



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED AMENDED REGULAR MEETING AGENDA**

**Tuesday, January 26, 2021
6:00 PM**

***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.

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**Santa Clara Valley Water District
Board of Directors**

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IMPORTANT NOTICES

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Board of Directors, District staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Board during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. 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://emmas.msrbo.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/95401893376>

Meeting ID: 954 0189 3376

Join by Phone:

1 (669) 900-9128, 95401893376#

1. CALL TO ORDER:

1.1. Roll Call.

1.2. Pledge of Allegiance/National Anthem.

1.3. Orders of the Day.

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

1.4. 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 on any item not listed on the agenda should access the "Raise Hand" or "Chat" tools 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. TIME CERTAIN:

6:00 PM

2.1. Santa Clara Valley Water District Government Relations Program Update and Legislative Outlook. [20-0896](#)

- Recommendation:
- A. Receive information on the 2020 Santa Clara Valley Water District (Valley Water) government relations advocacy and stakeholder engagement program;
 - B. Receive update from federal and state consultants on 2020 accomplishments and 2021 legislative outlook; and
 - C. Provide input on current and future challenges, goals, and accomplishments since the last presentation to the Board of Directors.

Manager: Don Rocha, 408-630-2338

Attachments: [Attachment 1: 2021 Legislative Proposals/Guiding Principles](#)
[Attachment 2: Key Legislation](#)
[Attachment 3: Community Events and Sponsorships](#)
[Handout 2.1-A: PowerPoint](#)

Est. Staff Time: 15 Minutes

3. CONSENT CALENDAR: (3.1 - 3.5) (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 complete a Speaker Card and present it to the Clerk of the Board.

- 3.1. Adopt Resolution Setting Time and Date of Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Pacheco Pumping Plant Electrical Current Limiting Fuse & Hydraulic Valve Operation System Upgrades, Small Capital Improvements, San Felipe Reach 1, Project No. 91214010, (Merced County, District 1) [20-1061](#)

Recommendation: Adopt the Resolution SETTING TIME AND DATE OF PUBLIC HEARING ON THE ENGINEER'S REPORT AND CEQA EXEMPTION DETERMINATION FOR THE PACHECO PUMPING PLANT ELECTRICAL CURRENT LIMITING FUSE & HYDRAULIC VALVE OPERATIONS SYSTEM UPGRADES, to occur on February 09, 2021, at 1:00 PM by teleconference Zoom meeting.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Engineer's Report](#)
[Attachment 3: Notice of Public Hearing](#)

- *3.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Lower Calera Creek Flood Protection Project, Project No. 40174005, Contract No. C0666 (Milpitas) (District 3) [21-0110](#)

Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Lower Calera Creek Flood Protection Project, per the Notice to Bidders; and
B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Rechelle Blank, 408-630-2632

Attachments: [Attachment 1: Map](#)
[Attachment 2: Notice to Bidders](#)
[Attachment 3: Project Delivery Process Chart](#)
[Attachment 4: Plans](#)
[Attachment 5: Specifications](#)
[*Handout 3.2-A: Revised Notice to Bidders Pg 5](#)

- *3.3. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Anderson Dam Tunnel Project, Project No. 91864005, Contract No. C0663 (Morgan Hill) (District 1). [21-0097](#)

Recommendation: A. Adopt the plans and specifications and authorize advertisement for bids for the construction of the Anderson Dam Tunnel Project (Project), per the Notice to Bidders, exclusively to the list of Valley Water pre-qualified bidders; and
 B. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Notice to Bidders](#)
[Attachment 2: Project Delivery Process Chart](#)
[*Supplemental Agenda Memorandum](#)
[*Supplemental Attachment 1: Notice to Bidders](#)
[*Supplemental Attachment 2: Non-Disclosure Agreement](#)

