



Santa Clara Valley Water District Board of Directors Meeting

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

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

**Tuesday, October 22, 2024
11:00 AM**

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

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

DISTRICT BOARD OF DIRECTORS

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

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

RICK L. CALLENDER, ESQ.
Chief Executive Officer

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

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

Santa Clara Valley Water District Board of Directors

***AMENDED/APPEDED AGENDA**

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

Tuesday, October 22, 2024

11:00 AM

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://emmam.srb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:

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

Meeting ID: 844 5451 5597

Join by Phone:

1 (669) 900-9128, 84454515597#

1. CALL TO ORDER/ROLL CALL:

1.1. Roll Call.

2. 11:00 AM - CLOSED SESSION:

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

***2.1. CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Govt. Code Section 54956.9(d)(1)

SCVWD v. Eisenberg, Santa Clara Co. Superior Court, No. 24CV436448

[24-0951](#)

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

3. 1:00 PM - TIME CERTAIN:

3.1. Pledge of Allegiance/National Anthem.

3.2. Orders of the Day.

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

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

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

Notice to the public: Members of the public who wish to address the Board/Committee on any item not listed on the agenda may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself to speak. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board/Committee.

Speakers' comments should be limited to three minutes or as set by the Chair.

The law does not permit Board/Committee action on, or extended discussion of,

any item not on the agenda except under special circumstances. If Board/Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Board/Committee may take action on any item of business appearing on the posted agenda.

- 3.4. Adopt a Resolution Authorizing the Execution and Delivery of Certain Agreements in Connection with a Direct Issue Commercial Paper Program, for an amount up to \$250 million, and Authorize Certain Other Actions. [24-0553](#)

- Recommendation:
- A. Adopt the Resolution AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION WITH A DIRECT ISSUE COMMERCIAL PAPER PROGRAM, for an amount up to \$250 million;
 - B. Authorize the Chief Executive Officer, District Counsel and the Clerk of the Board of Directors, and their Designees (including any acting, interim or otherwise appointed officer, as the case may be), acting singly, to negotiate, execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated hereby; and
 - C. Approve utilizing the Commercial Paper Program to provide short-term financing for eligible Water Utility, Safe Clean Water, and Watershed Program expenditures.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Issuing and Paying Agent Agreement](#)
[Attachment 3: Dealer Agreements](#)
[Attachment 4: Reimbursement Agreement and Fee Letter](#)
[Attachment 5: Debt Management Policy](#)

Est. Staff Time: 10 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - *4.9) (Est. Time: 5 Minutes)

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

be taken on the entire calendar. Members of the public wishing to address the Board on any consent items may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify themselves to speak.

- 4.1. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Security Upgrades and Enhancements Project, Project No. 60204022, Contract No. C0713 for Coyote Pumping Plant (Morgan Hill, District 1), Santa Teresa Water Treatment Plant (San Jose, District 7), Winfield Complex (San Jose, District 4), Headquarters Corporate Yard (San Jose, District 4), and Silicon Valley Advanced Water Purification Center (San Jose, District 3). [24-0814](#)

- Recommendation:
- A. Adopt the Plans and Specifications and Authorize Advertisement for Bids for the Security Upgrades and Enhancements Project per the Notice to Bidders; and
 - B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Tony Ndah, 408-630-2208

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

- 4.2. Approve Recommended Positions on Federal Legislation: S. 4359 (Padilla) - A Bill to Amend the National Dam Safety Program Act to Reauthorize this Act, and for Other Purposes; S. 5005 (Padilla) - A Bill to Authorize Additional Funding for the San Joaquin River Restoration Settlement Act; and Other Legislation That May Require Consideration by the Board. [23-1294](#)

- Recommendation:
- A. Adopt a Position of “Support” on S. 4359 (Padilla) - A bill to amend the National Dam Safety Program Act to reauthorize this Act, and for other purposes; and
 - B. Adopt a Position of “Support” on S. 5005 (Padilla) - A bill to authorize additional funding for the San Joaquin River Restoration Settlement Act.

