



Santa Clara Valley Water District Board of Directors Meeting

HQ. Bldg. Boardroom, 5700 Almaden Expressway, San Jose, California
Join Zoom Meeting: <https://valleywater.zoom.us/j/84454515597>

***AMENDED/APPENDED CLOSED SESSION AND REGULAR MEETING AGENDA**

**Tuesday, April 9, 2024
10:00 AM**

***ITEMS AMENDED AND/OR APPENDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA
ARE IDENTIFIED BY AN ASTERISK (*) HEREIN**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

DISTRICT BOARD OF DIRECTORS

Nai Hsueh, Chair - District 5
Richard P. Santos, Vice Chair -
District 3
John L. Varela- District 1
Barbara Keegan - District 2
Jim Beall - District 4
Tony Estremera - District 6
Rebecca Eisenberg - District 7

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

RICK L. CALLENDER, ESQ.
Chief Executive Officer

MICHELE L KING, CMC
Clerk of the Board
(408) 265-2600
Fax (408) 266-0271
www.valleywater.org

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District Board of Directors

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*****IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS*****

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board. Written comments on any item on the agenda may be submitted to clerkoftheboard@valleywater.org or board@valleywater.org.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=ToJpYCxXm0>

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This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water’s bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water’s bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access System for municipal securities

disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emmam.srb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:

<https://valleywater.zoom.us/j/84454515597>

Meeting ID: 844 5451 5597

Join by Phone:

1 (669) 900-9128, 84454515597#

1. CALL TO ORDER/ROLL CALL:

1.1. Roll Call.

2. 10:00 AM - CLOSED SESSION:

Notice to the Public: The Board of Directors meets in Closed Session in accordance with the Ralph M. Brown Act. Following the conclusion of Closed Session discussion, the Board will return for the remaining items on the regular meeting agenda.

2.1. CLOSED SESSION

[24-0360](#)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6(a)

Agency Designated Representatives: Rick Callender, J. Carlos Orellana,

Brian Hopper, Tina Yoke, Patrice McElroy, Ingrid Bella, Emily Meeks

Employee Organizations: Employees Association, Engineers Society,

Professional Managers Association

Unrepresented Employees: All Valley Water Unclassified Positions

2.2. CLOSED SESSION

[24-0361](#)

CONFERENCE WITH LEGAL COUNSEL

Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8

Setting Negotiation Parameters for Price and Terms of Payment for Purchase, Sale, or Exchange of Property Interest in APNs: 841-17-084 and 841-17-086 (portions thereof)

Agency Negotiators: Rick Callender, Aaron Baker, Kirsten Struve, David Tucker, Carlo Achdjian, Ken Anderssohn

Negotiating Parties: Green Valley Corporation, a California corporation

2.3. CLOSED SESSION

[24-0366](#)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation

Government Code Section 54956.9(d)(1)

- 2.4. CLOSED SESSION [24-0370](#)
CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

- *2.5. CLOSED SESSION [24-0378](#)
CONFERENCE WITH LEGAL COUNSEL
INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

- *2.6. District Counsel Report on Closed Session.
(*Previously Listed as Item 2.5)

3. 1:00 PM - TIME CERTAIN:

- 3.1. Pledge of Allegiance/National Anthem.

- 3.2. Orders of the Day.
A. *Approximate Discussion Time (Board); and*
B. *Adjustments to the Order of Agenda Items.*

- 3.3. Time Open for Public Comment on any Item not on the Agenda.
Notice to the public: Members of the public who wish to address the Board/Committee on any item not listed on the agenda may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself to speak. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board/Committee. Speakers' comments should be limited to three minutes or as set by the Chair. The law does not permit Board/Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board/Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Board/Committee may take action on any item of business appearing on the posted agenda.

- *3.4. Conduct Public Hearing on the February 2024 Annual Report on the [23-1065](#)
Protection and Augmentation of Water Supplies and Recommended
Increases in Groundwater Production Charges, Surface Water Charges,
and Recycled Water Charges for Fiscal Year 2024-25.

