



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>

SPECIAL BOARD MEETING AGENDA

**Tuesday, July 9, 2024
2:00 PM**

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
SPECIAL BOARD MEETING
AGENDA

Tuesday, July 9, 2024

2:00 PM

HQ. Bldg. Boardroom, 5700 Almaden
Expressway, San Jose, California

Join Zoom Meeting:

<https://valleywater.zoom.us/j/84454515597>

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://emma.msrb.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. 2:00 PM - TIME CERTAIN:

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. Review Proposed Change to a Project Under Priority E of the Renewed Safe, Clean Water and Natural Flood Protection Program and Consider Setting a Time and Place for a Public Hearing.

[24-0672](#)

Recommendation: A. Review the proposed change to a project under Priority E of the Renewed Safe, Clean Water and Natural Flood Protection Program; and
 B. Consider and approve setting a time and place for a Public Hearing on the proposed project change.

Manager: Luz Penilla, 408-630-2228

- Attachments:
- [Attachment 1: SCW Program Background](#)
 - [Attachment 2: Draft Public Hearing Notice](#)
 - [Attachment 3: SCVWD Resolution No. 20-64](#)
 - [*Handout 2.1-A: Brown](#)
 - [*Handout 2.1-B: Hutchings](#)
 - [*Handout 2.1-C: Uyehara](#)
 - [*Handout 2.1-D: Zhao](#)
 - [*Handout 2.1-E: Unze](#)
 - [*Handout 2.1-F: Ramesh](#)
 - [*Handout 2.1-G: Singh](#)
 - [*Handout 2.1-H: Koneru](#)
 - [*Handout 2.1-I: Ross](#)
 - [*Handout 2.1-J: Khule](#)
 - [*Handout 2.1-K: Chan](#)

3. ADJOURN:

- 3.1. Adjourn to the 1:00 p.m. Regular meeting on August 13, 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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Santa Clara Valley Water District

File No.: 24-0672

Agenda Date: 7/9/2024
Item No.: *2.1.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes No
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Review Proposed Change to a Project Under Priority E of the Renewed Safe, Clean Water and Natural Flood Protection Program and Consider Setting a Time and Place for a Public Hearing.

RECOMMENDATION:

- A. Review the proposed change to a project under Priority E of the Renewed Safe, Clean Water and Natural Flood Protection Program; and
- B. Consider and approve setting a time and place for a Public Hearing on the proposed project change.

SUMMARY:

In recent years, infrastructure construction projects within the renewed Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program) have experienced significant cost escalation, adversely affecting the financial health of Fund 26. Consequently, in compliance with the Change Control Process (as defined in Attachment 1), the Board has held public hearings and approved staff recommendations to reduce or reallocate funding for some capital projects, while making a commitment to continue to reassess funding availability annually as part of the Capital Improvement Program's financial planning process.

Project E6: Upper Llagas Creek Flood Protection, Phase 2B (Project No. 26174055)

Project Description

The Upper Llagas Creek Flood Protection Project (Upper Llagas Creek Project) continues a partnership with the U.S. Army Corps of Engineers (USACE) and the State of California to plan, design, and construct improvements along 13.9 miles of channel. The project extends from Buena Vista Avenue to Llagas Road and includes West Little Llagas Creek in downtown Morgan Hill.

The project is being constructed in three phases. Phase 1, which included 4.4 miles of channel

excavation and construction of the on-site compensatory mitigation at Lake Silveira wetlands, was completed in April 2022. Phase 2A includes constructing approximately 2,300 linear feet of a horseshoe-shaped underground tunnel 14 ft x 12 ft and approximately 1,600 linear feet of 10 ft x 9 ft twin reinforced concrete box culverts to carry high water flows, and completion is expected in approximately August. Phase 2B is the final phase and is essential to delivering the entire project and flood protection

to the community. It includes constructing approximately 1,900 linear feet of twin reinforced concrete box culverts (10 ft x 9 ft), creek modifications by excavating to widen and deepen the channel, installation of culverts at various street crossings, construction of an inlet basin weir split-flow structure, and bridge underpinning work.

Construction Bid Price and Funding Shortfall

Phase 2B construction was advertised for bids and they were opened on June 26, 2024.

Based on the bids received, the construction cost estimate has now increased from approximately \$90.6 million to approximately \$142.2 million, which includes a 10% contingency. Nationally and locally, the construction industry has experienced steep increases in construction costs for several reasons, including fast-rising materials costs, supply chain disruptions, and a tight labor market.

The Upper Llagas Creek Project construction costs are funded through the Safe, Clean Water Program, which has \$90.6 million for Phase 2B construction, including an \$80 million commitment from the United States Natural Resources Conservation Service (NRCS) and \$4.5 million from the City of Morgan Hill for city-specific improvements. This leaves a funding shortfall of \$51.6 million for the project. Staff plans to recommend the Board award a construction contract, provided the funding shortfall can be resolved.

To address the funding shortfall, staff is recommending the funding change detailed below to pay for constructing the shovel-ready Phase 2B while balancing the Safe, Clean Water Fund (Fund 26). This change will impact the funding allocation of Project E8: Upper Guadalupe River Flood Protection (Upper Guadalupe River Project).

Proposed Modification: Funding Allocation

Project E8: Upper Guadalupe River Flood Protection (Project No. 26154003)

Project Description

The federally authorized project continues a partnership with the U.S. Army Corps of Engineers (USACE) to plan, design, and construct improvements along 5.5 miles of the channel extending from Interstate 280 to Blossom Hill Road. Improvements include channel widening, construction of floodwalls and levees, replacement of road crossings and planting of streamside vegetation. Reducing flood frequency and bank erosion will improve water quality, while planned mitigation measures will give fish access to an additional 12 miles of habitat within and upstream of the project reach. The project has two (2) key performance indicators (KPIs):

1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 6,280 homes, 320 businesses and 10 schools and institutions.
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 all native fish species and channel stability.

Current Project Schedule and Status

Since FY15, lack of federal funding has stalled the design and construction of the flood protection elements of the project. In January 2021, the USACE began a General Re-evaluation Study to re-evaluate the scope of the project and the associated benefits and construction costs that can help make the project more competitive for federal funding by maximizing protection while maintaining affordability.

The General Re-evaluation Report (GRR) is expected to be completed by June 2025, resulting in a new preferred project with a new project schedule. This will be followed by project design, which USACE estimates will begin in 2026. At that time, Santa Clara Valley Water District (Valley Water) will be required to pay a cash contribution for the non-federal cost-share of the design and construction costs. Design completion is expected in early 2028, followed by construction start in 2028, and completion by 2033.

