



Santa Clara Valley Water District Board of Directors Meeting

HQ. Bldg. Boardroom, 5700 Almaden Expressway, San Jose, California
Join Zoom Meeting: <https://valleywater.zoom.us/j/84454515597>

***AMENDED/APPENDED CLOSED SESSION AND REGULAR MEETING AGENDA**

**Tuesday, November 12, 2024
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

Nai Hsueh, Chair - District 5
Richard P. Santos, Vice Chair -
District 3
John L. Varela- District 1
Barbara Keegan - District 2
Jim Beall - District 4
Tony Estremera - District 6
Rebecca Eisenberg - District 7

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. 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 AND PARTICIPATION INSTRUCTIONS

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board. Written comments on any item on the agenda may be submitted to clerkoftheboard@valleywater.org or board@valleywater.org.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=ToJpYCxXm0>

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water 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 Valley Water 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/84454515597>

Meeting ID: 844 5451 5597

Join by Phone:

1 (669) 900-9128, 84454515597#

1. CALL TO ORDER/ROLL CALL:

1.1. Roll Call.

2. 11:00 AM - CLOSED SESSION:

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**

[24-1013](#)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation

Government Code Section 54956.9(d)(1)

Santa Clara Valley Water District v. EFuel Investments San Jose LLC, et al.

(Santa Clara County Superior Court, Case No. 23CV416095)

***2.2. CLOSED SESSION**

[24-1014](#)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation

Government Code Section 54956.9(d)(1)

Santa Clara Valley Water District v. 1354 E. Taylor Street LLC, et al

(Santa Clara County Superior Court, Case No. 23CV418411)

***2.3. District Counsel Report on Closed Session.**

3. 1:00 PM - TIME CERTAIN:

3.1. Pledge of Allegiance/National Anthem.

3.2. Orders of the Day.

A. *Approximate Discussion Time (Board); and*

B. *Adjustments to the Order of Agenda Items.*

3.3. 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/Committee on any item not listed on the agenda may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself to speak. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board/Committee. Speakers' comments should be limited to three minutes or as set by the Chair. The law does not permit Board/Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board/Committee 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/Committee may take action on any item of business appearing on the posted agenda.

3.4. Receive the Winter Preparedness Briefing. [24-0846](#)

Recommendation: Receive information on the Santa Clara Valley Water District's preparedness for winter operations.

Manager: Alexander Gordon, 408-630-2637

Attachments: [Attachment 1: PowerPoint](#)
[*Handout 3.4-A: Flood Postcard](#)

Est. Staff Time: 10 Minutes.

*3.5. Receive an Overview of the Initially Validated and Currently Unfunded Capital Projects, and the Capital Improvement Program Fiscal Years 2025-29 Five-Year Plan Capital Projects by Fund and Funding Categories. [24-0776](#)

Recommendation: A. Review list of Initially Validated and Currently Unfunded Capital Projects;
B. Review the Capital Improvement Program Fiscal Years 2025-29 Five-Year Plan capital projects by Fund and Funding Categories; and
D. Provide feedback as necessary.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Initially Validated and Unfunded Projects](#)
[*Handout 3.5-A: PowerPoint, revised](#)

Est. Staff Time: 20 Minutes.

3.6. Receive an Overview of the Fiscal Year 2025-26 Groundwater Production Charge, Treated Surface Water Charge, Raw Surface Water Charge, and [24-0903](#)

Recycled Water Charge Rate Setting Processes; Review Assumptions for the 10-Year Water Rate Projection and Potential State Water Project Tax Levy; and Provide Feedback.

- Recommendation:
- A. Receive an overview of the Fiscal Year 2025-26 rate-setting processes for groundwater production charges, treated surface water charges, raw surface water charges, and recycled water charges;
 - B. Review assumptions for the 10-year water rate projection and potential State Water Project tax levy; and
 - C. Provide feedback to staff.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: SCVWD Resolution No. 99-21](#)
[Attachment 3: SCVWD Resolution No. 12-10](#)

Est. Staff Time: 10 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - *4.9) (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 may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify themselves to speak.

- 4.1. Approve the Request for Sponsorship of the Bay Area Council Foundation's California Resilience Challenge 2024 Program. [24-0917](#)

- Recommendation:
- A. Receive information on the Bay Area Council Foundation's California Resilience Challenge; and
 - B. Approve the request for sponsorship in the amount of \$25,000.

