

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY  
BOARD POLICY COMMITTEE**

**June 8, 2022 – 1:30 p.m.**

**Zoom Video Conference**

**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:** Committee Chair, Randy Breault, called the meeting to order at 1:33 pm following reminders of the protocols to conduct the virtual meeting successfully.

CEO/General Manager, Nicole Sandkulla called the roll. Eight (8) members were present at roll call. One (1) member logged in after roll call. A list of Committee members who were present (9) and other attendees is attached.

Ms. Sandkulla introduced BAWSCA's intern, Brene Pita, to the Committee. Ms. Pita is studying Environmental Science at CSU, San Bernardino and will be working with the Water Resources team on BAWSCA's conservation, greywater and drought efforts.

The Committee took the following actions and discussed the following topics.

2. **Comments by Committee Chair:** Chair Breault welcomed the Committee members and meeting participants. He noted that the action items before the Committee are associated with two important projects included in BAWSCA's adopted FY 2022-23 work plan. Both projects provide direct benefits to BAWSCA member agencies in a manner that is more cost-effective than they could achieve individually, including supporting the member agencies' efforts to meet the new state requirements for water use efficiency.

3. **Consent Calendar:**

Director Cormack registered a "No" vote for Consent Calendar Item #3A.

**Director Larsson made a motion, seconded by Director Pierce, that the Committee adopt Resolution #2022-08, declaring that the Committee will continue to meet via teleconference, in accordance with AB 361 and the provisions of Government Code Section 54953(e), and approve the Minutes of the April 13, 2022 Board Policy Committee meeting.**

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

Director Wood noted that virtual meetings provide the ability for people to participate remotely.

There were no further comments from members of the Committee. There were no comments from members of the public.

4. **Public Comments:** Public comments were provided by Peter Drekmeier, Cedric Pitot de la Beaujardiere, and Carol Steinfeld.

Ms. Sandkulla noted that there was a member of the public who was experiencing issues with the passcode, and that an additional public comment period will be needed when he successfully logs in.

**5. Action Calendar:**

- A. Authorization of Professional Services Contract to Support the Redesign and Implementation of BAWSCA's Water Conservation Database (WCDB): Water Resources Manager, Tom Francis, reported that a Request for Proposal (RFP) was issued on May 13<sup>th</sup> for database development services to assist BAWSCA in the development and implementation of a redesigned and enhanced WCDB. The RFP was posted on the BAWSCA website and distributed to over a dozen firms.

Proposals are due on June 10<sup>th</sup> followed by interviews as necessary. The selection process is anticipated to be completed by June 30<sup>th</sup>. The Board will be presented with the selected consultant for its approval at its meeting on July 21<sup>st</sup>. Completion of the effort is anticipated on or before the 4<sup>th</sup> quarter of FY 2022-23.

BAWSCA's adopted FY 2022-23 budget includes an allocation of \$120K for this effort.

Mr. Francis noted the key objectives and tasks for improving the WCDB, and highlighted the need for it to be a reliable and user-friendly interface for input of water use and conservation data by the member agencies. The WCDB is the primary repository hub for data used by BAWSCA and the member agencies for several purposes including: member agencies' reports to the State in accordance with SB 606 and AB 1668; BAWSCA's Annual Survey and Annual Conservation Report, which serve as reference documents by member agencies and organizations region-wide; Tier 2 drought allocation plan efforts; and BAWSCA's regional demand studies. For these reasons, the WCDB needs to be a platform that provides a simple, updated process that can adapt to future database modifications. For example, if a new conservation program is developed, the WCDB needs to be able to accommodate a new module for data input.

The scope of work requires the selected consultant to perform a thorough review of the existing WCDB. While the bulk of the work will be in the development and programming of the WCDB, the selected consultant will engage with the Water Management Representatives and other appropriate member agency staff, collectively and individually, as needed, to scope the redesign and particularly, to understand and address the needs and wants of the member agencies from the WCDB. Upon completion, there will be user training for both BAWSCA and member agency staff.

BAWSCA will require that the selected consultant provide ongoing technical support after the deployment of the redesign, as well as offer a one-year warranty on the package developed to cover the costs of any technical repairs that may arise after deployment.

Mr. Francis presented the staff recommendation and welcomed questions from members of the Committee.

In response to Director Cormack's question, Mr. Francis stated that the levels of data input and output will include:

- agency level data as far as water use;
- sector level data according to customer class, which includes single-family and multi-family; and
- Commercial, Industrial, Institutional (CII) level data that is broken down by business types.

