



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom

***AMENDED/APPENDED**
AMENDED 11:00 A.M. CLOSED SESSION & 1:00 P.M.
REGULAR MEETING
AGENDA

Tuesday, January 14, 2020
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

Linda J. LeZotte, Chair, District 4
Nai Hsueh, Vice Chair, District 5
John L. Varela, District 1
Barbara Keegan, District 2
Richard P. Santos, District 3
Tony Estremera, District 6
Gary Kremen, 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 for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, 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 attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

NORMA CAMACHO
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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Tuesday, January 14, 2020

11:00 AM

Headquarters Building Boardroom

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 [20-0100](#)
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9(d)(4)
*One Potential Case

- *2.2. CLOSED SESSION [20-0101](#)
*CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
*Pursuant to Government Code 54956(d)(1)
*SCVWD v. Moitozo, et al,
*Santa Clara Superior Court, Court No.: 19CV345563

1:00 PM

- 2.3. District Counsel Report.
- 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: This item is reserved for persons desiring to address the Board on any matter not on this agenda. Members of the public who wish to address the Board on any item not listed on the agenda should complete a Speaker Card and present it to the Clerk of the Board. The Board Chair will call individuals to the podium in turn. 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. Election of Board Chair and Vice Chair for Year 2020.

[19-1134](#)

Recommendation: Nominate and elect a new Chairperson and Vice Chairperson for the calendar year 2020.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Board Governance Policy GP-5.3](#)
[Attachment 2: Chair and Vice Chair Term History](#)

Est. Staff Time: 5 Minutes

2.8. Recognition of Outgoing Chair.

[19-1135](#)

- 2.9. Public Hearing on the Proposed Modifications to the Safe, Clean Water and Natural Flood Protection Program's Upper Llagas Creek Flood Protection Project. [20-0005](#)

Recommendation: A. Open the public hearing to receive comments on the Safe, Clean Water and Natural Flood Protection Program's Project E6: Upper Llagas Creek Flood Protection Project;
 B. Close the public hearing; and
 C. Adopt the resolution APPROVING THE MODIFICATION TO THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM.

Manager: Tim Bramer, 408-630-3794

Attachments: [Attachment 1: Letter from City of Morgan Hill](#)
 [Attachment 2: Upper Llagas Creek Project KPI #2 Modification](#)
 [Attachment 3: Schedule and Sample Ad](#)
 [Attachment 4: Resolution](#)

Est. Staff Time: 5 Minutes

- *2.10 Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2019, and other Independent Auditor's Reports. [20-0098](#)

Recommendation: Accept the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2019 and other Independent Auditor's Reports.

Manager: Darin Taylor, 408-630-2208

Attachments: [Attachment 1: FY 2018-19 CAFR](#)
 [Attachment 2: Memorandum of Internal Controls](#)
 [*Supplemental Agenda Memo](#)
 [*Supplemental Attachment 1: Audit Rpt, Appropriation Procedure](#)
 [*Supplemental Attachment 2: Audit Rpt, Invest Policy/Guidelines](#)
 [*Supplemental Attachment 3: Audit Rpt, Comp/Ben Compliance](#)

Est. Staff Time: 10 Minutes

- *2.11 Work Study Session on Preliminary Fiscal Year (FY) 2020-21 [20-0079](#)
Groundwater Production Charges and the Capital Improvement Program,
and Board Consideration to Approve the Fiscal Years 2021-25
Preliminary Capital Improvement Program (CIP).

Recommendation: *A. Review the FY 2021-25 Preliminary CIP and provide direction to staff for development of the Draft FY 2021-25 CIP;
*B. Discuss and provide direction on the preliminary FY 2020-21 Groundwater Production Charge analysis prepared by staff; and
*C. Provide direction regarding whether to include three newly proposed water supply projects into the Draft FY 2021-25 CIP.

Manager: Melanie Richardson, 408-630-2035
Nina Hawk, 408-630-2736
Darin Taylor, 408-630-3068

Attachments: [*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: PowerPoint](#)
[*Supplemental Attachment 2: Preliminary FY 2021-25 CIP](#)
[*Supplemental Attachment 3: SCVWD Resolution No. 99-21](#)
[*Supplemental Attachment 4: SCVWD Resolution No. 12-10](#)

Est. Staff Time: 20 Minutes

3. CONSENT CALENDAR: (3.1 - 3.7) (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 complete a Speaker Card and present it to the Clerk of the Board.

