

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY
BOARD OF DIRECTORS MEETING**

July 15, 2021 – 6:30 p.m.

DUE TO COVID-19, THIS MEETING WAS CONDUCTED AS A TELECONFERENCE PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20, WHICH SUSPEND CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT. MEMBERS OF THE BOARD, BAWSCA STAFF, AND OF THE PUBLIC COULD NOT ATTEND THIS MEETING IN PERSON.

MINUTES

1. Call to Order/Pledge of Allegiance/Roll Call – 6:33 pm following introductory instructions for conducting the meeting virtually through Zoom.

BAWSCA Chair, Gustav Larsson, called the meeting to order. Nicole Sandkulla called the roll. Nineteen (19) members of the Board were present at roll call. Four (4) members logged in after roll call. A list of Directors present (23), absent (3) is attached.

2. Comments by the Chair:

Chair Larsson emphasized BAWSCA's commitment to assisting the Governor in addressing the drought and in protecting the fish and environment in the Tuolumne River. They are two very serious issues that ensure the health, safety, and economic well-being of the BAWSCA member agencies' communities and constituents.

3. Board Policy Committee Report:

Committee Chair Zigterman reported the Committee's unanimous vote at its June 9th meeting to recommend Board approval of the actions needed to move forward with refunding BAWSCA's Revenue Bonds, and of the proposed modifications to the job description and top step salary for the Assistant to the CEO/General Manager position.

The BPC summary report included in the Board Agenda packet presents an accurate summary of the discussions the Committee had on the items.

4. Public Comments on Items Not on the Agenda:

There were no public comments.

5. SFPUC Report:

SFPUC Assistant General Manager Steve Ritchie reported on current water supply conditions, the Regional Water System's storage levels to date, and SFPUC's efforts to address the drought. At the request of the Board Chair, Mr. Ritchie reported that the SFPUC takes cybersecurity very seriously and it is a top priority for the SFPUC.

6. Consent Calendar:

Director Vella made a motion, seconded by Director Cormack, to approve the Minutes of the May 20, 2021 meeting; receive and file the Budget Status Report as of May 31, 2021; and approve the Proposed Modifications to the Job Description and Top Step Salary for the Position of Assistant to the CEO/General Manager.

Director Breault abstained from Consent Item A: Approval of the May 20, 2021 Meeting Minutes.

The motion carried by roll call vote.

7. Action Calendar:

- A. Potential Refunding of BAWSCA's Revenue Bond Series 2013A – Additional Actions Needed to Proceed.

Ms. Tang presented this item. Comments and questions were taken from members of the Board. Based on comment received, Action item #1 related to the Debt Management Policy, was referred back to Committee for further discussion.

There were no comments from members of the Public.

Director Jordan made a motion, seconded by Director Mendall, that the Board approve Action Items #2, #3, and #4:

- 2. Authorize the CEO/General Manager to appoint Goldman Sachs as BAWSCA's Managing Underwriter and JP Morgan as Co-Manager. The Board will approve a form of bond purchase contract when it approves all bond-related documents, tentatively contemplated to take place in September;**
- 3. Authorize the CEO/General Manager to negotiate and execute a contract between BAWSCA and Orrick, subject to legal counsel's final review, for a not-to-exceed amount of \$265,000 for a tax-exempt forward refunding or a not-to-exceed amount of \$295,000 based on tax-exempt forward plus an advance refunding to provide the contingent portion of the bond counsel services and disclosure counsel services; and**
- 4. Authorize the CEO/General Manager to negotiate and execute a contract between BAWSCA and KNN Public Finance, subject to legal counsel's final review, to provide the contingent portion of the municipal advisory services, for a not-to-exceed amount of \$115,000.**

The motion carried by roll call vote.

8. CEO Reports:

- A. FY 2017-18 Wholesale Revenue Requirement (WRR) Review – Results Update: BAWSCA's review resulted to a credit of \$2,323,997, including interest, to the Wholesale Customers.

BAWSCA is currently reviewing SFPUC's calculations of the FY 2018-19 WRR and will report back to the Board after BAWSCA's concerns are resolved.

- B. Water Supply Conditions: BAWSCA member agencies' potable water use as of April 2021 is above water use levels of 2019 and 2020, but is 10% below the pre-drought period of April 2013.

BAWSCA is providing comments on MTC/ABAG's Draft EIR for Plan Bay Area 2050 focusing on water supply impacts to the BAWSCA member agencies.

