

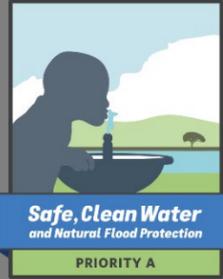
Independent Monitoring Committee Fiscal Year 2021-2022 Annual Report

Safe, Clean Water and Natural Flood Protection Program

General Recommendations

#	Subject:	Recommendation:	Staff Response:
1	IMC Members	To ensure full representation of all districts and optimal subcommittee discussions, the IMC recommends that all IMC positions be filled.	Staff agrees with the recommendation. Vacant positions are scheduled to be filled before the start of the FY2022-23 IMC review cycle in December 2023. Staff is working with the Directors to fill any vacant positions via appointment or reappointment. Currently there are positions open in District 1 and District 4.
2	Program Audits	Schedule a new audit immediately to be consistent with the five-year schedule as originally intended (under the 2012 Program), dating back to the end period of the previous audit.	Staff agree that an audit should be implemented and recommends two separate audits, one for the renewed Safe, Clean Water Program, which came into effect in FY2021-22, and a closeout audit for the 2012 Program, which ended in FY2020-21. This is because the renewed Safe, Clean Water Program replaced the 2012 Program in its entirety, and while many of the projects were carried forward, the renewed program includes a new priority, new projects, new KPIs, and new funding allocations. If directed by the Board, staff will work to include the audits and associated costs in the FY2023-24 budget and initiate the audit process.
3	KPI Modifications	KPIs be modified to reflect more accurate and meaningful outcomes, as previously recommended in the Moss Adams Audit in 2017. In the Audit, Moss Adams made a finding that “some KPIs focus on outputs rather than outcomes and do not address District success in achieving key objectives.” In a number of situations, the IMC recommends modification of KPIs for these same reasons, and/or to align the KPI to track reasonably necessary measures to meet the priorities of the specific Program.	Staff acknowledges the recommendation and believes that a Board-directed audit of the renewed Safe, Clean Water Program will provide an excellent opportunity to review the KPIs and consider the auditor’s recommendations as Valley Water examines the need and approach to modifying these KPIs. See Attachment 2 for an overview of the types of KPIs, the modification process and the modifications carried out under the 2012 Program and the renewed Safe, Clean Water Program.
4	Confidence Levels	Provide a more nuanced “Confidence Level” system that more succinctly captures the project’s status and the obstacles and challenges. It recommends that there be five confidence levels in next year’s report.	Staff agrees and will work with IMC members to refine the process for a more detailed and nuanced confidence-level reporting system.
5	Jurisdictional Complexities	In some areas, this category was not clear, and the IMC recommends that more details be provided.	Staff agrees and will work to add more details.
6	Project Labor Agreement	The IMC recommends that projects under Project Labor Agreements (PLAs) be identified.	Staff agrees and future annual reports will identify projects under PLAs.

7	IMC Scope	<p>Although the role of the IMC is to review each Annual Report, the IMC suggests that such a narrow scope prevents a more realistic approach to evaluating Valley Water’s progress in support of the Program objectives. Measure S expressly provides that the IMC may make recommendations to the Board regarding reasonably necessary measures to meet the priorities of the Program (Measure S, Section P). As noted, the IMC no sooner had been provided with Staff’s assessment that a particular program (E-1) was “On Target” as of the end of FY2021-2022, than Staff turned to the Board to request major modifications to cover unexpected cost increases for this same project to the tune of \$162 million. The IMC cannot be expected to turn a blind eye to the reality that these extraordinary cost increases only became apparent since the end of FY2021-2022.</p>	<p>Staff acknowledges this recommendation.</p> <p>Staff believes that it is important for the integrity of the reporting process that the IMC operates within the guidelines approved by the voters. IMC’s annual review should be limited to reviewing the annual report, including project statuses, per the information in the annual report or applicable to the given fiscal year. Program and project progress made in the subsequent fiscal years will be reflected in the annual report for those fiscal years.</p> <p>Per the voter-approved measure, the IMC does have the opportunity to "look ahead" every five years in its review of the renewed Program’s Five-Year Plans.</p> <p>The Board-adopted Program Resolution No. 20-64 outlines the parameters within which the IMC conducts Program review states:</p> <p style="padding-left: 40px;">"An external, independent monitoring committee (IMC) shall be appointed by the Valley Water Board of Directors to conduct an annual review of Valley Water’s fiscal year report and provide an annual report from the IMC to the Board of Directors regarding implementation of the intended results of the Program. The IMC shall also review each proposed five-year implementation plan prior to its submittal for Board approval. Through review of both the annual reports and five-year implementation plans, the IMC may make recommendations to the Valley Water Board of Directors regarding reasonably necessary measures to meet the priorities of the Safe, Clean Water and Natural Flood Protection Program."</p>
8	Ongoing Dashboard Summary	<p>The Board authorize and enable staff to collaborate with the IMC to help it track projects over time by aggregating and summarizing information from IMC’s annual evaluations to create an ongoing “dashboard” summary that covers the life of each project. Multi-year dashboards for the life of each project will better communicate progress on the individual projects. They also will highlight the systemic, external obstacles that are hindering many projects. The multi-year summaries and the process used to produce them can help the IMC inform the public and provide recommendations to the Board based on that multi-year perspective. Rather than focus on annual status ratings based on “moving targets,” we believe that the Priorities of Measure S are better served by identifying recurring, systemic reasons for delays and cost over-runs, and communicating those reasons to the public.</p>	<p>Staff agrees will work with IMC members to develop a reporting process to achieve the desired outcome of aggregating multi-year summaries of <u>each</u> project reflecting the <u>Board-approved project statuses</u>.</p>