- *3.4. Approval of Minutes. [21-0076](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 112420 Regular Meeting Minutes](#)
[*Attachment 2: 120820 Regular Meeting Minutes](#)
[*Attachment 3: 121520 Special Meeting Minutes](#)
[*Attachment 4: 010521 Special Meeting Minutes](#)

- *3.5. Accept the CEO Bulletin for the Weeks of January 8-21, 2021. [21-0051](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 012121 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- *4.1. Report of Former Board of Directors Chairperson Nai Hsueh, Upon [21-0117](#)
Review of Investigation of May 27, 2020 Complaint Filed by Rev. Jethroe
Moore, Against Directors Keegan and LeZotte.

Recommendation: Review and Consider Findings in the Executive Summary of the
investigative report.

Manager: Former Chairperson Nai Hsueh

Attachments: [Attachment 1: 052720 Complaint, Rev. Jethroe Moore](#)
[Attachment 2: 011221 Investigative Report](#)
[*Handout 4.1-A: Ms. Rita Norton Comment](#)
[*Handout 4.1-B: Rev J Moore](#)

- *4.2. Approval of Redistricting Advisory Committee Nominations, Guidelines [21-0071](#)
and Procedures, and First Meeting Agenda.

Recommendation: A. Approve the nominations for appointment to the Santa
Clara Valley Water District 2021 Redistricting Advisory
Committee;
B. Review and approve the recommended guidelines,
direction and procedures for the Redistricting Advisory
Committee, Water staff, and Board of Directors; and
C. Review and approve the agenda for the Redistricting
Advisory Committee's first meeting, on March 17, 2021.

Manager: Don Rocha, 408-630-2338

Attachments: [Attachment 1: Draft 031721 RAC Agenda](#)
[*Supplemental Agenda Memorandum](#)
[*Supplemental Attachment 1: Nominee Background Information](#)
[Handout 4.2-A: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 4.3. Consider the December 16, 2020 Board Audit Committee [20-1224](#)
Recommendation to Receive and Discuss the Final Audit Report and
Management Response for the District Counsel Audit, Conducted by TAP
International, Inc.

Recommendation: Consider the December 16, 2020, Board Audit Committee
recommendation to receive and discuss the Final Audit Report
and Management Response for the District Counsel Audit,
conducted by TAP International, Inc.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Final Audit Report/Management Response](#)

Est. Staff Time: 15 Minutes

- *4.4. Consider the January 13, 2021 Board Audit Committee Recommendation to Add Evaluation of the Risk Management Function's Organizational Alignment to the Planned Risk Management Audit, at an Estimated Cost Range of \$101,600 to \$199,750. [21-0070](#)

Recommendation: Approve the January 13, 2021 Board Audit Committee Recommendation to Add Evaluation of the Risk Management Function's Organizational Alignment to the Planned Risk Management Audit, at an Estimated Cost Range of \$101,600 to \$199,750.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Annual Audit Work Plan](#)

Est. Staff Time: 5 Minutes

- *4.5. Consider the December 16, 2020, Board Audit Committee Recommendations to have TAP International, Inc. Conduct the Next Tri-annual Risk Assessment that is due by October 2021, prior to the Expiration on June 30, 2021 of the Board Independent Auditing Services Agreement with TAP International, Inc.; and to Direct Staff to Initiate a Procurement Process to Enter into a New Board Independent Auditing Services Agreement that would be Effective on July 1, 2021. [20-1225](#)

Recommendation:

- A. Consider the December 16, 2020, Board Audit Committee recommendation to have TAP International, Inc. conduct the next tri-annual Risk Assessment that is due by October 2021 prior to the expiration on June 30, 2021 of the Board Independent Auditing Services Agreement with TAP International, Inc.;
- B. Consider the December 16, 2020, Board Audit Committee recommendation to direct staff to initiate a procurement process to enter into a new Board Independent Auditing Services Agreement that would be effective on July 1, 2021; and
- C. Provide final direction, as needed, based upon the Board Audit Committee recommendations.

