



BOARD OF DIRECTORS MEETING

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# MINUTES

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**CLOSED SESSION AND REGULAR MEETING  
TUESDAY, APRIL 22, 2025  
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER/ROLL CALL:**

A Closed Session and Regular Meeting of the Santa Clara Valley Water District (Valley Water) Board of Directors was called to order in the Valley Water Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, and by Zoom teleconference at 11:00 a.m.

**1.1. Roll Call.**

Board members in attendance were Shiloh Ballard, Jim Beall, Nai Hsueh, and Richard P. Santos, Vice Chairperson, constituting a quorum of the Board.

Chairperson Tony Estremera and Directors John L. Varela and Rebecca Eisenberg arrived as noted below.

Staff members in attendance were Melanie Richardson, Interim Chief Executive Officer; Carlos Orellana, District Counsel; Candice Kwok-Smith, Interim Clerk, Board of Directors; E. Aryee, A. Baker, L. Bankosh, J. Bourgeois, R. Chan, J. Codianne, R. Gibson, V. Gin, A. Gschwind, C. Hakes, B. Hopper, M. Lugo, R. McCarter, T. Ndah, R. Ruiz, K. Struve, D. Taylor, B. Yerrapotu, and T. Yoke.

**2. 11:00 AM - CLOSED SESSION:**

Vice-Chairperson Santos confirmed that the Board would adjourn to Closed Session to consider Items 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, and 2.7.

Chairperson Estremera arrived and assumed the facilitation of the meeting. Directors Varela and Eisenberg arrived.

**2.1. CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL**

Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8

Setting Negotiation Parameters for Price and Terms of Payment for Purchase, Sale, or Exchange of Property Interest in APNs: 078-010-001, 078-010-004 (Merced County), 865-10-023, 865-10-022, 898-10-024, 898-10-020, 898-11-003, 898-11-004, 898-11-008, 898-11-016, 898-11-020, 898-11-021, 898-11-022, 898-11-023, 898-11-025, 898-11-030, 898-11-032, 898-13-001, 898-13-002, 898-13-003, 898-13-004 (Santa Clara County)

Agency Negotiators: Melanie Richardson, Rita Chan, Ryan McCarter, Julianne O'Brien

Negotiating Parties: Edmund Jin, Eva Lu

- 2.2. CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)  
One Potential Case
- 2.3. CLOSED SESSION  
PUBLIC EMPLOYMENT  
Pursuant to Government Code Section 54957(b)(1)  
Title: Clerk of the Board
- 2.4. CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION  
Pursuant to Government Code section 54956.9(d)(1)  
Baughman et al. v. SCVWD  
(Santa Clara Co. Superior Court, Case No. 25SC094090)
- 2.5. CLOSED SESSION  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957(b)(1)  
Title: Interim CEO
- 2.6. CLOSED SESSION  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957(b)(1)  
Title: District Counsel
- 2.7. CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Pursuant to Government Code Section 54956.9(d)(4) - One Potential Case
- 2.8. District Counsel Report on Closed Session.

Upon return from Closed Session, the same Board members, including Chairperson Estremera, Directors Varela and Eisenberg and staff, were present.

Carlos Orellana, District Counsel, reported that in regard to Items 2.1 through 2.3, the Board met in Closed Session with all members participating, excluding Director Eisenberg, and gave direction to staff; in regard to Item 2.4, the Board met in Closed Session with all members participating, excluding Director Eisenberg, by a motion from Director Varela, with a second by Director Hsueh, with a vote of 4-2, with Directors Beall and Ballard voting 'no', the Board has voted to appeal the litigation in question from the small claims court to the Superior Court.

Carlos Orellana reported that in regard to Items 2.5 through 2.7, the Board met in Closed Session with all members participating, including Director Eisenberg, and continued the Items to the next meeting.