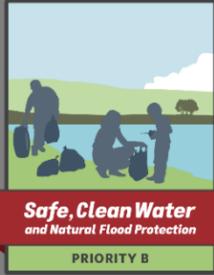


Independent Monitoring Committee Fiscal Year 2021-2022 Annual Report

Project Recommendations

Priority A - Ensure a Safe, Reliable Water Supply

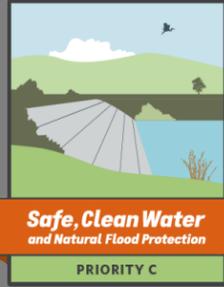
#	Project:	KPI:	Status	Recommendation:	Staff Response:
1	A1: Pacheco Reservoir Expansion	1. Provide a portion of funds, up to \$10 million, to help construct the Pacheco Reservoir Expansion Project.	Adjusted	<p>IMC agrees with the project status.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Provide supplemental information about the project progress and, if warranted, modify the KPI. 2. Add the link to the Pacheco Reservoir project webpage and ensure posted material is updated. 	<p>Staff agrees.</p> <ol style="list-style-type: none"> 1. The annual report does include information about the project's progress. However, staff will provide additional details as the project advances. If the Board directs staff to move forward with the recommended audits, it will be most beneficial to consider the auditor's KPI-related recommendations regarding the need and approach to modifying KPIs. 2. Future annual reports will include web page links for all the projects and Valley Water staff will continue to update project web pages on a quarterly basis and as needed.
2	A2: Water Conservation Rebates and Programs	1. Award up to \$1 million per year toward specified water conservation program activities, including rebates, technical assistance, and public education, within the first seven (7) years of the Program.	On Target	<p>IMC agrees with the project status.</p> <p>Recommendation:</p> <p>Modify the KPI to reflect operational outcome objectives to meet program measures. Need to tie the KPI to the outcome of water being conserved. E.g., show trendline on conservation or how is overall conservation or progress.</p>	<p>Staff acknowledges this recommendation.</p> <p>In future annual reports, staff will include details on how delivery of the KPI ties back to the project benefits, further linking the output to the outcome.</p> <p>If the Board directs staff to move forward with the recommended audits, it will be most beneficial to consider the auditor's KPI-related recommendations regarding the need and approach to modify KPIs.</p> <p>The Project A2 KPI is fiscal-based and was written to support a larger Valley Water project via fund transfer. The Safe, Clean Water funds support the project and priority objectives, but alternative funding sources are required for the delivery of the project. Fiscal-based KPIs support the project objectives while providing the flexibility to respond to changing priorities or circumstances to achieve the larger overall goal. For example, Project A2: Water Conservation Rebates and Programs helps meet the overall Valley Water goal of conserving nearly 99,000 acre-feet of water in 2030 and nearly 110,000 acre-feet in 2040. The current KPI is written to provide the flexibility to deliver funding where it is most required. In FY2021-22, a year of severe drought, Project A2 funding was used to expand water conservation rebates and pilot new programs. As reflected in the annual report, 86% of \$1 million was expended on the Landscape Rebate Program.</p>
3	A3: Pipeline Reliability	2. Install four (4) new line valves on treated water distribution pipelines.	Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.



Independent Monitoring Committee Fiscal Year 2021-2022 Annual Report Project Recommendations

