



BOARD POLICY AND PLANNING COMMITTEE

# MINUTES

Monday, June 24, 2019  
2:00 PM

(Paragraph numbers coincide with agenda item numbers)

1. **Call to Order**  
**1.1 Roll Call**

A regular meeting of the Santa Clara Valley Water District Board Policy and Planning Committee (Committee) was called to order at 2:00 p.m. on June 24, 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 Rick Callender, Usha Chatwani, Jessica Collins, Vincent Gin, Jeff Ham, Brian Hopper, Michele King, Melanie Richardson, Sue Tippetts, Stan Yamamoto, and Tina Yoke.

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. There was no one present that wished to speak.

3. **Approval of Minutes**

**3.1 Approval of Minutes – May 30, 2019.**

The Committee considered the attached minutes of the May 30, 2019 meeting. Director Hsueh requested that the Item 4.2 paragraph be revised to remove “Board approved” from the first sentence. It was moved by Director LeZotte, seconded by Director Keegan, and unanimously carried to approve the minutes as amended.

4. **Information and Action Items:**

**4.1 Policy for Encroachments on District Properties.**

Ms. Melanie Richardson, Chief Operating Officer and Ms. Sue Tippetts, Deputy Operating Officer reviewed the information on this item, per the attached Committee Agenda Memo, Attachment 1, and the presentation contained in Handout 4.1-A; and Mr. Brian Hopper reviewed the information contained in Handout 4.1-B. The handouts were distributed to the Committee and made available to the public.

During the presentation, the Committee provided the following input on the presentation:

- Communication, education and outreach plans need to identify who we are engaging and educating and that it's an ongoing effort that provides timely information on water resources protection.
- Add notations on the Question and Answer attachment (Attachment 1) that reflects the Committee and staff's positions on specific subjects.
- Add the word "Existing" Encroachments to the title, and highlight the note at the bottom of page 18.
- In the Guiding Principles section, include a statement that declares that over time, it's the Board's goal to resolve and eliminate encroachments.
- Notifying Property Owners of survey results should be a separate bullet on page 20.
- Replace the word "house" with "structure" in second bullet on page 22.
- License should be recorded so the District is notified when the property with the encroachment is sold.
- Staff should have authority to renew the two-year license.
- Denial of a license extension should be subject to the appeal process.
- Two-step appeal process should be documented on page 24.
- Include an appeal process framework, and the committee's recommendation that appeals should go to the full Board.
- Provide historical information on how property along the creek was obtained and how boundaries are determined.

Mr. Phillip Livengood, Saratoga resident, expressed concern for district policy to not use public land for private use, and the concept that portions of the creek embankment were given to the District through the subdivision land map provision in the 1950s.

Mr. Michael Weber, Saratoga resident, expressed concern for the method in which the creek embankment property may have been obtained and how property boundaries were determined when the subdivision along Saratoga creek was constructed.

The committee requested that staff finalize the presentation and schedule for full board consideration.

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

Ms. Michele King, Clerk of the Board, Mr. Brian Hopper, Senior Assistant District Counsel, and Stan Yamamoto, District Counsel, reviewed the information on this item, per the attached Committee Agenda Memo and Attachment 1.

The Committee requested that the proposed language added to GP-6.3 be revised to list sections GP-6.7 through GP-6.15 to document complaints from non-Board members, and requested staff bring back additional policy language that codifies the Board Appointed Officers' obligation to report any staff claims of Board members exercising individual authority over the organization.

**4.3 Fiscal Year 2020 Draft Board Policy Planning and Performance Monitoring Calendars.**

Ms. King and Committee Chair Hsueh reviewed the board calendars. The Committee requested some revisions and additions to the performance monitoring calendar, and requested that staff present both calendars to the full Board for approval.

**4.4 Work Plan, Meeting Schedule and Accomplishments Report.**

The Committee reviewed the work plan, confirmed the next meeting date, and identified subjects for the July meeting agenda.

**5. Clerk Review and Clarification of Committee Requests.**

Ms. King reviewed the Committee requests and recommendations.

**6. Adjourn:**

Committee Chair Hsueh adjourned the meeting at approximately 4:15 p.m.



Michele L. King, CMC  
Clerk of the Board

Approved: 7/22/19