

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY  
BOARD OF DIRECTORS MEETING****March 21, 2024 – 6:30 p.m.****MINUTES****1. Call to Order/Pledge of Allegiance/Roll Call – 6:43 pm.**

BAWSCA Chair, Tom Chambers, called the meeting to order. CEO/General Manager Nicole Sandkulla called the roll. Sixteen (16) members of the Board were present at roll call with two members on teleconference. Three members arrived after roll call. A list of Directors present (21) and absent (5) is attached.

**2. Comments by the Chair:**

Chair Chambers announced two new members of the Board; Darin Duncan from Cal Water, and Richard Mehlinger from City of Sunnyvale.

Chair Chambers noted that BAWSCA's comment letter to the SFPUC on the 10-Year Capital Improvement Plan (Plan), which was submitted to the Commission prior to the Plan's adoption in February, is included in the correspondence packet along with the SFPUC's response. The projects in the adopted Plan include necessary improvements to the water delivery and treatment facilities, like the Moccasin Penstocks Replacement Project and the Sunol Valley Water Treatment Plant, as well as the important early planning work for new alternative water supplies. These projects are critical for ensuring that the Regional Water System continues to provide a reliable water supply for the customers BAWSCA represents.

On March 15, 2024, the Court in the State Water Board Cases issued its decision and ruled in the State Board's favor on all counts, including BAWSCA's claims. While the ruling is unfortunate, Chair Chambers noted that it is important to recognize that the concerns BAWSCA expressed to the Court are now a part of the official record for future further consideration. With the increased risk to the water supply from the Regional Water System resulting from implementation of the Bay Delta Plan, SFPUC's continued planning to advance the Alternative Water Supply Plan is even more important.

The transition to livestream for the Board meetings continues. There are a few outstanding technical issues that remain, however the current schedule anticipates that the upcoming April 10th Board Policy Committee meeting will be livestreamed. Staff's diligence in working through the technical challenges is much appreciated.

**3. Board Policy Committee Report –** Director Hardy provided information on the February 14<sup>th</sup> Board Policy Committee meeting. The Board Policy Summary Report included in the agenda packet reflects the discussions by the Committee including the Committee's recommendations.**4. SFPUC Report:**

Ms. Alison Kastama, SFPUC's BAWSCA Liaison, provided a water supply conditions update.

Mr. Steve Richie, SFPUC AGM for Water Enterprise, reported on the SFPUC's adopted Budget and 10-Year Capital Improvement Program (10-year CIP).

Comments and questions were received from members of the Board.

Public comments were provided by Dave Warner and Peter Drekmeier.

#### **5. Consent Calendar:**

**Director Pierce made a motion, seconded by Director Doerr, that the Board approve the Minutes of the January 18, 2024 meeting; receive and file the Budget Status Report and Investment Report as of January 31, 2024; receive and file the Bond Surcharge Collection, Account Balance and Payment Report as of December 31, 2023; and authorize Professional Services Contract to Support the Preparation of the 2021-2023 Drought Report.**

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

#### **6. Public Comments on Items Not on the Agenda:**

Public comments were provided by Dave Warner, Peter Drekmeier, and Jakob Evans.

#### **7. Reports and Discussions:**

##### **A. Preliminary FY 2024-25 Work Plan, Results to Achieve, and Operating Budget:**

CEO/General Manager, Nicole Sandkulla, presented the Preliminary FY 2024-25 Work Plan, Results to be Achieved, and Operating Budget to the Board for its feedback and discussion. Comments provided will be reflected in the Proposed Work Plan, Results to be Achieved, and Operating Budget that will be presented to the BPC for discussion at its April 10th meeting.

Questions and comments were taken from members of the Board.

Public comments were provided by Dave Warner and Peter Drekmeier

##### **B. BAWSCA's Long-Term Reliable Water Supply Strategy (Strategy 2050):**

Senior Water Resources Engineer, Negin Ashoori, provided the Board an update on the development of BAWSCA's Long-Term Reliable Water Supply Strategy 2050.

Questions and comments were taken from members of the Board.

There were no comments from members of the public.

#### **11. CEO Reports:**

- A. Bay Delta Plan: Ms. Sandkulla reported that on March 15, 2024, the Court in the State Water Board Cases issued its decision and ruled in the State Board's favor, dismissing all 116 claims by 12 petitioners, including BAWSCA's claims. BAWSCA is still reviewing the decision to determine next steps, if any. Based on its initial review, BAWSCA is extremely disappointed in the decision, which makes a reliable supply for the Regional Water System uncertain. The Court's decision highlights the importance of SFPUC's new Alternative Water Supply Program and early planning for new alternative water supplies. BAWSCA continues to support a voluntary agreement for the Tuolumne River, which is being currently evaluated by the State Water Board.