Priority B – Reduce Toxins, Hazards, and Contaminants in Our Waterways

#	Project:	KPI:	Status:	Recommendation:	Staff Response:
1	B1: Impaired Water Bodies Improvement	<ol style="list-style-type: none"> 1. Investigate, develop, and implement actions to reduce methylmercury in fish and other organisms in the Guadalupe River Watershed. 2. Prepare and update a plan for the prioritization of surface water quality improvement activities, such as addressing trash and other pollutants. 3. Implement at least two (2) priority surface water quality improvement activities identified in the plan per 5-year implementation period. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
2	B2: Inter-Agency Urban Runoff Program	<ol style="list-style-type: none"> 1. Address trash in creeks by maintaining trash capture devices or other litter control programs. 2. Maintain Valley Water’s municipal stormwater compliance program and partner with cities to address surface water quality improvements, including participation in at least three (3) countywide, regional, or statewide stormwater program committees to help guide regulatory development, compliance, and monitoring. 3. Support at least one (1) stormwater quality improvement activity per 5-year implementation period in Santa Clara County, including providing up to \$1.5 million over 15 years to support implementation of green stormwater infrastructure consistent with Santa Clara Basin and South County Stormwater Resource Plans. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
3	B3: Hazardous Materials Management and Response	<ol style="list-style-type: none"> 1. Respond to 100% of hazardous materials reports requiring urgent on-site inspection in two (2) hours or less. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
4	B4: Support Volunteer Cleanup Efforts	<ol style="list-style-type: none"> 1. Fund Valley Water’s creek stewardship program to support volunteer cleanup activities, such as annual National River Cleanup Day, California Coastal Cleanup Day, the Great American Litter Pick Up, and the Adopt-A-Creek Program. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.

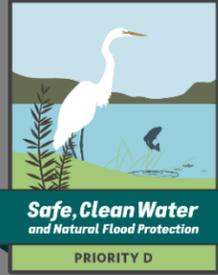


Independent Monitoring Committee Fiscal Year 2021-2022 Annual Report

Project Recommendations

Priority C - Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters

#	Project:	KPI:	Status:	Recommendation:	Staff Response:
1	C1: Anderson Dam Seismic Retrofit	1. Provide portion of funds, up to \$54.1 million, to help restore full operating reservoir capacity of 90,373 acre-feet.	Adjusted (Scheduled to Start in FY25)	<p>IMC agrees with the project status.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> 1. Develop a 5D BIM (Building Information Model). 2. Provide details of the various sub-projects, project by project, where we are, where the money's being spent, and where we're going. 3. Modify the KPI in terms of reporting whether or not you're making progress toward the ultimate goal. Maintain funds transferred but tie it to a sub-project or sub-projects within the larger project after the contract is awarded. 4. Add the link to the Anderson Dam project webpage and ensure posted material is updated. 	<p>Staff acknowledges the recommendations.</p> <ol style="list-style-type: none"> 1. Valley Water has an alternative method/process to achieve the outcome desired by the recommendation for the Anderson Dam Tunnel Project (cost-loaded Critical Path Method (CPM) schedule). It is premature to produce a BIM for the Anderson Dam Seismic Retrofit Project as the design and permitting are incomplete. 2. Valley Water has an alternative method/process to achieve the outcome desired by the recommendation. The various sub-projects are tracked in the 5-year rolling Capital Improvement Program (CIP), and the Board's CIP Committee and the Board monitor the projects' progress. The FY2021-22 annual report briefly listed the progress made under various sub-projects. Future annual reports will provide more details and links to the CIP Committee and Board meetings discussing the projects' progress. The projects also have web pages reflecting project developments and future annual reports will include links to those web pages. 3. The project KPI is fiscal based because the Safe, Clean Water Program funding constitutes a very small percentage of the budget required to deliver the project. The Safe, Clean Water Program provides \$54.1 million of the estimated \$1.2 billion (FY2021-22 estimate), representing about 5% of the estimated ADSRP cost. The Safe, Clean Water funding is not adequate to deliver the project by contributing such a small share of the project cost. Furthermore, it provides the flexibility to deliver the funding while helping manage the financial health of the Safe, Clean Water Fund (Fund 26). Finally, if the Board directs staff to move forward with the recommended audits, it will be most beneficial to consider the auditor's KPI-related recommendations regarding the need and approach to modify KPIs. 4. Future annual reports will include web page links for all the Safe, Clean Water projects. Valley Water will continue to update project web pages on a quarterly basis and as needed.



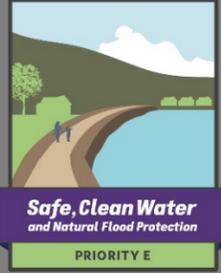
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Project Recommendations

