BAWSCA
Bay Area Water Supply & Conservation Agency

These minutes are a true record of the BAWSCA Board actions taken on November 21, 2024, at its duly-noticed public meeting in Burlingame, California.

By: _____ Date: November 25, 2024
Thomas Chambers
Chair of the Board

ATTEST:

I hereby certify that the foregoing is a true and correct record of the minutes of BAWSCA Board meeting held on November 21, 2024.

By: _____ Date: November 25, 2024
Nicole Sandkulla
Secretary

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

## November 21, 2024 – 6:30 p.m.

## MINUTES

**1. Call to Order/Pledge of Allegiance/Roll Call – 6:34 pm.**

BAWSCA Chair, Tom Chambers, called the meeting to order. CEO/General Manager Nicole Sandkulla called the roll. Twenty (20) members of the Board were present with one by teleconference at roll call. Three members of the Board arrived after roll call. A list of Directors present (23) and absent (3) is attached.

**2. Comments by the Chair:**

Chair Chambers welcomed members of the Board and noted that Director Doerr is on teleconference in accordance with the traditional Brown Act rules.

The Chair noted several actions on the agenda that continue the Board's important work in support of the agency's transition to a new CEO/General Manager, as well as the consideration of a change in the approved compensation for Board members per day of service.

**3. Board Policy Committee Report:** Director Hardy reported that the Committee met on October 9, 2024 where it had robust discussions on what the Committee is recommending to the Board and which are accurately presented in the Board Policy Committee Summary Report.

**4. SFPUC Report:** Steve Ritchie, SFPUC Assistant General Manager for Water Enterprise, provided a water supply update reporting that reservoir levels are high due to the wet year in 2023-24. Precipitation upcountry and in the Bay Area are expected to be above average for the month of November. Total deliveries during the summer months of 2024 were above the 5-year average as a result of the hot summer months. As the year ends, demands will move towards the lowest winter time water use, which is roughly 140 mgd.

William Sears, Science and Policy Analyst for the Natural Resources & Lands Management Division, reported on the SFPUC's Upper Tuolumne River Ecosystem Program and Environmental Flow Study, highlighting the effort's focus on science to better manage the river downstream of O'Shaughnessy Dam for ecological benefits over time

Questions and Comments were received from members of the Board.

There were no public comments.

**5. Consent Calendar:** There were no comments or questions from members of the Board or from members of the public.

**Director Mehlinger made a motion, seconded by Director Hardy, that the Board approve the Minutes of the September 19, 2024 meeting, Receive**

**and File the Budget Status Report as of September 30, 2024, the Annual Audit Report for BAWSCA and Compilation Report for BAWUA for FY 2023-24, Directors' Reimbursement Report as of September 30, 2024, Employees' Reimbursement Report as of September 30, 2024, Investment Report as of October 31, 2024, Adopt Resolution #2024-03 Approving the Extension of the 2021 Amended and Restated Tier 2 Drought Response Implementation Plan, and Re-Affirm BAWSCA's Statement of Investment Policy.**

**The motion passed unanimously by roll call vote. See attached voting log.**

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

There were no public comments.

**7. Special Report:**

A. Transition Plan for CEO/General Manager: Legal Counsel, Allison Schutte, reported that as stated in the Item's staff report, the Board Policy Committee (BPC) previously reviewed the proposed creation of a Transition Manager position to facilitate transition of the CEO/General Manager role over to Tom Smegal. However, since the BPC met, changes are now presented based on CalPERS' recommendation that BAWSCA keep Ms. Sandkulla in the employee classification of "CEO/GM" for the transition period (anticipated to be the month of December).

Mr. Smegal's employment contract will state that he will have the sole authority to bind the agency.

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

**8. Action Item:**

A. Resolution Approving the Temporary Appointment of Nicole Sandkulla as Special Counsel to the CEO/GM and Making Findings in Support of the Appointment:

**Director Stevenson made a motion, seconded by Director Pierce, that the Board adopt Resolution #2024-04 approving the temporary appointment of Nicole Sandkulla to the position of Special Counsel to the CEO/General Manager and making associated findings in support of such an appointment.**

**The motion carried unanimously by roll call vote. See attached voting log.**

B. Approval and Adoption of BAWSCA Retroactive Pay Schedules for FY 2020-21 through FY 2024-25:

**Director Hamilton made a motion, seconded by Director Hardy, that the Board approve and adopt the BAWSCA Retroactive Pay Schedules for FY 2020-21 through FY 2024-25.**

**The motion carried unanimously by roll call vote. See attached voting log.**

C. Public Hearing and Consideration of Possible Adoption of Ordinance #2024-01 to Increase Board Member Compensation:

Chair Chambers opened the public hearing at 7:12pm.

