



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

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

Tuesday, July 28, 2020
4:00 PM

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

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

DISTRICT BOARD OF DIRECTORS

Nai Hsueh, Chair, District 5
Tony Estremera, Vice Chair, District 6
John L Varela, District 1
Barbara Keegan, District 2
Richard P. Santos, District 3
Linda J. LeZotte, District 4
Gary Kremen, 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 for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, 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 attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

RICK L. CALLENDER, ESQ.
Chief Executive Officer

MICHELE L KING, CMC
Clerk of the Board
(408) 265-2600
Fax (408) 266-0271
www.valleywater.org

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

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

***AMENDED/APPEDED
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Tuesday, July 28, 2020

4:00 PM

Teleconference Zoom Meeting

IMPORTANT NOTICES

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Board of Directors, District staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Board during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

Santa Clara Valley Water District (District), in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in District Board meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled District Board meeting to ensure that the District may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the District on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <http://emmasrb.org> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Join Zoom Meeting:

<https://valleywater.zoom.us/j/98462613575>

Meeting ID: 984 6261 3575

Join by Phone:

1 (669) 900-9128, 9846213575#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

4:00 PM

Notice to the Public: The Board of Directors meets in Closed Session in accordance with the Ralph M. Brown Act. Following the conclusion of Closed Session discussion, the Board will return for the remaining items on the regular meeting agenda.

2.1. CLOSED SESSION [20-0577](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1):

White, et al. v. SCVWD, et al. (Santa Clara Co. Superior Court, No. 18CV321600 (Lead))

2.2. CLOSED SESSION [20-0635](#)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6(a)

Agency Designated Representatives: Rick Callender, Michael Baratz, Tina Yoke, Anna Noriega, Laura Harbert

Employee Organizations: Employees Association, Engineers Society, Professional Managers Association

Attachments: [*2.2-A Handout, Anonymous Valley Water Employee](#)

6:00 PM

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/98462613575>

Meeting ID: 984 6261 3575

Join by Phone:

1 (669) 900-9128, 9846213575#

2.3. District Counsel Report on Closed Session.

2.4. Pledge of Allegiance/National Anthem.

2.5. Orders of the Day.

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

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

2.6. 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 on any item not listed on the agenda should access the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in order requests are received and granted speaking access to address the Board. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Board action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board 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 may take action on any item of business appearing on the posted agenda.

*2.7. (ITEM REMOVED FROM AGENDA) Approval of Updated and Enhanced Safe, Clean Water and Natural Flood Protection Program for a Future Funding Measure (Continued from July 21, 2020).

2.8. Receive and Discuss Information Regarding Pension Liability and the Potential Use of Pension Obligation Bonds. [20-0469](#)

Recommendation: Receive and discuss information regarding pension liability and the potential use of pension obligation bonds and provide staff with further direction as necessary.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 30 Minutes

2.9. Approve the Revised Fiscal Year 2020-2021 Santa Clara Valley Water District Investment Policy and Approve an Update Executive Limitations Policy EL 4.7, Financial Management. [20-0569](#)

Recommendation: A. Approve the Revised Fiscal Year 2020-2021 Santa Clara Valley Water District Investment Policy;
B. Approve an update to Executive Limitation Policy EL-4.7, Financial Management; and
C. Provide additional direction to staff as necessary.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Revised Investment Policy](#)

[Attachment 2: Powerpoint](#)

[Attachment 3: Sample ESG Evaluation Report for Deutsche Bank](#)

Est. Staff Time: 10 Minutes

- 2.10. Receive Information and Authorize Staff to Proceed with Negotiation and Execution of Bank Line(s) of Credit with Aggregate Stated Amount Not to Exceed \$200 Million. [20-0570](#)

Recommendation: A. Receive information regarding bank line(s) of credit solicitation; and
 B. Authorize staff to proceed with negotiation and execution of bank line(s) of credit with aggregate stated amount not to exceed \$200 Million.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Revised Bank Proposals](#)
[Attachment 3: MUFG ESG Response](#)
[Attachment 4: JPM ESG Response](#)
[Attachment 5: US Bank ESG Response](#)
[Attachment 6: UBS ESG Response](#)
[Attachment 7: Bank of America ESG Response](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.9) (Est. Time: 5 Minutes)

Notice to the public: There is no separate discussion of individual consent calendar items. Recommended actions are voted on in one motion. If an item is approved on the consent vote, the specific action recommended by staff is adopted. Items listed in this section of the agenda are considered to be routine by the Board, or delegated to the Board Appointed Officers (BAOs) yet required by law or contract to be Board approved (EL-7.10). Any item may be removed for separate consideration at the request of a Board member. Whenever a resolution is on the consent calendar, a roll call vote will be taken on the entire calendar. Members of the public wishing to address the Board on any consent items should complete a Speaker Card and present it to the Clerk of the Board.