Priority D - Restore Wildlife Habitat and Provide Open Space

#	Project:	KPI:	Status:	Recommendation:	Staff Response:
1	D1: Management of Riparian Planting and Invasive Plant Removal	<ol style="list-style-type: none"> Maintain a minimum of 300 acres of riparian planting projects annually to meet regulatory requirements and conditions. Maintain a minimum of 200 acres of invasive plant management projects annually to meet regulatory requirements and conditions. Remove 25 acres of Arundo donax throughout the county over a 15-year period. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
2	D2: Revitalize Riparian, Upland and Wetland Habitat	<ol style="list-style-type: none"> Revitalize at least 21 acres over a 15-year period through native plant revegetation and/or removal of invasive exotic species. Develop an Early Detection and Rapid Response Program Manual. Identify and treat at least 100 occurrences of emergent invasive species over a 15-year period, as identified through the Early Detection and Rapid Response Program. Develop at least eight (8) information sheets for Early Detection of Invasive Plant Species. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
3	D3: Sediment Reuse to Support Shoreline Restoration	<ol style="list-style-type: none"> Maintain partnership agreements to reuse sediment to improve the success of salt pond and tidal marsh restoration projects and activities. Provide up to \$4 million per 15-year period to support activities necessary for sediment reuse. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
4	D4: Fish Habitat and Passage Improvement	<ol style="list-style-type: none"> Complete planning and design for one (1) creek/lake separations. Construct one (1) creek/lake separation project in partnership with local agencies. Use \$8 million for fish passage improvements by June 30, 2028. Update study of all major steelhead streams in the county to identify priority locations for fish migration barrier removal and installation of large woody debris and gravel as appropriate. Complete five (5) habitat enhancement projects based on studies that identify high priority locations for large wood, boulders, gravel, and/or other habitat enhancement features. 	Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
5	D5: Ecological Data Collection and Analysis	<ol style="list-style-type: none"> Reassess and track stream ecological conditions and habitats in each of the county's five (5) watersheds every 15 years. Provide up to \$500,000 per 15-year period toward the development and updates of five (5) watershed plans that include identifying priority habitat enhancement opportunities in Santa Clara County. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.

6	D6: Restoration of Natural Creek Functions	<ol style="list-style-type: none"> 1. Construct the Hale Creek Enhancement Pilot Project, which includes restoration and stabilization of a 650-foot section of concrete-lined channel on Hale Creek, between Marilyn Drive and North Sunshine Drive on the border of Mountain View and Los Altos. 2. Construct the Bolsa Road Fish Passage Project along 1,700 linear feet of Uvas-Carnadero Creek in unincorporated Santa Clara County, which includes geomorphic design features that will restore stability and stream function. 3. Identify, plan, design, and construct a third geomorphic-designed project to restore stability and stream function by preventing incision and promoting sediment balance throughout the watershed. 	Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
7	D7: Partnerships for the Conservation of Habitat Lands	<ol style="list-style-type: none"> 1. Provide up to \$8 million per 15-year period for the acquisition or enhancement of property for the conservation of habitat lands. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.



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Project Recommendations

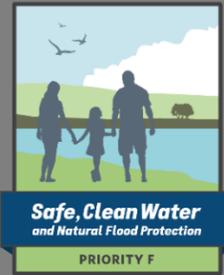
Priority E - Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways

#	Project:	KPI:	Status:	Recommendation:	Staff Response:
1	E1: Coyote Creek Flood Protection	1. Construct flood protection improvements along Coyote Creek between Montague Expressway and Tully Road to provide protection from floods up to the level that occurred on February 21, 2017, approximately a 5% (20-year) flood event.	On Target	<p>1. <u>Project status (including reference in cover letter)</u> IMC does not agree with the project status and considers the project to be “Not on Target.”</p> <p>As referenced in the IMC’s cover letter, “In its Report, Staff noted that it had only expended 77% of the annual budget, noting as follows: The under-expenditure was because real estate transactions for project easements were not completed and the agreement for construction management services was not awarded in FY2021-2022. Also, the level of CEQA documentation had not been finalized in FY2021-2022. (Program Annual Report FY 2021-2022, p. 84).</p> <p>It goes without saying that these steps – real estate transactions for project easements, construction management agreements, and CEQA compliance – are not trivial matters. Although not included in the FY2021-2022 Annual Report, but recently reported to Valley Water at a Board meeting held on January 24, 2023, Staff has announced that Project E.1 is facing additional costs of up to \$162 million... For the foregoing reasons, the IMC concluded that Project E-1 is “Not on Target” and recommends that the full historical context of these changes over the past two decades be made available to the public.”</p> <p>2. <u>Recommendations</u> - In future annual reports:</p> <ul style="list-style-type: none"> ○ Provide the history of the Coyote Creek Flood Protection Project under the 2000, 2012 and the current 2020 programs. ○ This is the third iteration of the project since initially proposed in 2005. 	<p>Staff acknowledges the recommendations.</p> <p>It is important that the IMC review the annual report within the parameters outlined in Resolution No. 20-64, which states that the IMC would conduct annual review of the prior fiscal year’s annual report. This year’s IMC report is a review of Valley Water’s annual report for the Safe, Clean Water Program for FY2021-22, which began July 1, 2021, and ended on June 30, 2022.</p> <p>1. Based on the project progress during FY2021-2022, staff deems the project to be “On Target” and does not concur with IMC’s assessment that the project was “Not on Target” in FY2021-2022. The Coyote Creek Flood Protection Project KPI is delivered by two projects— the Coyote Creek Flood Management Measures Project (CCFMMP) and the Coyote Creek Flood Protection Project (CCFPP). CCFMMP constitutes 40% of the project and is funded by Water Utility and is part of the Anderson Dam’s Federal Energy Regulatory Commission (FERC) Order Compliance Project (FOCP). The CCFMMP is scheduled to begin construction in FY2022-2023. The CCFPP represents the remaining 60% of the project and is funded by the Safe, Clean Water Program and its construction will follow the CCFMMP.</p> <p>The CCFPP status of “On Target” FY2021-22 is based on that CEQA was in progress, the right-of-way needs were being determined and the project reached a significant milestone with the completion of 30% Design (and has subsequently progressed to 60% Design this March).</p> <p>Further, based upon the fact that delivery of CCFMMP is linked to the delivery of the renewed Safe, Clean Water Program’s KPI for the project but funded separately, the slight under-expenditure of 77% of the FY2022-23 budget is not an indication that the project was behind schedule in FY2021-22. When staff initially prepared the Construction Management (CM) Services RFP, it had planned to award the contract for both the projects-- CCFMMP, which is scheduled to begin construction first, and CCFPP. However, later the CCFPP scope was removed from that contract. Regarding the real estate transactions, three properties were identified in the planning study for acquisition in a voluntary sale. The property owners were not interested in a voluntary sale. Easements will be acquired once the CCFPP Environmental Impact Report (EIR) is completed. The level of CEQA documentation was not determined in FY2021-22 as the consultant was still developing the preliminary analysis to help make the determination. Meanwhile, Valley Water completed multiple voluntary sale acquisitions and acquired easements in FY2021-22 for CCFMMP.</p> <p>In FY2022-23, as part of the Capital Improvement Program’s annual cycle to update project plans in the development of the rolling Five-Year Plan in alignment with the upcoming biennial budget cycle and water rates setting process, the CCFMMP and CCFPP project plans were updated, reflecting increased project costs. The CCFPP costs escalated by approximately \$162 million and CCFMMP increased by approximately \$87 million. The increased costs and the schedule change were presented to Valley Water Board as part of the Preliminary CIP Five-Year Plan on January 10, 2023. To ensure CCFPP has adequate funding and continues to move forward, on January 24, 2023, following a public hearing, the Board modified some Safe, Clean Water projects, making funding available for the CCFPP.</p>

