



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 9, 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
Clerk, Board of the Directors
(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

***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=ToJpYCxXm0>

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 <http://emmas.msrbo.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

[25-1061](#)

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Outdoor Solutions Landscape & Paver Supply v. Santa Clara Valley Water District, et al.

(Santa Clara County Superior Court, Case No. 24CV441153)

*2.2. CLOSED SESSION

[25-1072](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: District Counsel

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

*2.3. CLOSED SESSION

[25-1073](#)

PUBLIC EMPLOYEE DISCIPLINE

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

*2.4. CLOSED SESSION

[25-1074](#)

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation

Significant Exposure to Litigation, Government Code Section 54956.9(d)

(2)

Number of cases: multiple

- *2.5. District Counsel Report on Closed Session.
(PREVIOUSLY LISTED AS ITEM 2.2)

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. Vice Chairperson Richard Santos' 25th Anniversary Recognition.

[25-0990](#)

Recommendation: Recognize Vice Chairperson Richard Santos for 25 years of service as a Board Director.

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

- 3.5. Conduct a Public Hearing to Consider Adopting a Resolution of Necessity Relating to the Acquisition of Real Property Interests from AJS Investment Group, LLC, Necessary to Complete the Coyote Creek Flood Protection Project, Project No. 26174043, APN 237-02-062, Real Estate File No. 4021-436 (San Jose, District 2).

[25-1038](#)

Recommendation:

- A. Open and conduct a Public Hearing to consider adoption of a Resolution of Necessity relating to the acquisition of real property interests from AJS Investment Group LLC, necessary to complete the Coyote Creek Flood Protection Project, Project No. 26174043;
- B. Close the Public Hearing; and
- C. Adopt the Resolution DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN FOR THE COYOTE

CREEK FLOOD PROTECTION PROJECT (PROJECT
NO. 26174043) (CODE OF CIVIL PROCEDURE
SECTIONS 1245.220, et seq.), by a two-thirds vote.

Manager: Bhavani Yerrpotu, 408-630-2735

Attachments: [Attachment A: Gov Code 84308](#)
[Attachment 1: Resolution](#)
[Attachment 2: Notice of Intent](#)
[Attachment 3: PowerPoint](#)

- 3.6. Conduct a Public Hearing to Consider Adopting a Resolution of Necessity [25-1042](#)
Relating to the Acquisition of Real Property Interests from Tripp Avenue
Housing Associates, LP, Necessary to Complete the Coyote Creek Flood
Protection Project, Project No. 26174043, APN 249-64-025, Real Estate
File Nos. 4021-347 and 4021-450 (San Jose, District 2).

Recommendation: A. Open and conduct a Public Hearing to consider adoption
of a Resolution of Necessity relating to the acquisition of
real property interests from Tripp Avenue Housing
Associates, LP, necessary to complete the Coyote
Creek Flood Protection Project, Project No. 26174043;
B. Close the Public Hearing; and
C. Adopt the Resolution DETERMINING AND DECLARING
THE PUBLIC NECESSITY FOR THE ACQUISITION OF
CERTAIN REAL PROPERTY OR INTERESTS IN REAL
PROPERTY BY EMINENT DOMAIN FOR THE COYOTE
CREEK FLOOD PROTECTION PROJECT (PROJECT
NO. 26174043) (CODE OF CIVIL PROCEDURE
SECTIONS 1245.220, et seq.), by a two-thirds vote.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment A: Gov. Code § 84308](#)
[Attachment 1: Resolution](#)
[Attachment 2: Notice of Intent](#)
[Attachment 3: PowerPoint](#)

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - *4.5) (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 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 Declaring Santa Clara Valley Water District’s 2026 Monthly Cultural Observances. [25-0603](#)

Recommendation: Adopt a Resolution DECLARING SANTA CLARA VALLEY WATER DISTRICT’S 2026 CULTURALLY SIGNIFICANT OBSERVANCES MONTHLY CALENDAR.

Manager: Marta Lugo, (408) 630-2237

Attachments: [Attachment 1: Resolution](#)

- 4.2. Adopt Recommended Positions on Federal Legislation: H.R. 6229 (Schrier) - Restoring WIFIA Eligibility Act of 2025; H.R. 6204 (Lee) - Large-Scale Water Recycling Reauthorization Act; H.R. 5414 (Van Drew) - Dam Assessment and Mitigation Support (DAMS) Act; And Other Legislation That May Require Consideration by the Board. [25-0677](#)

Recommendation: A. Adopt a Position of “Support” on H.R. 6229 (Schrier) - Water Infrastructure Finance and Innovation Act (WIFIA) Amendments of 2025;
B. Adopt a Position of “Support” on H.R. 6204 (Lee) - Large-Scale Water Recycling Reauthorization Act; and
C. Adopt a Position of “Support and Amend” on H.R. 5414 (Van Drew) - Dam Assessment and Mitigation Support (DAMS) Act.

