

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

**November 18, 2021 – 6:30 p.m.**

DUE TO COVID-19, THIS MEETING WAS CONDUCTED AS A TELECONFERENCE PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 54953(e). MEMBERS OF THE PUBLIC COULD NOT ATTEND THIS MEETING IN PERSON.

<b>MINUTES</b>
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**1. Call to Order/Pledge of Allegiance/Roll Call – 6:32 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. Twenty-four (24) members of the Board were present. A list of Directors present (24), absent (2) is attached.

**2. Special Order of Business:**

Legal Counsel, Allison Schutte, reported that the Governor signed into law AB361 to codify emergency teleconference rules under the Brown Act. Modified procedures for teleconferencing are available whenever (1) the Governor has declared a state of emergency, and either (2) State or local officials have recommended social distancing, or (3) the agency's legislative body finds that in person attendance would "present imminent risks to the health and safety of attendees."

As a legislative body, the Board must adopt a resolution declaring its findings for the need to teleconference, and must reconsider the findings every 30 days. Moving forward, the Board will need to adopt a resolution at every meeting.

**Director Quigg made a motion, seconded by Director Vella, that the Board adopt Resolution #2021-05, declaring that it will continue to meet via teleconference, in accordance with AB 361 and the provisions of Government Code Section 54953(e).**

**The motion passed unanimously by roll call vote.**

**3. Comments by the Chair:**

Chair Larsson welcomed members of the Board, meeting participants and SFPUC General Manager Dennis Herrera and Assistant General Manager for Water Enterprise, Steve Ritchie.

**4. Board Policy Committee Report:**

Director Zigterman noted that the BPC summary report included in the Board agenda packet presents an accurate summary of the discussions the Committee had on the items for the Board's consideration.

The BPC voted unanimously in support of agenda items 8G and 8H under Consent.

The BPC discussed in detail, and voted unanimously to recommend the Board adopt the Tier 2 Plan drought allocation methodology for the upcoming year from January 1, 2022, through December 31, 2022.

Director Zigterman noted that regarding the Tier 2 Plan, the BPC voted unanimously to recommend the Board adopt the Tier 2 Plan drought allocation methodology for the upcoming year from January 1, 2022, through December 31, 2022. He also noted that a question was raised about the Tier 2 calculation involving the EPA hardship bank and the BPC was advised that BAWSCA staff was working with the WMR and legal counsel to find an appropriate fix. In voting to recommend the Board adopt the Tier 2 Plan drought allocation methodology, the BPC recognized that a fix would be included in the staff recommendation for the Board's consideration.

Director Jordan emphasized that the Board Policy Committee did not have the opportunity to review the amendment to the Tier 2 Plan methodology, and therefore has not made a recommendation to the Board on Resolution #2021-03, incorporating the amendment.

Public comments were made by Gerrie McGilrey and Gail Sredanovic.

**5. Public Comments on Items Not on the Agenda:**

Public comments were made by a caller (did not state his name), Peter Drekmeier, Keith Bennett, Carol Steinfeld, Nancy Arbuckle, Dave Warner, John Rosapepe, Robert Naumann, Martin Gothberg, Jim Clarke, and Gerrie McGilrey.

**6. SFPUC Report:**

Mr. Herrera addressed the BAWSCA Board.

Steve Ritchie provided a report on current water supply conditions and an update on curtailment orders.

Public comments were made by Peter Drekmeier.

**7. Water Management Representatives Report:**

Tammy Rudock, General Manager of Mid-Peninsula Water District, provided a report on current activities of the Water Management Representatives.

There were no comments from the public.

**8. Consent Calendar:**

There were no comments from members of the Board or the public.

**Director Pierce made a motion, seconded by Director Matichak, to approve the Minutes of the September 16, 2021 meeting; receive and file the Budget Status Report as of September 30, 2021; the Annual Audit Report for BAWSCA and Compilation Report for BAWUA for FY2019-2020; the Directors' Reimbursement Report, the Bond Surcharge Collection, Account Balance and Payment Report, and the Investment Report as of September 30, 2021; Re-Affirm BAWSCA's Statement of Investment Policy; Adopt the Administrative Revision to BAWSCA's CalPERS Health Benefit Resolution:**

- **Rescind Resolutions #2013-03A and #2013-03B, which specify PERS Choice Plan; and**
- **Adopt replacement Resolution #2021-04 (provided by CalPERS), which specifies PERS Platinum Plan.**

**The motion passed by roll call vote. Director O'Brien abstained for Item #8A.**

**9. Action Calendar:**

- A. Adoption of Resolution #2021-03 Adopting a 2021 Amended and Restated Tier 2 Drought Response Implementation Plan.

Public comments were made by Peter Drekeimer.

**Director Mendall made a motion, seconded by Director Benton, that the Board adopt Resolution #2021-03 approving an amendment to the Amended and Restated Tier 2 Drought Response Implementation Plan and extending the term through December 31, 2022.**

Following Board discussions, a motion to amend the recommendation was made.

**Director Jordan made a motion, seconded by Director Wood, to amend Resolution 2021-03 to include;**

**Whereas, the Board plans to diligently work to make this extension through December 31, 2022 the last extension of the 2011 Tier 2 Drought Allocation Plan.**

The Board further discussed the amendment. Director Quigg called for a vote on the amendment:

**The motion failed by roll call vote.**

**Noes: Barber, Benton, Chambers, Combs, Hamilton, Hardy, Larsson, Matichak, Mendall, Montano, O'Brien, Pierce, Quigg, Vella, Wood, Zigterman**

**Ayes: Cormack, Hindi, Jordan, Manalo, Mickelsen, Weed**

**Abstain: Piccolotti**

**Absent: Breault, Liccardo, López**

Chair Larsson called for a vote on the main motion by Director Mendall, seconded by Director Benton.

**The motion passed by roll call vote. Director Piccolotti abstained.**

Given the duration of the meeting, Chair Larsson called for a motion to extend the meeting.

**Director Wood made a motion, seconded by Director Vella, to extend the meeting to 10:30pm.**

**The motion passed unanimously by roll call vote.**

**10. CEO Reports**

BAWSCA CEO/General Manager, Nicole Sandkulla, provided reports on water supply conditions and FERC/Bay Delta Plan.

Financial Manager, Christina Tang reported on the completion of the bond refunding efforts.

Public comments were provided by Peter Drekmeier and Dave Warner.

**11. Closed Session:**

The meeting adjourned to Closed Session at 10:15pm. There were no comments from members of the public prior to the Board going into Closed Session.

**12. Report After Closed Session:**

Closed Session ended at 10:25. Legal Counsel, Allison Schutte, convened Open Session and reported that no action was taken during Closed Session.

**13. Directors' Discussion: Comments, Questions and Agenda Requests:**

Director Cormack inquired about SFPUC's Climate Study.

Mr. Francis reported that the SFPUC is tentatively scheduled to provide a report to the BPC at its meeting in December.

**14. Date, Time and Location of Next Meeting:** The next meeting is scheduled on January 20, 2022 at 6:30pm.**15. Adjournment:** The meeting adjourned at 10:27pm.

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	Nov. 18, 2021	Sept. 16, 2021	July 15, 2021	May 20, 2021	Mar. 18, 2021	Jan. 21, 2021	Nov. 19, 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