- 3.1. Adopt the Resolution Amending Resolution No. 19-05 to Amend the Easement Deed from Silicon Valley Club, LLC, for APN 015-45-013 and 015-45-24, File No. 3015-684 (San Jose) (District 3). [19-0850](#)

Recommendation: A. Adopt the Resolution AMENDMENT TO RESOLUTION NO. 19-05 TO AMEND EXHIBIT A, THE EASEMENT DEED FROM Silicon Valley Club, LLC (APN 015-45-013 and 015-45-24, File No. 3015-684); and
B. Authorize the Chief Executive Officer (CEO) to accept the amended Easement Deed from Silicon Valley Club, LLC.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: 012219 SCVWD Item 6.1, Conformed Copy](#)
[Attachment 2: Resolution](#)
[Attachment 3: Location Map](#)
[Attachment 4: Secretary of State Statement of Information \(LLC\)](#)

- 3.2. Receive and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the San Tomas Aquino Creek Erosion Repair, From United States Geological Survey Gage Near Williams Road to Virginia Avenue, and Barron Creek Concrete Repair at Bryant Street Project, Bosco Constructors, Inc., Contractor, Project No. 62084001, Contract No. C0647 (Palo Alto, Campbell, San Jose) (Districts 2, 4, 7). [19-0951](#)

Recommendation: A. Accept the work on the San Tomas Aquino Creek Erosion Repair, from United States Geological Survey Gage near Williams Road to Virginia Avenue for approximately 2.1 miles long, and Barron Creek Concrete Repair at Bryant Street Project, Project No. 62084001, Contract No. C0647 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 at the Santa Clara County Office of the Clerk-Recorder.

Manager: Ngoc Nguyen, 408-630-2532

Attachments: [Attachment 1: Notice of Completion Contract/Acceptance of Work](#)
[Attachment 2: Construction Contract Acceptance](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: Construction Summary](#)
[Attachment 5: Project Delivery Process Chart](#)

- 3.3. Receive and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Main Avenue and Madrone Pipeline Restoration Project, Monterey Peninsula Engineering, Contractor, Project No. 26564001, Contract No. C0633 (Morgan Hill) (District 1). [19-0991](#)

Recommendation:

- A. Accept the work on the Main Avenue and Madrone Pipeline Restoration Project, Monterey Peninsula Engineering, Contractor, Project No. 26564001, Contract No. C0633 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 County of Santa Clara Office of the Clerk-Recorder.

Manager: Tim Bramer, 408-630-3794

Attachments: [Attachment 1: Notice of Completion and Acceptance](#)
[Attachment 2: Construction Contract Acceptance.pdf](#)
[Attachment 3: Project Acceptance Letter](#)
[Attachment 4: Construction Summary](#)
[Attachment 5: Project Delivery Process Chart](#)

- 3.4. Membership Nominations for Committee Re-Appointments to the Environmental and Water Resources Committee (EWRC), for Committee Appointment to the Safe, Clean Water Independent Monitoring Committee (SCW IMC), and adopt Resolutions Expressing Appreciation for outgoing SCW IMC Members. [20-0002](#)

Recommendation:

- A. Consider re-appointments to the EWRC;
- B. Consider two-year membership appointment to the SCW IMC; and
- C. Adopt the resolutions EXPRESSING APPRECIATION to outgoing SCW IMC members.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution No. 15-28](#)
[Attachment 2: Membership Application, J. Baker](#)
[Attachment 3: SCVWD Resolution No. 13-61](#)
[Attachment 4: Resolutions](#)

- 3.5. Set Time and Place of 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 2020. [19-1138](#)

Recommendation: A. Set time and place of public hearing at 1:00 p.m., on February 11, 2020, at the Santa Clara Valley Water District Headquarters Boardroom, 5700 Almaden Expressway, San Jose, California, for the Board of Directors to:

- i. Consider 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 2020, 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: Notice of Public Hearing](#)

