



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY  
MINUTES**

Regular Meeting of the Board of Directors  
January 12, 2022 – 9:30 a.m.

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**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  
Ellen Wehr, Secretary, Grassland Water District  
Paul Sethy, Director, Alameda County Water District  
Lisa Borba, Director, Contra Costa Water District  
John Coleman, Director, East Bay Municipal Utility District  
Linda J. LeZotte, Director, Santa Clara Valley Water District

**ALTERNATE DIRECTORS**

Jonathan Wunderlich, Alternate Director, Alameda County Water District  
Ernesto Avila, Alternate Director, Contra Costa Water District  
Ricardo Ortega, Alternate Director, Grassland Water District  
\*Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission  
\*Jose Gutierrez, Alternate Director, San Luis & Delta-Mendota Water Authority  
John Varela, Alternate Director, Santa Clara Valley Water District  
Sandy Figuers, Alternate Director, Zone 7 Water Agency

\*Alternate Directors who replaced absent Directors from their member agencies

**ABSENT**

Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority  
Dennis Herrera, Director, San Francisco Public Utilities Commission  
Lesla McIntosh, Alternate Director, East Bay Municipal Utility District

**OTHERS PRESENT**

Marguerite Patil, Contra Costa Water District, Interim Administrator

Maureen Martin, Contra Costa Water District, Staff, Interim Administrator  
James Ciampa, Lagerlof, LLP, Interim General Counsel  
Rosemarie Perea, Interim Board Clerk  
Approximately 21 others

**CONSIDER ADOPTION OF RESOLUTION NO. 1-22-01 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 JANUARY 7, 2022 TO FEBRUARY 5, 2022 PURSUANT TO BROWN ACT PROVISIONS.**

At its initial meeting and at the December 8, 2021 Board of Directors' meeting, the Board approved resolutions that authorized the Board to conduct its meetings remotely by teleconference. That resolution made certain findings as required by Assembly Bill 361 (AB 361) with respect to such remote 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. Resolution No. 1-22-01 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 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 Director Borba, seconded by Director LeZotte, Resolution No. 1-22-01 was approved by the following roll call vote:

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

NOES: None  
ABSENT: None  
ABSTAIN: None

The motion passed with an 8-0 vote.

**APPROVAL OF AGENDA**

Upon motion by Director Coleman, seconded by Director Borba, the January 12, 2022, agenda was approved by the following roll call vote:

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

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

The motion passed with an 8-0 vote.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Mr. Leland Frayseth, member of the public, commented on the proposed expansion of the Los Vaqueros Reservoir and the water quality issues he identified at his residence. He also mentioned that he had received the Form 700s which he requested in his Public Records Act request. He stated that he had also checked with the Fair Political Practices Commission (FPPC) and FPPC staff advised the FPPC had not received the JPA’s Form 700s for filing.

**CONSENT CALENDAR**

**1.1**

**Approval of Minutes from December 8, 2021 Board of Directors’ Meeting**

Upon motion by Director Borba, seconded by Director Sethy, the December 8, 2021 Minutes, in the form presented, were approved by the following roll call vote:

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

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

The motion passed with an 8-0 vote.

## **ACTION ITEMS**

### **2.1**

#### **Election or Appointment by Motion of Authority Treasurer**

Marguerite Patil, Interim Administrator, noted the Treasurer's duties, as summarized in the staff report. Currently, Contra Costa Water District (CCWD) provides the accounting services for the Project and the Authority. Thus, for this initial period, it is contemplated that the Treasurer will act in an oversight role with respect to those financial functions and work closely with the Interim Administrator and other CCWD staff in connection with those functions. The Treasurer would provide regular reports at Authority Board meetings that describe the current status of Project financial matters, such as cash on hand, status of Member progress payments, and other updates of interest to the Board. In the future, after Project accounting services are transitioned from CCWD to the Authority, it is anticipated the Treasurer's role will be supported by outside accounting consultants that will report to the Board.

Director Coleman had a question as to the liability of the Treasurer if an error occurred — would such liability fall to the outside accounting consultants or to the Treasurer. Mr. Ciampa, Interim General Counsel, advised that the responsibility would fall to the outside consultants to protect the Treasurer and appropriate indemnification provisions would be included in any agreement with such consultants.

Mr. Leland Frayseth, member of the public, commented that he appreciated there would be a second set of eyes on the financial matters and he referenced a \$30 million construction in progress account that should be carefully reviewed.

After discussion and upon nomination by Director Borba, seconded by Director Coleman, and unanimously carried, Director Sethy was elected to serve as the Authority's Treasurer. The motion was approved by the following roll call vote:

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

**NOES:**           None  
**ABSENT:**       None  
**ABSTAIN:**      None

The motion passed with an 8-0 vote.

## 2.2

### **Approval of Public Records Act Request Guidelines**

Marguerite Patil, Interim Administrator, referred to the Guidelines provided in the Board Packet. She stated the Authority had recently received a request for certain Authority records, and that triggered the need to establish guidelines to address the Authority's Public Records Act processes and provide guidance to members of the public with respect to their rights to access and obtain copies of Authority records.

The Guidelines, which will be posted on the Authority's website, have been prepared to provide members of the public with an overview of the process by which they may request Authority records pursuant to the Act; i.e., either by mail, by e-mailing the Interim Clerk or by submitting a request through the Authority's website. The Interim Administrator will inform the Board of Directors of any Public Records Act request that is received. The Guidelines include a statement that the Authority may recover its direct cost of duplicating any copies of records that are provided, as well as any postage costs incurred in delivering such copies.

