



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 REGULAR MEETING AGENDA**

**Tuesday, May 14, 2024
1:00 PM**

***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=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://emmas.msrb.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. CLOSED SESSION:

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 to Consider the Santa Clara Valley Water District's Capital Improvement Program Draft Fiscal Years 2025-29 Five-Year Plan and Adopt a Resolution Approving the Capital

[23-0997](#)

Improvement Program Final Fiscal Years 2025-2029 Five-Year Plan.

- Recommendation:
- A. Open and conduct the Public Hearing continued from April 24, 2024, to receive public comments and Board feedback regarding the Santa Clara Valley Water District's Capital Improvement Program (CIP) Draft Fiscal Years (FY) 2025-2029 Five-Year Plan;
 - B. Close the Public Hearing;
 - C. Direct staff to incorporate the identified changes to the CIP Draft FY 2025-2029 Five-Year Plan and finalize the FY 2025-2029 Five-Year Plan by June 30, 2024; and
 - D. Adopt the Resolution APPROVING THE CAPITAL IMPROVEMENT PROGRAM FISCAL YEARS 2025-2029 FIVE-YEAR PLAN.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: Final CIP Financial Overview](#)
[Attachment 2: Draft FY 2025-29 Five-Year Plan](#)
[Attachment 3: Agency Letters of Support](#)
[Attachment 4: Market Study Report](#)
[Attachment 5: Resolution](#)
[Attachment 6: PowerPoint](#)

Est. Staff Time: 30 Minutes.

- 3.5. Conduct a Public Hearing on the Annual Report Recommending Flood Control Benefit Assessments and Adopt a Resolution Setting Benefit Assessment Revenue for Fiscal Year 2024-2025. [23-1071](#)

- Recommendation:
- A. Open and conduct the Public Hearing to consider any comments regarding the Flood Control Benefit Assessments for Fiscal Year 2024-2025 (FY 2024-25);
 - B. Close the Public Hearing; and
 - C. Adopt the Resolution ESTABLISHING LAND USE CATEGORIES, CONFIRMING A LEVY OF BENEFIT ASSESSMENTS TO MEET DULY AUTHORIZED DEBT OBLIGATIONS FOR FISCAL YEAR 2024-2025 IN FLOOD CONTROL ZONES OF SANTA CLARA VALLEY WATER DISTRICT, IN ACCORDANCE WITH RESOLUTION NOS. 86-54, 86-55, 86-56, 86-57, AND 90-7, AND AUTHORIZING A PROCEDURE FOR CORRECTING ASSESSMENTS.

Manager: Chris Hakes, 408-630-3796

Attachments: [Attachment 1: Staff Report](#)
[Attachment 2: Resolution](#)
[Attachment 3: Benefit Assessment Report](#)

Est. Staff Time: 20 Minutes.

- 3.6. Accept the Fiscal Year 2024-25 Safe, Clean Water and Natural Flood Protection Special Tax Summary Report; and Adopt a Resolution Providing for Levy of the Special Tax Rates and Authorizing a Procedure for Correcting Special Tax Amounts for Fiscal Year 2024-2025. [23-1069](#)

Recommendation: A. Accept the Fiscal Year 2024-25 Safe, Clean Water and Natural Flood Protection Special Tax Summary Report; and
 B. Adopt the Resolution PROVIDING FOR LEVY OF THE SPECIAL TAX PURSUANT TO THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION MEASURE IN THE COMBINED FLOOD CONTROL ZONE OF THE SANTA CLARA VALLEY WATER DISTRICT AND AUTHORIZING A PROCEDURE FOR CORRECTING SPECIAL TAX AMOUNTS FOR FISCAL YEAR 2024-2025.

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: Staff Report](#)
 [Attachment 2: Resolution](#)
 [Attachment 3: Summary of Key Performance Indicators](#)

Est. Staff Time: 10 Minutes.

