



# Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

**\*AMENDED/APPENDED**  
**AMENDED 11:00 AM CLOSED SESSION AND 1:00 PM**  
**REGULAR MEETING**  
**AGENDA**

**Tuesday, January 11, 2022**  
**11:00 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  
Tony Estremera, Chair - District 6  
Gary Kremen, Vice Chair - District 7  
John Varela - District 1  
Barbara Keegan - District 2  
Richard P. Santos - District 3  
Linda J. LeZotte - District 4  
Nai Hsueh - District 5

During the COVID-19 restrictions, 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, or through a link in the Zoom Chat Section during the respective meeting. 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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**11:00 AM**

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\*\*\*BY VIRTUAL TELECONFERENCE ONLY\*\*\*

Pursuant to California Government Code section 54953(e), this meeting will be held by teleconference only. No physical location will be available for this meeting; however, members of the public will be able to participate in the meeting as noted below.

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the "Raise Hand" tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

Santa Clara Valley Water District (District), in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in District Board meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled District Board meeting to ensure that the District may assist you.

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 the District 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 <http://emmasrb.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/86333992491>**  
**Meeting ID: 863 3399 2491**  
**Join by Phone:**  
**1 (669) 900-9128, 86333992491#**

**1. CALL TO ORDER:**

1.1. Roll Call.

**2. TIME CERTAIN:**

**11:00 AM**

*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 [22-0064](#)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
San Jose Unified School District v. Santa Clara Valley Water District  
(Santa Clara Co. Superior Court, No. 18CV330233)

\*2.2. CLOSED SESSION [22-0117](#)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
White, et al. v. SCVWD, et al.  
(Santa Clara Co. Superior Court, No. 18CV321600 (Lead))

\*2.3. CLOSED SESSION [22-0089](#)  
CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Pursuant to Government Code Section 54956.9(d)(4)  
1 Potential Case  
PREVIOUSLY LISTED AS ITEM 2.2

**1:00 PM**

**Rejoin Zoom Meeting:**  
**<https://valleywater.zoom.us/j/86333992491>**  
**Meeting ID: 863 3399 2491**  
**Join by Phone:**  
**1 (669) 900-9128, 86333992491#**

2.4. District Counsel Report on Closed Session.  
PREVIOUSLY LISTED AS ITEM 2.3.

2.5. Pledge of Allegiance/National Anthem.  
PREVIOUSLY LISTED AS ITEM 2.4.

- 2.6. Orders of the Day.  
PREVIOUSLY LISTED AS ITEM 2.5.  
A. *Approximate Discussion Time (Board); and*  
B. *Adjustments to the Order of Agenda Items.*

- 2.7. Time Open for Public Comment on any Item not on the Agenda.  
PREVIOUSLY LISTED AS ITEM 2.6.  
*Notice to the public: Members of the public who wish to address the Board on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in order requests are received and granted speaking access to address the Board. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Board action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board 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 may take action on any item of business appearing on the posted agenda.*

- 2.8. Accept and Execute the Project Labor Agreement Negotiated Between [21-1134](#)  
Santa Clara Valley Water District and Santa Clara and San Benito  
Counties Building Trades Council.  
PREVIOUSLY LISTED AS ITEM 2.7.

- Recommendation:
- A. Accept the signed Project Labor Agreement submitted by the Santa Clara and San Benito Counties Building and Construction Trades Council (Council) and approved by the Board at the August 10, 2021 Board meeting;
  - B. Direct the Chief Executive Officer to implement terms and conditions in the executed Project Labor Agreement on Covered Projects (as defined in the Project Labor Agreement); and
  - C. Adopt modifications to Board Governance Policies Executive Limitation 9 - Project Labor Agreement, as required by the Project Labor Agreement.

Manager: Tina Yoke, 408-630-2385

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

- \*2.9. Monthly Drought Emergency Response and Water Supply Update.  
PREVIOUSLY LISTED AS ITEM 2.8.

