

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY  
BOARD OF DIRECTORS MEETING****November 16, 2023 – 6:30 p.m.**

<b>MINUTES</b>
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**1. Call to Order/Pledge of Allegiance/Roll Call – 6:31pm.**

BAWSCA Chair, Gustav Larsson, called the meeting to order. CEO/General Manager Nicole Sandkulla called the roll. Twenty-three (23) members of the Board were present at roll call. A list of Directors present (23) and absent (3) is attached.

**2. 20<sup>th</sup> Anniversary:**

Chair Larsson welcomed members of the Board, invited guests, staff and attendees to recognize BAWSCA's 20<sup>th</sup> Anniversary. For twenty years, BAWSCA has maintained focus on its goal to ensure a "Reliable Supply of High-Quality Water at a Fair Price" for the 1.8 million residents and over 40,000 businesses in Alameda, San Mateo, and Santa Clara counties whose water interests it represents under California state law.

Ms. Sandkulla presented the results achieved by BAWSCA over the past 20 years.

Comments were made by invited guests:

- Assemblymember Diane Papan
- Mario Rendon for Congressman Kevin Mullin
- Senator Jerry Hill
- Helen Wolter for Senator Josh Becker
- Leslie Bulbuk for Assemblymember Mark Berman
- SFPUC Commissioner Newsha Ajami
- SFPUC General Manager Dennis Herrera
- Former BAWSCA CEO, Art Jensen

Following a 5-minute break, the meeting re-convened at 7:32pm.

**3. Comments by the Chair:**

Chair Larsson noted that under his authority as Chair of the Board, he was instituting a change in the board's meeting format moving forward. Beginning with the next Board Policy Committee meeting on December 13th, BAWSCA's meetings will be moved to a live-stream format that will enable members of the public to watch the meetings in real-time. The immediate goal of live-streaming meetings is to provide more transparency to the public. Members of the public will continue to be able to participate in BAWSCA Board and Committee meetings in person. Public comments will continue to be accepted in person at meetings and in writing. Meeting videos will be available via the BAWSCA website after the meetings. Chair Larsson thanked the City of Burlingame for its assistance in securing the changes with the Burlingame Recreation Center's physical infrastructure that were necessary to accommodate BAWSCA's new meeting format. He also expressed his appreciation to the Board for its patience with the process to ensure success while continuing to focus on the

Board and agency's important business. After some time has elapsed with this new format, board member feedback to the Chair would be useful.

**4. Board Policy Committee Report:**

Committee Chair Hardy reported the discussions and actions taken by the Board Policy Committee at its meeting on October 11, 2023. The summary report included with the agenda provides details of the discussions.

**5. SFPUC Report:**

Mr. Steve Ritchie, SFPUC Asst. General Manager, Water Enterprise, provided a report on water supply conditions and the SFPUC's Alternative Water Supply Program.

There were no comments from members of the public.

**6. Consent Calendar:**

**Director Hardy made a motion, seconded by Director Vella, that the Board approve the Minutes of the September 27, 2023 meeting; receive and file the Budget Status Report as of September 30, 2023, Annual Audit Report for BAWSCA and Compilation Report for BAWUA for Fiscal Year 2022-23, the Directors' Reimbursement Report, Employee Reimbursement Report, Bond Surcharge Collection, Account Balance and Payment Report, and Investment Report as of September 30, 2023, and Adoption of Resolution #2023-04 Approving the Extension of the 2021 Amended and Restated Tier 2 Drought Response Implementation Plan.**

**The motion passed unanimously by a show of hands.**

There were no comments from members of the public.

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

There were no comments from members of the public.

**8. Reports and Discussions:**

Ms. McPherson, Senior Water Resources Specialist, provided the Board with an update on negotiations of a new Tier 2 Drought Allocation Plan.

Ms. Sandkulla reported on BAWSCA's Long-Term Reliable Water Supply Strategy 2045.

Comments and questions were taken from members of the Board.

There were no comments made from members of the public.

**9. CEO Reports:**

Ms. Sandkulla reported on the Bay Delta Plan.

Questions and comments were taken from members of the Board.

There were no comments from members of the public.

**10. Closed Session #1:**

There were no public comments prior to adjourning to Closed Session #1.

The meeting adjourned to Closed Session at 8:37pm.

**11. Report from Closed Session:**

Chair Larsson reconvened the meeting to Open Session.

Legal Counsel, Allison Schutte, reported that the Board reconvened from Closed Session at 8:45 pm. There was no reportable action taken during Closed Session.

Chair Larsson opened the floor for a motion to extend the meeting.

