



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, January 9, 2024
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

***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.

- 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/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

[24-0044](#)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6(a)

Agency Designated Representatives: Rick Callender, J. Carlos Orellana,
Brian Hopper, Tina Yoke, Patrice McElroy, Ingrid Bella, Bryant Welch

Employee Organizations: Employees Association, Engineers Society,
Professional Managers Association

Unrepresented Employees: All Valley Water Unclassified Positions

2.2. CLOSED SESSION

[23-1289](#)

CONFERENCE WITH LEGAL COUNSEL

INITIATION OF LITIGATION

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

One Potential Case

*2.3. CLOSED SESSION

[24-0097](#)

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation

Government Code Section 54956.9(d)(1)

Valley Water v. Rose Marie Pozas (Santa Clara County Superior Court,
Case No. 21CV392346)

- *2.4. District Counsel Report on Closed Session.
(*Previously listed as Item 2.3)

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. Election of Board Chairperson and Vice Chairperson for the Calendar Year 2024.

[23-1151](#)

Recommendation: Nominate and elect a new Chairperson and Vice Chairperson for the Calendar Year 2024.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Board Governance Policy GP-5.3](#)
[Attachment 2: Chair and Vice Chair Term History](#)
[*Handout 3.4-A: Foss](#)
[*Handout 3.4-B: Borkenhagen](#)
[*Handout 3.4-C: Pizzo](#)
[*Handout 3.4-D: Fluke](#)
[*Handout 3.4-E: Mulvey](#)
[*Handout 3.4-F: Ames](#)
[*Handout 3.4-G: Sarro](#)
[*Handout 3.4-H: Curia](#)
[*Handout 3.4-I: Cantrell](#)
[*Handout 3.4-J: Salas](#)
[*Handout 3.4-K: Boyer](#)
[*Handout 3.4-L: Rankin](#)
[*Handout 3.4-M: Sutherland](#)
[*Handout 3.4-N: Austin](#)
[*Handout 3.4-O: Schmidt](#)
[*Handout 3.4-P: Hare](#)
[*Handout 3.4-Q: Landry](#)
[*Handout 3.4-R: Irvin](#)
[*Handout 3.4-S: Davis](#)
[*Handout 3.4-T: Gomez](#)
[*Handout 3.4-U: Kramer](#)
[*Handout 3.4-V: Coe](#)
[*Handout 3.4-W: Chapman](#)
[*Handout 3.4-X Ellenberg](#)

Est. Staff Time: 5 Minutes.

3.5. Recognition of Outgoing Chair.

- 3.6. Adopt Resolutions Authorizing the Issuance of Water System Refunding Bonds, Refunding Notes, Revenue Certificates of Participation and Revenue Bonds in an Aggregate Not-To-Exceed Amount of \$450 Million, and Approving the Execution and Delivery of Certain Documents and Certain Acts In Connection Therewith. [23-1005](#)

Recommendation:

- A. Adopt the Resolution AUTHORIZING THE ISSUANCE OF WATER SYSTEM REFUNDING REVENUE BONDS AND NOTES AND REVENUE CERTIFICATES OF PARTICIPATION, AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND CERTAIN ACTS IN CONNECTION THEREWITH;
- B. Adopt the Resolution AUTHORIZING THE ISSUANCE OF WATER SYSTEM REVENUE BONDS AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND CERTAIN ACTS IN CONNECTION THEREWITH; and
- C. Authorize and direct the Chief Executive Officer, or their designee, 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, Refunding Revenue Notes, Revenue Certificates of Participation, and Revenue Bonds.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution, Refunding Debt/Revenue COPs](#)
[Attachment 2: Resolution, Revenue Bonds](#)
[Attachment 3: Notice of Sale](#)
[Attachment 4: Refunding Revenue Bond Financing Documents](#)
[Attachment 5: Refunding Revenue Note Financing Documents](#)
[Attachment 6: Revenue Bond Financing Documents](#)
[Attachment 7: Revenue COP Financing Documents](#)
[Attachment 8: Debt Management Policy](#)

Est. Staff Time: 20 Minutes.

- 3.7. Receive an Informational Update on the Draft Fiscal Year 2025-2029 Water Utility and Watersheds Operations and Maintenance and Asset Renewal Plans. [23-1276](#)

Recommendation: A. Receive an informational update on the Draft Fiscal Year 2025-2029 (FY25-29) Water Utility and Watersheds Operations & Maintenance and Asset Renewal Plans.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Draft FY2025-29 WUE O&M and AR Plan](#)
[Attachment 3: Draft FY2025-29 WS O&M and AR Plan](#)

Est. Staff Time: 10 Minutes.

- *3.8. Receive an Informational Update and Provide Feedback on the Development of Valley Water's Water Supply Master Plan 2050. [23-1252](#)

Recommendation: A. Receive an update on the Water Supply Master Plan 2050 Development; and
B. Provide feedback and direction to staff on the Water Supply Master Plan 2050 portfolio development and analysis.