Manager: Darin Taylor, 408-630-3068

Est. Staff Time: 5 Minutes

Standing Reports (Summary or Verbal Report):

1. Delta Conveyance Design and Construction Authority (DCA) Update
2. Delta Conveyance Finance Authority (Finance Authority) Update

Board Committees (Summary or Meeting Agenda):

3. Board Audit Committee (BAC)
4. Board Policy and Planning Committee (BPPC)
5. Capital Improvement Program (CIP) Committee
6. Diversity and Inclusion (D&I) Ad Hoc Committee
7. Stream Planning and Operations Committee (SPOC)
8. Homeless Encampment Ad Hoc Committee (HEAHC)
9. Recycled Water Committee (RWC)
10. Water Conservation and Demand Management (WCDM) Committee
11. Water Storage Exploratory Committee (WSEC)

Board Advisory Committees (Summary or Meeting Agenda):

12. Agricultural Water Advisory Committee (AWAC)
13. Environmental and Water Resources Committee (EWRC)
14. Santa Clara Valley Water Commission (Water Commission)
15. Youth Commission

Board Joint Committees (Summary or Meeting Agenda):

16. Joint Recycled Water Advisory Committee (JRWAC) (Sunnyvale)
17. Joint Recycled Water Advisory Committee (JRWAC) (East PA/PA/MV)
18. Joint Recycled Water Policy Advisory Committee (JRWPAC) (SJ/SC/TPAC)
19. Joint Water Resources Committee (JWRC) (Gilroy/Morgan Hill)
20. San Felipe Division Reach One

External Committees/Agencies (Verbal Reports):

21. ACWA and ACWA Joint Powers Insurance Authority
22. Joint Venture Silicon Valley Board of Directors
23. Landscape Committee
24. Local Agency Formation Commission (LAFCO)
25. Northern California Latino Water Coalition
26. Pajaro River Watershed Flood Protection Authority
27. Redevelopment Dissolution Countywide Oversight Board of Santa Clara County
28. Safe, Clean Water Independent Monitoring Committee (IMC)
29. San Francisquito Creek JPA
30. Santa Clara County Water Retailers
31. Santa Clara Valley Habitat Conservation Plan JPA
32. San Luis and Delta-Mendota Water Authority Board
33. Santa Clara County Emergency Operations Area Council
34. Santa Clara County Recycling and Waste Reduction Commission

- 35. Santa Clara County Special Districts Association
- 36. South County Regional Wastewater Authority (SCRWA)
- 37. Zone 7, EBRPD, ACWD, SCVWD, LARPD and Tri-Valley Conservancy Liaison Committee

Attachments: [*Handout 4.6.3-A: 121620 BAC Summary](#)
 [*Handout 4.6.3-B: 011321 BAC Summary](#)
 [*Handout 4.6.4-A: 010721 BPPC Summary](#)
 [*Handout 4.6.4-B: 012521 BPPC Agenda](#)
 [*Handout 4.6.7-A: 011421 SPOC Summary](#)
 [*Handout 4.6.14-A: 012721 Water Commission Agenda](#)
 [*Handout 4.6.28-A: 012721 IMC Agenda](#)

*4.7. Proposed Future Board Member Agenda Items. (PREVIOUSLY LISTED AS ITEM 4.5)

5. WATER UTILITY ENTERPRISE:

5.1. Consider Decommissioning of the Anderson Hydroelectric Facility. [20-0918](#)

- Recommendation:
- A. Receive the cost-benefit analysis for the Anderson Hydroelectric Facility (Facility);
 - B. Concur with staff's determination, based on results from the cost-benefit analysis, that it would be justified for Valley Water to pursue the surrender and decommissioning of the Facility; and
 - C. Direct staff to take the necessary steps to seek approval from the Federal Energy Regulatory Commission (FERC) to surrender and decommission the Facility, including, but not limited to:
 - i. Evaluate the surrender of the license exemption and decommissioning of the Facility in the Anderson Dam Seismic Retrofit Project (ADSRP) Environmental Impact Report (EIR); and
 - ii. Coordinate with FERC and other regulatory agencies to submit all applications and obtain any necessary approvals to implement decommissioning of the Facility as part of the ADSRP.