Recommendation: A. Conduct a public hearing pursuant to Section 26.6 of the District Act to consider Santa Clara Valley Water District's Fiscal Year (FY) 2024-25 Annual Report on the

Protection and Augmentation of Water Supplies and recommended increases to groundwater production charges (between 6.6% to 12.9%), surface water charges (between 7.1% to 14.1%) and recycled water charges (between 4.4% to 6.8%);

- B. Hear public comments from groundwater producers and any interested persons regarding the Report and recommendations;
- C. Consider any written protests to proposed surface water rate increases;
- D. Direct staff to review such Report with, and solicit comments from, Santa Clara Valley Water District's advisory committees;
- E. Consider staff's recommendation to set the State Water Project (SWP) Tax in an amount sufficient to pay all annual SWP costs, which will reduce water rate impacts on low-income residents who are having difficulty paying their water bills; and
- F. Continue the public hearing regarding this Report to the April 11, 2024 special meeting, at 7:00 pm.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Staff Report](#)
[Attachment 2: PowerPoint](#)
[Attachment 3: SCVWD Resolution No. 12-10](#)
[Attachment 4: Notice of Public Hearing](#)
[*Handout 3.4-A: Kuhl REVISED](#)
[*Handout 3.4-B: Kuhl.pdf](#)
[*Handout 3.4-C: Irvin](#)

Est. Staff Time: 30 Minutes.

- 3.5. Conduct a Public Hearing to Consider the Santa Clara Valley Water District's Capital Improvement Program (CIP) Draft Fiscal Years 2025-29 Five-Year Plan. [23-0996](#)

- Recommendation:
- A. Open and conduct a public hearing to receive public comments and Board feedback regarding the Santa Clara Valley Water District's CIP Draft Fiscal Years (FY) 2025-29 Five-Year Plan; and
 - B. Continue the public hearing to the regularly scheduled Board meeting scheduled for April 23, 2024, and the subsequent Special Budget Hearings currently scheduled for April 24, 2024, and if needed, April 25, 2024, and conclude the public hearing at the regularly scheduled Board Meeting on May 14, 2024.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: CIP Draft FY 2025-29 Five-Year Plan](#)
[Attachment 2: Notice of Public Hearing](#)

Est. Staff Time: 10 minutes.

- 3.6. Conduct a Public Hearing on Proposed Changes to Projects under Priorities A, E, and F of the Renewed Safe, Clean Water and Natural Flood Protection Program. [24-0335](#)

Recommendation:

- A. Open and conduct the public hearing to receive comments on the renewed Safe, Clean Water and Natural Flood Protection Program:
 - i. Project A1: Pacheco Reservoir Expansion;
 - ii. Project E8: Upper Guadalupe River Flood Protection
 - iii. Project F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship
- B. Close the public hearing;
- C. Review and approve the Proposed Text Adjustments to Project F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship Recommendation;
- D. Adopt the resolution APPROVING NOT IMPLEMENTING PROJECT A1: PACHECO RESERVOIR EXPANSION UNDER THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM;
- E. Adopt the resolution APPROVING THE MODIFICATION OF PROJECT E8: UPPER GUADALUPE RIVER FLOOD PROTECTION OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM; and
- F. Adopt the resolution APPROVING THE MODIFICATION OF PROJECT F9: GRANTS AND PARTNERSHIPS FOR SAFE, CLEAN WATER, FLOOD PROTECTION AND ENVIRONMENTAL STEWARDSHIP OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: Program Background](#)
[Attachment 2: A1 Proposed Not Implementation](#)
[Attachment 3: E8 Proposed Modification](#)
[Attachment 4: F9 Proposed Modification](#)
[Attachment 5: Project A1 Resolution](#)
[Attachment 6: Project E8 Resolution](#)
[Attachment 7: Project F9 Resolution](#)
[Attachment 8: Notice of Public Hearing](#)
[Attachment 9: PowerPoint](#)

Est. Staff Time: 20 Minutes.

REGULAR AGENDA:

4. **CONSENT CALENDAR: (4.1 - *4.4) (Est. Time: 5 Minutes)**

Notice to the public: There is no separate discussion of individual consent calendar items. Recommended actions are voted on in one motion. If an item is approved on the consent vote, the specific action recommended by staff is adopted. Items listed in this section of the agenda are considered to be routine by the Board, or delegated to the Board Appointed Officers (BAOs) yet required by law or contract to be Board approved (EL-7.10). Any item may be removed for separate consideration at the request of a Board member. Whenever a resolution is on the consent calendar, a roll call vote will be taken on the entire calendar. Members of the public wishing to address the Board on any consent items may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify themselves to speak.