Ms. Schutte reported that BAWSCA's existing Board compensation Ordinance was adopted on June 17, 2004. Board members are currently compensated $100 per day of service, up to 4 days per month.

The matter of increasing Board member compensation from $100 to $200 per day of service was previously raised at the March 2023 Board Meeting and has been discussed by the Board Policy Committee in April and June 2023 and in June 12, 2024 with no further action at those meetings.

At the September 19, 2024 meeting, the Board directed Legal Counsel to prepare a revised Ordinance for Board member compensation that increases the meeting attendance stipend from $100 to $200 per day of service, and requires Board review of member compensation every 5 years.

At the October 9, 2024 Board Policy Committee meeting, the Committee discussed the proposal and directed Legal Counsel to publish a notice of a Public Hearing and to prepare for holding a Public Hearing for consideration of Ordinance #2024-01 at the November 21, 2024 Board meeting.

A Notice of Public Hearing was published in the San Jose Mercury News on November 6 and 13, 2024.

There were no comments from members of the public.

Chair Chambers closed the hearing at 7:15pm.

Board member questions and comments were received from the Board.

**Director Hardy made a motion to bifurcate the motion and consider the adoption of the requirement that the Board review Board Compensation on a 5 year internal as a separate motion. This motion was seconded by Director Mehlinger.**

Further discussion of the motion ensued.

Legal Counsel explained that the Board Action stated in the Legal Notice for the Public Hearing states the establishment of a 5-year review and an increase in the Board compensation. Both concepts have to be voted on by the Board.

Ms. Schutte stated that there is no prohibition against bifurcating the recommended Board action.

At the request of the Board, Legal Counsel clarified that the motion on the table is as follows:

> **That the Board require the review of Board Compensation on a 5-year interval in coordination with the Budget process. The current FY 2024-25 is year one.**
>
> There were no further discussion on the motion.
>
> **The motion carried 22:1 by roll call vote. See attached voting log.**
>
> **Director Mehlinger made a new motion, seconded by Director Piccolotti, that Board compensation be increased to $200 effective July 1, 2025.**

Further comments and discussions ensued.

> **The motion passed 16:7 by roll call vote. See attached voting log.**

**9. CEO Reports:**

BAWSCA Finance Manager, Christina Tang, provided an update on BAWSCA's OPEB Liability Funded Status and Pension Liability Funded Status, along with SFPUC's Pension Liability Funded Status maintained by the City and County of San Francisco.

Water Resource Manager, Tom Francis, reported the status of the Los Vaqueros Expansion Project and recent actions by the Contra Costa Water District.

Ms. Sandkulla reported the State Water Resource Control Board's (SWRCB) release of the Draft Phase 2 Bay Delta Plan Updates which includes a Program of Implementation (POI) for Phase 2 of the Bay Delta Plan. The SWRCB has 5 workshops scheduled to present and discuss the Draft Phase 2 Plan Updates with the public. BAWSCA will be engaged in the workshops and will keep the Board informed.

**10. Closed Session:** The Board adjourned to Closed Session at 8:35pm

**11. Report from Closed Session:** Ms. Schutte reported that Closed Session ended at 8:50pm and no reportable action was taken.

**12. Additional Time for Public Comments (Time Permitting):**

There were no comments from members of the public.

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

Director Matichak announced that her council term will end as of January 14th and will be asking for the appointment of someone from the Council to take her seat on the BAWSCA Board. She expressed her appreciation for the opportunity to work with the members of the Board.

Director Doerr announced that this too is her final BAWSCA meeting. She expressed her appreciation for the opportunity to serve on the Board and looks forward to staying in touch.

**14. Date, Time and Location of Next Meeting:** The next meeting is scheduled on November 21, 2024 at 6:30pm in the Burlingame Community Center.

