



Santa Clara Valley Water District

File No.: 25-0829

Agenda Date: 9/23/2025

Item No.: 8.1.

SUPPLEMENTAL BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes No
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Adopt a Resolution Providing for a Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee of the Santa Clara Valley Water District - Superseding Resolution No. 21-10 Establishing New Conflict of Interest Disclosure Requirements for Members of the Safe, Clean Water and Natural Flood Protection Program's Independent Monitoring Committee.

REASON FOR SUPPLEMENTAL MEMORANDUM:

This report conveys additional information received after the initial report was released, consistent with Executive Limitations Policy EL-7-10-5.

RECOMMENDATION:

Adopt the Resolution PROVIDING FOR A SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM INDEPENDENT MONITORING COMMITTEE OF THE SANTA CLARA VALLEY WATER DISTRICT - SUPERSEDING RESOLUTION NO. 21-10 Establishing New Conflict of Interest Disclosure Requirements for Members of the Safe, Clean Water and Natural Flood Protection Program's Independent Monitoring Committee.

SUMMARY:

* Following questions and further analysis after the posting of the initial agenda item, staff has refined the proposed conflict of interest language to more clearly limit the IMC's disclosure requirements to conflicts arising from projects or matters directly before the Committee.

For ease of reference, the new proposed conflict of interest language is set forth below:

" [revised section I.E.] Independent of section 1.D. above, all Committee members shall have an obligation to promptly disclose to the Committee Chair, other Committee members, and Santa Clara Valley Water District (Valley Water) staff supporting the Committee, a potential financial conflict of interest involving a matter that is before the Committee, namely:

- a any real property interest worth \$2,000 or more of the Committee member or their spouse/domestic partner within 1,000 feet of an area affected by a flood mitigation/protection project, or proposed flood mitigation/protection project, being reviewed by the Committee;
- b any source of income to the Committee member or their spouse/domestic partner of \$500 or more from an entity doing work on a Valley Water matter before the Committee and/or concerning an entity which receives grant funding from Valley Water on a matter before the Committee;
- c any ownership or investment interest of the Committee member or their spouse/domestic partner worth \$2,000 or more in a contractor, subcontractor, or consultant that does business with Valley Water or is proposing to do business with Valley Water on a matter being considered by the Committee;
- d any financial interest worth \$500 or more of the Committee member or their spouse/domestic partner relating to any existing or proposed litigation against Valley Water; or
- e a membership, employment, management, or governance position in any entity that is receiving or seeking grant funding from Valley Water or the Safe Clean Water Program involving a matter before the Committee, whether held by the Committee member or her/his spouse/domestic partner.

If a Committee Member has a potential financial conflict of interest with respect to any matter before the Committee, the member must publicly disclose this conflict of interest at a public meeting discussing the matter, including a brief description of the nature of the conflict, but may participate in discussion or debate concerning the matter. The Committee Member must, however, recuse themselves from any Committee vote on the matter. Failure to do so may be grounds for removal from the Committee by the Board of Directors.”

In addition to updating the conflict of interest requirements, the new resolution also contains minor, non-substantive revisions to Section II (Section Title correction to align with Resolution 21-10) and Section V of Resolution 21-10.

The proposed changes to Resolution 21-10 are shown in redline in Supplemental Attachment 1, and proposed Resolution 25-XX is Supplemental Attachment 2.

In compliance with Section 5 of Resolution 21-10, all IMC members received 72-hour written notice regarding these proposed changes.

ENVIRONMENTAL JUSTICE IMPACT:

No Change from original memo.

FINANCIAL IMPACT:

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No Change from original memo.

CEQA:

No Change from original memo.

ATTACHMENTS:

Supplemental Attachment 1: Redlined Resolution 21-10, Proposed Revisions

Supplemental Attachment 2: Resolution 25-XX

UNCLASSIFIED MANAGER:

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