- C. FERC/Bay Delta Plan Update: BAWSCA and its member agencies continue to support the Bay Delta Plan objectives and are committed to working with other stakeholders to protect water quality in the Bay-Delta for humans, fish, and other wildlife.

Progress has slowed down on the voluntary agreement negotiations due to the State's increased focus on the developing drought situation. BAWSCA supports the Governor's Executive Order calling for voluntary water use reduction of 15%.

BAWSCA will continue to pursue having the State Board evaluate the Tuolumne River Voluntary Agreement (TRVA) as an alternative to the Bay-Delta Plan.

- D. CEO/General Manager Performance Evaluation Process

The CEO/General Manager Performance Evaluation for FY 2020-21 will be initiated in July with a web-based evaluation form that will be emailed to Board Members. The September Board meeting closed session will discuss the results of the evaluation as well as any changes to the evaluation for FY 2021-22.

9. Closed Session: The meeting adjourned to Closed Session at 8:10pm

10. Report After Closed Session: Closed Session ended at 8:22pm. Legal Counsel, Allison Schutte, convened Open Session and reported that no action was taken during Closed Session.

11. Directors' Discussion: Comments, Questions and Agenda Requests:

Director Wood asked what is anticipated for future meetings.

Director Larsson stated that the September meeting will be the last virtual meeting as the Governor's Executive Order on the Brown Act Requirements for Teleconferencing will expire September 30, 2021. The Board will be advised as information develops.

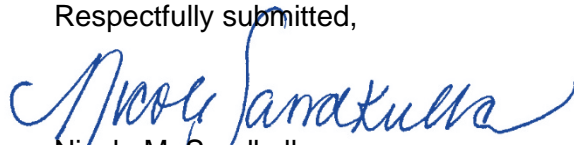
Director Montano thanked Nicole for attending the Milpitas Council Meeting in which the UWMP was presented.

Directors Montano and Weed noted considerations for a hybrid meeting format.

12. Date, Time and Location of Next Meeting: The next meeting is scheduled on September 16, 2021 at 6:30pm.

13. Adjournment: The meeting adjourned at 8:26pm.

Respectfully submitted,



Nicole M. Sandkulla
Chief Executive Officer/General Manager

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Attachments: 1) Attendance Roster

Bay Area Water Supply and Conservation Agency

**Board of Directors Meeting
Attendance Roster**

Director	Agency	July 15, 2021	May 20, 2021	Mar. 18, 2021	Jan. 21, 2021	Nov. 19, 2020	Sept. 17, 2020
Barber, George	Cal Water	✓	✓*	✓*	✓*	✓*	✓*
Benton, Jay	Hillsborough	✓	✓	✓	✓	✓	✓
Breault, Randy	Guadalupe	✓		✓		✓	✓
Chambers, Tom	Westborough	✓	✓	✓	✓	✓	✓
Combs, Drew	Menlo Park	✓	✓*	✓*	✓*	*	✓*
Cormack, Alison	Palo Alto	✓	✓	✓	✓	✓	✓
Hamilton, Tom	San Bruno	✓	✓	✓	vacant	✓*	
Hardy, Karen	Santa Clara		✓	✓	vacant	✓*	✓*
Hindi, Sam	Foster City	✓	✓	✓	✓		✓
Jordan, Steve	Purissima	✓	✓	✓	✓	✓	✓
Larsson, Gustav	Sunnyvale	✓	✓	✓	✓	✓	✓
Liccardo, Sam	San Jose						
Lopez, Antonio	East Palo Alto		*	✓*	✓*	✓*	✓*
Manalo, Juslyn	Daly City	✓	✓	✓	✓	✓	✓
Matichak, Lisa	Mountain View	✓	✓	✓	✓	✓	✓
Mendall, Al	Hayward	✓	✓	✓	✓	✓	✓
Mickelsen, Chris	Coastside	✓	✓	✓	✓	✓	✓
Montano, Carmen	Milpitas	✓	✓	✓	✓	✓	
O'Brien, Ann	Burlingame	✓	✓	✓	✓*	✓*	✓*
Piccolotti, Tom	North Coast	✓					
Pierce, Barbara	Redwood City	✓	✓	✓	✓	✓	✓
Quigg, Dan	Millbrae	✓	✓	✓	✓	✓	✓
Vella, Lou	Mid-Peninsula	✓	✓	✓	✓	✓	✓
Weed, John	ACWD	✓	✓	✓	✓	✓	✓
Wood, Sepi	Brisbane	✓	✓	✓	✓	✓	✓
Zigterman, Tom	Stanford	✓	✓	✓	✓	✓	✓

✓ : Present

* : Predecessor