While the WCDB will be detailed, it will not include personal or exclusive information such as water service addresses.

Director Cormack commented that databases often are based on prior usage, and she trusts that part of the work will be to make sure that prior usage is lined up with current usage, time, and customer class. She was pleased to see specific requirement that will enable import of relevant data from Santa Clara Valley Water District (Valley Water), which is crucial.

In response to Director Jordan, Mr. Francis explained that the redesign of the WCDB will be scoped so that it can function effectively for member agencies who need to respond to state required reports.

Director Hardy noted her expectations for multiple responses to the RFP, and expressed her support for the effort.

There were no further questions and comments from members of the committee.

There were no comments from members of the public.

**Director Wood made a motion, seconded by Director Hardy, that the Committee recommend the Board authorize the CEO/General Manager to negotiate and execute a contract with a selected consultant, subject to legal counsel's final review, for an amount not-to-exceed \$120,000 to support the redesign and implementation of BAWSCA's WCDB.**

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

- B. Authorization of Professional Services Contract with Maddaus Water Management to Support Member Agencies with Water Use Efficiency Legislation. Mr. Francis reported that BAWSCA's work plan for FY 2022-23 includes supporting member agencies in meeting new State standards for water use efficiency in Commercial, Industrial, Institutional (CII) accounts. Member agencies expressed their desire for BAWSCA's support to thoroughly understand the provisions for meeting the new State requirements. The new standards stem from the State's "Making Conservation a Way of Life" legislation passed in 2018. BAWSCA closely followed the State's development of the efficiency standards and CII performance measures, and represented the member agencies in discussions with DWR and the State Board.

BAWSCA's work with the consultant will develop, identify, and implement requirements for CII performance measures. Roadmaps will be produced that illustrate how agencies should address water use classification, comply with conservation thresholds, and approach development and implementation of best

management practice programs to effectively document and report those performance measures to the State.

Mr. Francis reported that Valley Water expressed its interest to partner with BAWSCA on this effort on behalf of Valley Water's retail agencies. In response, BAWSCA prepared a Memorandum of Agreement (MOA) which is being reviewed by the legal teams of both agencies. The MOA includes Valley Water's cost share of 50%, up to a maximum of \$75K, which will help BAWSCA with the cost while achieving the work that needs to be done for the BAWSCA region.

The Request for Proposals (RFP) was issued on April 22<sup>nd</sup> and was sent to seventeen firms as well as posted on the BAWSCA website. One proposal was received from Maddaus Water Management which was reviewed and deemed highly appropriate by a review panel consisting of a BAWSCA staff member, a representative from a member agency, and staff from two outside agencies.

Given the lack of significant response to the RFP, BAWSCA reached out to the firms that did not respond. The firms' reasons included insufficient in-house expertise, and the perception of a lack of competitive advantage against other firms that were seen as likely RFP respondents.

The scope of work is currently being refined to ensure that the cost estimate remains the same. The approved operating budget for FY 2022-23 includes an \$86k budget allocation for this effort. Completion of the work is anticipated by or before the 4<sup>th</sup> quarter of FY 2022-23.

Mr. Francis explained the key tasks and work product of the effort. Task 2 will prepare a CII Classification System Roadmap. Because agencies often classify business accounts differently, the state has developed a proposed system to unify the classifications. This roadmap will describe reporting requirements and best practices for mapping, complying with, and maintaining the classification system developed by the State.

Task 3 will prepare a CII Dedicated Irrigation Meter (DIM) Conversion Threshold Roadmap. The State has developed requirements for CII accounts that are a certain threshold size from a water use and or a property size perspective. The roadmap will describe reporting requirements and provide best practices for 1) identifying CII landscapes that are subject to the requirements, and 2) determining which compliance pathway is most technically and financially feasible.

Task 4 will prepare a CII Best Management Practice (BMP) Roadmap that will help agencies identify the best practice for developing and implementing a BMP program that can meet the State's reporting requirements. Each BMP for different types of CII customers are likely unique and this roadmap will provide agencies guidance on an approach for compliance.

Mr. Francis noted that each roadmap will provide solutions to the challenges agencies will encounter when implementing the State's CII performance measure requirements and ensure agencies will achieve compliance.

The floor was then opened to Committee members for questions and comments.