**3. 1:00 PM - TIME CERTAIN:**

**3.1. Pledge of Allegiance/National Anthem.**

Director Ballard led all present in reciting the Pledge of Allegiance.

**3.2. Orders of the Day.**

Chairperson Estremera read the following into the record:

Good afternoon,

I ask that we follow these guidelines to ensure a smooth and consistent flow for today's Board meeting:

1. Presentations & Questions – Board members, please allow presenters to complete their presentations before asking questions unless designated breaks for questions are provided. Board member questions and comments should be limited to three (3) minutes. The Board member at the end of their 3 minutes can request an additional 2 minutes from the Chair, if granted by the Chair, they may continue for the additional two (2) minutes. The Clerk of the Board will serve as the timekeeper. Please respect the time limit.

2. Public Comments – I will invite public comments after the Board has spoken. All members of the public are provided three 3 minutes to present their comments to the Board.

3. Motions & Voting – Following public comments, I will call for a motion and second before proceeding with a roll call vote.

4. Confidential Subjects - As chair of the Board of the Valley Water District, I would like to take a moment to underscore the critical responsibility that each Board member has to uphold the confidentiality of any ongoing personnel investigations in accordance with our governance policies. Our fiduciary duty is to the ratepayers of Santa Clara County. This duty extends not only to our financial stewardship of the District, but also to ensuring the integrity of our processes and the trust placed in us by all stakeholders – including employees, leadership, and the community.

During these investigations, we may be privy to extremely sensitive personal information in our official capacity as elected leaders of this agency. It is paramount that we respect the privacy of those involved and maintain confidentiality. Sharing or discussing this information outside of authorized and appropriate channels could jeopardize the fairness and integrity of that process, and expose the District to unnecessary legal, reputational, and financial risk.

Please know that professionals with great expertise and experience are carrying out the duty and body of work with which we've entrusted them.

I appreciate everyone's adherence to our governance policies, and this group's collective commitment to the governance of the District.

If a board member begins to discuss confidential subjects, they will receive a warning and then be asked to leave if they continue.

5. Code of Conduct – As a reminder, as board members, we are committed to ethical, business-like and lawful conduct with appropriate decorum as stated in our Board of Directors Code of Ethics and Conduct.

6. Out of Order – If a board member is out of order more than 2-3 times, I will ask them to take a five-minute break from the dais. If they are ruled out of order again, they will be asked to leave for the remainder of the meeting. If they do not leave voluntarily, then under state law and Valley Water Ordinance 22-03, they can be ordered to be removed. I really hope that we never get to that and that all board members will follow the Code of Ethics and Conduct and our rules of decorum.

By following these guidelines, we can ensure an efficient and productive meeting.

Chairperson Estremera requested a motion to approve the meeting guidelines.

Move to Accept:	Richard Santos
Second:	Nai Hsueh
Yeas:	Shiloh Ballard, Jim Beall, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh
Nays:	Rebecca Eisenberg
Abstains:	None
Recuses:	None
Absent:	None
Summary:	6 Yeas; 1 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

Chairperson Estremera confirmed that there were no changes to the Orders of the Day.

3.3. Time Open for Public Comment on any Item not on the Agenda.

Chairperson Estremera declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

3.4. Adopt a Resolution Expressing Appreciation to Dr. Sara Cody for her Dedicated Years of Public Service to the People of Santa Clara County and Honoring her Retirement.

Recommendation:	Adopt the Resolution EXPRESSING APPRECIATION TO DR. SARA CODY for her dedicated years of public service in the County of Santa Clara and honoring her retirement after a distinguished career in public health.
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The Board considered Item 3.4 without a staff presentation.

