



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, December 10, 2024
10:00 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**

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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>

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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://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. *10:00 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

[24-1065](#)

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 728-34-020, 728-34-021, 728-35-001, 729-36-001, 678-02-031, 678-02-034, 725-06-008, 729-46-001, 725-08-001, 725-06-008, 725-05-002, and 725-04-003

Agency Negotiators: Rick Callender, Rita Chan, Ryan McCarter, John Bourgeois

Negotiating Parties: County of Santa Clara

2.2. CLOSED SESSION

[24-1066](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation

Pursuant to Government Code Section 54956.9(d)(2)

One Potential Case

2.3. CLOSED SESSION

[24-1067](#)

CONFERENCE WITH LEGAL COUNSEL

Initiation of Litigation

Pursuant to Government Code Section 54956.9(d)(4)

One Potential Case

- *2.4. CLOSED SESSION [24-1100](#)
CONFERENCE WITH LEGAL COUNSEL
Anticipated Litigation - Significant Exposure to Litigation
Government Code Section 54956.9(d)(2)
(Stanford University Claims for Refund of Groundwater Charges)
One Potential Case
- *2.5. CLOSED SESSION [24-1103](#)
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Title: CEO and District Counsel
- *2.6. District Counsel Report on Closed Session.
(Previously listed as Item 2.4.)

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. [24-1104](#)
Attachments: [*Handout 3.3-A: Barbara Keegan, Commendation](#)

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. Administer Ceremonial Oaths of Office to Directors Elected at the November 2024 Election.

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 Expressing Appreciation to the Honorable Dan McCorquodale for his Dedicated Years of Public Service to Santa Clara County and the State of California. [24-1041](#)

Recommendation: Adopt the Resolution EXPRESSING APPRECIATION TO DAN MCCORQUODALE for his dedicated years of public service to Santa Clara County, the State of California, and his distinguished career.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 4.2. Adopt a Resolution Expressing Appreciation to the Honorable Dave Pine for his Dedicated Years of Public Service to the People of San Mateo County, the San Francisco Bay Area, and the State of California. [24-0953](#)

Recommendation: Adopt the Resolution EXPRESSING APPRECIATION TO DAVE PINE San Mateo County Supervisor for his dedicated years of public service to the San Francisco Bay Area, the State of California, and his distinguished career.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 4.3. Adopt a Resolution Declaring Santa Clara Valley Water District's 2025 Monthly Cultural Observances. [24-0925](#)

Recommendation: Adopt a Resolution DECLARING SANTA CLARA VALLEY WATER DISTRICT'S 2025 CULTURALLY SIGNIFICANT OBSERVANCES MONTHLY CALENDAR.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 4.4. Approve the Re-Appointment of Committee Members for an Additional Two-Year Term to the Environmental and Water Resources Committee. [24-0976](#)

Recommendation: Consider and approve the re-appointment of committee members for an additional two-year term to the Environmental

and Water Resources Committee.

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

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)

- 4.5. Approve the Re-Appointment of Committee Members for an Additional Two-Year Term to the Agricultural Water Advisory Committee. [24-0977](#)

Recommendation: Consider and approve the re-appointment of committee members for an additional two-year term to the Agricultural Water Advisory Committee.

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

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)

- 4.6. Approve Agreement No. A5283X with Google, LLC. for the West Channel Enhancement Project Completion and Google Conveyance and Santa Clara Valley Water District Acceptance of the Specified Project Improvements for a Portion of Santa Clara Valley Water District's Sunnyvale East and Sunnyvale West Channels Flood Protection Project, Project No. 26074002 (Sunnyvale, District 3). [24-1021](#)

Recommendation: Approve Agreement No. A5283X with Google, LLC. for the West Channel Enhancement Project Completion and Google Conveyance and Santa Clara Valley Water District Acceptance of the Specified Project Improvements for a portion of Santa Clara Valley Water District's Sunnyvale East and Sunnyvale West Channels Flood Protection Project, Project No. 26074002.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment A: Gov. Code 84308](#)
[Attachment 1: Construction and Maintenance Agreement](#)
[Attachment 2: Acceptance Agreement](#)

- *4.7. Accept the CEO Bulletin for the Weeks of November 22, 2024, through December 5, 2024. [24-0079](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 120524 CEO Bulletin](#)

- *4.8. Approval of Minutes. [24-1055](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 092424 CS and Regular Meeting Minutes](#)
[Attachment 2: 100824 CS and Regular Meeting Minutes](#)
[Attachment 3: 101124 Special Board Meeting Minutes](#)
[Attachment 4: 102224 CS and Regular Meeting Minutes](#)