Recommended Funding Allocation Change

Based on the project schedule and status described above, staff is recommending reallocating the current planned cost-share funding allocation of approximately \$45.5 million in future capital costs from the Upper Guadalupe River Project to the Safe, Clean Water Program’s Operating and Capital Reserves to balance Fund 26. This reallocation will balance Fund 26 in the short term and provide sufficient funds now to award a construction contract and complete the final phase of the Upper Llagas Creek Project, which has been in the works for about 70 years.

The Upper Guadalupe River Project remains a Valley Water commitment under the Safe, Clean Water Program, and the proposed funding changes would impact but not change the project’s KPIs. The proposed modified allocation will allow Valley Water to pay the required non-federal cash contribution for the design and begin construction of the new preferred project.

Meanwhile, in the interim four years, Valley Water will continue to explore other funding alternatives. These include grant opportunities for various Safe, Clean Water projects; additional NRCS grant funding for the Upper Llagas Creek Project, Phase 2B, given the increased construction cost; and additional debt proceeds, etc., to help fund the construction of the Upper Guadalupe River Project. Valley Water will also continue working with USACE on the project funding plan. Valley Water will reassess Upper Guadalupe River Project funding annually through the Capital Improvement Program Five-Year Plan Development Process.

Should additional funding become available within the Fund 26 Reserves or through partnership and/or grant funding, the Board may reallocate the construction funding to the project through a direction provided during a regular board meeting.

Proposed modification to 15-year (FY22 to FY36) project funding:

Project E8: Upper Guadalupe River Flood Protection, Reaches 7-12 Financial Summary (\$ Thousand)	
15-Year Allocation	Proposed Modified 15-Year Allocation*
\$64,947	\$19,447

**The modified funding allocation is approximated at this time and will be finalized at a future budget adjustment and will be reflected in the Capital Improvement Program FY2026-30 Five-Year Plan.*

Additional Funding Sources: Fund 12

To close the remaining funding shortfall for the Upper Llagas Creek Project, Phase 2B construction, and present a balanced Fund 26, staff is also recommending reallocating Fund 12 dollars currently allocated to the Ogier Ponds Construction Placeholder Project.

Ogier Ponds Construction Placeholder (Project No. 62C40402)

This Watersheds Stream Stewardship Fund (Fund 12) placeholder project with approximately \$28 million in funding allocation was created to support construction of the Ogier Ponds-Coyote Creek Separation Project (Ogier Ponds Project). The Ogier Ponds Project is now part of the Anderson Dam Seismic Retrofit Project (ADSRP) as a conservation measure. As part of the ADSRP, Ogier Ponds Project construction is funded by the Water Utility Fund (Fund 61). Fund 61 planned funding for Ogier Ponds is \$77.96 million, which includes placeholder project dollars of approximately \$28 million and \$50 million earmarked in ADSRP for project mitigation. The Safe, Clean Water Program's Project D4: Fish Habitat and Passage Improvement also provides approximately \$7.4 million in funding for Ogier Ponds construction, and it will continue to do so.

Considering the alternate funding sources for this project, staff recommends reallocating approximately \$28 million from this placeholder project under Fund 12 to the Safe, Clean Water Program's Operating and Capital Reserves (Fund 26) to improve the fund's financial health and shifting the project cost to the Water Utility Fund (Fund 61).

Because Ogier Ponds is a Fish and Aquatic Habitat Collaborative Effort (FAHCE) project, Valley Water would get credit for those expenditures under the FAHCE settlement agreement, minimizing the impact on Fund 61. Of the approximately \$28 million placeholder dollars, staff recommends allocating approximately \$6.1 million to the Upper Llagas Project to cover the remaining construction cost shortfall.

Setting a Time and Place for a Public Hearing on Proposed Project Changes

The proposed changes trigger the Safe, Clean Water Program's Change Control Process, which includes conducting a public hearing when KPIs are impacted. Due to the proposed funding allocation impacting Project E8: Upper Guadalupe River Flood Protection, Project No 26154003, staff recommends the Board set the time and place for a public hearing to consider the impact of the proposed funding allocation as detailed in this agenda memo and in the Draft Notice of Public Hearing (Attachment 2).

ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:

Individual projects may have environmental justice impacts; Valley Water will conduct outreach and engagement to the impacted communities, which will be reported to the Board accordingly.

FINANCIAL IMPACT:

The financial impact associated with the cost of this item is the cost of placing the Notice of Public Hearing advertisement. The estimated cost for the Notice of Public Hearing advertisement is approximately \$6,000, and there is sufficient budget in the FY25 budget for the Safe, Clean Water

Program, Project No. 26061012.

There would be changes to the financial allocation of the Upper Llagas Project (Project No. 26174055) and the Upper Guadalupe River Project (Project No. 26154003) should the proposed changes be approved. The Upper Guadalupe River Project funding will have approximately \$10 million remaining after reallocating approximately \$45.5 million to the Safe, Clean Water Program's Operating and Capital Reserves to balance Fund 26.

The cost allocated to the Upper Llagas Creek Project, Phase 2B, would increase by approximately \$51.6 million, with \$45.5 million reallocating from the Upper Guadalupe River Project and \$6.1 million of the \$28 million Ogier Ponds Project (Project No. 62C40402) fund transfer to Fund 26. The Water Utility Fund (Fund 61) is expected to incur an initial cost of replacing approximately \$28 million that has been reallocated from the Watersheds Stream Stewardship Fund (Fund 12) to the Safe, Clean Water Program (Fund 26). However, because Ogier Ponds is a FAHCE project, Valley Water would get credit for those expenditures under the FAHCE settlement agreement, minimizing the impact on Water Utility Fund 61.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

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- Attachment 2: Draft Notice of Public Hearing
- Attachment 3: SCVWD Resolution No. 20-64
- *Handout 2.1-A: Brown
- *Handout 2.1-B: Hutchings
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- *Handout 2.1-J: Khule
- *Handout 2.1-K: Chan

UNCLASSIFIED MANAGER:

Luz Penilla, 408-630-2228

Attachment 1

Safe, Clean Water and Natural Flood Protection Program Background

In November 2020, Santa Clara County voters overwhelmingly approved Measure S, a renewal of Valley Water's Safe, Clean Water and Natural Flood Protection Program. Voters first approved a community-focused program to address our waterways and water supply in 2000 as the Clean, Safe Creeks and Natural Flood Protection Plan, then again in 2012 as the Safe, Clean Water and Natural Flood Protection Program.