Manager: Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Demand Memo](#)
[Attachment 2: Climate Change Analysis Memo](#)
[Attachment 3: Project Descriptions](#)
[Attachment 4: Project Evaluation Criteria](#)
[Attachment 5: PowerPoint](#)
[*Handout 3.8-A: Sierra Club](#)
[*Handout 3.8-B: Miller](#)

Est. Staff Time: 10 Minutes.

- *3.9. Work Study Session on the Capital Improvement Program Preliminary Fiscal Year 2025-29 Five-Year Plan and Preliminary Fiscal Year 2024-25 Groundwater Production Charges. [23-0994](#)

Recommendation:

- A. Review and approve the Capital Improvement Program Evaluation Team's recommendation to include four new capital projects in the Recommended CIP Preliminary Fiscal Year 2025-29 Five-Year Plan;
- B. Review and approve the Recommended CIP Preliminary FY 2025-29 Five-Year Plan; and
- C. Discuss and provide direction on the Preliminary FY 2024-25 Groundwater Production Charge analysis.

Manager: Luz Penilla, 408-630-2228
Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Recommended CIP Prelim FY 2025-29 5-Year Plan](#)
[Attachment 2: Project Plan Updates](#)
[Attachment 3: Capital Project Funding Categories](#)
[Attachment 4: Initially Validated/Unfunded Recommendations](#)
[Attachment 5: SCVWD Resolution No. 99-21](#)
[Attachment 6: SCVWD Resolution No. 12-10](#)
[Attachment 7: PowerPoint](#)
[*Handout 3.9-A: Revised PowerPoint](#)
[*Handout 3.9-B: Revised PowerPoint](#)
[*Handout 3.9-C: Revised Project Plan Updates](#)

Est. Staff Time: 10 Minutes.

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 to Declare Valley Water's 2024 Monthly Cultural [23-1141](#)

Observances Calendar.

Recommendation: Adopt the Resolution DECLARING VALLEY WATER'S 2024 CULTURALLY SIGNIFICANT OBSERVANCES MONTHLY CALENDAR.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 4.2. Approve the Agreement No. A4959A with FISHBIO for the Mitigation and [23-1278](#)

Monitoring Implementation for Fisheries for the Upper Llagas Creek Flood Protection Project, Project No. 26174052, PlanetBids File No. VW0312, for a Total Not-To-Exceed Fee of \$999,839 (Morgan Hill, District 1).

Recommendation: Approve the Agreement No. A4959A with FISHBIO for the Mitigation and Monitoring Implementation for Fisheries for the Upper Llagas Creek Flood Protection Project, Project No. 26174052, PlanetBids File No. VW0312, for a Total Not-To-Exceed Fee of \$999,839.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment A: Gov. Code § 84308](#)

[Attachment 1: Agreement](#)

- 4.3. Set the Time and Place of a Public Hearing for the Santa Clara Valley Water District Board of Directors to Determine the Necessity for Directors to be Compensated for up to 15 Days per Calendar Month and to Consider Directors' Compensation for Calendar Year 2024. [23-1273](#)

Recommendation:

- A. Set a time and place for a public hearing at 1:00 p.m., on February 13, 2024, at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California, for the Board of Directors to:
 - i. Consider the evidence and determine if there is an operational need for Directors to be compensated for up to 15 days per calendar month; and
 - ii. Consider Directors' compensation for calendar year 2024, pursuant to Chapter 2, Division 10 of the California Water Code; and
- B. Direct the Clerk of the Board to publish notice of public hearing in a newspaper of general circulation within Santa Clara County.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Public Hearing Notice](#)

- *4.4. Accept the Santa Clara Valley Water District Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023. [24-0099](#)

Recommendation: Accept the Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023.

Manager: Darin Taylor, 408-630-3068

Attachments: [*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: FY 2022-23 ACFR](#)

- 4.5. Consider and Approve Membership Nominations for Re-Appointments for Two-Year Terms to the Agricultural Water Advisory Committee and Environmental and Water Resources Committee. [23-1302](#)

Recommendation: Consider and Approve Membership Nominations for Re-Appointments for Two-Year Terms to the Agricultural Water Advisory Committee and Environmental and Water Resources Committee.