**15. Adjournment:** The meeting adjourned at 8:54pm.

Respectfully submitted,

Nicole Sandkulla
CEO/General Manager

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

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# Roll Call & Voting Log - BAWSCA

**Meeting Date:** 21-Nov-24

| Agency | Director | Present/ Absent | Item #6 Consent | Item #8A Resolution #2024-04 Roll Call | Item #8B Retroactive Pay Schedules Roll Call | Bifurcated Motion for Item #8C: Motion #1 5-Year Review | Bifurcated Motion for Item #8C: Motion #2 $200 increase as of July 1st | Weighted Voting (2): Weighted "Yes" Votes | Weighted Voting (2): Weighted "No" Votes |
|---|---|---|---|---|---|---|---|---|---|
| Hayward | Andrews, Angela | y | y | y | y | y | y | | |
| Brisbane | Breault, Randy | y | y | y | y | y | n | | |
| Guadalupe | Breault, Randy | y | y | y | y | y | n | | |
| Westborough | Chambers, Tom | y | y | y | y | y | n | | |
| San Jose | Cohen, David | y | y | y | y | y | y | | |
| Menlo Park | Doerr, Maria | ☎ | ☎ | ☎ | ☎ | ☎ | ☎ | | |
| CalWater | Duncan, Darin | y | y | y | y | y | y | | |
| San Bruno | Hamilton, Tom | y | y | y | y | y | y | | |
| Santa Clara | Hardy, Karen | y | y | y | y | y | n | | |
| Foster City | Hindi, Sam | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Purissima | Jordan, Steve | y | y | y | y | y | y | | |
| East Palo Alto | Lopez, Antonio | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Daly City | Manalo, Juslyn | y | 0 | 0 | 0 | 0 | y | | |
| Mountain View | Matichak, Lisa | y | y | y | y | y | n | | |
| Sunnyvale | Mehlinger, Richard | y | y | y | y | y | y | | |
| Coastside | Mickelsen, Chris | y | y | y | y | y | y | | |
| Milpitas | Montano, Carmen | y | y | y | y | y | y | | |
| North Coast | Piccolotti, Tom | y | y | y | y | y | y | | |
| Redwood City | Pierce, Barbara | y | y | y | y | y | n | | |
| Hillsborough | Ragsdale, Leslie | y | y | y | y | y | y | | |
| Millbrae | Schneider, Ann | y | y | y | y | n | n | | |
| Burlingame | Stevenson, Peter | y | y | y | y | y | y | | |
| Palo Alto | Stone, Greer | y | y | y | y | y | y | | |
| Mid-Peninsula | Vella, Louis | 0 | 0 | 0 | 0 | 0 | 0 | | |
| ACWD | Weed, John | y | y | y | y | y | y | | |
| Stanford | Zigterman, Tom | y | y | y | y | y | y | | |

**Vote Tally**

| | | | | | | | Weighted Vote Summary "Yes" | Weighted Vote Summary "No" |
|---|---|---|---|---|---|---|---|---|
| Yes (y) | 23 | 22 | 22 | 22 | 21 | 16 | | |
| No (n) | 0 | 0 | 0 | 0 | 1 | 7 | | |
| Absent (0) | 3 | 4 | 4 | 4 | 4 | 3 | | |
| Abstain (a) | 0 | 0 | 0 | 0 | 0 | 0 | | |
| 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. 21, 2024 | Sept. 19, 2024 | July 18, 2024 | May 16, 2024 | Mar. 21, 2024 | Jan. 18, 2024 |
|---|---|---|---|---|---|---|---|
| Andrews, Angela | Hayward | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Breault, Randy | Guadalupe | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Breault, Randy | Brisbane | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Chambers, Tom | Westborough | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Cohen, David | San Jose | ✓ | | | | | ✓ |
| Doerr, Maria | Menlo Park | ☎ | | ✓ | ✓ | ✓ | ✓ |
| Duncan, Darin | Cal Water | ✓ | ✓ | ✓ | ✓ | ✓ | ✓* |
| 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 | ✓ | ✓ | ✓ | ✓ | ☎ | ✓ |
| Stone, Greer | Palo Alto | ✓ | | | ✓ | ✓ | |
| Stevenson, Peter | Burlingame | ✓ | ✓ | ✓ | | | ✓ |
| Vella, Louis | Mid-Peninsula | | ✓ | ☎ | ✓ | ✓ | ✓ |
| Weed, John | ACWD | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Zigterman, Tom | Stanford | ✓ | ✓ | ☎ | ✓ | ✓ | |

✓ **:** Present

***** **:** Predecessor

☎ : Teleconference