The Safe, Clean Water Program addresses the following six community priorities:

- Priority A:** Ensure a Safe, Reliable Water Supply
- Priority B:** Reduce Toxins, Hazards, and Contaminants in Our Waterways
- Priority C:** Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters
- Priority D:** Restore Wildlife Habitat and Provide Open Space
- Priority E:** Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways
- Priority F:** Support Public Health and Public Safety for Our Community

Each of these priorities has specific operational and capital projects, which have key performance indicators (KPIs) to keep them on track in meeting the overall Safe, Clean Water Program priorities. KPIs are considered the measurement for the delivery of each project and represent Valley Water's commitment to the voters.

The renewed Safe, Clean Water Program will continue to be monitored by the Independent Monitoring Committee to ensure transparency, accountability, and fiscal responsibility. The Program also requires that staff develop five-year implementation plans, implement a change control process, and conduct independent audits at least every five years.

As changes may be required throughout the implementation of the Safe, Clean Water Program, staff has developed a change control process, which outlines the differences between adjustments and modifications to the Program and identifies the different processes for implementing both. In summary, "adjustments" are project changes that do not impact KPIs, such as updates to text, financial allocation, or schedule, and can be approved by the Valley Water Board during a public board meeting. Any changes to KPIs are considered "modifications." Modifications to KPIs or a decision to "Not Implement" a project require a public hearing, which must be publicly noticed.

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Safe, Clean Water and Natural Flood Protection Program Change



What: Public Hearing on a Proposed Change to the Safe, Clean Water and Natural Flood Protection Program

Who: Santa Clara Valley Water District (Valley Water)

When: Tuesday, August 13, 2024, at 1:00 p.m.

**Where: Valley Water Headquarters Building Boardroom
5700 Almaden Expressway, San Jose, CA
Or by Zoom Teleconference at <https://valleywater.zoom.us/j/84454515597>**

Valley Water invites you to a Public Hearing regarding a proposed change to the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program).

The infrastructure construction industry has experienced steep increases in construction costs for several reasons, including fast-rising materials costs, supply chain disruptions, and a tight labor market.

Project E6: Upper Llagas Creek Flood Protection (Upper Llagas Creek Project) Funding Shortfall

This project, which aims to construct improvements along 13.9 miles of channel, extends from Buena Vista Avenue to Llagas Road and includes West Little Llagas Creek in downtown Morgan Hill. The project is being constructed in phases.

Construction bids for Phase 2B, the project's final phase, were opened on June 26, 2024. Based on the bids received, the construction cost estimate has increased from approximately \$90.6 million to approximately \$142.2 million.

The Safe, Clean Water Program funds the project, with \$90.6 million for Phase 2B construction, including an \$80 million commitment from the United States Natural Resources Conservation Service (NRCS) and \$4.5 million from the City of Morgan Hill for city-specific improvements. This leaves a funding shortfall of \$51.6 million for the project. Valley Water staff plans to recommend the Board award a construction contract, provided the funding shortfall can be resolved.

To address the funding shortfall and pay for constructing the shovel-ready Phase 2B while balancing the Safe, Clean Water Fund (Fund 26), staff is recommending changing the funding allocation of Project E8: Upper Guadalupe River Flood Protection in the Safe, Clean Water Program.

Proposed Modification: Funding Allocation

Project E8: Upper Guadalupe River Flood Protection (Upper Guadalupe River Project)

The federally authorized project continues a partnership with the U.S. Army Corps of Engineers (USACE) to plan, design, and construct improvements along 5.5 miles of the channel extending from Interstate 280 to Blossom Hill Road.

The current project schedule forecasts the design phase to commence in 2026 and be completed in 2028, with construction to follow and finish in 2033. At that time, Valley Water will be required to pay a cash contribution for the non-federal cost-share of the design and construction costs.

Recommended Funding Allocation Change

Based on the project schedule and status, staff recommends reallocating the current planned cost-share funding allocation of approximately \$45.5 million in future capital costs from the project to the Fund 26 Operating and Capital Reserves. This reallocation will help balance Fund 26 in the short term and provide funds now to award a construction contract and complete the final phase of the Upper Llagas Creek Project, which has been in the works for about 70 years.

The Upper Guadalupe River Project remains a Valley Water commitment under the Safe, Clean Water Program, and the proposed funding changes would impact but not change the project's KPIs. The proposed modified allocation will allow Valley Water to pay the required non-federal cash contribution when due for the design and begin construction of the project.

Meanwhile, in the interim four years, Valley Water will continue to explore other funding alternatives. These include grant opportunities, additional NRCS funding for the Upper Llagas Creek Project, Phase 2B, given the increased construction cost, and additional debt proceeds, etc., to help fund the construction of the Upper Guadalupe River Project. Valley Water will also continue working with USACE on the project funding plan. Valley Water will reassess Upper Guadalupe River Project funding annually through the Capital Improvement Program Five-Year Plan Development Process.

Should additional funding become available within the Fund 26 Reserves or through partnership and/or grant funding, the Board may reallocate the construction funding to the project through a direction provided during a regular board meeting.

Project E8: Upper Guadalupe River Flood Protection, Reaches 7-12 Financial Summary (\$ Thousand)	
15-Year Allocation	Proposed Modified 15-Year Allocation*
\$64,947	\$19,447

**The proposed modified 15-year (FY22 to FY36) allocation is approximated and will be finalized at a future budget adjustment and will be reflected in the Capital Improvement Program FY2026-30 Five-Year Plan.*

This meeting is being held in accordance with the Brown Act. The 1:00 p.m., August 13, 2024, Public Hearing will be held during a Board Meeting and is accessible for public in-person participation at the time, date, and location shown above or by public virtual participation at the Zoom link above. Document(s) associated with this hearing are available for public inspection prior to the meeting in the Clerk of the Board's Office or online at <http://www.valleywater.org> and will be available at the meeting.

For more information, contact Meenakshi Ganjoo, Program Administrator, at **408-630-2295**.

Important Notices:

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 meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled Valley Water Board meeting to ensure that Valley Water may assist you. Reasonable efforts will be made to accommodate persons with disabilities.

重要通知：

Valley Water 遵守美國殘疾人法案 (ADA)，要求需要特殊便利才能訪問和/或參加 Valley Water 委員會會議的個人請致電 (408) 630-2711 聯繫委員會辦公室的書記員，網址為在預定的 Valley Water 委員會會議召開前至少 3 個工作日，以確保 Valley Water 可以為您提供幫助。將做出合理的努力以容納殘疾人。

Thông báo quan trọng:

Valley Water, để tuân thủ Đạo luật Người Mỹ Khuyết tật (ADA), yêu cầu những cá nhân cần điều chỉnh đặc biệt để tiếp cận và/hoặc tham gia các cuộc họp của Hội đồng Valley Water vui lòng liên hệ với Văn phòng Thư ký của Hội đồng theo số (408) 630-2711, tại ít nhất 3 ngày làm việc trước cuộc họp đã lên lịch của Hội đồng Valley Water để đảm bảo rằng Valley Water có thể hỗ trợ bạn. Những nỗ lực hợp lý sẽ được thực hiện để hỗ trợ người khuyết tật.