4.1. Adopt a Resolution Recognizing April 22, 2024, as Earth Day.

[24-0244](#)

Recommendation: Adopt the Resolution RECOGNIZING APRIL 22, 2024, AS EARTH DAY.

Manager: Kirsten Struve, 408-630-3138
Lisa Bankosh, 408-630-2618
Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Resolution](#)

4.2. Adopt a Resolution Declaring May 18, 2024, as National River Cleanup Day in Santa Clara County.

[24-0299](#)

Recommendation: Adopt the Resolution DECLARING MAY 18, 2024, AS NATIONAL RIVER CLEANUP DAY IN SANTA CLARA COUNTY.

Manager: Donald Rocha, 408-630-2338

Attachments: [Attachment 1: Resolution](#)

- 4.3. Provide Notice of Time and Place of Public Hearing Regarding Flood Control Benefit Assessments for Fiscal Year 2024-2025 (FY24-25). [23-1066](#)

Recommendation: Set a time and place for the public hearing on Flood Control Benefit Assessments for FY24-25 at 1:00 p.m. on May 14, 2024, at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California, and via Teleconference Zoom Board Meeting.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Flood Control Benefit Assessments Report](#)
[Attachment 2: Notice of Public Hearing](#)

- *4.4. Accept the CEO Bulletin for the Weeks of March 22 through April 4, 2024. [24-0065](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 040424 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

- *5.1. Consider the November 6, 2023, and January 2, 2024, Recommendations from the Board Policy and Planning Committee to Adopt the One Water Guadalupe and Upper Pajaro Watershed Plans. [24-0260](#)

Recommendation: Consider recommendations resulting from the November 6, 2023, and January 2, 2024, Board Policy and Planning Committee meetings to:

- A. Consider the November 6, 2023, Board Policy and Planning Committee Recommendation to Adopt the One Water Guadalupe Watershed Plan; and
- B. Consider the January 2, 2024, Board Policy and Planning Committee Recommendation to Adopt the One Water Upper Pajaro Watershed Plan.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment 1: Guadalupe Public Participation](#)
[Attachment 2: Upper Pajaro Public Participation](#)
[Attachment 3: Guadalupe Watershed Plan](#)
[Attachment 4: Upper Pajaro Watershed Plan](#)
[Attachment 5: PowerPoint](#)
[*Handout 5.1-A: Irvin](#)

Est. Staff Time: 5 Minutes.

- *5.2. Consider the January 2, 2024, Board Policy and Planning Committee Recommendation to Adopt the Proposed Changes to Board Governance Policy Executive Limitations (EL) 3: Human Resources. [24-0329](#)

Recommendation: Consider recommendations resulting from the January 2, 2024, Board Policy and Planning Committee meeting to:

- A. Adopt the Proposed Changes to Board Governance Policy Executive Limitations (EL) 3: Human Resources; and
- B. Provide feedback and recommendations to staff as necessary.

Manager: Patrice McElroy, 408-630-3159

Attachments: [Attachment 1: Revised Board Gov. Policy EL 3 - Redline](#)
[Attachment 2: Revised Board Gov. Policy EL 3 - Clean](#)
[Attachment 3: Revised BAO Interpretations for EL 3 - Redline](#)
[*Handout 5.2-A: Irvin](#)

Est. Staff Time: 5 Minutes.

- *5.3. Consider the January 2, 2024, Board Policy and Planning Committee Recommendation to Adopt the Proposed Changes to Board Governance Policy Executive Limitations (EL) 8: Inclusion, Equal Employment Opportunity, Discrimination/Harassment Prevention, and Diversity. [24-0330](#)

Recommendation: Consider recommendations resulting from the January 2, 2024, Board Policy and Planning Committee meeting to:

- A. Adopt the Proposed Changes to Board Governance Policy Executive Limitations (EL) 8: Inclusion, Equal Employment Opportunity, Discrimination/Harassment Prevention, and Diversity; and
- B. Provide feedback and recommendations to staff as necessary.