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

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

- 4.6. Update on the Atmospheric River Emergency and Determination that the Emergency Conditions Continue to Constitute an Emergency. [23-1264](#)

Recommendation: 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](#)

- *4.7. Accept the CEO Bulletin for the Weeks of December 8 - 21, 2023 and December 22, 2023 - January 4, 2024. [24-0056](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 122123 CEO Bulletin](#)

[Attachment 2: 010424 CEO Bulletin](#)

- *4.8. Approval of Minutes. [23-1227](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 091223 CS and Regular Meeting Minutes](#)

[Attachment 2: 091923 Special Meeting Minutes](#)

[Attachment 3: 092623 CS and Regular Meeting Minutes](#)

[Attachment 4: 101023 CS and Regular Meeting Minutes](#)

[Attachment 5: 102423 CS and Regular Meeting Minutes](#)

5. BOARD OF DIRECTORS:

- 5.1. Adopt a Resolution Setting the Time and Place of Regular Meetings of the Santa Clara Valley Water District Board of Directors. [23-1152](#)

Recommendation:

- A. Consider the schedule for the regular meetings of the Board, currently held on the second and fourth Tuesday of each month, beginning at 1:00 p.m. respectively, or as designated by the Clerk of the Board to accommodate closed session subject matter;
- B. Discuss and identify, if necessary, 2024 Board meeting recess dates; and
- C. If a new regular Board meeting schedule is approved, adopt the Resolution SETTING THE TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND RESCINDING RESOLUTION NO. 23-02.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution 23-02](#)
[Attachment 2: Draft Resolution](#)

Est. Staff Time: 5 Minutes.

- *5.2. Board Committee Reports. [24-0013](#)

Attachments: [*Handout 5.2-A: 101623 CIP, Summary](#)
[*Handout 5.2-B: 102523 Water Comm, Summary](#)
[*Handout 5.2-C: 103023 CIP, Summary](#)
[*Handout 5.2-D: 111323 CIP, Summary](#)
[*Handout 5.2-E: 120823 WSEC, Summary](#)
[*Handout 5.2-F: 121123 WCaDMC, Summary](#)
[*Handout 5.2-G: 011124 DIAHC Agenda](#)

Est. Staff Time: 5 Minutes.

6. WATER UTILITY ENTERPRISE:

7. WATERSHEDS:

- 7.1. Approve an Increase of \$800,000 to the Construction Contract Contingency Sum for the Calabazas Creek Rehabilitation Project, Project No. 62084001, Contract No. C0683, as Part of the Watersheds Asset Rehabilitation Program (Cupertino, District 5). [23-1125](#)

Recommendation: Approve an increase of \$800,000 to the construction contingency sum, bringing the total contingency to \$2,289,270, for the Calabazas Creek Rehabilitation Project.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Map](#)

Est. Staff Time: 5 Minutes.

- 7.2. Authorize the Chief Executive Officer to Negotiate and Execute an Agreement Between Trout Unlimited and Valley Water, for Funding and Permitting Project Implementation on Little Arthur Creek for the Stream Maintenance Program Mitigation Credit, Instream Habitat Complexity Project, Project No. 62181006, for a Not-to-Exceed Amount of \$827,036. [23-1237](#)

Recommendation: Authorize the Chief Executive Officer to Negotiate and Execute an Agreement Between Trout Unlimited and Valley Water, for Funding and Permitting Project Implementation on Little Arthur Creek for the Stream Maintenance Program Mitigation Credit, for a Not-to-Exceed Amount of \$827,036.

Manager: Jennifer Codianne, 408-630-3876

Attachments: [Attachment A: Gov. Code § 84308](#)
[Attachment 1: Draft Agreement](#)
[Attachment 2: Project Description and Alternative Analysis](#)
[Attachment 3: Map](#)

Est. Staff Time: 10 Minutes.

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 8.1. Authorize Acquisition of a Real Property Interest from James H. Woodward, for the Anderson Dam Tunnel Project, Project No. 91864006, APN 729-37-016, Real Estate File No. 9186-42, for a Final Sale Price of \$1,100,000 (Morgan Hill, District 1). [23-1217](#)

Recommendation: A. Authorize the Chief Executive Officer to execute a Right of Way Agreement between James H. Woodward and the Santa Clara Valley Water District, for acquisition of APN 729-37-016, located at 17506 Hoot Owl Way, Morgan Hill, CA, based upon the terms and conditions as set forth in the Agreement; and
B. Authorize the Chief Executive Officer to accept the Grant Deed from James H. Woodward.

Manager: Ryan McCarter, 408-630-2983

Attachments: [Attachment A: Gov. Code § 84308](#)
[Attachment 1: Right of Way Agreement](#)
[Attachment 2: Grant Deed No. 9186-42](#)
[Attachment 3: Conditional Entitlement Letter](#)

Est. Staff Time: 5 Minutes.

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

- *10.1 CEO and Chiefs' Reports. [24-0110](#)

Attachments: [*Handout 10.1-A: Storm Report](#)

11. ADMINISTRATION:

12. DISTRICT COUNSEL:

13. REPORTS/ANNOUNCEMENTS AND OTHER MATTERS:

- 13.1. Board Member Reports/Announcements.
13.2. Proposed Future Board Member Agenda Items.
13.3. Clerk Review and Clarification of Board Requests.

14. ADJOURN:

- 14.1 Adjourn to the 1:00 p.m. Regular meeting on January 23, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.