				<ul style="list-style-type: none"> Clarify that the project was changed from a 1% flood protection project to a 5% flood protection project. 	<p>Furthermore, another major project milestone was reached on February 28, 2023, with the Board Authorizing Advertisement for Bids for the Construction of CCFMMP. On March 28, 2023, staff will be recommending to the Board to approve an agreement with Ghirardelli Associates, Inc. for CCFMMP construction management services.</p> <p>2. Staff agrees with including history of projects in future annual reports. The renewed Safe, Clean Water Program includes several flood protection projects that were contained in the previous 2000 and 2012 measures. These include the Coyote Creek Flood Protection, Sunnyvale East and Sunnyvale West Channels and the Upper Guadalupe Flood Protection projects. The renewed Safe, Clean Water Program Report prepared for voters included brief historical backgrounds for all flood protection projects. This background information is currently provided on the projects' web pages. For consistency, staff will review the backgrounds for all flood protection projects and update as necessary and incorporate the summary of each project's history in the annual report, with links to project web pages for full history. For a detailed history of the Coyote Creek Flood Protection Project, see Attachment 3.</p> <p>All the 2012 Program annual reports are available at https://www.valleywater.org/safe-clean-water-and-natural-flood-protection-program/safe-clean-water-program-archive.</p>
2	E2: Sunnyvale East and Sunnyvale West Channels Flood Protection	1. Provide 1% (100-year) flood protection for 1,618 properties and 47 acres (11 parcels) of industrial land, while improving stream water quality and working with other agencies to incorporate recreational opportunities.	Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
3	E3: Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3)	1. With local funding only: Complete the design phase of the 1% (100-year) flood protection project to protect an estimated 1,420 parcels.	Scheduled To Start	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
4	E4: Upper Penitencia Creek Flood Protection	<p>1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 8,000 parcels.</p> <p>2. With local funding only: Construct a 1% (100-year) flood protection project from Coyote Creek confluence to Capital Avenue to provide 1% (100-year) flood protection to 1,250 parcels, including the new Berryessa BART station.</p>	Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
5	E5: San Francisquito Creek Flood Protection	1. Preferred project with federal, state and local funding: Protect more than 3,000 parcels by providing 1% (100-year) flood protection.	Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.

		2. With state and local funding only: Protect approximately 3,000 parcels by providing 1% (100-year) flood protection downstream of Highway 101, and approximately 1.4% (70-year) protection upstream of Highway 101.			
6	E6: Upper Llagas Creek Flood Protection	<ol style="list-style-type: none"> 1. Preferred project with federal and local funding: Plan, design and construct flood protection improvements along 13.9 miles of Upper Llagas Creek from Buena Vista Avenue to Llagas Road to provide flood protection to 1,100 homes, 500 businesses, and 1,300 agricultural acres, while improving stream habitat. 2. With local funding only: Construct flood protection improvements along Llagas Creek from Buena Vista Avenue to Highway 101 in San Martin (Reaches 4 and 5 (portion)), Monterey Road to Watsonville Road in Morgan Hill (Reach 7a), approximately W. Dunne Avenue to W. Main Avenue (portion of Reach 8), and onsite compensatory mitigation at Lake Silveira. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
7	E7: San Francisco Bay Shoreline Protection	<ol style="list-style-type: none"> 1. Provide a portion of the local share of funding for planning, design and construction phases for the Santa Clara County shoreline area, EIAs 1-4. 2. Provide a portion of the local share of funding for planning and design phases for the Santa Clara County shoreline area, EIAs 5-9. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
8	E8: Upper Guadalupe River Flood Protection	<ol style="list-style-type: none"> 1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 6,280 homes, 	Adjusted	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.