Director Jordan noted that if the effort is looking beyond meeting the state requirements, he suggested looking into the criteria of local or onsite water recycling by certain industries, for example, commercial laundry industries, particularly in South San Francisco and San Jose. He noted that Valley Water currently has an established rebate program for recycling and this could fit into their conservation goals, particularly if they are interested in partnering with BAWSCA on this effort.

Mr. Francis stated that the specific effort is intended to address the need for agencies to meet the upcoming State requirements. But BAWSCA will continue to consider discussion opportunities for recycled water.

Director Cormack asked if the combination of data from the WCDB and the roadmaps can help agencies identify what commercial organizations are subject to the turf watering restrictions. She echoes the comment on agencies' various ways of categorizing CII customers and stated that agencies need to be able to differentiate the customer classifications.

Mr. Francis stated that details of the new legislation on turf watering restrictions remain to be seen.

Director Hardy asked why the recommendation has no mention of the Valley Water's potential partnership and cost share for the effort.

Mr. Francis explained that the MOA with Valley Water is not yet final, and the recommendation to the Committee is based on what is currently known. If the MOA with Valley Water does not move forward, the cost for the effort remains not-to-exceed \$86K, which is what the Committee would be recommending to the Board. The goal is to finalize the MOA prior to the Board's July 21<sup>st</sup> meeting.

There were no further comments from members of the Committee or members of the public.

**Director Hardy made a motion, seconded by Director Jordan, that the Committee recommend the Board authorize the CEO/General Manager to negotiate and execute a contract between BAWSCA and Maddaus Water Management, subject to legal counsel's final review, for an amount not-to-exceed \$86,000 to provide support services to develop compliance strategies for new California water use efficiency standards.**

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

The Chair noted his intention to open the floor for general public comments following Item #5C. This is to provide the general public the opportunity to speak since, while it was resolved, there was an issue with the password to log into the zoom meeting.

- C. Acceptance of BAWSCA's Amended Conflict of Interest Code: Ms. Sandkulla reported that BAWSCA is required to review its Conflict of Interest Code (Code) on even-numbered years, or when applicable organizational changes necessitate amendments to the Code.

The last update to the Code was done in 2018 when it was amended to revise the title of a designated position to "Finance Manager". The list of designated positions in the 2018 Code does not reflect the current organizational chart. Specifically, the position of Senior Water Resources Engineer needed to be added.

Ms. Sandkulla noted that the water resources staff level positions of Water Resources Specialist/Engineer and Senior Water Resources Specialist/Engineer are approved by the Board to be flexibly staffed depending upon the specific qualifications of the staff member hired in that position. Negin Ashoori, Senior Water Resources Engineer, was hired in 2019.

The 2021 review of the Code by staff and legal counsel, in concert with the FPPC, resulted in the FPPC approving an amended Code that includes the new designated position of Senior Water Resources Engineer. The process requires the BAWSCA Board to accept the approved amended Code. Staff titles listed under the designated positions in the Code are required to file FPPC Form 700 Conflict of Interest Code.

In response to Director Pierce, Legal Counsel Allison Schutte explained that in the event that an intern does have decision-making authority that would implicate the Code, Legal Counsel would advise the intern to file an FPPC Form 700 Conflict of Interest Code. The scope of work for the current intern does not include such decision-making authority and therefore would not trigger the need to file an FPPC Form 700.

There were no further comments from members of the Committee or members of the public.

**Director Chambers made a motion, seconded by Director Cormack, that the Committee recommend the Board accept the amended Conflict of Interest Code, as approved by the FPPC.**

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

Chair Breault opened the floor for General Public Comments since there were difficulties to log in the meeting. Comments were made by Spreck Rosekrans and Mark Stechbart.

Chair Breault stated that while the period for general public comment is not for discussion, he asked Ms. Sandkulla if Mr. Stechbart's communication with BAWSCA staff and North Coast County Water Agency was responded to. Ms. Sandkulla stated that she communicated with Mr. Stechbart and that the General Manager of North Coast County Water Agency has also responded.

## **6. CEO Reports:**

- A. Water Supply Conditions: Ms. Sandkulla reported on water supply conditions and drought conditions.

She was pleased to report that as of June 6<sup>th</sup>, Hetch Hetchy is full. The deficit and impact of the drought is in the water bank which is only at 42% of its normal percent

of maximum storage at this time of year. The system is at a fairly decent position given the ongoing drought the State is experiencing. Total system storage is at 73% versus 86% of normal at this time of year. A contributing factor for this is the low water use the region had leading into the drought as well as the conservation activities that is maintained in the service area.