Mr. Leland Frayseth, member of the public, commented that he had previously requested from CCWD and the California Water Commission copies of the pro forma cost model, which had not been provided. He also stated the Authority may want to consider establishing Public Records Act administrative tools, such as those used by the California Department of Fish and Wildlife.

After discussion and upon motion by Director Borba, seconded by Alternate Director Ritchie, and unanimously carried, the Public Records Act Request Guidelines, were approved in the form presented by the following roll call vote:

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

NOES:           None

ABSENT:       None

ABSTAIN:      None

The motion passed with an 8-0 vote.

## **DISCUSSION ITEMS**

### 3.1

#### **Draft Authority Bylaws**

Marguerite Patil, Interim Administrator, asked James Ciampa, Interim General Counsel, to address the draft Bylaws included in the meeting materials. Mr. Ciampa provided an overview of the Bylaws and their interrelationship with various sections of the Authority's JPA Agreement. He

mentioned he had received comments from several members of the Board on various provisions. He then reviewed the Bylaws.

Several members of the Board provided feedback on various Bylaw provisions, including: (i) limit the members of committees to only one committee member from any particular member agency; (ii) not have a committee vice chair; (iii) have both Directors and Alternate Directors eligible to serve on committees; (iv) have an Alternate Director replace his or her member agency's Director if that Director is absent from a committee meeting; (v) have the Board approve committee charters; (vi) require a super-majority vote to amend the Bylaws; (vii) not have a specific reference to an ordinance procedure; and (viii) clarify the ex officio Director provision to reference that the appointment of that Director will be by the Director of the Department of Water Resources.

Mr. Ciampa advised he will prepare a revised draft of the Bylaws, along with a summary of the comments made at the meeting, to be included in the February Board meeting materials.

### 3.2

#### **Draft Purchasing Policy and Expenditure Limits**

Ms. Patil, Interim Administrator, asked Mr. Ciampa, Interim General Counsel, to address the draft Purchasing Policy and Expenditure Limits included in the meeting materials. Mr. Ciampa provided an overview of that draft policy.

The Board then discussed the draft policy. Director LeZotte stated the term "financial interest" should incorporate the FPPC's definition, and language on Board approval of change orders needs to be clarified. She also mentioned that equity and diversity should be added in Section 3(E) of the policy. Director Coleman stated that any contacts that a Director or Alternate Director has with any proposed contractor or consultant should be disclosed to the Board. Director Sethy inquired about how state and federal contracting requirements may relate to the policy. Interim Administrator Patil responded as to the various levels of contracts CCWD currently has, and the Authority will have, with both state and federal agencies.

Mr. Leland Frayseth, member of the public, commented that all Authority purchases should come before the Board for approval.

Upon conclusion of the Board discussion, Mr. Ciampa advised that he will provide a summary of the questions and concerns and provide a revised draft to be discussed at the February Board meeting.

### 3.3

#### **Committee Assignments**

Chair Angela Ramirez Homes requested that Directors and Alternate Directors provide her with their requests to serve on committees by close of business on Friday, January 14, 2022.

The following requests were made:

Director Coleman:	First choice: Operations and Engineering Committee; second choice: Finance Committee;
Director Borba:	Operations and Engineering Committee;

Director LeZotte: Finance Committee;  
Director Sethy: Finance Committee (Chair);  
Alternate Director Avila: Communications and Outreach Committee;  
Director Wehr: Communications and Outreach Committee;  
Alternate Director Ritchie: Operations and Engineering Committee;  
Alternate Director Gutierrez: Operations and Engineering Committee

### 3.4

#### **Review of Board Policy and Action Calendar**

The updated Board Policy and Action Calendar was reviewed. It will be updated and reformatted for the February Board meeting. Alternate Director Ritchie noted that he would be in favor of moving the discussion of the “Statement of Commitment to Diversity and Accessibility” to the March Board meeting.

#### **FUTURE AGENDA ITEMS**

None.

#### **REPORTS**

##### 4.1

#### **Directors**

None.

##### 4.2

#### **Interim General Counsel**

Mr. Ciampa advised the Board that the Form 700s were filed with the FPPC and a confirmation of receipt was received by his office. He will look into this matter further. He is still waiting to hear from the FPPC regarding the draft Conflict of Interest Code that was submitted and he will follow up on this as well.

##### 4.3

#### **Interim Administrator**

Ms. Patil provided the following comments:

1. The Administrative Agreement between the Authority and Contra Costa Water District has been fully executed.
2. Requests for at least three quotes for Liability and Errors and Omissions Insurance are in process and will likely be presented to the Board at the February 9 meeting.
3. DWR has requested additional time to select the ex officio Director for the Authority.
4. With the state’s budget surplus there is a potential to obtain supplemental funding for the Project (as well as for other Proposition 1 storage projects), particularly in connection with the increasing construction costs being experienced recently.
5. An updated Authority Fact Sheet will be posted to the website to reflect, among other things, the appointment of Director Sethy as Treasurer.
6. New Zoom meeting procedures will be implemented.
7. Directors and Alternate Directors are encouraged to subscribe to the Authority’s website to promptly receive notices and updates.

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

*Angela Ramirez Holmes*

Angela Ramirez Holmes (Feb 15, 2022 19:46 PST)

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Angela Ramirez Holmes, Chair

ATTEST:

*Ellen Wehr*

Ellen Wehr (Feb 16, 2022 09:17 PST)

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Ellen Wehr, Secretary