Manager: Marta Lugo, 408-630-2237

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

- 4.2. Approve the Fiscal Year 2023-24 Safe, Clean Water and Natural Flood Protection Program Annual Report with Proposed Text Adjustments and Authorize Submission to the Independent Monitoring Committee for Review. [24-0863](#)

- Recommendation:
- A. Approve the Fiscal Year 2023-24 Safe, Clean Water and Natural Flood Protection Program Annual Report (Annual Report) with text adjustments;
 - B. Authorize staff to submit the Annual Report to the Independent Monitoring Committee for its review; and
 - C. Authorize staff to update the Annual Report with audited financials, as necessary.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: Safe, Clean Water Program Background](#)
[Attachment 2: FY24 Safe, Clean Water Annual Report](#)
[Attachment 3: Project Text Adjustments](#)
[Attachment 4: PowerPoint](#)

Est. Staff Time: 20 Minutes.

- 4.3. Approve the Revised Fiscal Years 2025 and 2026 Federal Funding Requests. [24-1004](#)

Recommendation: Approve the revised recommended funding requests for federal Fiscal Years 2025 and 2026 for Santa Clara Valley Water District-sponsored and Santa Clara Valley Water District-supported projects and priorities.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Revised FY 2025/2026 Federal Funding Requests](#)

- 4.4. Approve Amendment No. 5 to the Agreement for Possession and Use by and Between Santa Clara Valley Water District and the County of Santa Clara for Anderson Dam Tunnel Project, Coyote Percolation Dam Replacement Project, and Cross Valley Pipeline Extension Project as Parts of the Federal Energy Regulatory Commission Order Compliance Project, Project No. 91864005, APN: 728-34-020, 728-35-001, 729-36-001, 678-02-031 & -034, and 725-06-008; Real Estate File Nos. 9186-35, 9186-39, 9188-17, 9232-52, and 9186-59, Providing a No-Cost Time Extension to the Agreement (Unincorporated Santa Clara County, District 1). [24-0574](#)

Recommendation: Approve Amendment No. 5 to Agreement for Possession and Use by and Between Santa Clara Valley Water District and the County of Santa Clara for the Anderson Dam Tunnel Project, Coyote Percolation Dam Replacement Project, and Cross Valley Pipeline Extension Project, Providing a No-Cost Time Extension to the Agreement.

Manager: Ryan McCarter, 408-630-2983

Attachments: [Attachment 1: Amendment No. 5](#)
[Attachment 2: Amendment No. 4](#)
[Attachment 3: Amendment No. 3](#)
[Attachment 4: Amendment No. 2](#)
[Attachment 5: Amendment No. 1](#)
[Attachment 6: Original Agreement](#)

- 4.5. Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Rinconada Water Treatment Plant Residuals Remediation Project, Kiewit Infrastructure West Company, Contractor, Project No. 93294058, Contract No. C0671 (Los Gatos, District 7). [24-0875](#)

Recommendation: A. Accept the work on the Rinconada Water Treatment Plant Residuals Remediation Project, Project No. 93294058, Contract No. C0671 as complete; 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: Emmanuel Aryee, 408-630-3074

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

- 4.6. Receive the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year Ended June 30, 2023. [24-0960](#)

Recommendation: Receive the audit report of the Water Utility Enterprise funds for the Fiscal Year ended June 30, 2023.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Audit Report, FY Ending 2023 WUE Funds](#)

- 4.7. Denial of Claim of Robert Liu. [24-0958](#)

Recommendation: Deny the claim.

Manager: Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Claim](#)

- 4.8. Approval of Minutes. [24-0862](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 091024 CS and Regular Meeting Minutes](#)

- *4.9. Accept the CEO Bulletin for the Weeks of October 18 through November 7, 2024. [24-0077](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [*Attachment 1: 110724 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

- 5.1. Approve the Appointment of a Santa Clara Valley Water District Voting Representative to Vote on the Proposed Amended and Restated Bylaws of the Association of California Water and Provide Direction to Approve the Amended and Restated Bylaws. [24-0988](#)

Recommendation: A. Appoint a delegate as the Santa Clara Valley Water District voting representative to vote on the Proposed Amended and Restated Bylaws of the Association of California Water Agencies; and
B. Provide direction to the voting representative to approve the proposed Amended and Restated Bylaws.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Proposed Amended and Restated Bylaws](#)
[Attachment 2: Proposed Amended and Restated Bylaws, Redlined](#)
[Attachment 3: Proposed Bylaws Amendment Table](#)

Est. Staff Time: 5 Minutes.

