



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

Headquarters Building Boardroom

Join Zoom Meeting: <https://valleywater.zoom.us/j/84454515597>

**\*AMENDED/APPENDED**

### **11:00 AM CLOSED SESSION AND 1:00 PM REGULAR MEETING AGENDA**

**Tuesday, November 8, 2022  
11:00 AM**

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

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

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**DISTRICT BOARD OF DIRECTORS**

John L. Varela, Chair Pro Tem -  
District 1  
Barbara Keegan - District 2  
Richard P. Santos - District 3  
Linda J. LeZotte - District 4  
Nai Hsueh - District 5  
Tony Estremera - District 6  
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 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](http://www.valleywater.org)

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**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**

**\*AMENDED/APPENDED  
AGENDA**

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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 at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the “Raise Hand” tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

- 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

h t t p s : / / e m m a . m s r b . o r g / a n d  
<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:**

1.1. Roll Call.

**2. TIME CERTAIN:**

**11:00 AM**

*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. (ITEM REMOVED FROM THE AGENDA)

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 443 square feet of land lying easterly of Sixteenth Street, southerly of APN 472-31-040 and northerly APN 472-21-094 in the City of San Jose.

Agency Negotiators: Rick Callender, Melanie Richardson, Rechelle Blank, Bhavani Yerrapotu, Julianne O'Brien, Kathy Bradley, and Bill Magleby

Negotiating Parties: All Persons Unknown Claiming An Interest in the Property.

2.2. CLOSED SESSION [22-1240](#)  
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 a 345 square foot  
parcel and a 740 square foot parcel being portions of those lands lying  
Southeasterly of Berryessa Road, Southwesterly of Coyote Creek and  
Northwesterly of the Lands owned by Southern Pacific Transportation  
Company.  
Agency Negotiators: Rick Callender, Melanie Richardson, Rechelle Blank,  
Bhavani Yerrapotu, Julianne O'Brien, Kathy Bradley, and Bill Magleby  
Negotiating Parties: All Persons Unknown Claiming An Interest in the  
Property.

2.3. CLOSED SESSION [22-1287](#)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
Stop the Pacheco Dam Project Coalition v. Santa Clara Valley Water  
District (Santa Clara Co. Superior Court, Case No. 22CV399384)

\*2.4. (ITEM REMOVED FROM AGENDA)  
CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
San Jose Unified School District v. SCVWD  
(Santa Clara Co. Superior Court, No. 18CV330233)

**1:00 PM**

2.5. District Counsel Report on Closed Session.

2.6. Pledge of Allegiance/National Anthem.

2.7. Orders of the Day.  
*A. Approximate Discussion Time (Board); and*  
*B. Adjustments to the Order of Agenda Items.*

2.8. 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" tool 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.*

2.9. Public Hearing on the 2022 Central Valley Project Improvement Act Water Management Plan for the Central Valley Project; and Adopt a Resolution Adopting the 2022 Central Valley Project Improvement Act Water Management Plan.

[22-1074](#)

Recommendation:

- A. Conduct Public Hearing on Santa Clara Valley Water District's Draft 2022 Central Valley Project Improvement Act Water Management Plan; and
- B. Adopt the Resolution ADOPTING THE 2022 CENTRAL VALLEY PROJECT IMPROVEMENT ACT WATER MANAGEMENT PLAN.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Resolution](#)

[Attachment 2: Plan](#)

[Attachment 3: PowerPoint](#)

Est. Staff Time: 15 Minutes

2.10. Adopt a Resolution Authorizing the Issuance of Not-To-Exceed \$120 Million Safe Clean Water Program Refunding Revenue Bonds, Authorizing the Execution and Delivery of Not-To-Exceed \$165 Million Interim Obligations and Revenue Certificates of Participation, Approving the Execution and Delivery of Certain Documents and Authorizing Certain Acts In Connection Therewith; and Adopt a Resolution Authorizing the Issuance of Not-To-Exceed \$200 Million Water System Refunding Revenue Bonds, Authorizing the Execution and Delivery of Not-To-Exceed \$408 Million Interim Obligations and Revenue Certificates of Participation, Approving the Execution and Delivery of Certain Documents and Authorizing Certain Acts In Connection Therewith.