5. BOARD OF DIRECTORS:

- 5.1. Receive an Update on the Development of Santa Clara Valley Water District's Water Supply Master Plan 2050; and Approve the August 28, 2024, Recycled Water Committee Recommendation to set Potable Reuse Goal of 24,000 Acre-Feet per Year by 2035 and a Long-Term Vision to Maximize Water Reuse in the County up to 32,000 Acre-Feet per Year. [24-0896](#)

Recommendation:

- A. Receive an update on the development of Santa Clara Valley Water District's Water Supply Master Plan 2050 and provide feedback;
- B. Consider and approve the August 28, 2024, recommendation of the Recycled Water Committee to set a potable reuse goal of 24,000 acre-feet per year by 2035, as well as a long-term vision to maximize water reuse in the County up to 32,000 acre-feet per year in the Water Supply Master Plan 2050, including additional potable and non-potable reuse, desalination, stormwater capture, and other alternative water sources; and
- C. Provide additional feedback and direction on refined adaptive management framework.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Potable Reuse Goal](#)
[Attachment 2: 07092024 Handout 6.1-G, Hsueh](#)
[Attachment 3: PowerPoint](#)

Est. Staff Time: 5 Minutes.

- *5.2. Set a new Salary Range for the Clerk of the Board Classification Effective January 4, 2025, and Adopt Resolutions Providing for the Appointment and Compensation of the Interim Clerk of the Board. [24-1105](#)

Recommendation:

- A. Approve a new salary range of \$244,121.51 to \$307,926.00 for the Clerk of the Board classification effective January 4, 2025;
- B. Adopt a Resolution APPOINTING AND PROVIDING FOR THE COMPENSATION OF THE INTERIM CLERK OF THE BOARD, for January 4, 2025, through February 28, 2025; and
- C. Adopt a Resolution APPOINTING AND PROVIDING FOR THE COMPENSATION OF THE INTERIM CLERK OF THE BOARD, for March 1, 2025, through April 30, 2025.

Manager: Michele King, 408-630-2711
Attachments: [*Supplemental Attachment 1: Resolution, Overland](#)
[*Supplemental Attachment 2: Resolution, Kwok-Smith](#)
Est. Staff Time: 5 Minutes.

*5.3. Board Committee Reports. [24-1059](#)

Attachments: [*Handout 5.3-A: 103024 RWC, Summary](#)
[*Handout 5.3-B: 121324 RWC, Special Agenda](#)
Est. Staff Time: 5 Minutes.

*5.4. Consider the October 31, 2024, Board Policy and Monitoring Committee Recommendation to Adopt the Proposed Changes to Board Governance Policy: Governance Process 6 (GP-6). [24-1027](#)

Recommendation: Consider the recommendation resulting from the October 31, 2024, Board Policy and Monitoring Committee to:

- A. Adopt the Proposed Changes to Board Governance Policy: Governance Process 6 (GP-6); and
- B. Provide feedback and recommendations to staff as necessary.

Manager: Rick Callender, 408-630-2017
Attachments: [Attachment 1: Current GP-6](#)
[Attachment 2: Updated GP-6](#)
[Attachment 3: GP-6 Flowchart](#)
Est. Staff Time: 5 Minutes.

6. WATER UTILITY ENTERPRISE:

6.1. Approve Staff's Recommendation to Support Dissolution of the Los Vaqueros Expansion Joint Powers Authority. [24-1056](#)

Recommendation:

- A. Receive an Update on the Los Vaqueros Reservoir Expansion Project;
- B. Consider and Approve Staff's recommendation to support dissolution of the Los Vaqueros Expansion Joint Powers Authority; and
- C. Provide direction to Santa Clara Valley Water District's Los Vaqueros Expansion Joint Powers Authority representative

Manager: Vincent Gin, 408-630-2633
Attachments: [Attachment 1: CCWD 110624 LVE Board Item](#)
[Attachment 2: PowerPoint](#)
Est. Staff Time: 5 Minutes.