Manager: Patrice McElroy, 408-630-3159

Attachments: [Attachment 1: Revised Board Gov. Policy EL 8 - Redline](#)
[Attachment 2: Revised Board Gov. Policy EL 8 - Clean](#)

Est. Staff Time: 5 Minutes.

- *5.4. Board Committee Reports. (*PREVIOUSLY LISTED AS ITEM 5.1) [24-0382](#)

Attachments: [*Handout 5.4-A: 010324 JWRC Meeting Summary](#)
[*Handout 5.4-B: 010824 AWAC Meeting Summary](#)
[*Handout 5.4-C: 012424 SCVWC Meeting Summary](#)
[*Handout 5.4-D: 040824 AWAC Meeting Agenda](#)
[*Handout 5.4-E: 041024 SCVWC Meeting Agenda](#)
[*Handout 5.4-F: 041224 BAC Meeting Agenda](#)

- 6. **WATER UTILITY ENTERPRISE:**
- 7. **WATERSHEDS:**
- 8. **ASSISTANT CHIEF EXECUTIVE OFFICER:**
- 9. **EXTERNAL AFFAIRS:**
- 10. **CHIEF EXECUTIVE OFFICER:**

*10.1 CEO and Chiefs' Reports.

[24-0363](#)

Attachments: [*Handout 10.1-A: Government Relations](#)
[*Handout 10.1-B: Civic Engagement](#)
[*Handout 10.1-C: Storm Report](#)

11. **ADMINISTRATION:**

- 11.1. Consider Side Letter Agreement to Memoranda of Understanding Between the Santa Clara Valley Water District and Employees Association - AFSCME Local 101, Engineers Society - IFPTE Local 21, and Professional Managers Association - IFPTE Local 21; and Adopt Resolution Approving Terms of Side Letter Agreement and Approving Fourth Amended Compensation Plan for Unrepresented Employees in the Executive Service.

[24-0331](#)

Recommendation:

- A. Consider Side Letter Agreement to Memoranda of Understanding between the Santa Clara Valley Water District and Employees Association - AFSCME Local 101, Engineers Society - IFPTE Local 21, and Professional Managers Association - IFPTE Local 21;
- B. Adopt the Resolution APPROVING THE TERMS OF THE SIDE LETTER AGREEMENT TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT AND EMPLOYEES ASSOCIATION (EA) AFSCME LOCAL 101, THE ENGINEERS SOCIETY (ES) IFPTE LOCAL 21, and PROFESSIONAL MANAGERS ASSOCIATION (PMA) IFPTE LOCAL 21 FOR THE PERIOD OF APRIL 1, 2024 THROUGH DECEMBER 31, 2025;
- C. Authorize CEO, or his designee, to execute Side Letter

Agreement to the Memoranda of Understanding between the Santa Clara Valley Water District and Employees Association AFSCME Local 101, Engineers Society IFPTE Local 21, and Professional Managers Association IFPTE Local 21, for the Period of April 1, 2024 through December 31, 2025;

- D. Adopt the Resolution APPROVING FOURTH AMENDED COMPENSATION PLAN FOR UNREPRESENTED EMPLOYEES IN THE EXECUTIVE SERVICE FOR THE PERIOD OF APRIL 1, 2024 THROUGH DECEMBER 31, 2025.

Manager: Patrice McElroy 408-630-3159

Attachments: [Attachment 1: Resolution - Side Letter of Agreement](#)
[Attachment 2: Resolution - Compensation Plan](#)

Est. Staff Time: 5 Minutes.

12. DISTRICT COUNSEL:

13. BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:

- *13.1 Review the Fiscal Year 2023-2024 Board Policy Planning Calendar.

[24-0172](#)

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Recommendation: Review the Fiscal Year 2023-2024 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [*Attachment 1: FY 23-24 Board Calendar](#)

Est. Staff Time: 5 Minutes.

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

16. ADJOURN:

- 16.1 Adjourn to the 7:00 p.m. Special meeting on April 11, 2024, in the City of Gilroy Council Chambers, 7351 Rosanna Street, Gilroy, CA. 95020, and via Zoom teleconference.