



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, April 23, 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

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

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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>

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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/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

[24-0383](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.1(d)(1)

Pacific Gas and Electric Co., a California Corporation v. SCVWD

(Santa Clara County Superior Court, No. 20CV371349)

2.2. CLOSED SESSION

[24-0391](#)

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION

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

Deana Lacy et al. v. San Joaquin Regional Rail Commission, et al. (Santa

Clara County Sup. Ct. Case No. 19CV352403)

*2.3. CLOSED SESSION

[24-0426](#)

CONFERENCE WITH LEGAL COUNSEL

Initiation of Litigation Pursuant to

Government Code Section 54956.9(d)(4) - One Potential Case

*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. Conduct a Public Hearing on the February 2024 Annual Report on the Protection and Augmentation of Water Supplies and Recommended Increases in Groundwater Production Charges, Surface Water Charges, and Recycled Water Charges for Fiscal Year 2024-25; Consider Staff's Recommendation Concerning Setting of State Water Project Tax. (Continued from April 11, 2024).

[24-0419](#)

Recommendation:

- A. Open and conduct the continued public hearing pursuant to Section 26.6 of the District Act to consider Santa Clara Valley Water District's Fiscal Year (FY) 2024-25 Annual Report on the Protection and Augmentation of Water Supplies and recommended increases to groundwater production charges (between 6.6% to 12.9%), surface water charges (between 7.1% to 14.1%) and recycled water charges (between 4.4% to 6.8%);
- B. Consider staff's recommendation to pay for all State Water Project (SWP) expenses through setting a SWP Tax at \$27 million to avoid even higher one-year increases in water charges that would disproportionately impact low income residents;
- C. Hear public comments from groundwater producers and any interested persons regarding the Report and recommendations;
- D. Close the public hearing; and
- E. At the close of the public hearing, count all written protests received, if any, regarding proposed surface water rates.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Staff Report](#)
[Attachment 2: SCVWD Resolution No. 12-10](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: PowerPoint](#)

Est. Staff Time: 30 Minutes

- 3.5. Conduct a Public Hearing to Consider the Santa Clara Valley Water District's Capital Improvement Program (CIP) Draft Fiscal Years 2025-29 Five-Year Plan. (Continued from April 9, 2024) [24-0367](#)

Recommendation: A. Open and conduct a public hearing to receive public comments and Board feedback regarding the Santa Clara Valley Water District's CIP Draft Fiscal Years (FY) 2025-29 Five-Year Plan; and
B. Continue the public hearing to the regularly scheduled Board meeting scheduled for April 23, 2024, and the subsequent Special Budget Hearings currently scheduled for April 24, 2024, and if needed, April 25, 2024, and conclude the public hearing at the regularly scheduled Board Meeting on May 14, 2024.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: CIP Draft FY 2025-29 Five-Year Plan](#)
[Attachment 2: Notice of Public Hearing](#)

Est. Staff Time: 10 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - *4.4) (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 Recommended Positions on State Legislation: AB 2079 (Bennett) Groundwater Well Permitting, *AB 2875 (Friedman) State Wetlands Policy, *AB 2881 (Lee) Social Housing, SB 1148 (Blakespear) Electrical Service Metering in Multifamily Dwellings and Local Government Buildings, and Other Legislation Which May Require Urgent Consideration for a Position by the Board. [24-0413](#)

- Recommendation:
- A. Adopt a position of “Oppose unless Amended” on: AB 2079 (Bennett) Groundwater Well Permitting.
 - B. *Adopt a position of “Support if Amended” on: AB 2875 (Friedman) State Wetlands Policy.
 - C. *Adopt a position of “Support” on: AB 2881 (Lee) Social Housing.
 - D. Adopt a position of “Support” on: SB 1148 (Blakespear) Electrical Service Metering in Multifamily Dwellings and Local Government Buildings.

Manager: Marta Lugo, 408-630-2237

Attachments: [*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)

- 4.2. Accept the Work as Complete, Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Permanente Creek Flood Protection Project - Rancho San Antonio Detention Basin, Construction Stage 2 - Milestone 4, Granite Construction Company, Contractor, Project No. 26244001, Contract No. C0617, and Approve a Budget Adjustment of \$458,067 for the Permanente Creek Flood Protection Project (Cupertino, Districts 5 and 7). [24-0344](#)

- Recommendation:
- A. Accept the work on the Permanente Creek Flood Protection Project - Rancho San Antonio Detention Basin, Construction Stage 2 - Milestone 4, Project No. 26244001, Contract No. C0617 as complete;
 - 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; and
 - C. Approve a budget adjustment in the amount of \$458,067 to the Fiscal Year 24 Budget for the Permanente Creek Flood Protection Project.

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](#)
[Attachment 4: Construction Summary](#)
[Attachment 5: Project Delivery Process Chart](#)

- 4.3. Consider and Approve the Membership Nomination for New Appointment to the Renewed Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee. [24-0352](#)

Recommendation: Consider and approve the Membership Nomination for Appointment for Three-Year Term to the Renewed Safe, Clean Water and Natural Flood Protection Program Independent

Monitoring Committee.

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

Attachments: [Attachment 1: SCVWD Resolution 21-10](#)
[Attachment 2: Chuan Application](#)

- *4.4. Accept the CEO Bulletin for the Weeks of April 5-18, 2024.

