

RESOLUTION NO. 11-54

AMENDING RESOLUTION 01-57 PROVIDING FOR
A CLEAN, SAFE CREEKS AND NATURAL FLOOD PROTECTION
INDEPENDENT MONITORING COMMITTEE
OF THE SANTA CLARA VALLEY WATER DISTRICT

RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

I

GENERAL

1. Resolution 2000-44, approved by the voters of Santa Clara County by the passage of November 7, 2000, Clean, Safe Creeks and Natural Flood Protection plan (ballot Measure B), requires that the Santa Clara Valley Water District Board (Board) appoint an external Independent Monitoring Committee to review implementation of the plan.
2. The Committee shall be comprised of 15 members: 2 members to be nominated by each member of the Board of Directors and one additional member who shall be nominated by the Chair of the Board. The member nominated by the Chair of the Board shall serve a term not to exceed one calendar year beginning on or after January 1st of a given year. The term of office of this Committee member shall not be subject to reappointment.
3. Except for the Committee member nominated by the Chair of the Board, all other Committee members shall serve a term not to exceed two calendar years beginning on or after January 1st of a given year. The term of office of these Committee members shall be subject to reappointment.
4. Meetings of the Independent Monitoring Committee shall be governed by the Ralph M. Brown Act, Government Code Sections 54950-54961.

II

PURPOSE

1. The Independent Monitoring Committee shall provide an annual review of the implementation of the intended results of the Clean, Safe Creeks and Natural Flood Protection plan funded by the special tax. The committee will provide for regular meetings to be held not less than twice per year.
2. The Independent Monitoring Committee shall produce a report documenting their annual review of the implementation of the intended results of the Clean, Safe Creeks and Natural Flood Protection plan.
3. In monitoring implementation, the committee will reasonably inform itself to the extent necessary to determine the degree to which the District 15-year plan for Clean, Safe Creeks and Natural Flood Protection is being accomplished to date and is planned for the next period.

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4. The Independent Monitoring Committee shall provide the report to the Board, and this report shall be made available for all Santa Clara County residents.
5. The District shall fund clerical support.

III

CONDUCT OF MEETINGS

1. Regular meetings of the Independent Monitoring Committee shall be called by the Chairperson from time to time in accordance with Paragraph 2 hereof. Such meetings shall be held at the Santa Clara Valley Water District Headquarters or such other place and time as the Chairperson may designate.
2. Notices of each meeting, together with an agenda thereof and the draft minutes of the preceding meeting, shall be mailed to each Independent Monitoring Committee member.
3. Special meetings may be called at any time by the Chairperson, or by a majority of the Independent Monitoring Committee membership, in accordance with Section 54956 of the Government Code. The District may request the Chairperson or Committee to convene a special meeting.
4. The Independent Monitoring Committee may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time.
5. The powers of the Independent Monitoring Committee shall be vested in the members thereof in office from time to time. A majority of the full membership of the Independent Monitoring Committee shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. With the exception above specified, actions of the Independent Monitoring Committee may be taken upon the affirmative vote of not less than a majority of a quorum present and voting.
6. The voting on all matters shall be by voice vote, unless a roll call vote is called for by any member of the Independent Monitoring Committee.
7. Discussion on any particular matter by either Independent Monitoring Committee members or by any member of the general public may be limited, in the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
8. Whenever the Independent Monitoring Committee authorizes and instructs the Chairperson to appoint a subcommittee of the Independent Monitoring Committee or a committee composed of persons who are not members of the Independent Monitoring Committee, the members of such subcommittee or committee shall serve at the pleasure of the Chairperson. The Chairperson of such subcommittees and committees shall be appointed by the Chairperson of the Independent Monitoring Committee.

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9. All meetings of the Independent Monitoring Committee shall be open and public.
10. The Independent Monitoring Committee may be adjourned sine die by the Chairperson at the close of consideration of the business before it and may thereafter be returned to a course of regular meetings upon the call of the Chairperson or of a majority of the Independent Monitoring Committee membership in the manner prescribed for a call of a special meeting.

IV
OFFICERS

1. The officers of the Independent Monitoring Committee shall be a Chairperson and Vice Chairperson, both of whom shall be members of the Independent Monitoring Committee. The Chairperson and Vice Chairperson shall be elected by the Independent Monitoring Committee, each for a term of one year commencing on July 1 and ending on June 30. The Independent Monitoring Committee shall elect its officers at a meeting of the Independent Monitoring Committee held the first meeting of the year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.
2. The Chairperson shall preside at all meetings of the Independent Monitoring Committee. The Chairperson shall sign all resolutions and all other instruments made or promulgated by the Independent Monitoring Committee and he or she shall perform such other duties as the Independent Monitoring Committee may prescribe consistent with the purpose of the Committee.
3. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation of or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed upon the Chairperson until such time as a new Chairperson is elected by the Independent Monitoring Committee.
4. Should the office of Chairperson or Vice Chairperson become vacant during the term of such office, the Independent Monitoring Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable, and such election shall be for the unexpired term of such office.
5. In the event the Chairperson and Vice Chairperson are both absent from a meeting, the Independent Monitoring Committee may elect a Chairperson Pro-tempore to preside over the meeting during the absence of the Chairperson and Vice Chairperson.
6. Additional bylaws may be adopted for the purpose of conducting the business of the Committee.

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V

AMENDMENT

1. Amendment of this resolution consistent with or necessary to carry out or support the purpose of the committee may be proposed by vote of the Independent Monitoring Committee or by the District's Board of Directors. The Board will consider and act upon the proposed amendment without delay but following not less than five working days written notice to each Independent Monitoring Committee member of the time and place when and where the proposed amendment is to be acted upon.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on July 19, 2011:

AYES: Directors J. Judge, P. Kwok, T. Estremera, R. Santos, B. Schmidt, D. Gage

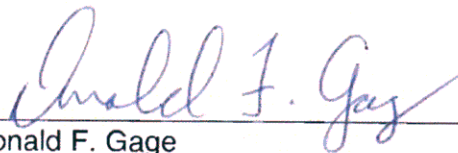
NOES: Directors None

ABSENT: Directors L. LeZotte

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By:



Donald F. Gage
Chair/Board of Directors

ATTEST: MICHELE L. KING


Clerk/Board of Directors