



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, March 25, 2025
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

Tony Estremera, Chair-District 6
Richard P. Santos, Vice Chair-District
3
John L. Varela-District 1
Shiloh Ballard-District 2
Jim Beall-District 4
Nai Hsueh-District 5
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) 630-2277.

MELANIE RICHARDSON
Interim Chief Executive
Officer

CANDICE KWOK-SMITH
Interim Clerk of the Board
(408) 630-2277
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

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IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board. Written comments on any item on the agenda may be submitted to clerkoftheboard@valleywater.org or board@valleywater.org.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=TojJpYCxXm0>

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2277, 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

PUBLIC EMPLOYMENT

Pursuant to Government Code Section 54957(b)(1)

Title: Clerk of the Board

[25-0293](#)

*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 Receive an Update on the Status of Santa Clara Valley Water's Pension and Other Post-Employment Benefits Unfunded Liabilities. (*Previously Listed as Item 10.2) [25-0187](#)

Recommendation: A. Receive information on the status of Santa Clara Valley Water's pension and Other Post-Employment Benefit unfunded liabilities; and
B. Provide direction to staff as necessary.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint, OPEB Unfunded Liability](#)
[Attachment 2: PowerPoint, CalPERS Pension](#)

Est. Staff Time: 20 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - *4.8) (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 a Resolution Setting Time and Date of Public Hearing on the Final Mitigated Negative Declaration and Engineer's Report for the Penitencia Water Treatment Plant Residuals Management Project, Project No. 93234044 (San Jose, District 3). [25-0173](#)

Recommendation: Adopt the Resolution SETTING TIME AND DATE OF PUBLIC HEARING ON THE FINAL MITIGATED NEGATIVE DECLARATION AND ENGINEER'S REPORT FOR THE PENITENCIA WATER TREATMENT PLANT RESIDUALS MANAGEMENT PROJECT, to occur on April 8, 2025, at 1:00 p.m. in the Boardroom at Santa Clara Valley Water District,

Headquarters Building, 5700 Almaden Expressway, San Jose, California.

Manager: Emmanuel Aryee, 408-630-3074

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Engineer's Report](#)
[Attachment 3: Notice of Public Hearing](#)

4.2. Approve the Federal Funding Requests for Fiscal Year 2026. [25-0091](#)

Recommendation: Approve the recommended funding requests for federal Fiscal Year 2026 for Valley Water-sponsored and Valley Water-supported projects and priorities.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: FY 2026 Federal Funding Requests](#)

*4.3. *Adopt Recommended Positions on Federal Legislation: S. 322 (Padilla) - [25-0327](#)

Improving Atmospheric River Forecasting Act; H.R. 1267 (Gluesenkamp Perez) - Water Systems PFAS Liability Protection Act; H.R. 403 (Swalwell) - Preventing Our Next Natural Disaster Act; H.R. 1382 (Huffman) - San Francisco Bay Restoration Program Technical Correction Act; H.R. 605 (Costa) - Headwaters Protection Act of 2025; *H.R. 1871 (Huffman)/S. 857 (Curtis) - Water Conservation Rebate Tax Parity Act of 2025; H.R. 1894 (Calvert) - Federally Integrated Species Health (FISH) Act; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

Recommendation:

- A. Adopt a Position of "Support" on S. 322 (Padilla) - Improving Atmospheric River Forecasting Act;
- B. Adopt a Position of "Support" on H.R. 1267 (Gluesenkamp Perez) - Water Systems PFAS Liability Protection Act;
- C. Adopt a Position of "Support" on H.R. 403 (Swalwell) - Preventing Our Next Natural Disaster Act;
- D. Adopt a Position of "Support" on H.R. 1382 (Huffman) - San Francisco Bay Restoration Program Technical Correction Act; and
- E. Adopt a Position of "Support" on H.R. 605 (Costa) - Headwaters Protection Act of 2025.
- *F. Adopt a Position of "Support" on H.R. 1871 (Huffman)/S. 857 (Curtis) - Water Conservation Rebate Tax Parity Act of 2025; and
- *G. Adopt a Position of "Support" on H.R. 1894 (Calvert) - Federally Integrated Species Health (FISH) Act.

Manager: Marta Lugo, 408-630-2237
Attachments: [*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)

- *4.4. Adopt Recommended Positions on State Legislation: AB 514 (Petrie-Norris) Emergency Water Supplies, *AB 532 (Ransom) Water Rate Assistance Program, *SB 31 (McNerney) Water Quality: recycled water, and Other Legislation Which May Require Urgent Consideration for a Position by the Board. [25-0328](#)

Recommendation: A. Adopt a position of "Support" on: AB 514 (Petrie-Norris) Emergency Water Supplies;
*B. Adopt a position of "Support" on: AB 532 (Ransom) Water Rate Assistance Program;
*C. Adopt a position of "Support" on: SB 31 (McNerney) Water Quality: recycled water.

Manager: Joshua Golka, 408-630-4508
Attachments: [*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)

- 4.5. Receive the Single Audit Report for Fiscal Year Ending June 30, 2024. [25-0272](#)

Recommendation: Receive the Single Audit Report for Fiscal Year ending June 30, 2024.

