



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, July 9, 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=TojJpYCxXm0>

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 <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 [24-0570](#)
CONFERENCE WITH LEGAL COUNSEL
Initiation of Litigation
Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case

2.2. CLOSED SESSION [24-0646](#)
CONFERENCE WITH LEGAL COUNSEL
Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8
Setting Negotiation Parameters for Price and Terms of Payment for Purchase, Sale, or Exchange of Property Interest in APNs 728-34-020, 728-34-021, 728-35-001, 729-36-001, 678-02-031, 678-02-034, 725-06-008, 729-46-001, 725-08-001, 725-06-008, 725-05-002, and 725-04-003
Agency Negotiators: Rick Callender, Tina Yoke, Chris Hakes, Ryan McCarter, John Bourgeois
Negotiating Parties: County of Santa Clara

2.3. CLOSED SESSION [24-0630](#)
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Titles: CEO, District Counsel, and Clerk of the Board

*2.4. CLOSED SESSION [24-0673](#)
CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representative: Chair Nai Hsueh
Unrepresented Employees: CEO, District Counsel, Clerk of the Board

*2.5. CLOSED SESSION [24-0674](#)
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case

*2.6. District Counsel Report on Closed Session.
(*Previously listed as Item 2.4)

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. (*Moved to Item 6.1)
Receive an Update and Provide Feedback on Santa Clara Valley Water District's Water Supply Master Plan 2050; Consider and Approve May 17, 2024, Water Supply and Demand Management Committee Recommendation to Set a Water Conservation Goal of 126,000 Acre-Feet Per Year by 2050; Consider and Approve March 27, 2024 Recycled Water Committee Recommendation to Set Potable Reuse Goal of 24,000 Acre-Feet Per Year by 2035.
(Continued from June 25, 2024.)

- *3.5. Consider the May 17, 2024, Environmental Creek Cleanup Committee Recommendation to Adopt the Proposed Water Resources Protection Zones Ordinance.

[24-0568](#)

Recommendation: Consider recommendation resulting from the May 17, 2024, Environmental Creek Cleanup Committee meeting to:

- A. Adopt the Proposed Water Resources Protection Zones Ordinance; and
- B. Provide feedback and recommendations to staff as necessary.

Manager: Jennifer Codianne, 408-630-3876

Attachments: [Attachment 1: Ordinance](#)
[Attachment 2: PowerPoint](#)
[Handout 3.5-A: Chen](#)
[*Handout 3.5-B: Hamilton Place](#)
[*Handout 3.5-C: Environmental Groups](#)
[*Handout 3.5-D: Schryver](#)
[*Handout 3.5-E: Morgan Hill](#)
[*Handout 3.5-F: Maurer](#)
[*Handout 3.5-G: Moore](#)
[*Handout 3.5-H: Peterson](#)
[*Handout 3.5-I: Chargin](#)
[*Handout 3.5-J: Sunnyvale](#)
[*Handout 3.5-K: Destination Home](#)
[*Handout 3.5-L: Dunn](#)
[*Handout 3.5-M: Amigos de Guadalupe](#)
[*Handout 3.5-N: Feng Howard King](#)
[*Handout 3.5-O: Hall](#)
[*Handout 3.5-P: Buhs](#)

Est. Staff Time: 10 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (*4.1 - *4.6) (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 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. Adopt Recommended Positions on State Legislation: AB 2813 [24-0675](#)
(Aguiar-Curry) Government Investment Act, *Proposition 4, the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

Recommendation: A. Adopt a position of “Support” on: AB 2813 (Aguiar-Curry) Government Investment Act; and
 *B. Adopt a position of “Support” on: Proposition 4, the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.

Manager: Marta Lugo, 408-630-2237

Attachments: [*Original Board Agenda Memo](#)
 [*Supplemental Board Agenda Memo](#)

- 4.2. Grant the Application for Leave to File Late Claim for Claim of Hortense Vasquez on Behalf of Michael Baughman and Deny the Claim on the Merits. [24-0629](#)
(Continued From June 25, 2024.)

Recommendation: A. Grant the application to file a late claim of Hortense Vasquez on behalf of Michael Baughman; and
 B. Deny the claim on the merits.

Manager: J. Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Claim](#)
 [Attachment 2: Application for Leave to File Late Claim](#)

- 4.3. Receive the Independent Auditor's Reports Related to Santa Clara Valley Water District's Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023. [24-0581](#)

Recommendation: Receive the Independent Auditor’s reports related to Santa Clara Valley Water District’s Annual Comprehensive Financial Report for the Fiscal Year ended June 30, 2023.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Investment Policy Compliance](#)
 [Attachment 2: Article XIII-B Appropriations Procedure](#)
 [Attachment 3: Compensation and Benefits Compliance](#)
 [Attachment 4: Flood Control Master Resolution Compliance](#)

- *4.4. Consider and Approve Nominations for Two-Year Committee [24-0676](#)
Appointments and Reappointments to the Santa Clara Valley Water Youth

Commission.