- 3.6. Approval of Minutes. [20-0006](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 111219 Closed Session & Regular Meeting Minutes](#)
[Attachment 2: 112019 Special Meeting Minutes](#)
[Attachment 3: 112619 Special Meeting Minutes](#)
[Attachment 4: 112619 Regular Meeting Minutes](#)

- *3.7. Accept the CEO Bulletins for the Weeks of December 6-12, December 13-19, December 20-26, 2019, December 27, 2019-January 2, 2020, and January 3-9, 2020. [20-0024](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 121219 CEO Bulletin](#)
[Attachment 2: 121919 CEO Bulletin](#)
[Attachment 3: 122619 CEO Bulletin](#)
[Attachment 4: 010220 CEO Bulletin](#)
[*Attachment 5: 010920 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Set the Time and Place of Regular Meetings of the Santa Clara Valley Water District Board of Directors. [19-1136](#)

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. and 6:00 p.m., respectively, or as designated by the Clerk of the Board to accommodate closed session subject matter;
- B. Discuss and identify, if necessary, 2020 Board meeting recess dates; and
- C. If a new regular Board meeting schedule is approved, adopt the Resolution SETTING TIME AND PLACE OF MEETINGS OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT AND RESCINDING RESOLUTION NO. 17-55.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution No. 17-55](#)
[Attachment 2: Draft Resolution](#)

Est. Staff Time: 5 Minutes

- 4.2. Review Proposed Board Performance Framework. [19-1105](#)

Recommendation: Review and approve the proposed Board Performance Framework.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Board Performance Framework](#)

Est. Staff Time: 5 Minutes

- 4.3. Approve Recommendation from Board Audit Committee to Approve the Fiscal Years 2018-2019 to 2020-2021 Annual Audit Work Plan Updated by the Board Independent Auditor, TAP International, Inc. [19-1148](#)

Recommendation: A. Approve the addition of the Fiscal Year 2020-2021 Property Management Audit to the Fiscal Year 2018-2019 to Fiscal Year 2020-2021 Annual Audit Work Plan; and
 B. Approve the Updated Fiscal Year 2018-2019 to Fiscal Year 2020-2021 Annual Audit Work Plan.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Annual Audit Work Plan FY18-19 to FY 20-21](#)

Est. Staff Time: 5 Minutes

Standing Reports (Verbal Reports):

1. Delta Conveyance Design and Construction Authority (DCA) Update
2. Delta Conveyance Finance Authority (Finance Authority) Update

Board Committees (Summary or Meeting Agenda):

3. Board Audit Committee (BAC)
4. Board Policy and Planning Committee (BPPC)
5. Capital Improvement Program (CIP) Committee
6. Coyote Flood Risk Reduction (CFRR) Ad Hoc Committee
7. Diversity and Inclusion (D&I) Ad Hoc Committee
8. Fishery and Aquatic Habitat Collaborative Effort (FAHCE) Ad Hoc Committee
9. Homeless Encampment Ad Hoc Committee (HEAHC)
10. Recycled Water Committee (RWC)
11. Water Conservation and Demand Management (WCDM) Committee
12. Water Storage Exploratory Committee (WSEC)

Board Advisory Committees (Summary or Meeting Agenda):

13. Agricultural Water Advisory Committee (AWAC)
14. Environmental and Water Resources Committee (EWRC)
15. Santa Clara Valley Water Commission (Water Commission)
16. Youth Commission

Board Joint Committees (Summary or Meeting Agenda):

17. Joint Recycled Water Advisory Committee (JRWAC) (Sunnyvale)
18. Joint Recycled Water Advisory Committee (JRWAC) (East PA/PA/MV)
19. Joint Recycled Water Policy Advisory Committee (JRWPAC) (SJ/SC/TPAC)
20. Joint Water Resources Committee (JWRC) (Gilroy/Morgan Hill)
21. San Felipe Division Reach One

External Committees/Agencies (Verbal Report):

22. ACWA and ACWA Joint Powers Insurance Authority
23. Baylands Shoreline Steering Committee
24. California WaterReuse Association
25. Joint Venture Silicon Valley Board of Directors
26. Landscape Committee
27. Local Agency Formation Commission (LAFCO)
28. Northern California Latino Water Coalition
29. Pajaro River Watershed Flood Protection Authority
30. Redevelopment Dissolution Countywide Oversight Board of Santa Clara County
31. Safe, Clean Water Independent Monitoring Committee (IMC)
32. San Francisquito Creek JPA
33. Santa Clara County Water Retailers