Water available to San Francisco is currently at 201 TAF, which is the amount of water San Francisco has been able to divert to storage during the current water year. To fill the system, the estimate is to have 598 TAF. The difference is what the system needs for the water bank.

By comparison, however, the water available to San Francisco in 2021 was 57 TAF, and 22 in 2014. Ms. Sandkulla noted that as dry as this year has been, the region has had some significant amount of precipitation that supplied water to San Francisco and enabled the system to capture water for storage as drought conditions continue.

The region's goal for this water year is to remain below the 200 mgd average in deliveries, and to work to eliminate the typical summer water use peak. The greatest opportunity to achieve significant savings is to keep outdoor water use and irrigation down during the summer months, especially for a region that has a very low residential per capita use. This message was emphasized with the Water Management Representatives at its June meeting, and it is emphasized in the billboards of the regional drought campaign, as well as in the Governor's recent calls for water use reduction throughout the State. BAWSCA will continue to monitor the region's water use closely.

The BAWSCA agencies' total potable water use for the month of April 2022 was 13.7% less than in April 2021. Ms. Sandkulla noted that with increased calls for rationing by Valley Water and State Water Project, agencies like ACWD and those in Santa Clara County may be using more water from San Francisco but yet, their overall customer use appears to be reducing. BAWSCA will continue to follow the region's water use trend to be prepared to speak to the data in the event that an anomaly arises, and to continue assisting agencies during the drought.

On May 24<sup>th</sup> the State Water Board adopted regulations requiring urban water suppliers to implement by June 10<sup>th</sup> their locally adopted plans meant to address at least a water shortage level of 10 to 20 percent, also known as a Stage 2 Water Shortage Contingency Plan. This pertains to agencies that submit Urban Water Management Plans.

Ms. Sandkulla was pleased to report the member agencies' ability to respond to the regulations quickly. Fifteen (15) agencies have already declared Stage 2 water shortage, and 5 agencies plan to. Two agencies are reviewing how they can best implement actions for compliance. Four agencies are not required to submit Urban Water Management Plans to the State but are evaluating how to best comply with the regulations based on their local rules and their current actions in place.

Additionally, urban water suppliers were also required to submit preliminary Water Supply and Demand Assessments (WSDA) to the Department of Water Resources by June 1<sup>st</sup>. The final reports are due July 1<sup>st</sup>.

Lastly, a recent State Water Board order bans the use of potable water for irrigating non-functional turf in CII properties, as well as in properties owned by Homeowners Associations (HOA). Non-functional turf is defined as ground cover surface of mowed grass that is ornamental and not otherwise used for human recreation purposes. Non-functional turf does not include school fields, sports fields, and areas regularly used for civic and community events. The ban does not apply to irrigation with recycled or non-potable water, nor does it apply to watering trees.

- B. **Bay Delta Plan/FERC Update:** Ms. Sandkulla reported that BAWSCA continues its efforts to protect the water users' interests in the State's Bay Delta Plan efforts. She reminded the Committee that in 2019, BAWSCA intervened in the Bay Delta lawsuit to protect the unique interests of the Wholesale Customers. Specifically, Wholesale Customers will be subject to paying 2/3<sup>rd</sup> of the costs; in money and in water supply, of whatever San Francisco agrees to, or is subject to, as a result of the Bay Delta Plan lawsuit. By intervening, BAWSCA will be able to participate directly in settlement negotiations.

BAWSCA is continuing to press the SFPUC to clarify its plan to protect the water supply for its constituents in light of the impacts of the adopted Bay Delta Plan. It is the SFPUC's responsibility to resolve this issue given its obligations to the environment and the water users.

BAWSCA will continue its efforts on multiple fronts as it has been in the past several months, including pressing SFPUC for progress in its planning for alternative water supplies, looking at the design drought, and how to effectively plan for the next water supply project.

Director Jordan asked whether the new curtailment order from the State applies to all of the SFPUC's water supply including supply in the water bank.

Ms. Sandkulla stated that the State Water Board's recently issued curtailment notice applies to all water rights holders from 1900 forward in the San Joaquin tributaries basin, including the Tuolumne.

There were no further questions or comments from members of the Committee.

Public comments were provided by Peter Drekmeier.

