



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 14, 2023
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
John L. Varela, Chair - District 1
Barbara Keegan, Vice Chair - District
2
Richard P. Santos - District 3
Jim Beall - District 4
Nai Hsueh - District 5
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

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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=ToJpYCxXm0>

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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://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:

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. CLOSED SESSION

[23-0267](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Titles: CEO, District Counsel and Clerk of the Board

2.2. CLOSED SESSION

[23-0284](#)

CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION

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

One Potential Case

1:00 PM

2.3. District Counsel Report on Closed Session.

2.4. Pledge of Allegiance/National Anthem.

2.5. Orders of the Day.

A. Approximate Discussion Time (Board); and

B. Adjustments to the Order of Agenda Items.

2.6. 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.

2.7. Conduct a Public Hearing to Consider Adopting a Resolution of Necessity Relating to the Acquisition of Real Property Interests from Ananya Kaewphokha, Necessary to Complete the Coyote Creek Flood Management Measures Project, Project No. 91864007 (San Jose, District 2). (ITEM MOVED FROM FEBRUARY 28, 2023)

[23-0252](#)

Recommendation:

- A. Open and conduct the Public Hearing to consider adopting a Resolution of Necessity relating to the acquisition of real property or Interests from Ananya Kaewphokha necessary to complete the Coyote Creek Flood Management Measures Project, Project No. 91864007;
- B. Close the Public Hearing; and
- C. Adopt the Resolution of Necessity 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 MANAGEMENT MEASURES PROJECT, (PROJECT NO. 91864007) (CODE OF CIVIL PROCEDURE SECTIONS 1245.220, et seq.), by a two-thirds vote (5 out of 7).

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment A: Gov Code 84308](#)
[Attachment 1: Easement Deeds No. 4021-289 and 4021-392](#)
[Attachment 2: Resolution](#)
[Attachment 3: Notice of Intention](#)
[Attachment 4: PowerPoint](#)

Est. Staff Time: 20 Minutes.

*2.8. Monthly Drought Emergency Response and Water Supply Update.

[23-0328](#)

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 Board Agenda Memo](#)
[*Supplemental Attachment 1: Powerpoint](#)
[*Supplemental Attachment 2: Drought Response Report](#)
[*Supplemental Attachment 3: March 2023 Water Tracker](#)
[*Handout 2.8-A: Public Comments](#)

Est. Staff Time: 5 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 Declaring March 26 Through April 1, 2023, as a Week of Public Service in Honor of César Chávez.

[23-0160](#)

Recommendation: Adopt the Resolution DECLARING MARCH 26 THROUGH APRIL 1, 2023, AS A WEEK OF PUBLIC SERVICE IN HONOR OF CÉSAR CHÁVEZ.

Manager: Aaron Baker, 408-630-2135
Carlos Orellana, 408-630-2755

Attachments: [Attachment 1: Resolution](#)

- 3.2. Adopt a Resolution Nominating John H. Weed, Alameda County Water District Board Member, to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority. [23-0264](#)

Recommendation: Adopt the Resolution NOMINATING JOHN H. WEED TO THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE AUTHORITY.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Letter, J. Weed](#)
[Attachment 2: Resolution](#)

- 3.3. Approve Amendment No. 3 to Agreement A4337G with VNF Solutions, LLC., for Washington, D.C. Representation and Advocacy with the Federal Energy Regulatory Commission (FERC), for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, to Increase the Fee by \$72,000 for a Total Revised Fee Not-to-Exceed \$333,200 and Extend the Agreement Term to March 12, 2024. [23-0230](#)

Recommendation: Approve Amendment No. 3 to Agreement A4337G with VNF Solutions, LLC., for Washington, D.C. Representation and Advocacy with the Federal Energy Regulatory Commission (FERC), to increase the fee by \$72,000 for a total revised fee Not-to-Exceed \$333,200, extend the Agreement term to March 12, 2024, and incorporate administrative changes.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment A: Gov. Code Sec. 84308](#)
[Attachment 1: Amendment No. 3 to Agreement A4337G](#)

- 3.4. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2022. [23-0236](#)

Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending December 31, 2022; and
B. Approve the report if the reimbursements comply with Board Policy.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Quarterly Expense Report](#)

- *3.5. Accept the CEO Bulletin for the Weeks of February 24, 2023, Through March 9, 2023.

[23-0276](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 030923 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Consider and Approve the February 6, 2023, Board Policy and Planning Committee Recommendation to Revise the Response to the Santa Clara County Civil Grand Jury's October 7, 2022, Final Report.