Motion:	Adopt Resolution No. 2025-24 EXPRESSING APPRECIATION TO DR. SARA CODY for her dedicated years of public service in the County of Santa Clara and honoring her retirement after a distinguished career in public health, by roll call vote.
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Move to Adopt: Richard Santos  
 Second: John L. Varela  
 Yeas: Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
 Nays: None  
 Abstains: None  
 Recuses: None  
 Absent: None  
 Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

- 3.5. Conduct a Public Hearing to Consider the Santa Clara Valley Water District's Capital Improvement Program Draft Fiscal Years 2026-30 Five-Year Plan.  
 (Continued from April 8, 2025)

Recommendation: A. Open and conduct a Public Hearing to receive public comments and Board feedback regarding the Santa Clara Valley Water District's Capital Improvement Program Draft Fiscal Years 2026-30 Five-Year Plan; and  
 B. Continue the Public Hearing to the subsequent Special Budget Hearings currently scheduled for April 23, 2025, and if needed, April 24, 2025, and the Special Regular Meeting scheduled for May 16, 2025, and conclude the Public Hearing at the regularly scheduled Board Meeting on May 27, 2025.

Chairperson Estremera opened the Public Hearing.

Chairperson Estremera declared time open for public comments and, seeing no one present who wished to speak, continued the Public Hearing to April 23, 2025.

- 3.6. Conduct a Public Hearing on the Final Program Environmental Impact Report and Engineer's Report for the Pipeline Maintenance Program, Adopt a Resolution Certifying the Final Program Environmental Impact Report and Adopting the Mitigation Monitoring and Reporting Program, Findings of Fact, and Statement of Overriding Considerations; Adopt a Resolution Approving the Engineer's Report; and Approve the Pipeline Maintenance Program.

Recommendation: A. Open and Conduct a Public Hearing on the Final Program Environmental Impact Report and Engineer's Report for the Pipeline Maintenance Program;  
 B. Close the Public Hearing;  
 C. Consider the Environmental Effects of the Pipeline Maintenance Program as discussed in the Final Program Environmental Impact Report;  
 D. Adopt the Resolution CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE PIPELINE MAINTENANCE PROGRAM AND ADOPTING CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM;

- E. Adopt the Resolution APPROVING THE ENGINEER'S REPORT FOR THE PIPELINE MAINTENANCE PROGRAM; and
- F. Approve the Pipeline Maintenance Program

Chairperson Estremera opened the Public Hearing.

Tin Lin, Senior Engineer, reviewed the information on this Item, per the attached Board Agenda Memo, and the corresponding presentation materials contained in Attachment 6 were reviewed by staff as follows: Tin Lin, Senior Engineer, reviewed Slides 1 through 7; Michael Martin, Acting Senior Water Resources Specialist, reviewed Slides 8 through 13.

Chairperson Estremera declared time open for public comments and, seeing no one present who wished to speak, closed the Public Hearing.

Motion: Close the Public Hearing, by roll call vote.

Move to Approve: Richard Santos  
Second: John L. Varela  
Yeas: Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

Motion: The Board considered the environmental effects of the Pipeline Maintenance Program as discussed in the Final Program Environmental Impact Report; adopted Resolution No. 2025-26 CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE PIPELINE MAINTENANCE PROGRAM AND ADOPTING CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM, and adopted Resolution No. 2025-25 APPROVING THE ENGINEER'S REPORT FOR THE PIPELINE MAINTENANCE PROGRAM; and approved the Pipeline Maintenance Program, by roll call vote.

Move to Adopt: Nai Hsueh  
Second: Richard Santos  
Yeas: Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

## REGULAR AGENDA:

### 4. CONSENT CALENDAR:

Chairperson Estremera removed Item 4.7 and Item 4.8 from the Consent Calendar for individual consideration, and the Board considered Consent Calendar Items 4.2 through 4.6 and Item 4.9 under one motion.

#### 4.1. ITEM MOVED TO 3.4

Adopt a Resolution Expressing Appreciation to Dr. Sara Cody for her Dedicated Years of Public Service to the People of Santa Clara County and Honoring her Retirement.

