



BOARD POLICY AND PLANNING COMMITTEE

MINUTES

**Monday, April 29, 2019
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

1. Call to Order

1.1 Roll Call

A special meeting of the Santa Clara Valley Water District Board Policy and Planning Committee (Committee) was called to order at 11:00 a.m. on April 29, 2019, at the District Headquarters Building, Conference Room A-124, 5700 Almaden Expressway, San Jose, California.

Board Members in attendance were: Director Nai Hsueh-District 5; Director Linda J. LeZotte-District 4, and Barbara Keegan-District 2, constituting a quorum.

Staff members in attendance were Brian Hopper, Michele King, Melanie Richardson, Sue Tippets, and Stan Yamamoto.

Mr. Arthur Keller, Environmental and Water Resources Committee (EWRC) Vice Chair was in attendance.

2. Time Open for Public Comment on any Item not an Agenda

Chairperson Hsueh declared time open for public comment on any item not on the agenda.

Mr. Ilango Ganga, Cupertino resident, expressed concern for the City of Cupertino's proposed Regnart Creek Trail and the need for the District to implement a standard trail policy framework. Mr. Ilango provided for committee information two emails dated April 21 and April 28, that were previously submitted to the full Board of Directors.

3. Approval of Minutes

3.1 Approval of Minutes – March 25, 2019.

The Committee considered the attached minutes of the March 25, 2019 meeting. It was moved by Director LeZotte, seconded by Director Keegan, and unanimously carried to approve the minutes as presented.

4. Information and Action Items:

4.1 Policy for Encroachment on District Properties.

Ms. Melanie Richardson, Chief Operating Officer, Ms. Sue Tippets, Deputy Operating Officer, and Mr. Brian Hopper, Senior Assistant District Counsel, reviewed the information on this item per the agenda memo and presentation.

The Committee reviewed Attachment 1, Staff's Responses to Board Questions from August 28, 2018, and provided the following input:

- Question #5 – Staff to draft a policy that includes general guidelines and deals with unique situations on a case-by-case basis.
- Question #6 – Staff to identify how a decision is made on alternative options to remediating encroachments and the cost to the public for those options, what criteria is used, and who makes decisions.

The Committee reviewed the presentation and provided the following input:

- Staff to streamline and reorganize slides; incorporate Priority 5 into Priorities 2 and 3; switch order of current Priority 2 and 3; and create a separate slide for each priority, with samples, option criteria and picture.
- The Committee agreed that the option criteria, with proposed revisions, are acceptable.
- Communication and outreach should be proactive, early, gentle and broad; provide notification to all properties where there is a planned project (capital and maintenance); and perform outreach to real estate community.
- In the presentation, showcase successes that connect with the proposed policy.
- On the license agreement slide:
 - Revise Bullet #3 to list anything over 2-year term should be brought to the Board for approval.
 - Remove “or lease” from Bullet #10.
 - Remove last Bullet – Attorney’s fees to prevailing party in the event of litigation
- Incorporate an proposed appeal process that balances the needs of individuals and protects their rights, and allows for a systematic appeal manner consistent with current best practices.

Staff to return to the Committee with an updated presentation that incorporates the Committee’s input and provide a proposed license appeal process for Committee input.

4.2 Board Governance Policy – Governance Process-6.3 – Board Member Exercising Individual Authority Over the Organization.

Ms. Michele King, Clerk of the Board, and Mr. Stan Yamamoto, District Counsel, reviewed the information on this item per the agenda memo.

After discussion, the Committee requested that staff return with draft policy language for Governance Policy Section GP-6.3 that documents how an alleged violation can be reported, how the Board would handle the alleged violation, and what consequence could be applied.

4.3 Work Plan, Meeting Schedule and Accomplishments Report.

The Committee discussed the new board-approved agenda format for Board Advisory Committee meetings and how board-identified items can be incorporated for input and/or recommendations.

The Committee requested that staff expand the Board Policy Planning and Performance Monitoring calendars to include proposed items for Board Advisory Committee input, and update the Board Advisory Committees' current work plan items, aligning them with the Board's priority items, and bring to the next Committee meeting for review and input.

5. Clerk Review and Clarification of Committee Requests.

There was no review of Committee requests.

6. Adjourn:

Committee Chair Hsueh adjourned the meeting at approximately 1:15 p.m.



Michele L. King, CMC
Clerk of the Board

Approved: 5/30/19