements made during the design phase. An updated cost model is in development.

Members of the Committee posed questions on certain items discussed in the presentation. Ms. Patil and Mr. Ali provided further clarification, including with respect to the involvement of the Division of Dam Safety in the Project during both the design and construction phases. Chris Hentz of CCWD addressed the risk assessment issue. He stated that based on prior work done on expanding the dam, most of the risks have already been identified and mitigated. He further stated the primary risk at this point is cost increases.

Future Agenda Items:

Interim Administrator Patil asked members of the Committee for input regarding future items to be discussed. Committee members suggested a presentation that could provide more detailed information on underlying projects that are in progress and a presentation on South Bay Aqueduct in connection with the Los Vaqueros Reservoir Expansion Project.

It was the consensus of the Committee to cancel the July meeting and to schedule the next meeting in August.

The meeting was adjourned at 10:47 a.m.

James D. Ciampa

James D. Ciampa

Interim General Counsel



SUMMARY OF REGULAR MEETING OF COMMUNICATIONS AND OUTREACH COMMITTEE

June 22, 2022 – 10:00 a.m.

Present at the meeting were Chair, Angela Ramirez Holmes, and Committee members Ernesto Avila and Ricardo Ortega (joined at approximately 10:10 a.m. due to technical difficulties).

1.1 April 27, 2022 Communications and Outreach Committee Meeting Summary.

The summary from the April 27, 2022 Communications and Outreach Committee Meeting was presented for the Committee's information. After discussion, it was decided that for future meetings, the summary will be presented as an Information Item at the end of the agenda.

1.2 Revised Draft Social Media Policy: James Ciampa, Interim General Counsel, presented the revised draft Social Media Policy, which included the revisions, as redlined, from the April 27, 2022 Committee meeting. After discussion, it was the consensus of the Committee to present the Resolution Adopting Social Media Policy, as revised, to the Board for approval.

1.3 Draft Records Retention Policy: Interim General Counsel Ciampa then reviewed the draft Records Retention Policy and Summary of Records Retention Schedule that sets forth periods for which various categories of documents are retained and after which such records may be destroyed. Based on the discussion at the April 27, 2022 Committee meeting, the Records Retention Policy for the Authority would incorporate the categories and retention periods set forth in Contra Costa Water District's Records Retention Schedule. The summary schedule was prepared to address the categories of records that are pertinent to the Authority, and includes cross-references to CCWD's Schedule. The summary schedule would be accessible through the Authority's website and would be a living document subject to revision as necessary, including to reflect any statutory changes.

Mr. Ciampa stated that as discussed at the April meeting, specific provisions were added to the resolution to address electronic and e-mail records. Mr. Ciampa answered questions regarding the Policy's compliance with California law and applicability to grant funding. Changes were discussed to: (1) add more detail regarding the retention of documents pertaining work for which grant funding is obtained, (2) add references to the California Public Records Act with respect to Director and Alternate Director electronic communications, and (3) to change "but" to "and" in the first recital. Also, the policy itself will be broken out to be a separate document from

the resolution adopting it. After discussion, it was the consensus of the Committee to present the Resolution Establishing Records Retention Policy, with the changes discussed, to the Board for approval.

1.4 Draft Communications and Outreach Committee Charter: Interim General Counsel Ciampa reviewed the draft Communications and Outreach Committee Charter. Committee Member Avila had provided suggested edits to the Charter as presented. Members of the Committee discussed the suggested changes and unanimously concurred that the Communications and Outreach Charter, with Committee Member’s Avila’s revisions and further revisions discussed to the last sentence of the “Introduction and Purpose” section, be presented to the Board for approval.

Future Agenda Items:

Interim Administrator Marguerite Patil provided the following:

1. The next meeting of the Communications and Outreach Committee will be held on August 24, 2022 at 10:00 a.m.
2. A presentation on the existing CCWD Public Outreach Plan will be provided.
3. An update on potential State and Federal legislative outreach will be provided.
4. The EPA has released the Notice of Funding Availability under the WIFIA program; the Authority’s Letter of Interest can be submitted in early September.
5. Coordination of a State Legislative trip will be discussed.
6. Website accessibility will be discussed.

The meeting adjourned at 10:55 a.m.

James D. Ciampa

James D. Ciampa
Interim General Counsel



SUMMARY OF REGULAR MEETING OF FINANCE COMMITTEE

June 23, 2022 – 1:00 p.m.

Present at the meeting were Chair, Anthea Hansen, Vice Chair, Paul Sethy, and Committee members John Coleman and Linda J. LeZotte. Jonathan Wunderlich of Alameda County Water District stated that he was filling in for Interim Administrator Marguerite Patil, who was not able to attend the meeting due to a pre-existing commitment, and he could answer any finance-related questions that may arise.

1.1 May 26, 2022 Finance Committee Meeting Summary. The draft summary of the May 26, 2022 Finance Committee meeting was presented for the Committee's information. In the future, the summary of the prior Committee meeting will be noted as an Information Item toward the end of the meeting agenda.

1.2 Discussion of WIFIA Notice of Funding Availability. James Ciampa, Interim General Counsel, introduced Maggie Dutton, Grants Specialist at CCWD, who provided an update on the U.S. Environmental Protection Agency's recent release of the 2022 Notice of Funding Availability for the Water Infrastructure Finance and Innovation (WIFIA) Program and the upcoming preparation of the Authority's Letter of Interest, which will be submitted in early September. Deputy Interim Administrator Maureen Martin advised that staff will continue to work on the Letter of Interest through the Finance Work Group and the draft of that letter will be presented to the Finance Committee before it is submitted to the WIFIA Program.

1.3 Draft Treasurer's Report – Month Ended May 31, 2022. Vice Chair and Authority Treasurer Paul Sethy presented the Treasurer's Report for the period ending May 31, 2022. Interim General Counsel Ciampa provided an update that the outstanding LAP receivable reflected on the report was paid by check received earlier in the day. The outstanding receivable amount as well as the cash on hand would be adjusted accordingly when the Treasurer's Report is presented to the full Board at the July 13 Board meeting. After discussion, the Committee unanimously concurred to submit the Treasurer's Report, as it will be updated, to the Board of Directors for approval at the July 13, 2022 Board meeting.

FUTURE AGENDA ITEMS. Interim General Counsel Ciampa advised that Interim Administrator Patil had asked him to provide the following:

1. The final Budget will be posted to the Authority's website next week so please provide any final changes to the Budget book document as soon as possible if you notice the need for any revisions.
2. It was the unanimous consensus of the Committee to cancel the July Finance Committee meeting.
3. New meeting invites will be sent out commencing with the next Committee meeting on the fourth Thursday in August.

The meeting adjourned at 1:19 p.m.

James D. Ciampa

James D. Ciampa
Interim General Counsel