



**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 G. Hansen
Anthea G. Hansen (Aug 12, 2022 13:16 PDT)

Anthea Hansen, Vice Chair

ATTEST:

Ellen Wehr
Ellen Wehr (Aug 12, 2022 12:53 PDT)

Ellen Wehr, Secretary