#### 4.2. Adopt a Resolution Declaring May 17, 2025, as National River Cleanup Day in Santa Clara County.

Recommendation: Adopt the Resolution DECLARING MAY 17, 2025, AS NATIONAL RIVER CLEANUP DAY IN SANTA CLARA COUNTY.

#### 4.3. Adopt Plans and Specifications and Authorize Advertisement for Bids for the South Babb Flood Mitigation Project, under the Watersheds Asset Rehabilitation Program, Project No. 62084001, Contract No. CO716 (San Jose, District 6).

Recommendation: A. Approve the South Babb Flood Mitigation Project;  
B. Adopt the Plans and Specifications and Authorize Advertisement for Bids for Construction of the South Babb Flood Mitigation Project per the Notice to Bidders; and  
C. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

#### 4.4. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Stevens Creek Evelyn Fish Passage Project, under the Watersheds Asset Rehabilitation Program, Project No. 62084001, Contract No. C0708 (Mountain View, District 7).

Recommendation: A. Adopt the Plans and Specifications and Authorize Advertisement for Bids for Construction of the Stevens Creek Evelyn Fish Passage Project per the Notice to Bidders; and  
B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

#### 4.5. Approve the New Membership Nomination for Appointment for a Two-Year Term to the Agricultural Water Advisory Committee.

Recommendation: A. Review and Consider Applicant's Eligibility; and  
B. Approve New Membership Nomination for Appointment for a Two-Year Term to the Agricultural Water Advisory Committee.

- 4.6. Approve Agreement No. A5406X for Moffett Park Green Link Bordeaux-Borregas Bridge Project Completion - Google Conveyance and Santa Clara Valley Water District Acceptance of Santa Clara Valley Water District Floodwalls - Santa Clara Valley Water District's Sunnyvale East and Sunnyvale West Channels Flood Protection Project, Project No. 26074002 (Sunnyvale, District 3).

Recommendation: Approve Agreement No. A5406X for Moffett Park Green Link Bordeaux-Borregas Bridge Project Completion and Google Conveyance and Santa Clara Valley Water District Acceptance of the Santa Clara Valley Water District Floodwalls - part of Santa Clara Valley Water District's Sunnyvale East and Sunnyvale West Channels Flood Protection Project, Project No. 26074002.

- 4.9. Accept the CEO Bulletin for the Weeks of April 4 -18, 2025.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 4.2 through 4.6, and Item 4.9, under one motion, as follows: adopt Resolution No. 2025-27, DECLARING MAY 17, 2025, AS NATIONAL RIVER CLEANUP DAY IN SANTA CLARA COUNTY, by roll call vote, as contained in Item 4.2; approve the South Babb Flood Mitigation Project, adopt the plans and specifications and authorize advertisement for bids for construction of the South Babb Flood Mitigation Project per the Notice to Bidders, and authorize the designated engineer to issue addenda, as necessary, during the bidding process, as contained in Item 4.3; adopt the plans and specifications and authorize advertisement for bids for construction of the Stevens Creek Evelyn Fish Passage Project per the Notice to Bidders, and authorize the designated engineer to issue addenda, as necessary, during the bidding process, as contained in Item 4.4; review and consider applicant's eligibility and approve new membership nomination for appointment for a two-year term to the Agricultural Water Advisory Committee, as contained in Item 4.5; approve agreement No. A5406X for Moffett Park Green Link Bordeaux-Borregas Bridge Project completion and Google Conveyance and Santa Clara Valley Water District acceptance of the Santa Clara Valley Water District Floodwalls - part of Santa Clara Valley Water District's Sunnyvale East and Sunnyvale West Channels Flood Protection Project, project No. 26074002, as contained in Item 4.6; and accept the CEO Bulletin, as contained in Item 4.9.