- 3.1. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Santa Teresa Water Treatment Plant Air Wash Pipeline Replacement Project, Project No. 93764004, Contract No. C0662 (San Jose, District 7). [20-0516](#)

Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Santa Teresa Water Treatment Plant Air Wash Pipeline Replacement Project per the Notice to Bidders; and
 B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Notice to Bidders](#)
 [Attachment 2: Project Delivery Process Chart](#)
 [Attachment 3: Location Map](#)
 [Attachment 4: Plans and Specifications](#)

- 3.2. Approve Notice of Completion of Contract and Acceptance of Work for the Almaden Valley Pipeline Emergency Response Project, Kiewit Infrastructure West Co., Contractor, Project No. 95084002, Contract No. C0657 (San Jose) (District 7). [20-0499](#)

Recommendation: A. Accept the work on the Almaden Valley Pipeline Emergency Response Project, Kiewit Infrastructure West Co., Contractor, Project No. 95084002, Contract No. C0657 as complete; and
 B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Notice of Completion and Acceptance of Work](#)
 [Attachment 2: Construction Contract Acceptance](#)
 [Attachment 3: Project Completion Letter](#)
 [Attachment 4: Construction Summary](#)

- 3.3. Adopt Recommended Positions on State Legislation: AB 2060 (Holden) [20-0552](#)
Drinking Water Fixtures and Plumbing Lead Content; and Other
Legislation Which May Require Urgent Consideration for a Position by the
Board.

Recommendation: Adopt a Position of “Support” on: AB 2060 (Holden) Drinking
Water Fixtures and Plumbing Lead Content.

Manager: Rachael Gibson, 408-630-2884

- 3.4. Adopt Recommended Positions on Federal Legislation: H.R. 7073 [20-0114](#)
(Garamendi) Special Districts Provide Essential Services Act; S. 3811
(Feinstein) Restoration of Essential Conveyance Act; and Other
Legislation That May Require Urgent Consideration for a Position by the
Board.

Recommendation: A. Adopt a position of “Support” on H.R. 7073 (Garamendi)
- Special Districts Provide Essential Services Act; and
B. Adopt a position of “Support” on S. 3811 (Feinstein) -
Restoration of Essential Conveyance Act.

Manager: Rachael Gibson, 408-630-2884

- 3.5. Accept the Work as Complete and Direct the Clerk to File the Notice of [20-0528](#)
Completion of Contract and Acceptance of Work for the Lower Silver
Creek Flood Protection and Creek Restoration Project at the Dobern
Bridge Crossing (Plant Establishment Maintenance Phase - Stage 2),
Gordon N. Ball, Inc., Contractor, Project No. 40264008, Contract No.
C0618 (San Jose) (District 6).

Recommendation: A. Accept the work on the Lower Silver Creek Flood
Protection and Creek Restoration Project at the Dobern
Bridge Crossing, Plant Establishment Maintenance
Phase - Stage 2, Gordon N. Ball, Inc., Contractor, Project
No. 40264008, Contract No. C0618 as complete; and
B. Direct the Clerk of the Board to sign the Notice of
Completion of Contract and Acceptance of Work and
submit for recording to the Santa Clara County Clerk
Recorder.