Recommendation: Consider and approve nominations for two-year appointments and reappointments to the Santa Clara Valley Water Youth Commission.

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

Attachments: [*Attachment 1: SCVWD Resolution No. 17-75](#)
[*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)
[*Attachment 2: Youth Commission Applications, Redacted](#)

- *4.5. Denial of May 10, 2024, Claim by Stanford University Against Santa Clara Valley Water District for Refund of Water Year 2023-24 Groundwater Production Charges. [24-0635](#)
(*Previously listed as Item 12.1)

Recommendation: Deny Stanford University's claim.

Manager: Andrew Gschwind, 408-630-2804

Attachments: [Attachment 1: Claim](#)

- *4.6. Accept the CEO Bulletin for the Weeks of June 21 through July 4, 2024. [24-0622](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 070424 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

- 5.1. Board Committee Reports.

6. WATER UTILITY ENTERPRISE:

- *6.1. Receive an Update and Provide Feedback on Santa Clara Valley Water District's Water Supply Master Plan 2050; Consider and Approve May 17, 2024, Water Supply and Demand Management Committee Recommendation to Set a Water Conservation Goal of 126,000 Acre-Feet Per Year by 2050; Consider and Approve the March 27, 2024, Recycled Water Committee Recommendation to Set Potable Reuse Goal of 24,000 Acre-Feet Per Year by 2035. [24-0628](#)
(Continued from June 25, 2024, *previously listed as Item 3.4)

Recommendation: A. Consider and approve the May 17, 2024, Recommendation of the Water Supply and Demand Management Committee to set water conservation goal of 126,000 acre-feet per year by 2050 in the Water Supply Master Plan 2050;
B. Consider and approve the March 27, 2024,

Recommendation of the Recycled Water Committee to set a potable reuse goal of 24,000 acre-feet per year by 2035 as well as long-term vision to maximize water reuse in the County in the Water Supply Master Plan 2050, including additional potable and non-potable reuse, desalination, stormwater capture, and other alternative water sources;

- C. Provide feedback and direction on portfolio analysis and three water supply strategies for meeting water supply needs; and
- D. Provide feedback and direction on proposed adaptive management framework.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Project Evaluation Summary](#)
[Attachment 2: 2050 Conservation Goal](#)
[Attachment 3: Potable Reuse Goal](#)
[Attachment 4: Additional Water Supply Portfolios](#)
[Attachment 5: PowerPoint](#)
[*Handout 6.1-A: R. Norton](#)
[*Handout 6.1-B: K. Irvin](#)
[*Handout 6.1-C: J. Kuhl](#)
[*Handout 6.1-D: J. Kuhl](#)
[*Handout 6.1-E: iBMR 24-0006](#)
[*Handout 6.1-F: iBMR 24-0007](#)
[*Handout 6.1-G: Hsueh](#)
[*Handout 6.1-H: Kuhl](#)

Est. Staff Time: 10 Minutes.

- *6.2. Approve a Budget Adjustment for the Desalination Project No. 91441003 [24-0627](#)
and Approve the Agreement No. A5050A With Black & Veatch Corporation, to Provide a Desalination Engineering Feasibility Study, Project No. 91441003, PlanetBids File No. VW0379, for a Total Not-to-Exceed fee of \$1,717,738.
(*Previously listed as Item 6.1)

Recommendation:

- A. Approve a budget adjustment in the amount of \$1,717,738 to Fiscal Year 2025 for the Desalination Engineering Feasibility Study Project; and
- B. Approve the Standard Consultant Agreement with Black & Veatch Corporation, to provide a Desalination Engineering Feasibility Study, Project No. 91441003, PlanetBids File No. VW0379, for a total not-to-exceed fee of \$1,717,738.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment A: Gov. Code 84308](#)

[Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes.

7. WATERSHEDS:

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

*10.1 CEO and Chiefs' Reports.

[24-0624](#)

Attachments: [*Handout 10.1-A: OCE, Update](#)

[*Handout 10.1-B: OGR, Summary](#)

11. ADMINISTRATION:

12. DISTRICT COUNSEL:

*12.1. (*Moved to Item 4.5)

Denial of May 10, 2024, Claim by Stanford University Against Santa Clara Valley Water District for Refund of Water Year 2023-24 Groundwater Production Charges.

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

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

[24-0176](#)

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

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY 24-25 Board Calendar](#)

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 2:00 p.m. Special meeting on July 9, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

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