Recommendation:

- A. Adopt the Resolution AUTHORIZING THE ISSUANCE OF NOT-TO-EXCEED \$120,000,000 SAFE CLEAN WATER PROGRAM REFUNDING REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$165,000,000 INTERIM OBLIGATIONS AND REVENUE CERTIFICATES OF PARTICIPATION, APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN ACTS IN CONNECTION THEREWITH;
- B. Adopt the Resolution AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$200,000,000 WATER SYSTEM REFUNDING REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$408,000,000 INTERIM OBLIGATIONS AND REVENUE CERTIFICATES OF PARTICIPATION, APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN ACTS IN CONNECTION THEREWITH; and
- C. Authorize and direct the Chief Executive Officer, Assistant Chief Executive Officer-Operations, Chief Financial Officer, Treasury and Debt Officer, District Counsel, and the Clerk of the Board of Directors and such other officers and staff of Valley Water, acting singly, to do any and all things, and to execute and deliver any and all documents, which such officers may deem necessary or advisable in order to consummate the sale and delivery of the Refunding Revenue Bonds, Interim Obligations, and Revenue Certificates of Participation.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: SCW Resolution](#)  
[Attachment 2: WU Resolution](#)  
[Attachment 3: PowerPoint](#)  
[Attachment 4: ESG Ratings](#)  
[Attachment 5: Direct Email Distribution List](#)  
[Attachment 6: SCW Preliminary Official Statement](#)  
[Attachment 7: WU Preliminary Official Statement](#)  
[Attachment 8: Notice of Sale](#)  
[Attachment 9: SCW Refunding Bonds Financing Documents](#)  
[Attachment 10: WU Refunding Bonds Financing Documents](#)  
[Attachment 11: SCW IO/COP Financing Documents](#)  
[Attachment 12: WU IO/COP Financing Documents](#)  
[Attachment 13: Debt Management Policy](#)  
[Attachment 14: Federal Securities Laws - Disclosure](#)

Est. Staff Time: 20 Minutes

\*2.11 Monthly Drought Emergency Response and Water Supply Update. [22-1331](#)

Recommendation: Receive an update on water supply conditions in Santa Clara County and staff's drought response efforts and provide direction to staff, as necessary.

Manager: Aaron Baker, 408-630-2135

Attachments: [\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: PowerPoint](#)  
[\\*Supplemental Attachment 2: Drought Response Report](#)  
[\\*Supplemental Attachment 3: November 2022 Water Tracker](#)

Est. Staff Time: 20 Minutes

**3. CONSENT CALENDAR: (3.1 - \*3.5) (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 submit a request to speak to the Clerk of the Board.*

3.1. Adopt a Resolution Setting Time and Date of Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Coyote Pumping Plant Adjustable Speed Drive Replacement Project, Project No. 91234002 (Morgan Hill) (District 1). [22-1193](#)

Recommendation: Adopt the Resolution SETTING TIME AND DATE OF PUBLIC HEARING ON THE ENGINEER'S REPORT AND CEQA EXEMPTION DETERMINATION FOR THE COYOTE PUMPING PLANT ADJUSTABLE SPEED DRIVE REPLACEMENT PROJECT, to occur on November 22, 2022, at 1:00 p.m., in the Boardroom at Santa Clara Valley Water District, Headquarters Building, 5700 Almaden Expressway, San Jose, CA.

Manager: Emmanuel Aryee, 408-630-3074

Attachments: [Attachment 2: Engineer's Report](#)

[Attachment 3: Notice of Public Hearing](#)

3.2. Approve Recommended Positions on Federal Legislation: H.R. 3023 (Costa) - Restoring WIFIA Eligibility Act; H.R. 8127 (Schrier) - Water Infrastructure Finance and Innovation Act Amendments; and Other Legislation That May Require Urgent Consideration for a Position by the Board. [22-1191](#)

Recommendation:

- A. Adopt a position of "Support" on H.R. 3023 (Costa) - Restoring WIFIA Eligibility Act; and
- B. Adopt a position of "Support if Amended" on H.R. 8127 (Schrier) - Water Infrastructure Finance and Innovation Act Amendments.