Move to Approve: John L. Varela  
 Second: Richard Santos  
 Yeas: Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
 Nays: None  
 Abstains: None  
 Recuses: None  
 Absent: None  
 Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

- 4.7. Adopt Recommended Positions on State Legislation: \*AB 810 (Irwin) Local Government Internet Websites and Email Addresses, SB 454 (McNerney) PFAS Mitigation Fund, \*SB 496 (Hurtado) Advanced Clean Fleets Regulation Exemption, SB 599 (Caballero) Atmospheric Rivers Forecast Improvement Program, \*SB 601 (Allen) Water: waste discharge, SB 682 (Allen) Product Bans Intentionally Added PFAS, \*SB 695 (Cortese) Transportation Climate Resiliency Projects of Statewide and Regional Significance, SB 753 (Cortese) Regulation of Abandoned Shopping Carts, and Other Legislation Which May Require Urgent Consideration for a Position by the Board

Recommendation: A. \*Adopt a position of "Oppose" on: AB 810 (Irwin) Local Government Internet Websites and Email Addresses  
 B. Adopt a position of "Support" on: SB 454 (McNerney) PFAS Mitigation Fund.  
 C. \*Adopt a position of "Support" on: SB 496 (Hurtado) Advanced Clean Fleets Regulation Exemption.  
 D. Adopt a position of "Support" on: SB 599 (Caballero) Atmospheric Rivers Forecast Improvement Program.  
 E. \*Adopt a position of "Oppose Unless Amended" on: SB 601 (Allen) Water Quality: Discharges to Waters of the State.  
 F. Adopt a position of "Support" on: SB 682 (Allen) Product Bans Intentionally Added PFAS.  
 G. \*Adopt a position of "Support" on: SB 695 (Cortese) Transportation Climate Resiliency Projects of Statewide and Regional Significance.  
 H. Adopt a position of "Support" on: SB 753 (Cortese) Regulation of Abandoned Shopping Carts.

The Board considered Item 4.7 without a staff presentation.

Move to Adopt: Richard Santos  
 Second: John L. Varela  
 Yeas: Shiloh Ballard, Jim Beall, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
 Nays: Rebecca Eisenberg  
 Abstains: None  
 Recuses: None  
 Absent: None  
 Summary: 6 Yeas; 1 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

4.8. Denial of Claim of Monarch Leasing Inc.

Recommendation: Deny the claim.

Tony Guetersloh, Vice-President of Monarch Leasing Inc., requested that the Board reconsider the staff's recommendation to deny their claim.

Move to Deny: Nai Hsueh  
Second: Richard Santos

Director John Varela offered the following substitute motion.

Motion: Not approve the denial of the claim.

Move to Approve: John L. Varela  
Second: None

The motion failed for lack of a second.

Chair Estremera returned to the original motion.

Move to Deny: Nai Hsueh  
Second: Richard Santos  
Yeas: Shiloh Ballard, Jim Beall, Tony Estremera, Richard Santos, Nai Hsueh  
Nays: Rebecca Eisenberg, John L. Varela  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 5 Yeas; 2 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

**5. BOARD OF DIRECTORS:**

Candice Kwok-Smith, Interim Clerk, Board of Directors, momentarily stepped out of the meeting and returned, as noted below. During Candice Kwok-Smith's absence, Dave Leon, Assistant Deputy Clerk II, administered the roll call vote on Item 5.1.

5.1. Adopt a Resolution Providing for an Appointment and Compensation of the Clerk of the Board.

Recommendation: Adopt the Resolution APPOINTING AND PROVIDING FOR THE COMPENSATION OF THE CLERK OF THE BOARD effective April 22, 2025.

The Board considered Item 5.1 without a staff presentation.

Motion: Adopt Resolution No. 2025-28 APPOINTING AND PROVIDING FOR THE COMPENSATION OF THE CLERK OF THE BOARD effective April 22, 2025, by roll call vote.

Move to Adopt: John L. Varela  
 Second: Richard Santos  
 Yeas: Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
 Nays: None  
 Abstains: None  
 Recuses: None  
 Absent: None  
 Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

Candice Kwok-Smith, Clerk, Board of Directors, returned and resumed facilitation as Clerk of the Board for the remainder of the meeting.