[24-0066](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 041824 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

- *5.1. Board Committee Reports.

[24-0441](#)

Attachments: [*Handout 5.1-A: 032024 BAC Meeting Summary](#)
[*Handout 5.1-B: 042224 WSDMC Special Agenda](#)

6. WATER UTILITY ENTERPRISE:

7. WATERSHEDS:

- 7.1. Approve the Standard On-Call Consultant Agreements with Four
Consultant Firms: Associated Right of Way Services, Inc., Agreement No.
A4975A, Carneghi-Nakasako & Associates, Agreement No. A4976A;
CBRE, Inc., Agreement No. A4977A, and Monument Row, Agreement No.
A4978A, to provide On-Call Real Estate Support Services, PB File No.
VW0218 for a Not-To-Exceed Aggregate Fee of \$5,000,000.

[24-0340](#)

Recommendation:

- A. Approve the Standard On-Call Consultant Agreement No. A4975A, with Associated Right of Way Services, Inc., for On-Call Real Estate Support Services for a not-to-exceed aggregate fee of \$5,000,000;
- B. Approve the Standard On-Call Consultant Agreement No. A4976A, with Carneghi-Nakasako & Associates, for On-Call Real Estate Support Services for a not-to-exceed aggregate fee of \$5,000,000;
- C. Approve the Standard On-Call Consultant Agreement No. A4977A, with CBRE, Inc., for On-Call Real Estate Support Services for a not-to-exceed aggregate fee of \$5,000,000; and
- D. Approve the Standard On-Call Consultant Agreement No. A4978A, with Monument Row, for On-Call Real Estate Support Services for a not-to-exceed aggregate fee of \$5,000,000.

Manager: Lisa Bankosh, 831-345-2936

Attachments: [Attachment A: Government Code Section 84308 Monument](#)
[Attachment B: Government Code Section 84308 CBRE](#)
[Attachment C: Government Code Section 84308 Carneghi](#)
[Attachment D: Government Code Section 84308 ARWS](#)
[Attachment 1: Agreement, Associated Right of Way Services, Inc.](#)
[Attachment 2: Agreement, Carneghi-Nakasako & Associates](#)
[Attachment 3: Agreement, CBRE, Inc.](#)
[Attachment 4: Agreement, Monument Row](#)

Est. Staff Time: 10 Minutes.

- *7.2. Approve the Standard Consultant Agreement No. A5019A with Rincon Consultants, Inc., for Environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, PlanetBids File No. VW0378, for a Total Not-to-Exceed fee of \$1,535,000 (Morgan Hill, District 1). [24-0418](#)

Recommendation: Approve the Standard Consultant Agreement No. A5019A with Rincon Consultants, Inc. for Environmental Planning and Permitting Services for the Anderson Dam Seismic Retrofit Project, Project No. 91864005, PlanetBids File No. VW0378, for a Not-to-Exceed Fee of \$1,535,000.

Manager: Ryan McCarter, 408-630-2983

Attachments: [Attachment A: Gov. Code § 84308](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: Agreement](#)

Est. Staff Time: 10 Minutes

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 8.1. Receive the 2012 Safe, Clean Water and Natural Flood Protection (2012 Program) Performance Close-out Audit Report with Management's Response. [24-0362](#)

Recommendation: Receive the 2012 Program Performance Close-out Audit Report with Management's Response.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Close-out Audit](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 10 Minutes.

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

Attachments: [*Handout 10.1-A: Office of Communications](#)
[*Handout 10.1-B: REDI Summary](#)

11. ADMINISTRATION:

- *11.1 *Adopt a Resolution Authorizing the CEO, or his Designee, to Execute Side Letters of Agreement with Employees Association-AFSCME Local 101, Engineers Society-IFPTE Local 21, and Professional Managers Association-IFPTE Local 21, with Changes to Employee Pension Contribution Levels or 401(a) Contributions for Classic Tier 2 Employees; Adopt Resolution Approving Fifth Amended Compensation Plan for Unrepresented Employees in the Executive Service.

[24-0420](#)

Recommendation: A. *Adopt the Resolution A RESOLUTION authorizing the CEO, or his designee, to execute Side Letters of Agreement with Employees Association-AFSCME Local 101, Engineers Society-IFPTE Local 21, and Professional Managers Association-IFPTE Local 21, with changes to employee pension contribution levels or 401(a) contributions for Classic Tier 2 employees; and
B. *Adopt the Resolution A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT (VALLEY WATER) APPROVING FIFTH AMENDED COMPENSATION PLAN FOR UNREPRESENTED EMPLOYEES IN THE EXECUTIVE SERVICE (JULY 1, 2024 THROUGH DECEMBER 31, 2025)

Manager: Anna Lee, 408-630-2052

Attachments: [*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: Resolution Tier 2 Change Bargaining](#)
[*Supplemental Attachment 2: Resolution Tier 2 Change Unrepresente](#)

Est. Staff Time: 5 Minutes

12. DISTRICT COUNSEL:

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

- *13.1 Review the Fiscal Year 2023-2024 Board Policy Planning Calendar.

[23-1180](#)

Recommendation: Review the Fiscal Year 2023-2024 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [*Attachment 1: FY 23-24 Board Calendar](#)

[*Attachment 1: FY 23-24 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 5:00 p.m. Special meeting on April 24, 2024 in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.