



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>

CLOSED SESSION AND REGULAR MEETING AGENDA

**Tuesday, November 26, 2024
11:00 AM**

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.

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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) 630-2711, 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://emma.msrb.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 EMPLOYEE APPOINTMENT

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

Title: Clerk of the Board

[24-1023](#)

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 Overview of the Fiscal Year 2025-26 Rolling Biennial Budget Process.

[24-0932](#)

Recommendation: Receive an overview of the Fiscal Year 2025-26 Rolling Biennial Budget process to provide an opportunity for Board input.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes.

3.5. Consider the August 29, 2024, Environmental Creek Cleanup Committee Recommendation to Adopt the Proposed Water Resources Protection Zones Ordinance.

[24-0876](#)

Recommendation:

- A. Consider the recommendation resulting from the August 29, 2024, Environmental Creek Cleanup Committee meeting to:
 - i. Adopt the proposed Water Resources Protection Zones Ordinance; and
 - ii. Provide feedback and direction as necessary.
- B. Consider the Chair’s recommendation to refer to the Environmental Creek Cleanup Committee a review of current Unhoused Related Agreements with the County of Santa Clara and City of San José.

Manager: Jennifer Codianne, 408-630-3876

Attachments: [Attachment 1: Listening Session Input Summary](#)
[Attachment 2: Ordinance, Red-Lined](#)
[Attachment 3: Ordinance, Clean](#)
[Attachment 4: Ordinance Implementation Plan](#)
[Attachment 5: PowerPoint](#)
[Attachment 6: Memorandum](#)

Est. Staff Time: 10 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - 4.3) (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. Approve Amendment No. 1 to Agreement No. A4536R, with Grassroots Ecology for the Santa Clara Valley Water District, Safe, Clean Water and Natural Flood Protection Program, FY 2020 Safe, Clean Water Project B3 Grant, Extending the Term of the Agreement for One Year and Modifying the Scope and Budget.

[24-0961](#)

Recommendation: Approve Amendment No. 1 to Agreement No. A4536R with Grassroots Ecology for the Santa Clara Valley Water District, Safe, Clean Water and Natural Flood Protection Program, FY 2020 Safe, Clean Water Project B3 Grant, Extending the Term of the Agreement for One Year and modifying the scope and budget.

Manager: Rachael Gibson, (408) 630-2884

Attachments: [Attachment A: Gov Code 84308](#)
[Attachment 1: Original Agreement A4536R](#)
[Attachment 2: Amendment No. 1](#)
[Attachment 3: Grassroots Ecology Letter](#)

- 4.2. Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Calabazas Creek Rehabilitation Project, Stage 1-Civil Work (Milestones 1-3) and Stage 2 -

[24-0989](#)

Plant Establishment (Milestones 3A, 4, & 5), Under the Watersheds Asset Rehabilitation Program, Granite Construction Company, Contractor, Project No. 62084001, Contract No. C0683, (Cupertino, District 5).

Recommendation: A. Accept the work on the Calabazas Creek Rehabilitation Project, Stage 1 - Civil Work (Milestones 1-3) and Stage 2 - Plant Establishment (Milestones 3A, 4, & 5), Project No. 62084001, Contract No. C0683 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: Bhavani Yerrapotu, 408-630-2735

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

4.3. Denial of Claim of Robert Liu. [24-1036](#)

Recommendation: Deny the claim.

Manager: Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Claim](#)

5. **BOARD OF DIRECTORS:**

5.1. Consider the September 30, 2024 Board Policy and Monitoring Committee Recommendation to Adopt the Proposed Changes to Board Governance Policy 5 (GP-5) to Add Language on the Timing of the Election of the Board Chairperson and Vice Chairperson. [24-0972](#)

Recommendation: Consider recommendations resulting from the September 30, 2024 Board Policy and Monitoring Committee to:
 A. Adopt the proposed changes to Board Governance Policy GP-5 to add language on the Timing of the Election of the Board Chairperson and Vice Chairperson;
 and
 B. Provide feedback and recommendations to staff as necessary.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Proposed Revised GP-5](#)

Est. Staff Time: 5 Minutes.

5.2. Board Committee Reports.

6. WATER UTILITY ENTERPRISE:

7. WATERSHEDS:

7.1. Approve a Budget Adjustment in the Amount of \$121,000 for the Construction Contract Contingency Increase of \$121,000 for the Lower Calera Creek Flood Protection Project, Project No. 40174005, Contract No. CO666-1 (Milpitas, District 3).

[24-0785](#)

Recommendation: A. Approve a budget adjustment in the amount of \$121,000 from the Lower Berryessa Creek Phase 1 Flood Protection Project to the Fiscal Year 2025 Lower Berryessa Creek Phase 2 Flood Protection Project; and
B. Approve an increase of \$121,000 to the construction contract contingency sum for the Lower Calera Creek Flood Protection Project for a new running contingency sum of \$380,816.59 and overall contingency sum of \$4,210,571.50.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Project Map](#)

Est. Staff Time: 5 Minutes.

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

10.1. CEO and Chiefs' Report.

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.

[24-0085](#)

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 December 10, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.