[22-0091](#)

Recommendation: Receive an update on water supply conditions in Santa Clara County, drought response efforts, drought scenario modeling and planning, and provide feedback on recommended actions.

Manager: Aaron Baker, 408-630-2135

Attachments: [\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: PowerPoint](#)  
[\\*Supplemental Attachment 2: Drought Response Report](#)  
[\\*Supplemental Attachment 3: Jan. 2022 Water Tracker](#)

Est. Staff Time: 20 Minutes

**3. CONSENT CALENDAR: (3.1 - 3.11) (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 should submit a request to speak to the Clerk of the Board.*

- 3.1. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Construction of the Silicon Valley Advanced Water Purification Center Storage Building Project, Project No. 93764004, Contract No. C0672 (San Jose, District No.3) [21-1299](#)

- Recommendation:
- A. Consider the Eighth Addendum to the Environmental Assessment/Initial Study-Mitigated Negative Declaration for the Silicon Valley Advanced Water Purification Center;
  - B. Approve the Silicon Valley Advanced Water Purification Center Storage Building Project;
  - C. Adopt Plans and Specifications and Authorize Advertisement for Bids for construction of the Silicon Valley Advanced Water Purification Center Storage Building Project per the Notice to Bidders; and
  - D. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Project Approval from City of San Jose](#)  
[Attachment 2: South Bay ARWTF Final EA/IS-MND](#)  
[Attachment 3: Eighth Addendum \(EA/IS-MND\)](#)  
[Attachment 4: Notice to Bidders](#)  
[Attachment 5: Capital Project Delivery Process](#)  
[Attachment 6: Project Location Map](#)  
[Attachment 7: Plans](#)  
[Attachment 8: Specifications](#)  
[Attachment 9: PowerPoint](#)

- 3.2. Notice of Completion of Contract and Acceptance of Work for the Upper [21-1235](#)  
Guadalupe River Reach 6 Aquatic Habitat Improvement Project,  
Graniterock Company, Contractor, Project No. 26154002, Contract No.  
C0660 (San Jose) (District 6).

- Recommendation:
- A. Accept the work as complete on the Upper Guadalupe River Reach 6 Aquatic Habitat Improvement Project, Graniterock Company, Contractor, Project No. 26154002, Contract No. C0660; and
  - B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: NOC Contract and Acceptance of Work](#)  
[Attachment 2: Construction Contract Acceptance](#)  
[Attachment 3: Project Completion Letter](#)  
[Attachment 4: Construction Photos](#)  
[Attachment 5: Project Delivery Process Chart](#)

- 3.3. Receive the Financing Plan for Water Utility System and Safe, Clean [21-1311](#)  
Water and Natural Flood Protection Program Capital Projects, and  
Authorize the Payment of the Series 2006B Water Utility System  
Refunding Revenue Bonds.

- Recommendation:
- A. Receive the financing plan for Water Utility System and Safe, Clean Water and Natural Flood Protection Program capital project costs;
  - B. Authorize the payment of the Series 2006B Water Utility System Refunding Revenue Bonds from proceeds of short term debt obligations; and
  - C. Authorize the Chief Executive Officer and the Chief Financial Officer, or their designees, to take all actions necessary to effectuate the payment of the Series 2006B Water Utility System Refunding Revenue Bonds.

Manager: Darin Taylor, 408-630-3068

- 3.4. Claim of Alie Hussein Saad. [22-0004](#)  
Claim of David and Annette Batey.  
Claim of Roga Gabucan.  
Claim of Nan Li.  
Recommendation: Deny the claims.

