COUNCIL AGENDA: 4/12/2022
ITEM: 3.4
FILE NO: 22-542

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: **SEE BELOW**

DATE: April 12, 2022

SUBJECT: Oppose the Valley Water District Measure Extending Term Limits for Board Members

Recommendation

As recommended by the Rules and Open Government Committee on April 6, 2022, direct the City Attorney to draft a resolution:
(a) Opposes Santa Clara Valley Water District's (VWD) term limit extension measure; and\
(b) Calls on other cities in VWD's service area to join in opposing the measure.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Mahan)

[Rules Committee referral 4/6/2022 - Item C.2]

RULES AND OPEN GOVERNMENT
AGENDA: 04/06/2022
FILE#: ROGC 22-144
ITEM: C.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE

FROM: Councilmember Matt Mahan

SUBJECT: **SEE BELOW**

DATE: March 31, 2022

APPROVED: Matt Mahan

SUBJECT: Oppose the Valley Water District Measure Extending Term Limits for Board Members

RECOMMENDATION:

1. Direct the City Attorney to draft a resolution that:
    1. Opposes Santa Clara Valley Water District's (VWD) term limit extension measure and,
    2. Calls on other cities in VWD's service area to join in opposing the measure.
2. Place the item on the 4/12 City Council Agenda for Council discussion and action.

BACKGROUND:

The Santa Clara Valley Water District (VWD) recently approved a June 2022 ballot measure that purports to "limit" directors' terms of service using the following ballot language:

Shall the measure amending the Santa Clara Valley Water District Ordinance 11-01 to limit Board members to four successive four-year terms be adopted?

What is not noted in the ballot language, however, is that VWD board members are already limited to three successive four-year terms. Thus, via a brazen verbal sleight of hand, VWD's measure manages to frame an extension of sitting and future board members' terms as a good governance initiative to limit their tenure.

Ordinarily, I'd argue that other jurisdiction's governance questions should be left to those jurisdictions and their constituents. In this case, we have at least two compelling reasons to take a public position of opposition to the measure.

First, we face the worst drought in California's recorded history and San Jose residents, who collectively comprise the largest group of ratepayers within VWD's service area, directly bear the cost of VWD's decision to spend $3.2 million in ratepayer money to put this measure on the ballot. Despite repeated requests and mandates to reduce water use in recent years, San Jose ratepayers have experienced rapid growth in water rates with no relief in sight. In fact, VWD recently approved a 10-year rate schedule that plans for annual rate increases of 9.6%, which will double residents' water costs over the next decade.[1] Just last week, Governor Newsom announced that the state will further curtail water flows from the State Water Project after the driest January and February in the state's recorded history.[2]

At a time when residents are asking for rate relief and are concerned about the security of our future water supply, spending $3.2 million simply to extend members' terms in office is unconscionable. Used differently, this sum could have provided water-related debt relief for 6,000 families[3], helped purchase 30 acres of land in Coyote Valley[4] for flood protection and preservation, facilitated over one thousand lawn conversions to drought-tolerant landscaping, or subsidized the deployment of thousands of water efficient shower heads, faucets and toilets.

Second, misleading ballot language damages public trust, which tarnishes the reputation of local government and public service more broadly. We have a general interest in ensuring that San Jose residents understand the questions placed on their ballot and know that their city-level elected officials will stand up for transparency and clarity in all public decision-making processes.

Mercury News reporter Paul Rogers' recent story illuminated the fact that VWD conducted two polls over the past 13 months that demonstrated little public support for this measure when voters are told the truth. In both cases, likely voters supported the measure when worded as a limitation on directors' tenure, but strongly opposed once they were told that directors are already limited to three consecutive terms. In the most recent poll, taken last month, support for the measure dropped by 41 percentage points once this fact was revealed, with likely voters opposing the measure 62-36%.[5] One must wonder if, after seeing this data, proponents intentionally decided to pull the wool over voters' eyes when proposing the ballot language.

I was heartened to see that three courageous Directors — Barbara Keegan, Nai Hsueh, and Linda Lezotte — voted against placing this measure on the ballot. In stating her opposition, Director LeZotte noted, "It may be legally defensible, but it is intellectually dishonest to have language like that. It really should say we are extending our terms, not limiting them." I applaud Directors Keegan, Hsueh and LeZotte for their righteous opposition to this wasteful and misleading measure and I hope our Council will unanimously stand with them in the spirit of transparency and accountability.

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[1] https://sanjosespotlight.com/valley-water-mulls-9-rate-hikes-faces-opposition-from-san-jose-mayor/

[2] https://www.mercurynews.com/2022/03/18/california-drought-state-announces-cutbacks-in-water-to-cities-and-farms/

[3] https://www.theguardian.com/us-news/2021/jan/19/california-water-bills-affordability-debt-crisis

[4] https://news.openspaceauthority.org/blog/north-coyote-valley-acquisition

[5] https://www.mercurynews.com/2022/03/30/poll-voters-opposed-to-extending-term-limits-for-santa-clara-valley-water-district-board-members/