5.2. Consider the March 19, 2025, Board Audit Committee Recommendation to Approve Proposed Amendments to the Board Audit Committee Audit Charter.

Recommendation: Consider recommendations resulting from the March 19, 2025, Board Audit Committee meeting to:  
 A. Consider and Approve Proposed Amendments to the Board Audit Committee Audit Charter; and  
 B. Provide Further Direction as Needed.

Brian Hopper, Senior Assistant District Counsel, reviewed the information on this Item, per the attached Board Agenda Memo and per the information contained in Attachment 2.

Move to Approve: Richard Santos  
 Second: Nai Hsueh  
 Yeas: Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
 Nays: None  
 Abstains: None  
 Recuses: None  
 Absent: None  
 Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

5.3. Board Committee Reports.

The Board reviewed the information on the February 26, 2025, Recycled Water Committee; March 24, 2025, Water Supply and Demand Management Committee; April 21, 2025, Capital Improvement Program Committee; and April 21, 2025, Environmental and Water Resources Committee meeting summaries and agendas contained in Handouts 5.3-A through 5.3-D, respectively herein, and noted the information without formal action. Copies of the Handouts were distributed to the Board and made available to the public.

Director Hsueh informed the Board that the Board Policy and Monitoring Committee has added the process for claims against Board Appointed Officers (BAO) to the Committee's work plan.

**6. WATER UTILITY ENTERPRISE:**

None.

**7. WATERSHEDS:**

The Board considered Items 7.1, 7.2, and 7.3 without a staff presentation.

- 7.1. Approve Amendment No. 1 to Agreement No. A4455A with Montrose Environmental Solutions, Inc. (Formerly Horizon Water and Environment, LLC) for Environmental Planning and Permitting Services for the Stream Maintenance Program Renewal, Project No. 00041022, Increasing Not-to-Exceed Fee by \$254,867 for a Revised Total Not-to-Exceed Fee of \$2,392,319 and Extending the Term 18 Months, through November 11, 2027.

Recommendation: Approve Amendment No. 1 to Standard Consultant Agreement No. A4455A with Montrose Environmental Solutions, Inc. (formerly Horizon Water and Environment, LLC) for Environmental Planning and Permitting Services for the Stream Maintenance Program Renewal, Project No. 00041022, increasing the not-to-exceed fee by \$254,867 for a revised total not-to-exceed fee of \$2,392,319 and extending the term 18 months, through November 11, 2027.

Move to Approve: Richard Santos  
Second: John L. Varela  
Yeas: Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

- 7.2. Receive Report of Bids, Ratify Addenda, Waive a Minor Irregularity, Approve the Contingency Fund, and Award the Construction Contract to Disney Construction, Inc., for the Permanente and Hale Creeks Concrete Channel Repair, Under the Watershed Asset Rehabilitation Program, Project No. 62084001, Contract No. C0707 (Mountain View and Los Altos, District 7).

Recommendation: A. Ratify Addenda No. 1, 2, and 3 to the Contract Documents for the Permanente and Hale Creeks Concrete Channel Repair Project;  
B. Waive minor irregularity in Disney Construction, Inc.'s bid;  
C. Award the Construction Contract to Disney Construction, Inc., located in Burlingame, CA, in the sum of \$1,384,450 and  
D. Approve a contingency sum of 15% in the amount of \$207,667.50 and authorize the Chief Executive Officer

or designee to approve individual change orders up to the designated amount.

Move to Approve: Richard Santos  
Second: John L. Varela  
Yeas: Shiloh Ballard, Jim Beall, Rebecca Eisenberg, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
Nays: None  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 7 Yeas; 0 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

- 7.3. Approve an Increase of \$1,168,431.87 to the Construction Contract Contingency Sum for the Upper Llagas Creek Flood Protection Project, Phase 2A, Project No. 26174052, Contract No. C0665 (Morgan Hill, District 1).