- *6.2. Receive Report of Bids, Ratify Addenda, Approve the Contingency Fund, and Award the Construction Contract to Con-Quest Contractors, Inc., for the West Pipeline Inspection and Rehabilitation Project - Phase 1, as Part of the 10-Year Pipeline Inspection and Rehabilitation Project, Project No. 95084002, Contract No. C0705 (Town of Los Gatos, City of Campbell, City of Saratoga, City of Cupertino, City of Los Altos, and City of Santa Clara, Districts 4, 5, and 7). [24-1029](#)

- Recommendation:
- A. Ratify Addenda No. 1,2, and 3 to the contract documents for the West Pipeline Inspection and Rehabilitation Project - Phase 1;
 - B. Award the Construction Contract to ConQuest Contractors, Inc., located in Burlingame, California in the sum of \$12,488,800; and
 - C. Approve a contingency of 10% in the amount of \$1,248,880 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Emmanuel Aryee, 408-630-3074

Attachments: [Attachment 1: Project Delivery Process Chart](#)
[Attachment 2: Project Overview Map](#)

Est. Staff Time: 10 Minutes.

7. WATERSHEDS:

- 7.1. Approve Agreement No. A5240A with Dudek, and Agreement No. A5241A with Wood Rodgers, Inc. for Technical Support Services for Watershed Capital Projects, PlanetBids File No. VW0428, for a Combined Total Not-to-Exceed fee of \$1,000,000. [24-0964](#)

- Recommendation:
- A. Approve Agreement No. A5240A with Dudek for technical support services for Watershed Capital Projects, PlanetBids File No. VW0428, for a not-to-exceed fee of \$500,000; and
 - B. Approve Agreement No. A5241A with Wood Rodgers, Inc. for technical support services for Watershed Capital Projects, PlanetBids File No. VW0428, for a not-to-exceed fee of \$500,000.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment A: Gov. Code 84308](#)
[Attachment 1: Agreement, Dudek](#)
[Attachment 2: Agreement, Wood Rodgers, Inc.](#)

Est. Staff Time: 5 Minutes.

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 8.1. Approve Amendment No. 2 to Agreement No. A4504A with Kayuga Solution, Inc. to Provide On-Call Asset Management Services, CAS File No. 5175, Increasing the Not-to-Exceed fee by \$300,000 for a Revised Total Not-to-Exceed fee of \$1,400,000. [24-0971](#)

Recommendation: Approve Amendment No. 2 to the Standard On-Call Consultant Agreement A4504A, with Kayuga Solution, Inc. to provide on-call asset management services, CAS File No. 5175, increasing the not-to-exceed fee by \$300,000 for a revised total of not-to-exceed fee of \$1,400,000.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment A: Gov. Code 84308](#)
[Attachment 1: Amendment No. 2](#)
[Attachment 2: Amendment No. 1](#)
[Attachment 3: Agreement](#)

Est. Staff Time: 5 Minutes.

9. EXTERNAL AFFAIRS:

- 9.1. Approve Recommended 2025 Legislative Policy Proposals and Guiding Principles. [24-1053](#)

Recommendation: Approve recommended 2025 Legislative Policy Proposals and Guiding Principles for the first year of the two-year session in both the California State Legislature and the 119th Congress; and for local and regional legislative efforts.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: 2025 Policy Proposals and Guiding Principles](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 5 Minutes.

10. CHIEF EXECUTIVE OFFICER:

- *10.1 CEO and Chiefs' Reports. [24-1060](#)

Attachments: [*Handout 10.1-A: OGR, Summary](#)
[*Handout 10.1-B: OCE, Update](#)

Est. Staff Time: 5 Minutes.

11. ADMINISTRATION:

- *11.1 Approve a Budget Adjustment, Receive Report of Bids, Ratify Addenda, Approve the Contingency Fund and Award of Construction Contract to Swinerton Builders in the sum of \$2,194,000.29 for the Security Upgrades [24-0965](#)

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).

- Recommendation:
- A. Approve a Fiscal Year 2025 budget adjustment in the amount of \$4,287,130 for the Security Upgrades and Enhancements Project (Project);
 - B. Ratify Addenda Nos. 1 and 2 to the contract documents for the Project;
 - C. Award the construction Contract to Swinerton Builders, located in Santa Clara, California, in the sum of \$2,194,000.29, which includes Supplemental Work identified in Addenda No. 2; and
 - D. Approve a contingency sum of \$329,100 and authorize Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Tony Ndah, 408-630-2208

Attachments: [Attachment 1: Addenda No. 1 and 2](#)
[Attachment 2: Project Delivery Process Chart](#)
[Attachment 3: Map](#)

Est. Staff Time: 5 Minutes.

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. [24-0987](#)

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.

- 13.2. Election of Board Chairperson and Vice Chairperson for Calendar Year 2025. [24-0711](#)

Recommendation: Nominate and elect a new Chairperson and Vice Chairperson for Calendar Year 2025.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Board Governance Policy GP-5.3](#)
[Attachment 2: Chair and Vice Chair Term History](#)

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 11:00 a.m. Special meeting on December 17, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.