



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED**
AMENDED 4:00 PM CLOSED SESSION AND 6:00 PM
REGULAR MEETING
AGENDA

Tuesday, February 23, 2021
4:00 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.

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

***AMENDED/APPEDED
AGENDA**

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

Tuesday, February 23, 2021

4:00 PM

Teleconference Zoom Meeting

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/95195591714>

Meeting ID: 951 9559 1714

Join by Phone:

1 (669) 900-9128, 95195591714#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

4:00 PM

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. ITEM REMOVED FROM AGENDA**

Closed Session - Threat to Public Services or Facilities
Pursuant to Government Code Section 54957(a)
Consultation with Alex Gordon, Assistant Officer

2.2. CLOSED SESSION

[21-0202](#)

CONFERENCE WITH LEGAL COUNSEL
INITIATION OF LITIGATION
Government Code Section 54956.9(d)(4)
16 Potential Cases

2.3. CLOSED SESSION

[21-0203](#)

CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
(One Potential Case).

6:00 PM

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/95195591714>

Meeting ID: 951 9559 1714

Join by Phone:

1 (669) 900-9128, 95195591714#

2.9. Approve Fiscal Year 2021 Grants for the Safe, Clean Water and Natural Flood Protection Program.

[21-0067](#)

- Recommendation:
- A. Review and discuss staff's recommendations for Fiscal Year 2021 Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program) grant awards;
 - B. Authorize the Chief Executive Officer to approve and execute agreements for Priority B7: Support Volunteer Cleanup Efforts and Education grants for four (4) projects in a total amount not-to-exceed \$188,558;
 - C. Authorize the Chief Executive Officer to approve and execute agreements for Priority D3: Access to Trails and Open Space grants for one (1) project in a total amount not-to-exceed \$25,530;
 - D. Authorize the Chief Executive Officer to approve and execute amendments to the recommended grant agreements, extending their terms up to twenty-four (24) additional months and with no revisions to their not-to-exceed grant amounts; and
 - E. Receive information about the Pilot Priority A2: Water Conservation Mini-Grant Program.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Evaluation Criteria](#)
[Attachment 2: Scoring Matrix](#)
[*Handout 2.9-A: FY 21 Grant Application Summaries](#)

Est. Staff Time: 5 Minutes

3. CONSENT CALENDAR: (3.1 - 3.6) (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. Resolution to Establish Independent Monitoring Committee for the Renewed Safe, Clean Water and Natural Flood Protection Program. [21-0112](#)

Recommendation: Adopt a Resolution PROVIDING FOR A SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM INDEPENDENT MONITORING COMMITTEE OF THE SANTA CLARA VALLEY WATER DISTRICT.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: IMC Overlap Timeline](#)

- 3.2. Sponsorship of the 2021 Bay Area Council's California Resilience Challenge. [21-0060](#)

Recommendation: A. Receive information on the Bay Area Council's California Resilience Challenge; and
B. Approve the request for sponsorship in the amount of \$200,000.

Manager: Don Rocha, 408-355-4196

Attachments: [Attachment 1: Sponsorship Packet](#)

- 3.3. Adopt Recommended Positions on Federal Legislation: S. 91 (Sinema) / H.R. 535 (Garamendi) Special Districts Provide Essential Services Act of 2021; H.R. 610 (Speier) San Francisco Bay Restoration Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board. [20-0733](#)

Recommendation: A. Adopt a position of "Support and Amend" on S. 91 (Sinema) / H.R. 535 (Garamendi) - Special Districts Provide Essential Services Act of 2021; and
B. Adopt a position of "Support" on H.R. 610 (Speier) - San Francisco Bay Restoration Act.

Manager: Don Rocha, 408-630-2338

- 3.4. Adopt Resolution Expressing Appreciation to Kevin Murray, for 20 Years of Service to the San Francisquito Creek Joint Powers Authority. [21-0177](#)

Recommendation: Adopt the Resolution EXPRESSING APPRECIATION TO KEVIN MURRAY.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: Resolution](#)

- *3.5. Accept the CEO Bulletin for the Weeks of February 5-18, 2021. [21-0199](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 021821 CEO Bulletin](#)

- *3.6. Approval of Minutes. [21-0159](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 012621 Regular Meeting Minutes](#)
[Attachment 2: 012721 Special Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Consider the January 7, 2021 Board Policy and Planning Committee Recommendations Regarding Modifications to Valley Water Environmental Justice Board Governance Ends Policies. [21-0080](#)

Recommendation: A. Consider the January 7, 2021 Board Policy and Planning Committee recommendations to adopt the proposed modifications to Board Governance Ends Policy General Principles E-1 and Glossary to add Environmental Justice Policy Language; and
 B. Adopt the proposed modifications to Board Governance Ends Policy General Principles E-1 and Glossary to add Environmental Justice Policy Language.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Amendment to General Principles and Glossary](#)

Est. Staff Time: 5 Minutes

- 4.2. Approve Revised Clarifying Language to the Board Audit Committee Audit Charter. [21-0122](#)

Recommendation: Approve Revised Clarifying Language to the Board Audit Committee Audit Charter.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1 121620 BAC Charter Revisions \(Clean Version\)](#)
[Attachment 2: 121620 BAC Charter Revisions \(Redlined Version\)](#)

Est. Staff Time: 5 Minutes

- 4.3. Review Fiscal Year 2021 Board Policy Planning Calendar. [21-0123](#)

Recommendation: Review, discuss and revise the Fiscal Year 2021 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY21 Board Calendar](#)

Est. Staff Time: 5 Minutes

4.4. Board Committee Reports. [21-0197](#)

Attachments: [*Handout 4.4-A: 011521 RWC Summary & 022421 RWC Agenda](#)
[*Handout 4.4-B: 020821 CIP Summary](#)
[*Handout 4.4-C: 022221 JRWAC w/PA/MV Agenda](#)
[*Handout 4.4-D: 022421 Youth Commission Agenda](#)

4.5. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

*7.1. Review and Authorize Distribution of Santa Clara Valley Water District's Draft Fiscal Years 2022-26 Capital Improvement Program. [21-0111](#)

Recommendation: Review the Draft Fiscal Years 2022-26 Capital Improvement Program and authorize release of the document to all cities in Santa Clara County and the County of Santa Clara for review as to its consistency with their General Plans.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Draft FY 2022-2026 CIP](#)
[*Handout 7.1-A: PowerPoint](#)

Est. Staff Time: 10 Minutes

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

- 9.1. Fiscal Year 2020-21 Midyear Financial Status Update and Fiscal Year 2020-21 Midyear Central Budget Adjustments. [21-0140](#)

Recommendation: A. Receive the Fiscal Year 2020-21 midyear financial status update as of December 31, 2020; and
 B. Approve the Fiscal Year 2020-21 midyear central operating and capital budget adjustments as per Attachments 2 and 3.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)
 [Attachment 2: FY20-21 Midyear Central Budget Adj. Summary](#)
 [Attachment 3: FY20-21 Midyear Central Budget Adj. Details](#)

Est. Staff Time: 10 Minutes

- *9.2. CEO and Chiefs' Report. [21-0219](#)

Attachments: [*Handout 9.2-A: Office of Government Relations Update](#)
 [*Handout 9.2-B: Storm Report](#)

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 10:00 a.m. Closed Session and 1:00 p.m. Regular Meeting, on March 9, 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.