Manager: Marta Lugo, 408-630-2338

- 4.3. Accept the Work as Complete and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Santa Clara Conduit Inspection and Rehabilitation Project - Phase 2, as part of the 10-Year Pipeline Inspection and Rehabilitation Project, Con-Quest Contractors Inc., Contractor, Project No. 95084002, Contract No. C0697 (Morgan Hill, Gilroy, Unincorporated San Benito County, and Unincorporated Santa Clara County, District 1). [25-0719](#)

Recommendation: A. Accept the work on the Santa Clara Conduit Inspection and Rehabilitation Project - Phase 2, as part of the 10 -Year Pipeline Inspection and Rehabilitation Project, Project No. 95084002, Contract No. C0697 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: Emmanuel Aryee, 408-630-3074
Attachments: [Attachment 1: Notice of Completion and Acceptance of Work](#)
[Attachment 2: Construction Contract Acceptance](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: Construction Photos](#)
[Attachment 5: Project Delivery Process Chart](#)

*4.4. Approval of Minutes. [25-1004](#)

Recommendation: Approve the minutes.

Manager: Candice Kwok-Smith, 408-630-3193
Attachments: [Attachment 1: 10/28/2025 Meeting Minutes PH](#)

*4.5. Accept the CEO Bulletin for the Weeks of November 21, through December 4, 2025. [25-1043](#)

Recommendation: Accept the CEO Bulletin.

Manager: Melanie Richardson, 408-630-2017
Attachments: [Attachment 1: 12/04/2025 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

*5.1. Board Committee Reports. [25-1044](#)

Attachments: [*Handout 5.1-A: 10222025 SCVWC Summary](#)
[*Handout 5.1-B: 12082025 WSDMC Agenda](#)
[*Handout 5.1-C: 12102025 BPMC Agenda](#)

*5.2. Consider the November 19, 2025, Board Audit Committee [25-0884](#)

Recommendation for Performance Audits to include in the 2026 Annual Audit Plan; Approve the 2026 Annual Audit Plan; and Provide Further Direction to Staff and the Chief Audit Executive as Needed.

Recommendation: Consider the November 19, 2025, Board Audit Committee Recommendation for Performance Audits to include in the 2026 Annual Audit Plan:

- A. Approve the 2026 Annual Audit Plan; and
- B. Provide further direction to staff and the Chief Audit Executive as needed.

Manager: Darin Taylor, 408-630-3068
Attachments: [Attachment 1: 2023 Risk Assessment Final Report](#)

6. WATER UTILITY ENTERPRISE:

- *6.1. Receive Report of Bids, Ratify Addenda, Waive Minor Irregularities, [25-0896](#)
Approve the Contingency Fund, and Award the Construction Contract to
Mountain Cascade, Inc., for the Penitencia Water Treatment Plant
Residuals Management Project, Project No. 93234044, Contract No.
0711 in the Sum of \$90,569,600 (City of San Jose, District 3).

Recommendation:

- A. Ratify Addenda No(s). 1 through 10 to the Contract Documents for the Penitencia Water Treatment Plant Residuals Management Project;
- B. Waive minor irregularities in Mountain Cascade, Inc.'s bid;
- C. Award the Construction Contract to Mountain Cascade, Inc., located in Livermore, CA, in the sum of \$90,569,600; and
- D. Approve a contingency sum of \$13,585,440 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: Location Map](#)

Est. Staff Time: 5 Minutes

7. WATERSHEDS:

- 7.1. Approve Amendment No. 3 to Agreement No. A4306A with GEI [25-0968](#)
Consultants, Inc. for On-Call Planning & Design Services for Water
Resources and Stewardship, CAS File No. 4968, Increasing the Fee by
\$500,000 for a Total Revised Fee of \$1,500,000, Extending the Term to
December 31, 2026, incorporating terms required by the Water
Infrastructure Finance and Innovation Act loan agreement, and updating
other administrative changes.