- 34. Santa Clara Valley Habitat Conservation Plan JPA
- 35. San Luis and Delta-Mendota Water Authority Board and Delta Habitat Conservation & Conveyance Plan Steering Committee
- 36. Santa Clara County Emergency Operations Area Council
- 37. Santa Clara County Recycling and Waste Reduction Commission
- 38. Santa Clara County Special Districts Association
- 39. South County Regional Wastewater Authority (SCRWA)
- 40. Station Area Advisory Group (SAAG)
- 41. Zone 7, EBRPD, ACWD, SCVWD, LARPD and Tri-Valley Conservancy Liaison Committee

Attachments: [*Handout 4.4.3-A: 121619 BAC Summary](#)
 [*Handout 4.4.5-A: 011320 CIP Agenda](#)
 [*Handout 4.4.12-A: 121119 WSEC Summary](#)
 [*Handout 4.4.13-A: 121619 AWAC Summary](#)
 [*Handout 4.4.13-B: 010620 AWAC Summary](#)
 [*Handout 4.4.20-A: 121919 JWRC Summary](#)

5. WATER UTILITY ENTERPRISE:

- 5.1. Update on the Condition of the Almaden Valley Pipeline and [20-0030](#)
Determination that the Condition of the Almaden Valley Pipeline Continues
to Constitute an Emergency (San Jose) (District 7).

Recommendation: A. Receive an update on the Almaden Valley Pipeline; 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 December 23, 2019,
pursuant to California Public Contract Code §22050, to
repair the Almaden Valley Pipeline.

Manager: Aaron Baker, 408-630-2135

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

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. EXTERNAL AFFAIRS:

7.1. Receive Update on the 2019 Flood Preparedness Campaign. [19-1186](#)

- Recommendation: A. Receive information on 2019-2020 Flood Preparedness Campaign; and
B. Provide input on the 2020-2021 Flood Preparedness Campaign focus and direction.

Manager: Rick L. Callender, 408-630-2017

Attachments: [Attachment 1: PowerPoint](#)
[Handout 7.1-A, Flood Preparedness Campaign](#)
[Handout 7.1-B, Flood Preparedness Campaign](#)

Est. Staff Time: 15 Minutes

7.2. Receive Update on Office of Communications. [19-0931](#)

- Recommendation: A. Receive information on the Office of Communication's accomplishments and planned activities; and
B. Provide input on current and future efforts, goals, and accomplishments since the last presentation to the Board.

Manager: Rick L. Callender, 408-630-2017

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 5 Minutes

7.3. Sponsorship of the Water Education for Latino Leaders (WELL) Conference 2020. [19-1155](#)

- Recommendation: A. Receive information on the Water Education for Latino Leaders 2020 Conference; and
B. Approve the request for sponsorship in the amount of \$12,500.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 5 Minutes

8. CHIEF EXECUTIVE OFFICER:

*8.1. CEO and Chiefs' Report. [20-0158](#)

Attachments: [*Handout 8.1-A: Admin and IT Services](#)
[*Handout 8.1-B: InForAll Kick Off Newsletter](#)
[*Handout 8.1-C: Storm Report](#)
[*Handout 8.1-D: Stream Maintenance Report](#)
[*Handout 8.1-E: Communications Update](#)
[*Handout 8.1-F: Civic Engagement](#)

9. ADMINISTRATION:

- *9.1. Adopt Resolution to Amend the Contract With CalPERS to Include Partial Service Retirement Benefit. [20-0080](#)

Recommendation: Adopt Resolution TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM AND THE BOARD OF DIRECTORS SANTA CLARA VALLEY WATER DISTRICT, to Include Section 21118 Partial Service Retirement.

Manager: Anna Noriega, 408-630-3089

Attachments: [*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

10. DISTRICT COUNSEL:

11. ADJOURN:

- 11.1. Board Member Reports/Announcements.
- 11.2. Proposed Future Board Member Agenda Items.
- 11.3. Clerk Review and Clarification of Board Requests.
- 11.4. Adjourn to Regular Meeting at 6:00 p.m., on January 28, 2020, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.