- B. Tier 2 Plan Update: Ms. Sandkulla reported that member agency lead negotiators made significant progress on major elements of the new Tier 2 Plan. They are working towards finalizing a new Tier 2 Plan by end of June for unanimous adoption by governing bodies by December 2024.

If progress slows down, the Board and BPC will be kept apprised and BAWSCA will facilitate necessary Board decision by October/November on whether to extend the existing Tier 2 or adopt a new Plan.

There were no comments from members of the public.

Chair Chambers opened the floor for a motion to extend the meeting until 10pm.

**Director Hardy made a motion, seconded by Director Hamilton, to extend the meeting until 10pm.**

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

#### **8. Closed Session**

There were no public comments prior to adjourning to Closed Session.

The meeting adjourned to Closed Session at 8:51pm.

#### **9. Report from Closed Session:**

Chair Chambers reconvened the meeting to Open Session.

Legal Counsel, Allison Schutte, reported that the Board reconvened from Closed Session at 9:36pm. There was no reportable action taken during Closed Session.

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

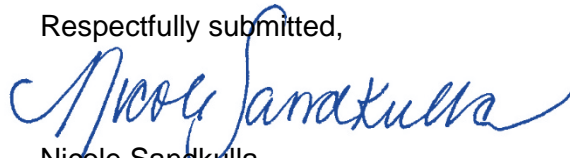
There were no comments from members of the Board.

Ms. Sandkulla reported that a 2<sup>nd</sup> Hetch Hetchy tour on October 15-16, 2024 was secured with the SFPUC. Board members were encouraged to participate in the tour, and were asked to respond to the email communication as space will be limited.

- 11. Date, Time and Location of Next Meeting:** The next meeting is scheduled on May 16, 2024 at 6:30pm at Burlingame Community Center.

- 12. Adjournment:** The meeting adjourned at 9:38pm.

Respectfully submitted,



Nicole Sandkulla  
CEO/General Manager

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Attachments: 1) Roll Call & Voting Log  
2) Attendance Roster

## Roll Call & Voting Log - BAWSCA

**Meeting Date:** March 21, 2024

| Agency         | Director           | Present/<br>Absent | Item #5A Consent | Other | Weighted Voting <sup>(2)</sup> |                        |
|----------------|--------------------|--------------------|------------------|-------|--------------------------------|------------------------|
|                |                    |                    |                  |       | Weighted<br>"Yes"<br>Votes     | Weighted<br>"No" Votes |
| Hayward        | Andrews, Angela    | y                  | y                |       |                                |                        |
| Brisbane       | Breault, Randy     | y                  | y                |       |                                |                        |
| Guadalupe      | Breault, Randy     | y                  | y                |       |                                |                        |
| Westborough    | Chambers, Tom      | y                  | y                |       |                                |                        |
| San Jose       | Cohen, David       | 0                  | 0                |       |                                |                        |
| Menlo Park     | Doerr, Maria       | y                  | y                |       |                                |                        |
| CalWater       | Duncan, Darin      | y                  | y                |       |                                |                        |
| San Bruno      | Hamilton, Tom      | y                  | y                |       |                                |                        |
| Santa Clara    | Hardy, Karen       | y                  | y                |       |                                |                        |
| Foster City    | Hindi, Sam         | 0                  | 0                |       |                                |                        |
| Purissima      | Jordan, Steve      | y                  | y                |       |                                |                        |
| East Palo Alto | Lopez, Antonio     | y                  | 0                |       |                                |                        |
| Daly City      | Manalo, Juslyn     | 0                  | 0                |       |                                |                        |
| Mountain View  | Matichak, Lisa     | y                  | y                |       |                                |                        |
| Sunnyvale      | Mehlinger, Richard | 0                  | 0                |       |                                |                        |
| Coastside      | Mickelsen, Chris   | y                  | y                |       |                                |                        |
| Milpitas       | Montano, Carmen    | 0                  | 0                |       |                                |                        |
| North Coast    | Piccolotti, Tom    | y                  | y                |       |                                |                        |
| Redwood City   | Pierce, Barbara    | y                  | y                |       |                                |                        |
| Hillsborough   | Ragsdale, Leslie   | y                  | y                |       |                                |                        |
| Millbrae       | Schneider, Ann     | y                  | y                |       |                                |                        |
| Burlingame     | Stevenson, Peter   | 0                  | 0                |       |                                |                        |
| Palo Alto      | Stone, Greer       | y                  | y                |       |                                |                        |
| Mid-Peninsula  | Vella, Louis       | y                  | y                |       |                                |                        |
| ACWD           | Weed, John         | y                  | y                |       |                                |                        |
| Stanford       | Zigterman, Tom     | y                  | y                |       |                                |                        |