[23-0218](#)

Recommendation: Consider recommendations resulting from the February 6, 2023, Board Policy and Planning Committee meeting to:

- A. Review Board Policy and Planning Committee Recommendations for Proposed Response to Santa Clara County Civil Grand Jury October 7, 2022, Final Report Finding 1 and Recommendations 1b, 1c, and 1e; and
- B. Approve the Response or Provide Additional Direction and Feedback as Necessary.

Manager: Tina Yoke, 408-630-2385

Attachments: [Attachment 1: Civil Grand Jury Report](#)
[Attachment 2: 12/13/2022 Board Agenda Memo](#)
[Attachment 3: 12/13/2022 Draft Response Letter Handout](#)
[Attachment 4: Court Extension Letter](#)
[Attachment 5: 02/06/2023 BPPC Committee Agenda Memo](#)
[Attachment 6: Draft Response Letter](#)

Est. Staff Time: 5 Minutes.

- 4.2. Discuss the Board's Current Board Appointed Officer Evaluation and Compensation Process. [23-0266](#)

Recommendation: A. Discuss the Board's current Board Appointed Officer Evaluation and Compensation Process; and
 B. Provide direction on changes or other recommendations to the current process.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Board Governance Policy GP-3.4](#)
 [Attachment 2: Board-Board Appointed Officer Linkage BL-5](#)

Est. Staff Time: 5 Minutes

- *4.3. Board Committee Reports. [23-0274](#)

Attachments: [*Handout 4.1-A: 012323 EWRC Summary](#)
 [*Handout 4.1-B: 021323 CIP Summary](#)
 [*Handout 4.1-C: 021523 BAC Summary](#)
 [*Handout 4.1-D: 022123 ECCC Summary](#)
 [*Handout 4.1-E: 022223 RWC Summary](#)
 [*Handout 4.1-F: 031523 BAC Agenda](#)
 [*Handout 4.1-G: 031723 WCaDMC Agenda](#)

5. WATER UTILITY ENTERPRISE:

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 7.1. Accept Management Response to the Independent Monitoring Committee Report on the Renewed Safe Clean Water Natural Flood Protection Program Annual Report for Fiscal Year 2021-2022. [23-0215](#)

Recommendation: A. Accept Management Response to the Independent Monitoring Committee Report on the Renewed Safe Clean Water Natural Flood Protection Program Annual Report for Fiscal Year 2021-2022; and
B. Provide additional direction as necessary.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Management Response Table](#)
[Attachment 2: KPI Overview](#)
[Attachment 3: Coyote Creek Project \(E1\) History](#)
[Attachment 4: Project F1 Supplemental Information](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 10 Minutes.

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

- 9.1. Update on the Status of Santa Clara Valley Water's Pension and Other Post-Employment Benefits Unfunded Liabilities. [23-0155](#)

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](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 35 Minutes.

- 9.2. Fiscal Year 2023-24 Second Pass Biennial Budget Overview. [23-0193](#)

Recommendation: Receive and discuss the overview of the Santa Clara Valley Water District's Fiscal Year 2023-24 Second Pass Biennial Budget.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Draft Project Details](#)

Est. Staff Time: 30 Minutes.

*9.1. CEO and Chiefs' Report.

[23-0275](#)

Attachments: [*Handout 9.1-A: Communications](#)

[*Handout 9.1-B: Grants Update](#)

Est. Staff Time: 5 Minutes.

10. ADMINISTRATION:

*10.1 Update on the Atmospheric River Emergency and Determination that the
Emergency Conditions Continue to Constitute an Emergency.

[23-0325](#)

Recommendation: A. Receive an update on the March 9, 2023, Atmospheric
River Emergency; and
 B. Determine by a four-fifths vote of the Board that
there is a need to continue the emergency action
declared by the Chief Executive Officer (CEO) on
March 9, 2023, pursuant to California Public
Contract Code §22050 to address the flood
emergency.

Manager: Tina Yoke, 408-630-2385

Attachments: [Attachment 1: Declaration of Emergency](#)

11. DISTRICT COUNSEL:

12. ADJOURN:

12.1. Board Member Reports/Announcements.

12.2 Proposed Future Board Member Agenda Items.

12.2-A: Board Policy and Planning Calendar

[23-0261](#)

Attachments: [Attachment 12.2-A: Board Policy and Planning Calendar](#)

12.3. Clerk Review and Clarification of Board Requests.

12.4. Adjourn to Special Meeting at 10:00 a.m., on March, 16, 2023.