Manager: Heath McMahon, 408-630-3126

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

- 3.6. Approve Amendment of Fiscal Year 2021 Salary Table. [20-0551](#)
Recommendation: Approve an amendment to the Fiscal Year 2021 Salary Table.
Manager: Anna Noriega, 408-630-3089
Attachments: [Attachment 1: Amended FY21 Employee Salary Schedule](#)
- 3.7. Approve San Francisquito Creek Joint Powers Authority Budget for Fiscal Year 2020-2021, and Authorize Santa Clara Valley Water District Fiscal Year 2020-2021 Financial Contribution of \$308,000 (Palo Alto) (District 7). [20-0523](#)
Recommendation: A. Approve the San Francisquito Creek Joint Powers Authority Fiscal Year 2020-2021 Operating Budget; and
B. Authorize the Santa Clara Valley Water District's Fiscal Year 2020-2021 financial contribution to the San Francisquito Creek Joint Powers Authority in the amount of \$308,000.
Manager: Ngoc Nguyen, 408-630-2632
Attachments: [Attachment 1: SFCJPA FY 2020-2021 Operating Budget](#)
[Attachment 2: SFCJPA Invoice](#)
- 3.8. Accept the CEO Bulletins for the Weeks of June 19 Through July 2, and July 3-16, 2020. [20-0588](#)
Recommendation: Accept the CEO Bulletins.
Manager: Rick Callender, 408-630-2017
Attachments: [Attachment 1: 070220 CEO Bulletin](#)
[Attachment 2: 071620 CEO Bulletin](#)
- 3.9. Approval of Minutes. [20-0524](#)
Recommendation: Approve the minutes.
Manager: Michele King, 408-630-2711
Attachments: [Attachment 1: 051220 Regular Meeting Minutes](#)
[Attachment 2: 052220 Special Meeting Minutes](#)
[Attachment 3: 052620 Regular Meeting Minutes](#)
[Attachment 4: 060920 Regular Meeting Minutes](#)
[Attachment 5: 061620 Special Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Amendment of Board Governance Policy GP-6.19.1 Board Members' Code of Conduct. [20-0617](#)

Recommendation:

- A. Determine whether to amend Board Governance Policy GP-6.19.1. as outlined below;
- B. If the Board desires said amendment to be effective retroactively, establish a date for such amendment to have become effective; and
- C. Should the Board wish for the changes to apply to the pending Rev. Jethroe Moore complaint, the changes should be retroactive to the date of June 23, 2020, the date the Chair determined an investigation was warranted, or earlier.

Manager: Stan Yamamoto, 408-630-2755

Attachments: [Attachment 1: Board Governance Policy GP-6.19.1](#)

Est. Staff Time: 5 Minutes

- 4.2. Adopt Resolution Providing for the Compensation of the Chief Executive Officer, a Board Appointed Officer of the Santa Clara Valley Water District. [20-0610](#)

Recommendation:

- A. Consider and determine compensation adjustments, if any, for the Chief Executive Officer; and
- B. Adopt the Resolution PROVIDING FOR THE COMPENSATION OF THE CHIEF EXECUTIVE OFFICER, A BOARD APPOINTED OFFICER OF THE SANTA CLARA VALLEY WATER DISTRICT, and approve the Amendment to the Employment Agreement Between the Santa Clara Valley Water District and Enrico Callender, consistent with Board-approved compensation adjustments.

Manager: Anna Noriega, 408-630-3089

Attachments: [Attachment 1: Resolution and Employment Agreement Amendme](#)

Est. Staff Time: 5 Minutes

- 4.3. Adopt Resolution Providing for the Compensation of the District Counsel, [20-0609](#)
a Board Appointed Officer of the Santa Clara Valley Water District.

Recommendation: A. Consider and determine compensation adjustments, if any, for the District Counsel; and
 B. Adopt the Resolution PROVIDING FOR THE COMPENSATION OF THE DISTRICT COUNSEL, A BOARD APPOINTED OFFICER OF THE SANTA CLARA VALLEY WATER DISTRICT, and approve the Amendment to the Employment Agreement Between the Santa Clara Valley Water District and Stanly Yamamoto, consistent with Board-approved compensation adjustments.

Manager: Anna Noriega, 408-630-3089

Attachments: [Attachment 1: Resolution and Employment Agreement Amendme](#)

Est. Staff Time: 5 Minutes

- 4.4. Adopt Resolution Providing for the Compensation of the Clerk of the [20-0608](#)
Board, a Board Appointed Officer of the Santa Clara Valley Water District.

Recommendation: A. Consider and determine compensation adjustments, if any, for the Clerk of the Board; and
 B. Adopt the Resolution PROVIDING FOR THE COMPENSATION OF THE CLERK OF THE BOARD, BOARD APPOINTED OFFICER OF THE SANTA CLARA VALLEY WATER DISTRICT, and approve the Amendment to the Employment Agreement Between the Santa Clara Valley Water District and Michele L. King, consistent with Board-approved compensation adjustments.

Manager: Anna Noriega, 408-630-3089

Attachments: [Attachment 1: Resolution and Employment Agreement Amendme](#)

Est. Staff Time: 5 Minutes

- 4.5. Discuss Conducting Board and Committee Meetings in Consideration of the COVID-19 Pandemic and Current Santa Clara County Health Officer's Risk Reduction Order. [20-0587](#)

Recommendation: A. Discuss parameters for conducting Board and Committee meetings in consideration of the COVID-19 Pandemic and current Santa Clara County Health Officer's Risk Reduction Order; and
B. Provide direction to staff.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCC Health Officer Order](#)

Est. Staff Time: 5 Minutes

- 4.6. Proposed Future Board Member Agenda Items.