### Vote Tally

|                                |         |        |            | Weighted Vote Summary |      |
|--------------------------------|---------|--------|------------|-----------------------|------|
|                                | Yes (y) | No (n) | Absent (0) | "Yes"                 | "No" |
| Yes (y)                        | 20      | 19     |            |                       |      |
| No (n)                         |         |        |            |                       |      |
| Absent (0)                     | 6       | 7      |            |                       |      |
| Abstain (a)                    |         |        |            |                       |      |
| Item Carries by Simple Vote?   |         |        |            |                       |      |
| Item Carries by Weighted Vote? |         |        |            |                       |      |

(1) Under simple voting, item carries if it receives an affirmative vote of a majority of the total membership (15 votes)

(2) Under weighted voting, item carries if it receives the affirmative vote of directors representing both

a) A majority of the members present and voting, and

b) a majority of the number of votes represented by directors present

## Bay Area Water Supply and Conservation Agency

### Board of Directors Meeting Attendance Roster

| Director           | Agency         | Mar. 21,<br>2024 | Jan. 18,<br>2024 | Nov. 16,<br>2023 | Sept. 27,<br>2023 | July 20,<br>2023 | May 18,<br>2023 |
|--------------------|----------------|------------------|------------------|------------------|-------------------|------------------|-----------------|
| Andrews, Angela    | Hayward        | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓               |
| Breault, Randy     | Guadalupe      | ✓                | ✓                | ✓                | ✓                 | ✓                |                 |
| Breault, Randy     | Brisbane       | ✓                | ✓                | ✓                | ✓                 | vacant           | ✓*              |
| Chambers, Tom      | Westborough    | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓               |
| Cohen, David       | San Jose       |                  | ✓                | ✓                | ✓                 |                  |                 |
| Doerr, Maria       | Menlo Park     | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓               |
| Hamilton, Tom      | San Bruno      | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓               |
| Hardy, Karen       | Santa Clara    | ✓                | ✓                | ✓                |                   | ✓                | ✓               |
| Hindi, Sam         | Foster City    |                  | ✓                |                  | ✓                 |                  | ✓               |
| Jordan, Steve      | Purissima      | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓               |
| Lopez, Antonio     | East Palo Alto | ✓                |                  | ✓                | ✓                 |                  |                 |
| Manalo, Juslyn     | Daly City      |                  |                  |                  |                   |                  | ✓               |
| Matichak, Lisa     | Mountain View  | ✓                | ✓                |                  | ✓                 | ✓                | ✓               |
| Mehlinger, Richard | Sunnyvale      |                  | ✓*               | ✓*               | ✓*                | ✓*               | ✓*              |
| Mickelsen, Chris   | Coastside      | ✓                |                  | ✓                |                   |                  | ✓               |
| Montano, Carmen    | Milpitas       |                  |                  | ✓                |                   | ✓                |                 |
| Piccolotti, Tom    | North Coast    | ✓                | ✓                | ✓                | ✓                 |                  | ✓               |
| Pierce, Barbara    | Redwood City   | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓               |
| Ragsdale, Leslie   | Hillsborough   | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓*              |
| Schneider, Ann     | Millbrae       | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓               |
| Smegal, Tom        | Cal Water      | ✓                | ✓                | ✓                | ✓                 | ✓                |                 |
| Stone, Greer       | Palo Alto      | ✓                |                  | ✓                | ✓                 |                  | ✓*              |
| Stevenson, Peter   | Burlingame     |                  | ✓                | ✓                | ✓                 | ✓                | ✓*              |
| Vella, Louis       | Mid-Peninsula  | ✓                | ✓                | ✓                | ✓                 | ✓                | ✓               |
| Weed, John         | ACWD           | ✓                | ✓                | ✓                | ✓                 |                  | ✓               |
| Zigterman, Tom     | Stanford       | ✓                |                  | ✓                | ✓                 | ✓                | ✓               |

✓ : Present

\* : Predecessor