**Director Breault made a motion, seconded by Director Doerr, to extend the meeting until 9:30pm.**

**The motion passed unanimously by a show of hands.**

**12. Closed Session #2: Conference with Labor Negotiator**

There were no public comments prior to adjourning to Closed Session #2.

The meeting adjourned to Closed Session #2 at 8:46pm

**13. Report from Closed Session #2**

Chair Larsson re-convened the meeting to open session

Legal Counsel, Allison Schutte, reported that Closed session #2 concluded at 9:39pm and that the Board provided direction to the Labor Negotiator.

The Labor Negotiator and Unrepresented Employee, CEO/General Manager Sandkulla, conducted negotiations outside of the Boardroom.

Chair Larsson opened the floor for a motion to extend the meeting.

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

**The motion passed unanimously by a show of hands.**

**14. Reconvene to Open Session to Take Action Following Closed Session #2:  
Consider Compensation Adjustment for CEO/General Manager for FY 2023-24:**

There were no comments from members of the public.

**Director Cohen made a motion, seconded by Director Vella, that the Board approve the contract amendment to the CEO/General Manager's Employment Agreement, effective September 30, 2023.**

**The motion passed with 21 ayes, 0 noes, and 2 abstentions.**

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

Director Andrews reported that she toured the Pepsi-Cola facility in Hayward and asked staff to verify its claim that their recycled water goes back to the watershed.

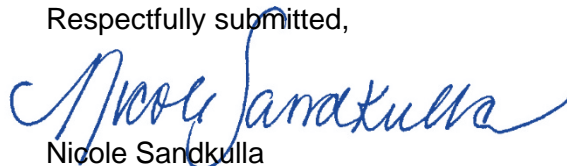
Director Montano asked staff to look into whether permission can be requested from the SFPUC to develop a corridor between Milpitas and Fremont into a trail.

Director Schneider reported that SB 676 was signed by the Governor, enabling Millbrae to provide alternative landscape plans to its residents.

**15. Date, Time and Location of Next Meeting:** The next meeting is scheduled on January 18, 2023 at 6:30pm.

**16. Adjournment:** The meeting adjourned at 9:45 pm

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:**      November 16, 2023

Agency	Director					Weighted Voting <sup>(2)</sup>	
		Present/ Absent	Item #7 Consent	Item #14 CEO/GM Comp	Other	Weighted "Yes" Votes	Weighted "No" Votes
Hayward	Andrews, Angela	y	y	y			
Brisbane	Breault, Randy	y	y	y			
Guadalupe	Breault, Randy	y	y	y			
Westborough	Chambers, Tom	y	y	y			
San Jose	Cohen, David	y	y	y			
Menlo Park	Doerr, Maria	y	y	a			
San Bruno	Hamilton, Tom	y	y	y			
Santa Clara	Hardy, Karen	y	y	y			
Foster City	Hindi, Sam	0	0	0			
Purissima	Jordan, Steve	y	y	y			
Sunnyvale	Larsson, Gustav	y	y	y			
East Palo Alto	Lopez, Antonio	y	y	y			
Daly City	Manalo, Juslyn	0	0	0			
Mountain View	Matichak, Lisa	0	0	0			
Coastside	Mickelsen, Chris	y	y	y			
Milpitas	Montano, Carmen	y	y	y			
North Coast	Piccolotti, Tom	y	y	y			
Redwood City	Pierce, Barbara	y	y	y			
Hillsborough	Ragsdale, Leslie	y	y	y			
Millbrae	Schneider, Ann	y	y	y			
Cal Water	Smegal, Tom	y	y	y			
Burlingame	Stevenson, Peter	y	y	y			
Palo Alto	Stone, Greer	y	y	a			
Mid-Peninsula	Vella, Louis	y	y	y			
ACWD	Weed, John	y	y	y			
Stanford	Zigterman, Tom	y	y	y			

### Vote Tally

				Weighted Vote Summary	
				"Yes"	"No"
Yes (y)	23	23	21		
No (n)		0	0		
Absent (0)	3	0	3		
Abstain (a)		0	2		
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	Nov. 16, 2023	Sept. 27, 2023	July 20, 2023	May 18, 2023	Mar. 16 2023	Jan. 19, 2023	Nov. 17, 2022
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	✓	✓	✓	✓	✓	✓	✓
Larsson, Gustav	Sunnyvale	✓	✓	✓	✓	✓	✓	✓
Lopez, Antonio	East Palo Alto	✓	✓				✓	✓
Manalo, Juslyn	Daly City				✓	✓	✓	✓
Matichak, Lisa	Mountain View		✓	✓	✓	✓	✓	
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