		<p>320 businesses and 10 schools and institutions.</p> <p>2. With local funding only: Construct flood protection improvements along 4,100 feet of Guadalupe River between the Southern Pacific Railroad (SPRR) crossing, downstream of Willow Street, to the Union Pacific Railroad (UPRR) crossing, downstream of Padres Drive, and provide gravel augmentation along approximately 800 linear feet of the Upper Guadalupe River in San José, from approximately the Union Pacific Railroad Bridge to West Virginia Street Bridge to improve aquatic habitat for migrating steelhead and channel stability.</p>			
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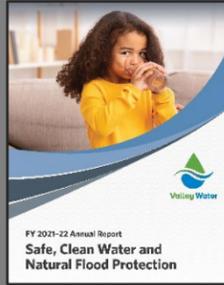
Independent Monitoring Committee Fiscal Year 2021-2022 Annual Report
 Project Recommendations
 Priority F – Support Public Health and Public Safety for Our Community

#	Project:	KPI	Status:	Recommendation:	Staff Response
1	F1: Vegetation Control and Sediment Removal for Capacity	1. Maintain completed flood protection projects for flow conveyance.	On Target	IMC agrees with the project status. Recommendations: 1. Using HEC-RAS or similar modeling to show flow conveyance. 2. Under the status, provide supplemental information explaining how the actions taken are leading to the desired outcome.	Staff acknowledges the recommendations. 1. Valley Water conducts hydraulic modeling on creek reaches over which Valley Water has responsibility through the development and implementation of stream maintenance guidelines. With routine creek inspections and observations, staff is able to assess if sedimentation or increased vegetation in these reaches compromise flow conveyance capacity. If it has, Valley Water typically addresses these issues in the following season if budget, resources, and regulatory approvals allow for it. If such issues are not observed, no action is warranted, and monitoring will continue. 2. Supplemental information is provided in Attachment 4.
2	F2: Emergency Response Planning and Preparedness	1. Coordinate with local municipalities to merge Valley Water-endorsed flood emergency processes with their own emergency response plans and processes. 2. Complete five (5) flood management plans/procedures per 5-year period, selected by risk priorities. 3. Train Valley Water staff and partner municipalities annually on disaster procedures via drills and exercises before testing the plans and procedures. 4. Test flood management plans/procedures annually to ensure effectiveness.	On Target	IMC agrees with the project status. No recommendations.	No response required.
3	F3: Flood Risk Assessment Studies	1. Complete engineering studies on three (3) creek reaches to address 1% (100-year) flood risk. 2. Annually, update floodplain maps on a minimum of three (3) creek reaches in accordance with new FEMA standards.	On Target	IMC agrees with the project status. No recommendations.	No response required.