- 3.7. Adopt Resolutions Setting Increased Groundwater Production, Surface Water, Treated Water, and South County Recycled Water Charges for Fiscal Year 2024-2025. [23-1070](#)

Recommendation: A. Adopt the Resolution DETERMINING GROUNDWATER PRODUCTION CHARGES FOR FISCAL YEAR 2024-2025; and
 B. Adopt the Resolution DETERMINING SURFACE WATER, TREATED WATER, AND SOUTH COUNTY RECYCLED WATER CHARGES FOR FISCAL YEAR 2024-2025.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Resolution, Groundwater](#)
 [Attachment 2: Resolution, Surface Water](#)

Est. Staff Time: 10 Minutes.

- *3.8. Adopt Resolutions Approving and Adopting the Fiscal Year 2024-25 Operating and Capital Rolling Biennial Budget and Providing for Levy of Ad-Valorem Property Taxes; and Approve the Santa Clara Valley Water District Reserve Policy. [24-0509](#)

Recommendation: A. Adopt the Resolution APPROVING AND ADOPTING THE OPERATING AND CAPITAL ROLLING BIENNIAL

- BUDGET FOR FISCAL YEAR 2024-2025;
- B. Adopt the Resolution PROVIDING FOR LEVY OF AD VALOREM REAL PROPERTY TAXES IN FISCAL YEAR 2024-25 TO MEET THE COST OF ITS WATER SUPPLY CONTRACT WITH THE STATE OF CALIFORNIA;
 - C. Approve the second fiscal year of the rolling biennial budget, referred to as the Fiscal Year 2025-26 Plan;
 - D. Approve the Santa Clara Valley Water District Reserve Policy;
 - E. Approve creation of the Excess ERAF Contingency Reserve;
 - F. Approve elimination of the Public-Private Partnership (P3) Reserve; and
 - *G. Receive responses to Board requests during the work-study session to consider the Fiscal Year 2024-25 Proposed Operating and Capital Rolling Biennial Budget.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution, Budget](#)
[Attachment 2: Valley Water Reserve Policy](#)
[Attachment 3: Resolution, Ad Valorem](#)
[Attachment 4: Transmittal Letter](#)
[*Original Agenda Memo](#)
[*Supplemental Agenda Memo](#)

Est. Staff Time: 10 Minutes.

REGULAR AGENDA:

4. CONSENT CALENDAR: (4.1 - *4.6) (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 Delegating Authority to Deposit and Invest Funds to the Treasurer or Their Designees and Approve the Board Investment Policy.

[23-1008](#)

Recommendation: A. Adopt the Resolution DELEGATING AUTHORITY TO DEPOSIT AND INVEST FUNDS TO THE

TREASURER OR THEIR DESIGNEES; and
B. Approve the Board Investment Policy.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Fiscal Year 2024-25 Board Investment Policy](#)
[Attachment 3: ESG Reports](#)

- *4.2. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Phase 2B Construction of the Upper Llagas Creek Flood Protection Project, Project No. 26174055, Contract No. C0695 (Morgan Hill, District 1). [24-0510](#)

Recommendation: A. Adopt the Plans and Specifications and Authorize Advertisement for Bids for the Phase 2B Construction of the Upper Llagas Creek Flood Protection Project per the Notice to Bidders; and
B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Map](#)
[Attachment 2: Notice To Bidders](#)
[Attachment 3: Project Delivery Chart](#)
[Attachment 4: Plans](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Specifications, Volume 1](#)
[*Supplemental Attachment 2: Specifications, Volume 2](#)

- 4.3. Consider and Approve New Membership Nomination for Appointment for Two-Year Term to the Environmental and Water Resources Committee and the Safe Clean Water Independent Monitoring Committee. [24-0439](#)

Recommendation: Consider and Approve New Membership Nomination for Appointment for Two-Year Term to the Environmental and Water Resources Committee and the Safe Clean Water Independent Monitoring Committee.