Manager: Darin Taylor, 408-630-3068
Attachments: [Attachment 1: Single Audit Report](#)

- 4.6. Denial of Claim of Fariba Seyed. [25-0291](#)

Recommendation: Deny the claim.

Manager: Carlos Orellana, 408-630-2755
Attachments: [Attachment 1: Claim](#)

- *4.7. Approval of Minutes. [25-0273](#)

Recommendation: Approve the minutes.

Manager: Candice Kwok-Smith, 408-630-3193
Attachments: [Attachment 1: 02112025 CS and Regular Meeting Minutes PH](#)

- *4.8. Accept the CEO Bulletin for the Weeks of March 7 - 20, 2025. [25-0287](#)

Recommendation: Accept the CEO Bulletin.
Manager: Melanie Richardson, 408-630-2017
Attachments: [Attachment 1: 03202025 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

- *5.1. Consider the December 6, 2024, Board Policy and Monitoring Committee's Recommendation to Adopt Proposed Changes to Board Governance Policy Executive Limitation 6 (EL-6): Asset Management and Related Board Appointed Officer (BAO) Interpretations. [25-0241](#)

Recommendation: Consider input and recommendations from the December 6, 2024, Board Policy and Monitoring Committee meeting to:

- A. Adopt Proposed Changes to Board Governance Policies Executive Limitations 6 (EL-6): Asset Management and Related Board Appointed Officer (BAO) Interpretations; and
- B. Provide feedback and recommendations to staff, as necessary.

Manager: Rita Chan, 408-630-2620
Attachments: [Attachment 1: Current EL-6 and BAO Interpretations](#)
[Attachment 2: Revised EL-6 and BAO Interpretations \(redline\)](#)
[Attachment 3: Revised EL-6 \(clean copy\)](#)

Est. Staff Time: 5 Minutes.

- *5.2. Board Committee Reports. (*Previously Listed as Item 5.1) [25-0288](#)

Attachments: [*Handout 5.2-A: 08292024 ECCC Summary](#)
[*Handout 5.2-B: 01222025 WC Summary](#)
[*Handout 5.2-C: 02192025 BAC Summary](#)
[*Handout 5.2-D: 03052025 CIP Summary](#)
[*Handout 5.2-E: 03242025 WSDMC Agenda](#)

Est. Staff Time: 5 Minutes.

6. WATER UTILITY ENTERPRISE:

7. WATERSHEDS:

- 7.1. Approve the Standard On-Call Consultant Agreements with Four Consultant Firms: Arup US, Inc., Agreement No. A5242A; ENGEO Incorporated, Agreement No. A5243A; Kleinfelder, Inc., Agreement No. A5244A; Mott MacDonald Group, Inc., Agreement No. A5245A; to Provide On-Call Geotechnical Engineering and Design-Related Services, [25-0259](#)

PlanetBids (PB) File No. VW0435, for a Shared Not-To-Exceed Aggregate Fee of \$11,000,000.

- Recommendation:
- A. Approve the Standard On-Call Consultant Agreement No. A5242A, with Arup US, Inc., for on-call geotechnical engineering and design-related services;
 - B. Approve the Standard On-Call Consultant Agreement No. A5243A, with ENGEO Incorporated, for on-call geotechnical engineering and design-related services;
 - C. Approve the Standard On-Call Consultant Agreement No. A5244A, with Kleinfelder, Inc., for on-call geotechnical engineering and design-related services;
 - D. Approve the Standard On-Call Consultant Agreement No. A5245A, with Mott MacDonald Group, Inc., for on-call geotechnical engineering and design-related services; and
 - E. Approve a Shared Aggregate Not-To-Exceed fee of \$11,000,000 for all Agreements, with task orders issued based on project needs and consultant availability.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment A: Gov. Code Section 84308](#)
[Attachment 1: Agreement, Arup US, Inc.](#)
[Attachment 2: Agreement, ENGEO Incorporated](#)
[Attachment 3: Agreement, Kleinfelder, Inc.](#)
[Attachment 4: Agreement, Mott MacDonald Group, Inc.](#)

Est. Staff Time: 5 Minutes.

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

- *10.1 Receive and Discuss Long Range Financial Planning Models for the Water Utility Enterprise Fund, the Watersheds Stream Stewardship Fund, and the Safe, Clean Water Fund. [25-0186](#)

- Recommendation:
- A. Receive information on the long-range financial planning models for the Water Utility Enterprise Fund, the Watersheds Stream Stewardship Fund, and the Safe, Clean Water Fund; and
 - B. Provide direction as necessary.

Manager: Darin Taylor, 408-630-3068

Attachments: [*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: PowerPoint](#)

Est. Staff Time: 20 Minutes.

*10.2. MOVED TO ITEM 3.4

*10.3 CEO and Chiefs' Reports.

[25-0289](#)

Attachments: [*Handout 10.3-A: REDI Summary](#)
[*Handout 10.3-B: Communications 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.

[25-0290](#)

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

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

Attachments: [Attachment 1: FY24-25 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 10:30 a.m. Special Closed Session meeting on April 1, 2025, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.