Recommendation: Approve Amendment No. 3 to Agreement No. A4306A with GEI
Consultants, Inc. for On-Call Planning & Design Services for
Water Resources and Stewardship, CAS File No. 4968,
Increasing the Fee by \$500,000 for a Total Revised Fee of
\$1,500,000, Extending the Term to December 31, 2026,
incorporating terms required by the Water Infrastructure Finance
and Innovation Act loan agreement, and updating other
administrative changes.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment A: Gov Code § 84308](#)
[Attachment 1: Amendment No. 3](#)
[Attachment 2: Amendment No. 2](#)
[Attachment 3: Amendment No. 1](#)
[Attachment 4: Agreement](#)

- 7.2. Approve Amendment No. 3 to Agreement No. A4307A with Environmental Science Associates (ESA) for On-Call Planning & Design Services for Water Resources and Stewardship, CAS File No. 4968, Increasing the Fee by \$500,000 for a Total Revised Fee of \$1,500,000, Extending the Term to December 31, 2026, incorporating terms required by the Water Infrastructure Finance and Innovation Act loan agreement, and updating other administrative changes. [25-0989](#)

Recommendation: Approve Amendment No. 3 to Agreement No. A4307A with Environmental Science Associates (ESA) for On-Call Planning & Design Services for Water Resources and Stewardship, CAS File No. 4968, Increasing the Fee by \$500,000 for a Total Revised Fee of \$1,500,000, Extending the Term to December 31, 2026, incorporating terms required by the Water Infrastructure Finance and Innovation Act loan agreement, and updating other administrative changes.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment A: Gov Code § 84308](#)
[Attachment 1: Amendment 3](#)
[Attachment 2: Amendment 2](#)
[Attachment 3: Amendment 1](#)
[Attachment 4 Agreement](#)

- 7.3. Authorize Acquisition of Real Property Interests from San Jose Water Company for the Coyote Creek Flood Protection Project, Project No. 26174043, APNs 467-13-055, 467-13-056, 467-13-002, 467-13-003, 472-11-016, 472-12-058, 472-12-071, 477-12-024, and 477-20-033, Real Estate File Nos. 4021-367, 4021-458, 4021-464, 4021-465, 4021-472, 4021-473, 4021-498, 4021-506, 4021-521, 4021-525, and 4021-526 (San Jose, Districts 2 and 6). [25-1009](#)

Recommendation: A. Authorize the Interim Chief Executive Officer to execute a Right of Way Agreement between San Jose Water Company and the Santa Clara Valley Water District for acquisition of real property interests on APNs 467-13-055, 467-13-056, 467-13-002, 467-13-003, 472-11-016, 472-12-058, 472-12-071, 477-12-024, and 477-20-033, for the price of \$2,932,950, based upon the terms and conditions as set forth in the Agreement;
B. Authorize the Interim Chief Executive Officer to accept the Quit Claim Deed (4021-525 and 4021-526) from San

- Jose Water Company;
- C. Authorize the Interim Chief Executive Officer to accept the Easement Deeds (4021-367 and 4021-498) from San Jose Water Company; and
 - D. Authorize the Interim Chief Executive Officer to accept the Temporary Construction Easement Deeds (4021-506, 4021-521, 4021-458, 4021-464, 4021-465, 4021-472, and 4021-473) from San Jose Water Company.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment A: Gov Code 84308](#)
[Attachment 1: Right of Way Agreement](#)
[Attachment 2: Quitclaim Deeds](#)
[Attachment 3: Water Management Easement Deeds](#)
[Attachment 4: Temporary Construction Easement Deeds](#)

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

*10.1 CEO and Chiefs' Reports. [25-1048](#)

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

11. ADMINISTRATION:

12. DISTRICT COUNSEL:

13. BOARD POLICY PLANNING CALENDAR/PROPOSED FUTURE BOARD AGENDA ITEMS:

13.1. Review the Fiscal Year 2026 Board Policy Planning Calendar. [25-0900](#)

Recommendation: Review the Fiscal Year 2026 Board Policy Planning Calendar.

Manager: Candice Kwok-Smith, 408-630-3139

Attachments: [Attachment 1: FY26 Board Calendar](#)

Est. Staff Time: 5 Minutes

*13.2 Election of Board Chairperson and Vice Chairperson for Calendar Year 2026. [25-0952](#)

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Recommendation: Nominate and elect a new Chairperson and Vice Chairperson for Calendar Year 2026.

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

Attachments: [Attachment 1: Board Governance Policy GP-5.3](#)
[Attachment 2: Chair and Vice Chair Term History](#)
[*Handout 13.2-A: Director Ballard](#)

14. BOARD MEMBER REPORTS/ANNOUNCEMENTS:

*14.1 Board Member Reports/Announcements - Director Ballard.

[25-1075](#)

Attachments: [*Handout 14.1-A: Director Ballard](#)

15. CLERK REVIEW AND CLARIFICATION OF BOARD REQUESTS:

16. ADJOURN:

16.1 The Board will convene for the next Regular meeting at 1:00 p.m. on Tuesday, January 13, 2026, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.