Aviso Importantes:

Valley Water, en cumplimiento de la Ley de Estadounidenses con Discapacidades (ADA), solicita a las personas que requieren adaptaciones especiales para acceder y/o participar en las reuniones de la Junta de Valley Water que se comuniquen con la oficina del Secretario de la Junta al (408) 630-2711, al menos 3 días hábiles antes de la reunión programada de la Junta de Valley Water para asegurarse de que Valley Water pueda ayudarlo. Se harán esfuerzos razonables para acomodar a las personas con discapacidades.

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**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 20-64

**PROVIDING FOR THE CONTINUATION AND LEVY OF A SPECIAL TAX TO PAY
THE COST OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION
PROGRAM IN THE COMBINED FLOOD CONTROL ZONE OF THE SANTA CLARA VALLEY
WATER DISTRICT SUBJECT, NEVERTHELESS, TO SPECIFIED LIMITS AND CONDITIONS**

WHEREAS, the Santa Clara Valley Water District (Valley Water) policy is to ensure current and future water supplies and provide healthy, clean, and reliable water in Santa Clara County; and

WHEREAS, Valley Water policy is to protect Santa Clara County creeks, reservoirs, Monterey Bay, and San Francisco Bay from toxins, pollutants, and contaminants; and

WHEREAS, Valley Water policy is to provide for flood water and storm water flood protection to residents, businesses, visitors, public highways, and the watercourses flowing within the District; and

WHEREAS, Valley Water policy is to protect our water supply, pipelines, and local dams from earthquakes and natural disasters; and

WHEREAS, Valley Water maintains a flood protection system of levees, channels, drains, detention basins, and other improvements upon which the lives and property of Valley Water residents depend, which said improvements must be kept in a safe and effective condition; and

WHEREAS, the Valley Water policy is to protect, enhance, and restore healthy Santa Clara County creeks, watersheds, and bay lands ecosystems; and

WHEREAS, in 2000, voters passed the 15-year Clean, Safe Creeks and Natural Flood Protection Plan; and

WHEREAS, the Valley Water policy is to engage in partnerships with the community to provide open spaces, trails, and parks along Santa Clara County creeks and watersheds; and

WHEREAS, in November 2012, voters passed the Safe, Clean Water and Natural Flood Protection Program which replaced the Clean, Safe Creeks and Natural Flood Protection Plan in its entirety when it became effective on July 1, 2013; and

WHEREAS, the Safe, Clean Water and Natural Flood Protection Program was originally scheduled to sunset on June 30, 2028; and

WHEREAS, in order to protect Santa Clara County water supplies, creeks, watersheds, and bay lands and ensure residents have an ample supply of clean water in the future, Valley Water will need a dedicated source of revenue in the future and beyond 2028 to maintain the programs established in the Safe, Clean Water and Natural Flood Protection Program; and

WHEREAS, the California State Legislature has authorized Valley Water to levy a special tax on each parcel of property within Valley Water or any zone or zones thereof upon approval by a two-thirds vote of the electorate of Valley Water or zones therein; and

WHEREAS, the purpose of the special tax is to supplement other available but limited revenues to keep said improvements in a safe and effective condition; to enable Valley Water to respond to emergencies; to perform maintenance and repair; to acquire, restore, and preserve habitat; to provide opportunities and access to recreation; to conduct environmental education; to protect and improve water quality; and to construct, operate, and maintain flood protection and storm drainage facilities; to support public health and public safety through efforts authorized by the District Act; and to fund the cost of financing such activities; and

WHEREAS, State California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), states that government funding mechanisms are not projects subject to the requirements of CEQA.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

FIRST: The Board hereby finds that since (a) the management of creeks, watersheds, and bay lands are necessary to ensure safe, clean water and to protect, enhance and restore healthy ecosystems, (b) the construction and management of flood protection services are made necessary by stormwater runoff, and (c) the lands from which runoff derives are benefitted by provision of means of disposition which alleviates or ends the damage to other lands affected thereby, by direct protection of loss of property, and other indirect means which include improved aesthetics and quality of life, the basis on which to levy the special tax is at fixed and uniform rates per area and county or city designated land use of each parcel, taxed as such parcel is shown on the latest tax rolls.

SECOND: Pursuant to the authority of Section 3 of the District Act, a Combined Zone consisting of the aggregate metes and bounds descriptions of Zones One, Two, Three, Four, and Five is presently existing as generally depicted in Attachment 1.

THIRD: A special Valley Water Election for November 3, 2020 will be called within said District, on the proposition of levy of a special tax.

FOURTH: Subject to approval by two-thirds of the electors of Valley Water voting at such election and pursuant to the authority vested in the Board, there is hereby established a special tax as authorized by this resolution, the proceeds of which shall be used solely for the purpose of supporting the priorities of the Safe, Clean Water and Natural Flood Protection Program. The priorities are summarized in Attachment 2. The Safe, Clean Water and Natural Flood Protection Program Report (hereafter "Report") generally describes the priorities. This tax shall be instituted with the following provisions:

- A. The Chief Executive Officer (CEO) or designee of Valley Water is directed to cause a written Report to be prepared for each fiscal year for which a special tax is to be levied and to file and record the same, all as required by governing law. Said Report shall include the proposed special tax rates for the upcoming fiscal year at any rate up to the maximum rate approved by the voters. Valley Water's Board of Directors shall consider formal acceptance of this Report at a public meeting and shall thereafter make a final determination of special taxes with a confirming resolution. A special fund shall be established into which proceeds from the tax shall be deposited. Proceeds from the tax may be used only for the Safe, Clean Water and Natural Flood Protection Program.

- B. The CEO, or designee of Valley Water may cause the special tax to be corrected in the same manner as assessor's or assessee's errors may be corrected but based only upon any or all of the following:
1. Changes or corrections in ownership of a parcel;
 2. Changes or corrections of address of an owner of a parcel;
 3. Subdivision of an existing parcel;
 4. Changes or corrections in the use of all or part of a parcel;
 5. Changes or corrections in the computation of the area of a parcel;
 6. As to railroad, gas, water, telephone, cable television, electric utility right of way, electric line right of way, or other utility right of way properties.

Changes and corrections are not valid unless and until approved by the Board.