Manager: Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Claim, Alie Hussein Saad](#)  
[Attachment 2: Claim, David and Annette Batey](#)  
[Attachment 3: Claim, Roga Gabucan](#)  
[Attachment 4: Claim, Nan Li](#)

- 3.5. Set Time and Place of Public Hearing for the Santa Clara Valley Water District Board of Directors to Determine the Necessity for Directors to be Compensated for up to 15 Days per Calendar Month and to Consider Directors' Compensation for Calendar Year 2022. [21-1257](#)

Recommendation:

- A. Set a time and place for a public hearing at 1:00 p.m., on February 8, 2022 at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California, for the Board of Directors to:
  - i. Consider evidence and determine if there is an operational need for Directors to be compensated for up to 15 days per calendar month; and
  - ii. Consider Directors' compensation for calendar year 2022, pursuant to Chapter 2, Division 10 of the California Water Code; and
- B. Direct the Clerk of the Board to publish notice of public hearing in a newspaper of general circulation within Santa Clara County.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Public Hearing Notice](#)

- 3.6. Set the Time and Place of Regular Meetings of the Santa Clara Valley Water District Board of Directors. [21-1261](#)

Recommendation:

- A. Consider the schedule for the regular meetings of the Board, currently held on the second and fourth Tuesday of each month, beginning at 1:00 p.m. and 6:00 p.m., respectively, or as designated by the Clerk of the Board to accommodate closed session subject matter;
- B. Discuss and identify, if necessary, 2022 Board meeting recess dates; and
- C. If a new regular Board meeting schedule is approved, adopt the Resolution SETTING TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND RESCINDING RESOLUTION NO. 17-55.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution No. 17-55](#)  
[Attachment 2: Draft Resolution](#)

- 3.7. Receive an Update on the Condition of the Almaden Valley Pipeline and the Determination that the Condition of the Almaden Valley Pipeline Continues to Constitute an Emergency (San Jose) (District 3). [22-0054](#)

Recommendation:

- A. Receive an update on the Condition of the Almaden Valley Pipeline; and
- B. Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on November 2, 2021 pursuant to California Public Contract Code §22050, to repair the Almaden Valley Pipeline.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: Declaration of Emergency](#)

- 3.8. Consider Adopting a Resolution Proclaiming a Continued Local Emergency, Acknowledging the Proclamation of a State of Emergency by Governor's Order No. N-23-20 Dated March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Santa Clara Valley Water District for 30 Days (January 15, 2022 to February 14, 2022) Pursuant to Brown Act Provisions. [22-0023](#)

Recommendation: Consider adopting a RESOLUTION PROCLAIMING A CONTINUED LOCAL EMERGENCY, ACKNOWLEDGING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER NO. N-23-20 DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SANTA CLARA VALLEY WATER DISTRICT FOR 30 DAYS (January 15, 2022 to February 14, 2022) PURSUANT TO BROWN ACT PROVISIONS.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Resolution](#)

- 3.9. Consider Membership Nominations for Committee Appointment to the Environmental and Water Resources Committee. [22-0012](#)

Recommendation: Consider Committee Membership Appointment Nominations to the Environmental and Water Resources Committee (EWRC).

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: Higaki Application](#)  
[Attachment 2: Nunez Application](#)  
[Attachment 3: SCVWD Resolution No. 17-75](#)

- \*3.10 Accept the CEO Bulletin for the Weeks of December 10 – December 23, 2021. [22-0092](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 122321 CEO Bulletin](#)  
[\\*Attachment 2: 010722 CEO Bulletin](#)

\*3.11 Approval of Minutes.

[22-0008](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 110921 CS & Regular Meeting Minutes](#)

[Attachment 2: 112321 CS & Regular Meeting Minutes](#)

## REGULAR AGENDA:

### 4. BOARD OF DIRECTORS:

\*4.1. Continuation of Report of Former Board of Directors Chairperson Nai Hsueh, Upon Review of Investigation of May 27, 2020 Complaint Filed by Rev. Jethroe Moore and Consideration of Recommendations of Current Chairperson Tony Estremera.

[21-1265](#)

Recommendation:

- A. Review and consider findings in the Executive Summary of the investigative report previously presented to the Board; and
- B. Consider and provide direction to staff on Chairperson Tony Estremera's recommendations regarding selection process criteria for Board Appointed Officers and regarding complaint procedures in Board Governance Policies Governance Procedures 6.9 to 6.19.