Recommendation: Approve an increase of \$1,168,431.87 to the construction contract contingency sum, bringing the total contingency sum to \$9,966,351.87 for the Upper Llagas Creek Flood Protection Project, Phase 2A, Project No. 26174052, Contract No. C0665.

Melanie Richardson, Interim Chief Executive Officer (CEO), recused herself from the meeting and returned, as noted below. Rita Chan, Assistant CEO, sat in as Interim CEO during Melanie Richardson's absence.

Chris Ghione, Public Services Director for the City of Morgan Hill, expressed support regarding the Upper Llagas Creek Flood Protection Project and thanked Santa Clara Valley Water District and staff for working on completing this project.

Move to Approve: John L. Varela  
Second: Richard Santos  
Yeas: Shiloh Ballard, Jim Beall, Tony Estremera, Richard Santos, John L. Varela, Nai Hsueh  
Nays: Rebecca Eisenberg  
Abstains: None  
Recuses: None  
Absent: None  
Summary: 6 Yeas; 1 Nays; 0 Abstains; 0 Absent.

The Yeas have it, and the motion passed.

Peter Van Dyke, Loma Prieta Resource Conservation District asked if the Upper Llagas Creek Flood Protection Project is receiving funding from the Natural Resources Conservation Services (NRCS).

Director Beall requested that staff produce a report detailing where the funding is coming from for all parts and phases of the Upper Llagas Creek Flood Protection Project. (Board Member Request No. R-25-004).

Melanie Richardson returned.

**8. ASSISTANT CHIEF EXECUTIVE OFFICER:**

None.

**9. EXTERNAL AFFAIRS:**

None.

**10. CHIEF EXECUTIVE OFFICER:**

10.1. CEO and Chiefs' Reports.

Rachael Gibson, Chief of External Affairs, reviewed the attached Communications Summary, identified as Handout 10.1-A, herein. Copies of the Handouts were distributed to the Board and made available to the public.

**11. ADMINISTRATION:**

None.

**12. DISTRICT COUNSEL:**

None.

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

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

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

The Board noted the information without formal action.

**14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:**

Director Ballard reported attending a Delta Conveyance Design and Construction JPA (DCDCJPA) Board meeting, a 2025 Water 101 Workshop: The Basics and Beyond, and the Water 101 Watershed Tour; the district 2 Ripple special event; and various meetings with staff.

Director Hsueh reported attending the Environmental and Water Resources Committee (EWRC), Board Policy and Monitoring Committee (BPMC), Capital Improvement Program (CIP) Committee, and Santa Clara Valley Water Commission meetings; and reported participating in various meetings with staff.

Vice-Chairperson Santos reported attending the Los Vaqueros Joint Powers Authority (LVEJPA) and San Francisquito Creek Joint Powers Authority (SFCJPA) meetings, a VIP Water Walk Tour at the Silicon Valley Advanced Water Purification Center, and various meetings with staff.

Director Varela reported attending the aforementioned LVE JPA meeting; a San Luis and Delta-Mendota Water Authority (SLDMWA) Board of Directors, an Association of California Water Agencies (ACWA) Board, and Joint Water Resources Committee with the Cities of Morgan Hill and Gilroy meetings; an VIP Water Walk Tour of Anderson Dam; and various meetings with staff.

Chairperson Estremera reported attending the aforementioned DCDCJPA, CIP, and EWRC meetings; and various meetings with staff.

**15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:**

Candice Kwok-Smith, Clerk, Board of Directors, read the new Board Member Request into the record.

**16. ADJOURN:**

Chairperson Estremera adjourned the meeting at 2:38 p.m. The Board will convene for the next Special meeting at 4:00 p.m. on Wednesday, April 23, 2025, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.

Candice Kwok-Smith  
Clerk, Board of Directors

Approved:

Date: June 10, 2025

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