4	F4: Vegetation Management for Access and Fire Safety	1. Provide vegetation management for access and fire risk reduction on an average of 495 acres per year, totaling 7,425 acres along levee, property lines and maintenance roads over a 15-year period.	On Target	IMC agrees with the project status. No recommendations.	No response required.
5	F5: Good Neighbor Program: Encampment Cleanup	1. Manage 300 acres annually to clean up trash, debris, and hazardous pollutants generated from encampments and to reduce the amount of these pollutants entering streams. 2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the socio-environmental crisis with the goal of reducing the need for encampment cleanups.	Modified	IMC agrees with the project status. Recommendations: 1. Provide better data and more details; not just how much trash was collected, but more information on how much is out there vs. how much has been collected. 2. If warranted, explore KPI modification based on changing circumstances.	<p>Valley Water acknowledges the recommendations.</p> <p>It is important to note that the project is just one component of Valley Water’s effort to address the growing numbers of unhoused people in Santa Clara County. The Valley Water Board of Directors has established the Environmental Creek Cleanup Committee which is focused on the concerns and impacts of encampments of unsheltered people, and on facilitating discussion of the issues and making recommendations to the full Board. Last month, CEO Rick Callender established an internal working group to explore mechanisms to formalize and expand countywide collaboration to achieve a “functional zero” population of unhoused people in Santa Clara County. Valley Water also is exploring state legislation that would allow us to better assist unsheltered people living along waterways.</p> <p>1. Valley Water owns approximately 12,370 acres of fee title property and maintaining these is a top priority for Valley Water as a landowner agency. The remaining stretches of creeks are owned by private entities and other public agencies. Valley Water does not perform trash removal or encampment cleanup activities on lands held in easement as these activities are landowner responsibilities.</p> <p>Valley Water staff have assessed all fee title properties and estimated that about 700 acres are impacted by one or more encampments at any given time. These acreages are routinely inspected and scheduled for cleanups to ensure that encampment-generated trash, debris and hazardous pollutants are prevented from entering waterways under Project F5. Some sites are cleaned monthly or every few months, dependent on their needs. During cleanup events, all debris is removed from these creek reaches; thus, the recommendation to have staff provide data on how much trash is out there is not necessary since the amount of trash collected is what is present at the time of each cleanup event. This is the most accurate information that Valley Water can provide because the amount of trash varies depending on the movement of the unhoused. In FY2021-2022, Valley Water managed 1,457 acres (including routinely managed sites), far exceeding the KPI of 300 acres. Furthermore, it is common for a single site cleanup to take multiple days. Encampment structures and any personal belongings are not removed during these cleanup events since they are not considered trash and debris.</p> <p>The total tons of trash removed under this project is reported in the annual report and in FY2021-2022, 868 tons of trash and debris were removed. In addition to Project F5, four other Safe, Clean Water projects also contribute to trash and debris removal. In FY2021-2022, 1,006 tons of trash were removed from local waterways under the Safe, Clean Water Program. The annual report provides additional details about this project in <i>Appendix D: Cumulative Trash Removal Data for Projects B1, B2, B4 F5, F6 and F9</i>. In future annual reports, these details will also be included in the project write-up.</p> <p>2. If the Board directs staff to move forward with the recommended audits, it will be most beneficial to consider the auditor’s KPI-related recommendations regarding the need and approach to modify KPIs.</p>

6	F6: Good Neighbor Program: Graffiti and Litter Removal and Public Art	<ol style="list-style-type: none"> Cleanup identified trash and graffiti hotspots at approximately 80 sites four (4) times per year. Respond to requests on litter or graffiti cleanup within five (5) working days. Provide up to \$1.5 million over 15 years to implement public art projects on Valley Water property and infrastructure. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
7	F7: Emergency Response Upgrades	<ol style="list-style-type: none"> Maintain existing capabilities for flood forecasting and warning. Improve flood forecast accuracy and emergency response time working with the National Weather Service and through research and development. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
8	F8: Sustainable Creek Infrastructure for Continued Public Safety	<ol style="list-style-type: none"> Provide up to \$7.5 million in the first 15-year period to plan, design and construct projects identified through Watersheds asset management plans. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.

9	F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	<ol style="list-style-type: none"> 1. Provide a grant and partnership cycle each year for projects related to safe, clean drinking water, flood protection and environmental stewardship. 2. Provide annual funding for bottle filling stations to increase drinking water accessibility, with priority for installations in economically disadvantaged communities and locations that serve school-age children and students. 3. Provide annual mini-grant funding opportunity for projects related to safe, clean drinking water, flood protection and environmental stewardship. 4. Provide up to \$3 million per 15-year period for partnerships with small municipalities (defined as under 50,000 people in the most recent census available), or special districts with boundaries substantially within the footprint of small cities, for projects aligned with the District Act and related to safe, clean drinking water, flood protection and environmental stewardship. 	On Target	<p>IMC agrees with the project status.</p> <p>No recommendations.</p>	No response required.
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Independent Monitoring Committee Fiscal Year 2021-2022 Notes