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

Attachments: [Attachment 1: SCVWD Resolution 17-75](#)
[Attachment 2: Gallardo Application, Redacted](#)

- 4.4. Opportunity for the Board of Directors to Provide Additional Input on the Fiscal Year 2025 Board Work Plan and Referral of any Such Input to the Board Policy and Monitoring Committee for Consideration at its May 15, 2024, Meeting. [24-0473](#)

- Recommendation:
- A. Receive written input on the Fiscal Year 2025 Board Work Plan from Board Members; and
 - B. Refer any such written input to the Board Policy and Monitoring Committee for consideration at its May 15, 2024, meeting.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Draft FY25 Board Work Plan](#)

- *4.5. Adopt a Resolution Approving the Award of Grant Funds From the State Coastal Conservancy to Santa Clara Valley Water District and Designating the Chief Executive Officer to Negotiate and Execute the Grant Agreement and any Amendments Thereto, and Future Grant Agreements and any Amendments Thereto, for the South San Francisco Bay Shoreline Phase 1 Project, Project No. 00044026 (San Jose, District 3). [24-0442](#)

- Recommendation:
- A. Adopt the Resolution APPROVING THE AWARD OF GRANT FUNDS FROM THE STATE COASTAL CONSERVANCY TO SANTA CLARA VALLEY WATER DISTRICT AND DESIGNATING THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE THE GRANT AGREEMENT AND ANY AMENDMENTS THERETO, AND FUTURE GRANT AGREEMENTS AND ANY AMENDMENTS THERETO, FOR THE SOUTH SAN FRANCISCO BAY SHORELINE PHASE 1 PROJECT;
 - B. Approve the award of grant funding from the State Coastal Conservancy for the South San Francisco Bay Shoreline Phase 1 Project;
 - C. Delegate authority to the Chief Executive Officer (CEO) to negotiate and execute the Grant Agreement with the State Coastal Conservancy (SCC) and any amendments thereto, and future grant agreements and any amendments thereto, for funding to support the South San Francisco Bay Shoreline Phase 1 Project (Project), provided that all grant terms, conditions, and requirements are consistent or can be met;
 - D. Delegate authority to the CEO, including the Chief Financial Officer, to sign and submit invoices and requests to SCC for grant fund reimbursements to be made pursuant to such grant agreements; and
 - E. Delegate to the CEO such authority as needed to provide management and support services required for performance of the work and administration pursuant to the grant agreements, as deemed necessary and appropriate.
 - F. Authorize the CEO to execute the Grant Agreement with SCC and any amendments thereto, and future grant agreements and any amendments thereto, using

electronic means pursuant to the Uniform Electronic Transactions Act.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Resolution](#)

*4.6. Accept the CEO Bulletin for the Weeks of April 19, Through May 9, 2024. [24-0067](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 050924 CEO Bulletin](#)

5. BOARD OF DIRECTORS:

*5.1. Board Committee Reports. [24-0479](#)

Attachments: [*Handout 5.1-A: 012224 CIP Meeting, Summary](#)

[*Handout 5.1-B: 012924 WCaDMC Meeting, Summary](#)

[*Handout 5.1-C: 022624 CIP Meeting, Summary](#)

[*Handout 5.1-D: 031824 CIP Meeting, Summary](#)

[*Handout 5.1-E: 051524 BAC Meeting, Agenda](#)

Est. Staff Time: 5 Minutes.

6. WATER UTILITY ENTERPRISE:

7. WATERSHEDS:

8. ASSISTANT CHIEF EXECUTIVE OFFICER:

8.1. Approve Amendment No. 4 to the Agreement for Possession and Use by and Between Santa Clara Valley Water District and the County of Santa Clara for Anderson Dam Tunnel Project, Coyote Percolation Dam Replacement Project, and Cross Valley Pipeline Extension Project as Parts of the Federal Energy Regulatory Commission Order Compliance Project, APN: 728-34-020, 728-35-001, 729-36-001, 678-02-031 & -034, and 725-06-008; Real Estate File Nos. 9186-35, 9186-39, 9188-17, 9232-52, and 9186-59, Providing a No-Cost Time Extension to the Agreement, Modifying the Easement for the Cross Valley Pipeline Extension Project and Adding a New Temporary Construction Easement for the Anderson Dam Tunnel Project (Unincorporated Santa Clara County, District 1). [24-0437](#)

Recommendation: Approve the Fourth Amendment to Agreement for Possession and Use by and Between Santa Clara Valley Water District and the County of Santa Clara for Anderson Dam Tunnel Project, Coyote Percolation Dam Replacement Project, and Cross Valley Pipeline Extension Project Providing a No-Cost Time Extension to the Agreement, Modifying the Easement

for the Cross Valley Pipeline Extension Project, and Adding a New Temporary Construction Easement for the Anderson Dam Tunnel Project.