7. **Closed Session:** The Committee adjourned to Closed Session at 2:40 pm.

There were no comments from members of the public prior to adjournment to Closed Session.

8. **Report from Closed Session:** The Committee reconvened to Open Session at 2:58 pm. Ms. Schutte reported that no reportable action was taken during Closed Session.

9. **Comments by Committee Members:** Director Wood encouraged members of the Board who attended the recent Hetch Hetchy tour to share their experience and "take-aways" from the tour, perhaps in the next CEO letter.



Director Cormack noted that she is pleased to have Ms. Pita as BAWSCA's intern and is pleased with her assignment to work on greywater.

Director Hardy reported that she participated in the Hetch Hetchy tour and appreciated the better understanding she gained of the system, the water bank, and how the lower Tuolumne is governed.

Director Jordan requested 2 agenda items: a report from the SFPUC on their cost estimates for the Los Vaqueros Expansion (LVE) project, and a review of liabilities and indemnifications for contaminants that can enter the system as a result of recycling in the Crystal Springs program.

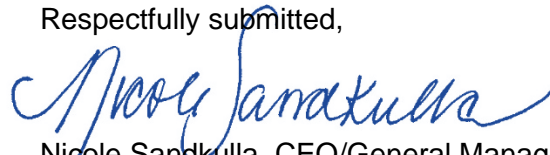
Director Zigterman reported that Stanford University recently adopted a greywater policy for single family residential units and offered a copy of the policy to Ms. Pita for her reference.

Director Larsson reported that he participated in the Hetch Hetchy tour and noted the new Alameda Creek Watershed Center being constructed. It will be an education resource for learning about where our water comes from and how watersheds function. The center is planned to open in 2023.

Director Wood thanked members of the Committee who shared what they learned and appreciated from the tour.

- 10. Adjournment:** The meeting was adjourned at 3:33 pm. The next meeting is June 8, 2022 with the location and format to be announced.

Respectfully submitted,



Nicole Sandkulla, CEO/General Manager

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Attachments: 1) Attendance Roster

# Bay Area Water Supply and Conservation Agency

## Board Policy Committee Meeting Attendance Roster

Agency	Director	Jun. 8, 2022	Apr. 13, 2022	Feb. 9, 2022	Dec. 8, 2021	Oct. 13, 2021	Sept. 7, 2021	Aug. 11, 2021
GVMID	Breault, Randy	✓	✓	✓	n/a	n/a	n/a	Meeting Cancelled
Santa Clara	Hardy, Karen	✓		✓	✓		✓	
Westborough	Chambers, Tom	✓	✓	✓	✓	✓	✓	
Palo Alto	Cormack, Alison	✓	✓	✓	✓	✓	✓	
Purissima	Jordan, Steve	✓	✓	✓	✓	✓	✓	
Sunnyvale	Larsson, Gustav	✓	✓	✓	✓	✓	✓	
Redwood City	Pierce, Barbara	✓	✓	✓	✓	✓	✓	
Brisbane	Wood, Sepi	✓	✓	✓	✓	✓	✓	
Stanford	Zigterman, Tom	✓	✓	✓	✓	✓	✓	

✓ : present

☎ : Teleconference

### June 8, 2022 Meeting Attendance (Via Zoom pursuant to provisions of Gov. Code Section 54953(e) )

#### BAWSCA Staff:

Nicole Sandkulla	CEO/General Manager	Allison Schutte	Legal Counsel, Hanson Bridgett, LLP
Tom Francis	Water Resources Manager	Nathan Metcalf	Legal Counsel, Hanson Bridgett, LLP
Danielle McPherson	Sr. Water Resources Specialist	Bud Wendell	Strategic Communications
Negin Ashoori	Sr. Water Resources Engineer		
Kyle Ramey	Water Resources Specialist		
Christina Tang	Finance Manager		
Lourdes Enriquez	Assistant to the CEO/GM		
Deborah Grimes	Office Manager		
Brene Pita	Intern		

#### Public Attendees:

Jenny Gain	Brown & Caldwell	Cedric Pitot dela Beaujardiere	Self
Cheryl Munoz	Hayward	Mark Stechbart	Self
Lisa Bilir	Palo Alto	Alison Kastama	SFPUC
Spreck Rosekrans	Restore Hetch Hetchy	Julia Nussbaum	Stanford
Carol Steinfeld	Self	Peter Drekmeier	Tuolumne River Trust