- C. The Clerk of the Board shall immediately file certified copies of the final determination of special taxes and confirming resolution with the Auditor-Controller of the County of Santa Clara and shall immediately record with the County Recorder of said County a certified copy of the resolution confirming the special tax.
- D. The special tax for each parcel set forth in the final determination by the Board shall appear as a separate item on the tax bill and shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes. Upon recording of the resolution confirming the special tax such special tax shall be a lien upon the real property affected thereby.
- E. Failure to meet the time limits set forth in this resolution for whatever reason shall not invalidate any special tax levied hereunder.
- F. No special tax for the Safe, Clean Water and Natural Flood Protection Program shall be imposed upon a federal or state or local governmental agency. Where real property owned by a federal, state, or local agency is leased to a private person or private entity, the private interest so created shall be separately assessed as a possessory interest and the special tax for the Safe, Clean Water and Natural Flood Protection Program shall be levied on all holders of such possessory interests. With said exceptions, a Safe, Clean Water and Natural Flood Protection Program special tax is levied on each parcel of real property in the five Flood Control Zones of Valley Water subject to this resolution for the purposes stated in the Report and in this resolution. Except for the minimum special tax as hereinafter indicated, the special tax for each parcel of real property in each such zone is computed by determining its area (in acres or fractions thereof) and land use category (as hereinafter defined) and then multiplying the area by the special tax rate applicable to land in such land use category. A minimum special tax may be levied on each parcel of real property having a land area up to 0.25 acre for Groups A, B, and C, up to 10 acres for Groups D and E Urban and, for Group E Rural, the minimum special tax shall be that as calculated for the E Urban category.

- G. Land use categories for each parcel of land in Valley Water are defined and established as follows:
- Group A: Land used for commercial or industrial purposes.
 - Group B: Land used for institutional purposes such as churches and schools or multiple dwellings in excess of four units, including apartment complexes, mobile home parks, recreational vehicle parks, condominiums, and townhouses.
 - Group C: (1) Land used for single-family residences and multiple-family units up to four units and (2) the first 0.25 acre of a parcel of land used for single-family residential purposes.
 - Group D: (1) Disturbed agricultural land, including irrigated land, orchards, dairies, field crops, golf courses, and similar uses and (2) the portion of the land, if any, in excess of 0.25 acre of a parcel used for single-family residential purposes.
 - Group E: Vacant undisturbed land (1) in urban areas and (2) in rural areas including dry farmed land, grazing and pasture land, forest and brush land, salt ponds, and small parcels used exclusively as well sites for commercial purposes.
 - Group F: Parcels used exclusively as well sites for residential uses are exempt from the special tax.
- H. The special tax amounts applicable to parcels in the various land uses shall be as prescribed by the Board of Directors in each fiscal year (July 1 through June 30) beginning with fiscal year 2021-2022 as set forth in Attachment 3, which is incorporated herein by reference, and as required by law; provided, that the annual basic special tax unit (single-family residential parcel of 1/4 acre or less) shall not exceed a maximum limit of \$67.67 annually (averaging \$0.006 per square foot annually), as adjusted by the compounded percentage increases of the San Francisco-Oakland-San Jose Consumer Price Index (CPI-U) for all Urban Consumers (or an equivalent index published by a government agency) in the year or years after April 30, 2021; provided, however, that appropriate amounts may be increased in any year by up to the percentage increase of the San Francisco-Oakland-San Jose Consumer Price Index for all Urban Consumers in the preceding year or two percent (2%) whichever is greater; provided further, however, that in any period, not exceeding three years, immediately following a year in which the Governor of the State of California or the President of the United States has declared an area of said zones to be a disaster area by reason of flooding or other natural disaster, then to the extent of the cost of repair of Valley Water facilities damaged by such flooding or other natural disaster, the maximum tax rate shall be the percentage increase in CPI-U plus 4.5 percent; and provided, that special taxes for the Safe, Clean Water and Natural Flood Protection Program shall be levied annually until ended by voters.

- I. In the event that the county or city designated land use for a parcel is different than the actual land use, the CEO of Valley Water may, pursuant to written policies and procedures, cause the special tax to be adjusted based upon any or all of the following:
1. The parcel owner shall provide Valley Water a claim letter stating that the present actual land use is different than the county or city designated land use, including an estimate of the portion of the parcel that is different than the designated land use. Such claim is subject to investigation by Valley Water as to the accuracy of the claim. Parcel owner shall furnish information deemed necessary by Valley Water to confirm the actual uses and areas in question which may include, but not be limited to, a survey by a licensed surveyor.
 2. The parcel owner shall request Valley Water to inspect the parcel and reevaluate the parcel tax.
 3. The parcel owner shall notify Valley Water after a substantial change in the actual land use occurs, including a new estimate of the portion of the parcel that is different than the designated land use.
 4. Valley Water may inspect and verify the actual land use for these parcels on a regular basis and will notify the appropriate parcel owners when it is determined that the actual land use has matched a county or city designated land use. Valley Water shall then correct the special tax rates for these parcels accordingly.
- J. Pursuant to state law, Valley Water may provide an exemption from the special tax for low income owner-occupied residential properties for taxpayer-owners who are 65 years of age or older, the following shall apply:
- Residential parcels where the total annual household income does not exceed 75 percent of the latest available figure for state median income at the time the annual tax is set, and such parcel is owned and occupied by at least one person who is aged 65 years or older is qualified to apply for an exemption from the applicable special tax.
- K. The Safe, Clean Water and Natural Flood Protection Program shall follow 15-year financial planning cycles. This will allow Valley Water to align its budget each year with the projects' key performance indicators as well as long-term financial planning efforts, such as the Capital Improvement Program. Prior to the development of each 15-year financial plan, Valley Water will conduct outreach to engage the community and key stakeholders, including the Safe, Clean Water and Natural Flood Protection Program's independent monitoring committee (IMC) and Valley Water advisory committees, to help ensure that the Safe, Clean Water and Natural Flood Protection Program's priorities remain aligned with the priorities of the residents of Santa Clara County.
- L. After a period of no longer than fifteen (15) years, the Board of Directors shall evaluate the need for the Safe, Clean Water and Natural Flood Protection Program, and make an affirmative determination of whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program. Should the Board of Directors determine that no additional Projects are needed, the Safe, Clean Water and Natural Flood Protection Program special tax will be

- reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with Safe, Clean Water and Natural Flood Protection Program funds. This evaluation process shall include the Valley Water advisory committees and the Program's IMC, which will be charged with making recommendations to the Board of Directors on the determination of whether the special tax should be reduced, repealed, or maintained. Following the first fifteen-year determination of continued need for the special tax, the determination shall be made every fifteen (15) years thereafter.
- M. As projects under the Program are completed, the Board of Directors shall identify and prioritize new projects for inclusion in the Program. These new projects may be identified and proposed for Board approval at a public meeting through the Board's review and approval of the Program's five-year implementation plans, the first of which will be produced by the CEO or designee of Valley Water in year one of the Program and every five years thereafter; or, as directed by the Board.
- N. The Board of Directors may direct that proposed projects in the Safe, Clean Water and Natural Flood Protection Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of CEQA environmental review and permitting by state and federal regulatory agencies. The Board of Directors must hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before adoption of any such decision to modify or not implement a project.
- O. The Chief Financial Officer or designee of Valley Water shall file a fiscal year report with the Board of Directors no later than January 1 of each year for the prior fiscal year. The annual report shall contain both of the following: (a) the amount of funds collected and expended; and (b) the status of any project required or authorized to be funded under this resolution.
- P. 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. Every fifteen years, the IMC will review, and recommend to the Board and general public, whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program as described in Paragraph L of this resolution.
- Q. While the Safe, Clean Water and Natural Flood Protection Program is in effect, the Board of Directors shall conduct independent professional audits of the Program to provide for accountability and transparency at least every five years.
- R. Grants and partnerships offered through the Safe, Clean Water and Natural Flood Protection Program, where aligned with the District Act and permitted by law, may

extend to state and local governmental organizations; organized community groups with an established structure; nonprofit organizations as defined by Internal Revenue Code subsections (c) or (d); schools, community colleges, or universities (public or nonprofit; non-profit organizations as defined under Internal Revenue Code section 501(c); religious or apostolic associations as defined under Internal Revenue Code section 501(d); for-profit organizations; and persons.

- S. Pursuant to the State California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), adoption of this resolution for continuation of the parcel tax and as a government funding mechanism, is not a project subject to the requirements of CEQA. Prior to commencement of any project included in the Safe, Clean Water and Natural Flood Protection Program, any necessary environmental review required by CEQA shall be completed.
- T. Upon entering into effect, the Safe, Clean Water and Natural Flood Protection Program parcel tax authorized by this resolution and placed on the ballot by RESOLUTION NO. 20-63, shall repeal and replace the Safe, Clean Water and Natural Flood Protection Program parcel tax approved by the voters in 2012. On the date that the parcel tax authorized by this resolution and RESOLUTION NO. 20-63 goes into effect, the updated Safe, Clean Water and Natural Flood Protection Program (the priorities of which are summarized in Attachment 2) will replace in its entirety the previously approved Safe, Clean Water and Natural Flood Protection Program. Any tax payments already made by voters and collected for use by Valley Water for the prior Safe, Clean Water and Natural Flood Protection Program will be used to achieve priorities identified in this updated Safe, Clean Water and Natural Flood Protection Program. Funding for capital projects currently identified in the prior Safe, Clean Water and Natural Flood Protection Program, will continue under this updated Safe, Clean Water and Natural Flood Protection Program to meet previous commitments. All other projects and programs identified in the prior Safe, Clean Water and Natural Flood Protection Program will be replaced by comparable projects or programs with similar or expanded obligations under the updated Safe, Clean Water and Natural Flood Protection Program. Commitments for incomplete non-capital projects or programs carried forward from the 2012 Safe, Clean Water and Natural Flood Protection Program, shall continue at no less than the current levels (funding or key performance indicators) as identified in the comparable replacement projects or programs under the updated Safe, Clean Water and Natural Flood Protection Program, until such time as they are completed. Changes to funding levels or key performance indicators may only be made by the Board as set forth under Paragraphs K and L or through Board decisions via a Board-approved Change Control Process.

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions
Resolution No. 20-64

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on July 21, 2020:

AYES: Directors Santos, Estremera, Keegan, Kremen, LeZotte, Varela, Hsueh
NOES: Directors None.
ABSENT: Directors None.
ABSTAIN: Directors None.

SANTA CLARA VALLEY WATER DISTRICT



NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC



Clerk, Board of Directors

ATTACHMENT 1 COVERSHEET

SCVWD FLOOD CONTROL ZONES AND BOARD DISTRICTS IN SANTA CLARA COUNTY

No. of Pages: 1

Additional Items: None.

ATTACHMENT 2 COVERSHEET

SUMMARY OF KEY PERFORMANCE INDICATORS FOR THE FIRST 15 YEARS OF PROGRAM

No. of Pages: 5

Additional Items: None.

Summary of Key Performance Indicators for the First 15 Years of Program

Project	Key Performance Indicator
Priority A: Ensure a Safe, Reliable Water Supply	
A1 Pacheco Reservoir Expansion	1. Provide a portion of funds, up to \$10 million, to help construct the Pacheco Reservoir Expansion Project.
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.
A3 Pipeline Reliability	1. Install four (4) new line valves on treated water distribution pipelines.

Project	Key Performance Indicator
Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways	
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.
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.
B3 Hazardous Materials Management and Response	1. Respond to 100% of hazardous materials reports requiring urgent on-site inspection in two (2) hours or less.
B4 Support Volunteer Cleanup Efforts	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.

Project	Key Performance Indicator
Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters	
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.

Project	Key Performance Indicator
Priority D: Restore Wildlife Habitat and Provide Open Space	
D1 Management of Riparian Planting and Invasive Plant Removal	<ol style="list-style-type: none"> 1. Maintain a minimum of 300 acres of riparian planting projects annually to meet regulatory requirements and conditions. 2. Maintain a minimum of 200 acres of invasive plant management projects annually to meet regulatory requirements and conditions. 3. Remove 25 acres of <i>Arundo donax</i> throughout the county over a 15-year period.
D2 Revitalize Riparian, Upland and Wetland Habitat	<ol style="list-style-type: none"> 1. Revitalize at least 21 acres over a 15-year period through native plant revegetation and/or removal of invasive exotic species. 2. Develop an Early Detection and Rapid Response Program Manual. 3. 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. 4. Develop at least eight (8) information sheets for Early Detection of Invasive Plant Species.
D3 Sediment Reuse to Support Shoreline Restoration	<ol style="list-style-type: none"> 1. Maintain partnership agreements to reuse sediment to improve the success of salt pond and tidal marsh restoration projects and activities. 2. Provide up to \$4 million per 15-year period to support activities necessary for sediment reuse.
D4 Fish Habitat and Passage Improvement	<ol style="list-style-type: none"> 1. Complete planning and design for one (1) creek/lake separation. 2. Construct one (1) creek/lake separation project in partnership with local agencies. 3. Use \$8 million for fish passage improvements by June 30, 2028. 4. 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. 5. 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.
D5 Ecological Data Collection and Analysis	<ol style="list-style-type: none"> 1. Reassess and track stream ecological conditions and habitats in each of the county's five (5) watersheds every 15 years. 2. 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.
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.