Manager: Marta Lugo, 408-630-2237

- 4.3. Approve the Modified Palo Alto Flood Basin Tide Gate Structure Replacement Project, Project No. 10394001 (Palo Alto, District 7). [24-0825](#)

- Recommendation:
- A. Consider the First Addendum to the Final Mitigated Negative Declaration for the Palo Alto Flood Basin Tide

- Gate Structure Replacement Project (PATG Replacement Project); and
- B. Approve the Modified Palo Alto Tide Gate Structure Replacement Project.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Map](#)
[Attachment 2: First Addendum](#)

- 4.4. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2024. [24-0902](#)

Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2024; and
B. Approve the report if the reimbursements comply with Board Policy.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Quarterly Expense Report](#)

- 4.5. Approval of Minutes. [24-0861](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 081324 CS and Regular Meeting Minutes](#)
[Attachment 2: 082724 CS and Regular Meeting Minutes](#)

- *4.6. *ITEM REMOVED FROM AGENDA
Denial of Claim of Robert Liu.

- 4.7. Denial of Claim of Brigitte Rince and Mark Bolger. [24-0834](#)

Recommendation: Deny the claim.

Manager: Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Claim](#)

- *4.8. Adopt a Resolution by the Santa Clara Valley Water District Authorizing Representatives to Submit a Grant Application to the United States Bureau of Reclamation WaterSMART Water and Energy Efficiency Grant Program for up to \$2,000,000 and, if Awarded, Delegate Authority to the Chief Executive Officer, to Negotiate and Execute a Grant Agreement and any Amendments Thereto, for the Water Conservation Landscape Rebate [24-0924](#)

Program.

- Recommendation:
- A. Adopt the Resolution AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES BUREAU OF RECLAMATION WATERSMART WATER AND ENERGY EFFICIENCY GRANT PROGRAM FOR UP TO \$2,000,000 AND, IF AWARDED, DELEGATE AUTHORITY TO THE CHIEF EXECUTIVE OFFICER, TO NEGOTIATE AND EXECUTE A GRANT AGREEMENT AND ANY AMENDMENTS THERETO, FOR THE WATER CONSERVATION LANDSCAPE REBATE PROGRAM, PROJECT NO. 91151001;
 - B. Delegate authority to the Chief Executive Officer (CEO) to submit a grant application and, if awarded, to negotiate and execute a Grant Agreement with the US Bureau of Reclamation (USBR) to support the Water Conservation Landscape Rebate Program, provided all grant requirements can be met;
 - C. Delegate authority to the CEO to sign and submit invoices to USBR for grant fund reimbursements to be made pursuant to the Grant Agreement; and
 - D. Delegate to the CEO such other authority as needed to provide management and support services required for the performance of the work and administration, pursuant to the Grant Agreement, as deemed necessary and appropriate.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Resolution](#)

*4.9. Accept the CEO Bulletin for the Weeks of October 4 - 17, 2024. [24-0076](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 101724 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

*5.1. Board Committee Reports. [24-0941](#)

Attachments: [*Handout 5.1-A: 082824 RWC Summary](#)
[*Handout 5.1-B: 090424 JRWPAC Summary](#)
[*Handout 5.1-C: 091824 BAC Summary](#)
[*Handout 5.1-D: 092324 WSDMC Summary](#)
[*Handout 5.1-E: 093024 BPMC Summary](#)
[*Handout 5.1-F: 102124 EWRC Agenda](#)
[*Handout 5.1-G: 102324 SCVWC Agenda](#)

Est. Staff Time: 5 Minutes.

- 6. **WATER UTILITY ENTERPRISE:**
- 7. **WATERSHEDS:**
- 8. **ASSISTANT CHIEF EXECUTIVE OFFICER:**
- 9. **EXTERNAL AFFAIRS:**
- 10. **CHIEF EXECUTIVE OFFICER:**

*10.1 CEO and Chiefs' Reports.

[24-0942](#)

Attachments: [*Handout 10.1-A: Communications Summary](#)
[*Handout 10.1-B: REDI Summary](#)

Est. Staff Time: 5 Minutes.

- 11. **ADMINISTRATION:**
- 12. **DISTRICT COUNSEL:**
- 13. **BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:**

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

[24-0084](#)

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

Manager: Michele King, 408-630-2711

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

Est. Staff Time: 5 Minutes.

- 14. **BOARD MEMBER REPORTS/ANNOUNCEMENTS:**
- 15. **CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:**
- 16. **ADJOURN:**

- 16.1 Adjourn to the 1:00 p.m. Regular meeting on November 12, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.