- *4.7. Board Committee Reports. [20-0648](#)

Attachments: [Handout 4.7-A: DCA Summary](#)
[Handout 4.7-B: DCA Finance Summary](#)

5. WATER UTILITY ENTERPRISE:

6. WATERSHEDS:

- 6.1. Adopt the Resolution Adopting the 2019 San Francisco Bay Area Integrated Regional Water Management Plan Update. [20-0373](#)

Recommendation: Adopt the Resolution ADOPTING THE 2019 SAN FRANCISCO BAY AREA INTEGRATED REGIONAL WATER MANAGEMENT PLAN.

Manager: Lisa Bankosh, 408-630-2618
Jerry De La Piedra, 408-630-2257

Attachments: [Attachment 1: Bay Area IRWM Participants](#)
[Attachment 2: IRWM Program Statewide Priorities](#)
[Attachment 3: DWR Plan Review](#)
[Attachment 4: Resolution](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 5 Minutes

- *6.2. Approve an Increase to the Construction Contract Contingency Sum and Notice of Completion of Contract and Acceptance of Work for the Lower Berryessa Creek Flood Protection Project Phase 2, (Construction Phase - Stage 1), Brosamer & Wall, Inc., Contractor, Project No. 40174005, Contract No. C0614 (Milpitas) (District 3). [20-0632](#)

Recommendation: A. Approve an increase of \$187,841.27 to the construction contract contingency sum for the Lower Berryessa Creek Flood Protection Project Phase 2, (Construction Phase - Stage 1), Brosamer & Wall, Inc., Contractor, Project No. 40174005, Contract No. C0614;
 B. Accept the work as complete; and
 C. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Notice of Completion](#)
 [Attachment 2: PowerPoint](#)
 [Attachment 5: Project Delivery Process Chart](#)
 [*Supplemental Agenda Memorandum](#)
 [*Supplemental Attachment 1: Construction Contract Acceptance](#)
 [*Supplemental Attachment 2: Project Completion Letter](#)

Est. Staff Time: 10 Minutes

7. EXTERNAL AFFAIRS:

8. CHIEF EXECUTIVE OFFICER:

- 8.1. Central Fiscal Year 2019-20 Year-End and Fiscal Year 2020-21 Budget Adjustments. [20-0507](#)

Recommendation: Approve the central Fiscal Year 2019-20 year-end and Fiscal Year 2020-21 budget adjustments.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: SCVWD Resolution No. 20-33](#)

Est. Staff Time: 5 Minutes

- 8.2. Update on COVID-19 Response.

*8.3. CEO and Chiefs' Report.

[20-0670](#)

Attachments: [*8.3-A - Handout, Stream Maint Report](#)
[*8.3-B - Handout, Office Govt Affairs Update](#)

9. ADMINISTRATION:

9.1. Receive Information and Adopt Resolution regarding Electric Vehicle Charging Rates for Santa Clara Valley Water District Electric Vehicle Charging Stations at Almaden Valley Headquarter Campus.

[20-0069](#)

Recommendation: A. Receive information and consider Electric Vehicle Charging Rates for charging stations at Almaden Valley Headquarters Campus; and
 B. Adopt the Resolution ADOPTION OF ELECTRIC VEHICLE CHARGING RATES that sets forth Valley Water Electric Vehicle charging rates that will go into effect on August 1, 2020, and authorizes the Chief Executive Officer or his/her designee at the commencement of each fiscal year to modify the Level 2 and Direct Current Electric Vehicle charging rates subject to not exceeding reasonable cost for providing, operating, and maintaining the charging stations.

Manager: Tina Yoke, 408-630-2385

Attachments: [Attachment 1: PowerPoint](#)
 [Attachment 2: Rate Sheet](#)
 [Attachment 3: Resolution](#)

Est. Staff Time: 10 Minutes

10. DISTRICT COUNSEL:

11. ADJOURN:

11.1. Board Member Reports/Announcements.

11.2. Clerk Review and Clarification of Board Requests.

11.3. Adjourn to 11:00 a.m. Closed Session and 1:00 p.m. Regular Meeting on August 11, 2020, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.