Manager: Greg Williams, 408-630-2867

Est. Staff Time: 10 Minutes

6. WATERSHEDS:

- 6.1. Approve Amendment No. 1 to Agreement No. A4263A, with Kleinfelder, Inc., for On-Call Geotechnical Engineering Services, CAS File No. 4913, Increasing the Fee by \$750,000, for a Total Revised Fee of \$1,750,000; and Amendment No. 1 to Agreement No. A4264A, with Cal Engineering & Geology, Inc., for On-Call Geotechnical Engineering Services, CAS File No. 4940, Increasing the Fee by \$750,000, for a Total Revised Fee of \$1,750,000. [20-1202](#)

Recommendation: A. Approve Amendment No. 1 to Agreement No. A4263A with Kleinfelder, Inc. for On-Call Geotechnical Engineering services, to increase the not-to-exceed fee by \$750,000, resulting in a total not-to-exceed fee of \$1,750,000; and
 B. Approve Amendment No. 1 to Agreement No. A4264A with Cal Engineering & Geology, Inc. for On-Call Geotechnical Engineering services, to increase the not-to-exceed fee by \$750,000, resulting in a total not-to-exceed fee of \$1,750,000.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: A4263A Amendment No. 1](#)
 [Attachment 2: A4264A Amendment No. 1](#)

Est. Staff Time: 5 Minutes

- *6.2. Authorize the Chief Executive Officer to Execute the Master Agreement With the City of Milpitas for the Removal and Construction of City Improvements, Modifications to City Facilities, and Work Within City's Right of Way Included in the Lower Berryessa Creek Flood Protection, Lower Calera Creek Flood Protection, and Lower Penitencia Creek Improvements Projects (Project Nos. 40174005 and 40334005) for a Fee of \$1,665,505 (Milpitas) (District 3). [21-0121](#)

Recommendation: Authorize the Chief Executive Officer to Execute the Master Agreement With the City of Milpitas for the Removal and Construction of City Improvements, Modifications to City Facilities, and Work Within City's Right of Way Included in the Lower Berryessa Creek Flood Protection, Lower Calera Creek Flood Protection, and Lower Penitencia Creek Improvements Projects for a Fee of \$1,665,505 (Milpitas) (District 3).

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: Agreement](#)
 [*Supplemental Agenda Memorandum](#)
 [*Supplemental Attachment 1: Agreement](#)

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

- *9.1. Valley Water Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2020, *and other Independent Auditor's Reports. [21-0072](#)

Recommendation: Accept the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2020, *and other Independent Auditor's Reports.

Manager: Darin Taylor, 408-630-3068

Attachments: [*Original Agenda Memorandum](#)
[*Supplemental Agenda Memorandum](#)
[*Supplemental Attachment 1: FY 2019-20 CAFR](#)
[*Supplemental Attachment 2: Memorandum of Internal Controls](#)
[*Supplemental Attachment 3: Investment Policy Compliance](#)
[*Supplemental Attachment 4: Article XIII-B Appropriations Proceed](#)
[*Supplemental Attachment 5: Travel and Subsistence Policy Com](#)

Est. Staff Time: 5 Minutes

- 9.2. CEO and Chiefs' Report. [21-0065](#)

Attachments: [Handout 9.2-A: Stream Maintenance Report](#)
[*Handout 9.2-B: Government Relations Legislative Update](#)
[*Handout 9.2-A1: Jeffrey Hare](#)

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 Special Meeting at 10:00 a.m., on Wednesday, January 27, 2021, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

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