Priority D: Restore Wildlife Habitat and Provide Open Space cont...

D7 Partnerships for the Conservation of Habitat Lands	1. Provide up to \$8 million per 15-year period for the acquisition or enhancement of property for the conservation of habitat lands.
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Project

Key Performance Indicator

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

E1 Coyote Creek Flood Protection, Montague Expressway to Tully Road – San Jose	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.
E2 Sunnyvale East and Sunnyvale West Channels Flood Protection, San Francisco Bay to Inverness Way and Almanor Avenue – Sunnyvale	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.
E3 Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3) – Milpitas	1. With local funding only: Complete the design phase of the 1% (100-year) flood protection project to protect an estimated 1,420 parcels.
E4 Upper Penitencia Creek Flood Protection, Coyote Creek to Dorel Drive – San Jose	1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 8,000 parcels. 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.
E5 San Francisquito Creek Flood Protection, San Francisco Bay to Upstream of Highway 101 – Palo Alto	1. Preferred project with federal, state and local funding: Protect more than 3,000 parcels by providing 1% (100-year) flood protection. 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.

Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways cont...	
E6 Upper Llagas Creek Flood Protection, Buena Vista Avenue to Llagas Road – Morgan Hill, San Martin, Gilroy	<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.
E7 San Francisco Bay Shoreline Protection – Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale	<ol style="list-style-type: none"> 1. Provide 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 portion of the local share of funding for planning and design phases for the Santa Clara County shoreline area, EIAs 5-9.
E8 Upper Guadalupe Flood Protection, Highway 280 to Blossom Hill Road – San Jose	<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, 320 businesses and 10 schools and institutions. 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 Jose, from approximately the Union Pacific Railroad Bridge to West Virginia Street Bridge to improve aquatic habitat for migrating steelhead and channel stability.

Project	Key Performance Indicator
Priority F: Support Public Health and Public Safety for Our Community	
F1 Vegetation Control and Sediment Removal for Capacity	<ol style="list-style-type: none"> 1. Maintain completed flood protection projects for flow conveyance.
F2 Emergency Response Planning and Preparedness	<ol style="list-style-type: none"> 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.
F3 Flood Risk Assessment Studies	<ol style="list-style-type: none"> 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.

Priority F: Support Public Health and Public Safety for Our Community cont...

<p>F4 Vegetation Management for Access and Fire Safety</p>	<ol style="list-style-type: none"> 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.
<p>F5 Good Neighbor Program: Encampment Cleanup</p>	<ol style="list-style-type: none"> 1. Perform 300 annual cleanups to reduce the amount of trash and pollutants entering the streams. 2. Provide up to \$500,000 per year in cost-share with other agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the homelessness crisis with the goal of reducing the need for encampment cleanups.
<p>F6 Good Neighbor Program: Graffiti and Litter Removal and Public Art</p>	<ol style="list-style-type: none"> 1. Cleanup identified trash and graffiti hotspots at approximately 80 sites four (4) times per year. 2. Respond to requests on litter or graffiti cleanup within five (5) working days. 3. Provide up to \$1.5 million over 15 years to implement public art projects on Valley Water property and infrastructure.
<p>F7 Emergency Response Upgrades</p>	<ol style="list-style-type: none"> 1. Maintain existing capabilities for flood forecasting and warning. 2. Improve flood forecast accuracy and emergency response time working with the National Weather Service and through research and development.
<p>F8 Sustainable Creek Infrastructure for Continued Public Safety</p>	<ol style="list-style-type: none"> 1. Provide up to \$7.5 million in the first 15-year period to plan, design and construct projects identified through Watersheds asset management plans.
<p>F9 Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship</p>	<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.

ATTACHMENT 3 COVERSHEET

FIGURE 1 ACTUAL FY 2019–20 AND ACTUAL FY 2020–21 SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION SPECIAL TAX RATES

No. of Pages: 1

Additional Items: None.

FIGURE 1
Actual FY 2019–20 and Actual FY 2020–21
Safe, Clean Water and Natural Flood Protection Special Tax Rates

Land Use Categories	Actual FY '19-20	Actual FY '20-21
A - Commercial, Industrial		
Rate (\$/Acre)	\$541.60	\$541.60
Minimum Assessment ⁽¹⁾	\$135.39	\$135.39
B - Apartment, Schools, Churches, Condominiums & Townhouse		
Rate (\$/Acre)	\$406.20	\$406.20
Minimum Assessment ⁽¹⁾	\$101.55	\$101.55
Condominiums & Townhouses (\$/unit)	\$32.95	\$32.95
C - Single Family Residential, Small Multiples (2-4 units) ⁽²⁾		
Minimum Assessment ⁽¹⁾	\$67.67 (Averaging \$0.006 per square foot)	\$67.67 (Averaging \$0.006 per square foot)
D - Utilized Agriculture⁽²⁾		
Rate (\$/Acre)	\$3.47	\$3.47
Minimum Assessment ⁽¹⁾	\$34.70	\$34.70
E - Urban - Nonutilized Agricultural, Grazing Land, Salt Ponds, Well Site in Urban Areas		
Rate (\$/Acre)	\$1.02	\$1.02
Minimum Assessment ⁽¹⁾	\$10.23	\$10.23
E - Rural - Nonutilized Agricultural, Grazing Land, Well Sites in Rural Areas		
Rate (\$/Acre)	\$0.14	\$0.14
Minimum Assessment ⁽¹⁾	\$10.23	\$10.23

⁽¹⁾ The minimum assessments shown for Categories A, B, and C apply to parcels 1/4 acre or less in size. Category C parcels larger than 1/4 acre pay the minimum assessment for the first 1/4 acre and the remaining acreage is assessed at the Category D rate. For Category D, the minimum assessment applies to parcels less than 10 acres. The minimum assessment for Group E parcels is the amount charged for 10 acres of urban undeveloped land; the minimum assessment is the same for both the Urban Category and the Rural Category parcels, however the Rural Category applies to parcels of 80 acres or less.

⁽²⁾ Residential land in excess of 1/4 acre is assessed at the "D" rate.

Max Overland

Subject: Funding for Upper Guadalupe Flood Improvements

From: Ken Spencer Brown <ken.brown@gmail.com>

Sent: Monday, July 8, 2024 10:21 PM

To: Board of Directors <board@valleywater.org>

Subject: Funding for Upper Guadalupe Flood Improvements

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Dear Valley Water District Board Members,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

The dedicated funding for these projects ensures that we can effectively manage flood risks, protect properties, and safeguard the lives of residents in the area. Diverting these funds could jeopardize the progress we have made and delay critical improvements that are necessary for our community's resilience against flooding.