Manager: Marta Lugo, 408-630-2237

3.3. Denial of Claim of Cecilia Marosi. [22-1210](#)

Recommendation: Deny the claim.

Manager: Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Claim, Cecilia Marosi](#)

3.4. Denial of Claim of Wedgewood Manor Homeowners Association. [22-1209](#)

Recommendation: Deny the claim.

Manager: Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Claim, Wedgewood Manor Homeowners Assoc.](#)

\*3.5 Accept the CEO Bulletin for the Weeks of October 21-November 3, 2022. [22-1277](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 110322 CEO Bulletin](#)

## **REGULAR AGENDA:**

### **4. BOARD OF DIRECTORS:**

\*4.1 Consider the October 27, 2022, Diversity and Inclusion Ad Hoc Committee Recommendation to Adopt Tribal Land Acknowledgment Statement. [22-1190](#)

Recommendation: Review and approve the October 27, 2022, Diversity and Inclusion Ad Hoc Committee's Recommendation to Adopt the Tribal Land Acknowledgment Statement

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Proposed Tribal Land Acknowledgement Statement](#)  
[Attachment 2: PowerPoint](#)

Est. Staff Time: 5 Minutes

\*4.2. Consider the Board Ethics and Conduct Ad Hoc Committee Recommendation to Accept the October 24, 2022, Executive Summary: Investigation Report Concerning Santa Clara Valley Water District Director Gary Kremen. [22-1327](#)

Recommendation: Consider the Board Ethics and Conduct Ad Hoc Committee Recommendation to Accept the October 24, 2022, Executive Summary: Investigation Report Concerning Santa Clara Valley Water District Director Gary Kremen.

Manager: Board Ethics and Conduct Ad Hoc Committee

Attachments: [Attachment 1: Committee Memo](#)  
[Attachment 2: Executive Summary](#)  
[\\*Handout 4.2-A: Sierra Club](#)

\*4.3. Board Committee Reports. [22-1330](#)

Attachments: [\\*Handout 4.3-A: 092822 RWC, Summary](#)  
[\\*Handout 4.3-B: 101322 WSEC, Summary](#)

### **5. WATER UTILITY ENTERPRISE:**

### **6. WATERSHEDS:**

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

7.1. Receive an Overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule for Capital Projects, and a Review of the Currently Unfunded Projects. [22-1249](#)

Recommendation:

- A. Receive an overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule;
- B. Review the list of Currently Unfunded Capital Projects; and
- C. Provide feedback as necessary.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

**8. EXTERNAL AFFAIRS:**

**9. CHIEF EXECUTIVE OFFICER:**

9.1. Approve the Central Fiscal Year 2021-22 Year-End and Fiscal Year 2022-23 Budget Adjustments. [22-1248](#)

Recommendation: Approve the Central Fiscal Year 2021-22 Year-End and Fiscal Year 2022-23 Budget Adjustments.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: SCVWD Resolution No. 22-31](#)

Est. Staff Time: 5 Minutes

\*9.2. CEO and Chiefs' Report. [22-1335](#)

Attachments: [\\*Handout 9.2-A: Office of Communications](#)

[\\*Handout 9.2-B: Watersheds OM Report](#)

[\\*Handout 9.2-C: Storm Report](#)

Est. Staff Time: 5 Minutes

**10. ADMINISTRATION:**

**11. DISTRICT COUNSEL:**

**12. ADJOURN:**

12.1. Board Member Reports/Announcements.

12.2 Proposed Future Board Member Agenda Items.

- 12.3. Clerk Review and Clarification of Board Requests.
- 12.4. Adjourn to Regular Meeting at 11:00 a.m., on November, 22, 2022.