- 5.2. Approve the Fiscal Year 2025 Santa Clara Valley Water District Youth Commission Work Plan Including the October 16, 2024, Youth Commission's Project Recommendations. [24-0970](#)

Recommendation: Consider and approve the Fiscal Year 2025 Santa Clara Valley Water District Youth Commission Work Plan with recommendations resulting from the October 16, 2024, Youth Commission's meeting to:

- A. Creekside Community Care Initiative: Project aims to reduce waste in creeks, promote responsible waste management, and raise awareness about the environmental impact of trash;
B. Youth Commission Education Outreach Program: Project aims to promote Valley Water programs among students, such as purified water, refill station grants, and

environment-related policies; and
C. Creek Stewardship and Water Quality Outreach: Project aims to collect water quality data and promote the Access Valley Water app and cleanup events.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: FY25 Work Plan](#)

Est. Staff Time: 5 Minutes.

*5.3. Board Committee Reports.

[24-0991](#)

Attachments: [*Handout 5.3-A: 071524 EWRC, Summary](#)

[*Handout 5.3-B: 091624 CIP, Summary](#)

[*Handout 5.3-C: 100724 AWAC, Summary](#)

Est. Staff Time: 5 Minutes.

6. WATER UTILITY ENTERPRISE:

7. WATERSHEDS:

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

*8.1. Approve Amendment No. 11 to Agreement No. A3555A with Black and Veatch Corporation for Project Management Services for the Anderson Dam Seismic Retrofit Project No. 91864005, the Calero Dam Seismic Retrofit Project No. 91874004, the Guadalupe Dam Seismic Retrofit Project No. 91894002, and the Almaden Dam Improvements Project No. 91854001, Increasing the Not-to-Exceed Fee by \$6,715,358 for a Revised Total of Not-to Exceed Fee of \$35,547,362, and Extending the Agreement Term to April 30, 2026 (Morgan Hill, District 1).

[24-1033](#)

Recommendation: Approve Amendment No. 11 to Agreement No. A3555A (Agreement) with Black and Veatch Corporation for project management services for the Anderson Dam Seismic Retrofit Project No. 91864005, the Calero Dam Seismic Retrofit Project No. 91874004, the Guadalupe Dam Seismic Retrofit Project No. 91894002, and the Almaden Dam Improvements Project No. 91854001, increasing the not-to-exceed fee by \$6,715,358 for a revised total of not-to-exceed fee of \$35,547,362, and extending the Agreement term to April 30, 2026.

Manager: Ryan McCarter, 408-630-2983

Attachments: [Attachment A: Gov. Code 84308](#)
[Attachment 1: Amendment No. 10](#)
[Attachment 2: Amendment No. 9](#)
[Attachment 3: Amendment No. 8](#)
[Attachment 4: Amendment No. 7](#)
[Attachment 5: Amendment No. 6](#)
[Attachment 6: Amendment No. 5](#)
[Attachment 7: Amendment No. 4](#)
[Attachment 8: Amendment No. 3](#)
[Attachment 9: Amendment No. 2](#)
[Attachment 10: Amendment No. 1](#)
[Attachment 11: Original Agreement](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: Amendment No. 11](#)

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

*10.1. CEO and Chiefs' Reports.

[24-0992](#)

Attachments: [*Handout 10.1-A: OGR, Summary](#)
[*Handout 10.1-B: OCE, Monthly Update](#)
[*Handout 10.1-C: WS O&M, Report](#)

11. ADMINISTRATION:

12. DISTRICT COUNSEL:

13. BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:

*13.1. Review the Fiscal Year 2024-2025 Board Policy Planning Calendar.

[24-0181](#)

Recommendation: Review the Fiscal Year 2024-2025 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY 24-25 Board Calendar](#)
[*Handout 13.1-A: FY 24-25 Board Calendar, revised](#)

Est. Staff Time: 5 Minutes.

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

16. ADJOURN:

- 16.1 *Adjourn to the 11:00 a.m. Closed Session and Regular meeting on November 26, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.