Safe, Clean Water and Natural Flood Protection Program

Notes for Future Annual Reports

#	Subject:	Note:	Staff Response:
1	Program-wide	<ol style="list-style-type: none"> 1. Provide links to the project web pages. 2. Provide brief visual presentations to accompany project updates to the subcommittees. Short presentations that hit the key points and help the audience focus. 	<ol style="list-style-type: none"> 1. Staff agrees and will provide links to the project web pages in the individual project updates. 2. Staff agrees and will provide brief visual presentations to accompany project updates to the IMC subcommittees.
2	A2: Water Conservation Rebates and Programs	<ol style="list-style-type: none"> 1. Email IMC members the Water Conservation Savings Model presentation. 2. Make links, such as the 2022 Landscape Summit, more accessible both digitally and in the annual report. 	<ol style="list-style-type: none"> 1. Staff emailed the Water Conservation Savings Model to IMC members on January 19, 2023. 2. Staff agrees and will make links, such as the 2022 Landscape Summit, more accessible both digitally and in the annual report.
3	B1: Impaired Water Bodies Improvement	<ol style="list-style-type: none"> 1. Explain the sorbent treatment method at its first reference and include the technical terminology in the Glossary section. 	<ol style="list-style-type: none"> 1. Staff agrees and will explain the sorbent treatment method at its first reference and include the technical terminology in the Glossary section.
4	B3: Hazardous Materials Management and Response	<ol style="list-style-type: none"> 1. Provide information on what the workflow looks like when calls originate through another system. What is the workflow on the back end? How do we make sure those other municipalities know who to contact, etc.? How do we ensure that nothing is going to a dead end? 	<ol style="list-style-type: none"> 1. Staff agrees and future reports will include information on what the workflow looks like when calls originate through another system.
5	C1: Anderson Dam Seismic Retrofit	<ol style="list-style-type: none"> 1. On page 42, under Confidence Levels for ADSR, Jurisdictional Complexity section is missing some text. 2. The status is Adjusted, with the funding schedule changed. However, since the funding doesn't start until FY25, the "Scheduled to Start" status is also applicable. When status categories are overlapping, they should be displayed distinctly. 	<ol style="list-style-type: none"> 1. Staff agrees and the text has been corrected. 2. Staff agrees and in future reports when categories are overlapping, the different applicable status categories will be displayed distinctly.
6	E5: San Francisquito Creek Flood Protection	<ol style="list-style-type: none"> 1. On page 100, in the project map (Figure E5.1) add reference to the two bridges. 	<ol style="list-style-type: none"> 1. Staff agrees and will add the reference to the bridges in the map (Figure E5.1).
7	F1: Vegetation Control for Capacity & F1.2: Sediment Removal for Capacity	<ol style="list-style-type: none"> 1. Provide volumes of instream vegetation removed and indicate that it is composted at a green waste facility. 2. Clarify that workers and supporting resources were diverted from sediment removal to work on erosion repair projects; F1 funds were not. 3. Show before and after and how does this help. 	<ol style="list-style-type: none"> 1. Staff agrees and will provide volumes of instream vegetation removed and indicate that it is composted at a green waste facility. 2. Staff agrees and will clarify that workers and supporting resources were diverted from sediment removal to work on erosion repair projects; F1 funds were not. 3. Staff agrees and will show before and after and how it helps.
8	F2: Emergency Response Planning and Preparedness	<ol style="list-style-type: none"> 1. Explain terminologies such as a tabletop exercise, artificialities, etc. 2. Importance of training preparedness needs to be ongoing. 	<ol style="list-style-type: none"> 1. Staff agrees and will explain terminologies such as a tabletop exercise, artificialities, etc. 2. Staff agrees preparedness training needs to be ongoing and will continue to report on it in future reports.

9	F4: Vegetation Management for Access and Fire Safety	<ol style="list-style-type: none"> 1. Include graphics and more details to show how the overall fire safety targets are being met (e.g., by including reference to Valley Water’s Fuel Management Policy and Wildfire Resiliency Plan Development in “Opportunities and Challenges” section). 2. Explain Valley Water is trying to reduce the ladders that cause these fires. 3. Either with a graphic or in a narrative, show geographic areas that Valley Water is focused on to improve fire safety. 	<ol style="list-style-type: none"> 1. Staff agrees and will include graphics and more details to show how the overall fire safety targets are being met. 2. Staff agrees and future annual report project updates will mention that Valley Water is trying to reduce the ladders that cause these fires. 3. Staff agrees and will show, through a graphic or in a narrative, the geographic areas that Valley Water is focused on to improve fire safety.
10	F5: Good Neighbor Program: Encampment Cleanup	<ol style="list-style-type: none"> 1. Give a presentation to the IMC about the various efforts Valley Water is making to address the issue of encampments, including providing Valley Water’s estimate of the total cost of encampments on Valley Water operations and expenses. 	<ol style="list-style-type: none"> 1. Staff agrees and will give a presentation to the IMC on the various efforts that Valley Water is making to address the encampment issue.
11	F7: Emergency Response Upgrades	<ol style="list-style-type: none"> 1. Report on maintaining existing flood forecasting and warning capabilities beyond the seven flood-prone reaches mentioned in FY22 annual report. There should be some education, especially to show that you are looking at the Coyote Creek system. 	<ol style="list-style-type: none"> 1. Staff agrees and will report on maintaining existing flood forecasting and warning capabilities beyond the seven flood-prone reaches mentioned in FY2021-22 annual report.
12	F9: Grants and Partnerships for Safe, Clean Water, Flood Protection, and Environmental Stewardship	<ol style="list-style-type: none"> 1. Add a footnote to Figure F9.1, the annual financial summary table, explaining the difference between annual expenditure and the total dollar amount of grants awarded during the year. 2. Note that this list of grant and partnership projects in the annual report does not include those awarded funds in previous years. In future annual reports clarify again which grants and projects funded under the renewed SCW program are listed and which can be found via on-line complete list. 	<ol style="list-style-type: none"> 1. Staff agrees and will add a footnote to Figure F9.1, the annual financial summary table, explaining the difference between annual expenditure and the total dollar amount of grants awarded during the year. 2. Staff agrees and though information is already included in the current report, it will be made more prominent in future reports. It will also clarify again that the grants listed are for the year under review, while all grants awarded to date can be found via the comprehensive online list.

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