I urge you to keep the funding for the Upper Guadalupe intact. These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Sincerely,

Ken Brown

[Your Address]

San Jose, CA 95125

408-315-0436

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Max Overland

Subject: Removing funding from upper Guadalupe

From: Helen Hutchings <helenhutchings@pacbell.net>
Sent: Monday, July 8, 2024 10:45 PM
To: Board of Directors <board@valleywater.org>
Subject: Removing funding from upper Guadalupe

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Dear Board Members,

Residents of the Willow Glen neighborhood of San Jose strongly oppose any vote to transfer funding from Upper Guadalupe to Upper Llagas in South County. Upper Guadalupe will remove almost 6300 hundred homes and ten schools and institutions from flooding. Llagas only removes about 1100 homes. This will affect District 6 in 2 ways. It delays getting necessary flood improvements completed and it opens the door for long term use of the Lelong site for a homeless camp that will potentially consist of 100 to 150 homeless if the Upper Guadalupe project is delayed. There has been no outreach to the neighbors who will be affected by any delay in the Upper Guadalupe flood project and will suffer the effects of an endless homeless camp, managed or not, on the neighborhood and the adjacent Guadalupe river.

Sincerely,
Helen Hutchings
Willow Glen Resident
Sent from my iPhone

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Max Overland

Subject: Guadalupe Fund Improvements

From: Cheryl Uyehara <c.uyehara71@yahoo.com>

Sent: Tuesday, July 9, 2024 6:55 AM

To: Board of Directors <board@valleywater.org>

Subject: Guadalupe Fund Improvements

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Honorable Valley Water Board of Directors,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

The dedicated funding for these projects ensures that we can effectively manage flood risks, protect properties, and safeguard the lives of residents in the area. Diverting these funds could jeopardize the progress we have made and delay critical improvements that are necessary for our community's resilience against flooding. I urge you to keep the funding for the Upper Guadalupe intact.

These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Thank you for your consideration.

Sincerely,

Cheryl Uyehara
Willow Glen resident

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Max Overland

Subject: Upper Guadalupe Flood Control

From: Junlong Zhao <junlongzhao@gmail.com>
Sent: Tuesday, July 9, 2024 1:28 AM
To: Board of Directors <board@valleywater.org>
Subject: Upper Guadalupe Flood Control

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Dear Valley Water District Board Members,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

The dedicated funding for these projects ensures that we can effectively manage flood risks, protect properties, and safeguard the lives of residents in the area. Diverting these funds could jeopardize the progress we have made and delay critical improvements that are necessary for our community's resilience against flooding.

I urge you to keep the funding for the Upper Guadalupe intact. These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Sincerely,

Junlong Zhao
San Jose, CA 95125
408-390-0768

Sent from my iPhone

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Max Overland

Subject: Safe sleeping option dangerous

From: Jeff Unze <jeff.unze@gmail.com>

Sent: Tuesday, July 9, 2024 2:54 AM

To: Board of Directors <board@valleywater.org>

Subject: Safe sleeping option dangerous

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Dear Valley Water District Board Members,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

The dedicated funding for these projects ensures that we can effectively manage flood risks, protect properties, and safeguard the lives of residents in the area. Diverting these funds could jeopardize the progress we have made and delay critical improvements that are necessary for our community's resilience against flooding.

I urge you to keep the funding for the Upper Guadalupe intact. These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Sincerely,

Jeff unze
San Jose, CA 95125
408-315-4056

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Max Overland

Subject: Opposition to Removal of Funds for Upper Guadalupe Flood Improvements

From: manju ramesh <manjusri.ramesh@gmail.com>

Sent: Tuesday, July 9, 2024 7:12 AM

To: Board of Directors <board@valleywater.org>

Subject: Opposition to Removal of Funds for Upper Guadalupe Flood Improvements

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Honorable Valley Water Board of Directors,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

The dedicated funding for these projects ensures that we can effectively manage flood risks, protect properties, and safeguard the lives of residents in the area. Diverting these funds could jeopardize the progress we have made and delay critical improvements that are necessary for our community's resilience against flooding. I urge you to keep the funding for the Upper Guadalupe intact.

These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Thank you for your consideration.

Sincerely,

Manju Ramesh,

Resident of thousand oaks community

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Max Overland

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

From: Tejinder Singh <singh.tejinder@gmail.com>

Sent: Tuesday, July 9, 2024 7:41 AM

To: Board of Directors <board@valleywater.org>

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

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Honorable Valley Water Board of Directors,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

The dedicated funding for these projects ensures that we can effectively manage flood risks, protect properties, and safeguard the lives of residents in the area. Diverting these funds could jeopardize the progress we have made and delay critical improvements that are necessary for our community's resilience against flooding. I urge you to keep the funding for the Upper Guadalupe intact.

These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Thank you for your consideration.

Sincerely,

Thank you,
Tejinder

+1-650-701-3941

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Max Overland

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

From: Surya Koneru <surpad@yahoo.com>

Sent: Tuesday, July 9, 2024 7:47 AM

To: Board of Directors <board@valleywater.org>

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

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Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

Honorable Valley Water Board of Directors,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

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These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Thank you for your consideration.

Sincerely,

Surya Koneru
417 Belmont Way
San Jose, CA 95125

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Max Overland

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

From: Sue Ross <sueross711@gmail.com>

Sent: Tuesday, July 9, 2024 8:10 AM

To: Board of Directors <board@valleywater.org>

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

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Honorable Valley Water Board of Directors,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

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These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Thank you for your consideration.

Sincerely,

Susan G. Ross

Max Overland

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

From: Abhishek Khule <akhule7@gmail.com>

Sent: Tuesday, July 9, 2024 9:17 AM

To: Board of Directors <board@valleywater.org>

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

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Honorable Valley Water Board of Directors,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

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These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Thank you for your consideration.

Sincerely,

Abhishek Khule

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Max Overland

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

From: Philip Chan <pvchan2@gmail.com>

Sent: Tuesday, July 9, 2024 10:59 AM

To: Board of Directors <board@valleywater.org>

Subject: Oppose Removal of Funds for Upper Guadalupe Flood Improvements

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Honorable Valley Water Board of Directors,

I am writing to express my concern regarding recent rumors about potential plans to divert funding allocated for the Upper Guadalupe flood improvements. These improvements, particularly at the Lelong site and other key locations along the Guadalupe River, are crucial for the safety and well-being of our community.

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These projects are vital for our community, and any diversion of funds could have serious consequences for our flood management efforts.

Thank you for your attention to this matter and for your continued commitment to the safety and well-being of our community.

Thank you for your consideration.

Sincerely,

Philip Chan

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