Manager: Ryan McCarter, 408-630-2983

Attachments: [Attachment 1: Amendment No. 4](#)
[Attachment 2: Amendment Nos. 1 - 3](#)
[Attachment 3: Original Agreement](#)

Est. Staff Time: 5 Minutes.

9. EXTERNAL AFFAIRS:

10. CHIEF EXECUTIVE OFFICER:

10.1. Adopt Resolutions Authorizing the Execution and Delivery of a Tax-Exempt Tax and Revenue Anticipation Note and a Taxable Tax and Revenue Anticipation Note to Support a Commercial Paper Program and Other Short-Term Obligations, Intention to Issue Tax-Exempt Obligations for Water Utility Enterprise, and Intention to Issue Tax-Exempt Obligations for Safe, Clean Water and Natural Flood Protection Program.

[23-1006](#)

- Recommendation:
- A. Adopt the Resolution AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX-EXEMPT TAX AND REVENUE ANTICIPATION NOTE AND A TAXABLE TAX AND REVENUE ANTICIPATION NOTE TO SUPPORT A COMMERCIAL PAPER PROGRAM AND OTHER SHORT-TERM OBLIGATIONS;
 - B. Authorize the Chief Executive Officer or their designee (in each case, including any acting, interim or otherwise appointed such officer as the case may be) to execute the TRANS, and the Certificate as to Uncollected Taxes, Income, Revenue, Cash Receipts and Other Money;
 - C. Authorize the Chief Executive Officer, District Counsel, and their designees (in each case, including any acting, interim or otherwise appointed such officer as the case may be) to execute such other instruments, documents and papers as are necessary to carry out this short-term debt financing program for Fiscal Year 2024 -25;
 - D. Authorize the District Counsel (including any acting, interim or otherwise appointed such officer as the case may be) to execute the TRANS;
 - E. Adopt the Resolution INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR WATER UTILITY ENTERPRISE; and
 - F. Adopt the Resolution INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR SAFE, CLEAN

WATER AND NATURAL FLOOD PROTECTION PROGRAM.

Manager: Darin Taylor, 408-630-3068
Attachments: [Attachment 1: Resolution, TRANS](#)
[Attachment 2: Resolution, WUE](#)
[Attachment 3: Resolution, SCW](#)

Est. Staff Time: 20 Minutes.

- 10.2. Approve Amendment No. 2 to Agreement A4482G With Stantec Consulting Services, Inc., to Provide Funding Support Services for the Debt Management Project, Project No. 95993007, and the Grants Management Project, Project No. 00031002, CAS File No. 5222, Increasing the Not-to-Exceed Amount From \$1,500,000 by \$745,000 to \$2,245,000. [24-0325](#)

Recommendation: Approve Amendment No. 2 to Consultant Agreement A4482G with Stantec Consulting Services to increase the agreement not-to-exceed amount to \$2,245,000.

Manager: Darin Taylor, 408-630-3068
Attachments: [Attachment A: Gov. Code Section 84308](#)
[Attachment 1: Amendment No. 2](#)
[Attachment 2: 012924 Amended Single Source Justification](#)
[Attachment 3: Amendment No. 1](#)
[Attachment 4: 090222 Amended Single Source Justification](#)
[Attachment 5: Agreement A4482G](#)
[Attachment 6: 050321 Initial Single Source Justification](#)

Est. Staff Time: 5 Minutes.

- *10. CEO and Chiefs' Reports. [24-0474](#)
3.

Attachments: [*Handout 10.3-A: OGR](#)
[*Handout 10.3-B: OCE](#)
[*Handout 10.3-C: Grants](#)

11. ADMINISTRATION:

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. [24-0173](#)

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](#)

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 1:00 p.m. Regular meeting on May 28, 2024, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California, and via Zoom teleconference.