Manager: Board Chairperson Tony Estremera

Attachments: [\\*Handout 4.1-A: Memo, Directors Estremera and Hsueh](#)

[\\*Handout 4.1-B: Memo, Directors LeZotte and Keegan](#)

[\\*Handout 4.1-C: Letter, Moore](#)

Est. Staff Time: 10 Minutes

4.2. Election of Board Chair and Vice Chair for Year 2022.

[21-1255](#)

Recommendation: Nominate and elect a new Chairperson and Vice Chairperson for the Calendar Year 2022.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Board Governance Policy GP-5.3](#)

[Attachment 2: Chair and Vice Chair Term History](#)

Est. Staff Time: 5 Minutes

4.3. Recognition of Outgoing Chair. [21-1256](#)

Est. Staff Time: 5 Minutes

4.4. Consider the December 15, 2021 Board Audit Committee [22-0051](#)

Recommendation to Approve the 2022-2024 Annual Audit Work Plan.

Recommendation: Approve the 2022-2024 Annual Audit Work Plan.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: 2022-2024 Annual Audit Work Plan](#)  
[Attachment 2: 2021 Risk Assessment Report](#)

Est. Staff Time: 15 Minutes

\*4.5. Board Committee Reports. [22-0068](#)

Attachments: [\\*Handout 4.5-A: 111521 and 121321 CIP Summary](#)  
[\\*Handout 4.5-B: 120121 RWC Meeting Summary](#)  
[\\*Handout 4.5-C: 120821 IMC Summary](#)  
[\\*Handout 4.5-D: 121521 BAC Summary](#)  
[\\*Handout 4.5-E: 122021 WCaDM Summary](#)  
[\\*Handout 4.5-F: 122121 ECCC Summary](#)  
[\\*Handout 4.5-G: 010422 BPPC Summary](#)  
[\\*Handout 4.5-H: 011222 RAC Agenda](#)

4.6. Proposed Future Board Member Agenda Items.

**5. WATER UTILITY ENTERPRISE:**

**6. WATERSHEDS:**

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

7.1. Update on Draft Watersheds and Water Utility Fiscal Year 2023-2027 [21-1344](#)

Operations and Maintenance Plans.

Recommendation: Receive Information on the Draft Watersheds and Water Utility  
Fiscal Year 2023-2027 Operations and Maintenance Plans.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: PowerPoint](#)  
[Attachment 2: Draft Watersheds FY23-27 O&M Plan](#)  
[Attachment 3: Draft Water Utility FY23-27 O&M Plan](#)

Est. Staff Time: 10 Minutes

**8. EXTERNAL AFFAIRS:**

**9. CHIEF EXECUTIVE OFFICER:**

\*9.1 Board Confirmation of the Chief Operating Officer, Watersheds. [22-0093](#)

Recommendation: \*Confirm the appointment of Rechelle Blank as the Chief Operating Officer, Watersheds for the Santa Clara Valley Water District.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: Recruitment Brochure](#)

[\\*Original Agenda Memo](#)

[\\*Supplemental Agenda Memo](#)

Est. Staff Time: 5 Minutes

\*9.2 ITEM REMOVED FROM AGENDA

Valley Water Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021 and other Independent Auditor's Reports.

\*9.3 CEO and Chiefs' Report. [22-0109](#)

Attachments: [\\*Handout 9.3-A: Office of REDI Summary](#)

[\\*Handout 9.3-B: Office of Communications Update](#)

[\\*Handout 9.3-C: Watershed O&M Report](#)

[\\*Handout 9.3-D: Storm Report](#)

Est. Staff Time: 10 Minutes

**10. ADMINISTRATION:**

**11. DISTRICT COUNSEL:**

**12. ADJOURN:**

12.1. Board Member Reports/Announcements.

12.2. Clerk Review and Clarification of Board Requests.

12.3. Adjourn to 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting on January 25, 2022.