

Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

*AMENDED/APPENDED AMENDED 4:00 PM RESCHEDULED REGULAR MEETING AGENDA

Tuesday, April 28, 2020 4:00 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, enviornment and economy.

DISTRICT BOARD OF DIRECTORS

Nai Hsueh, Chair, District 5
Tony Estremera, Vice Chair, District 6
John L Varela, District 1
Barbara Keegan, District 2
Richard P. Santos, District 3
Linda J. LeZotte, District 4
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/APPENDED AGENDA

ITEMS AMENDED AND/OR APPENDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA ARE IDENTIFIED BY AN ASTERISK () HEREIN

Tuesday, April 28, 2020

4:00 PM

Teleconference Zoom Meeting

IMPORTANT NOTICES

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Board of Directors, District staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Santa Clara Valley Water District (District), in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in District Board meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled District Board meeting to ensure that the District may assist you.

1. CALL TO ORDER:

Join the Meeting at: https://valleywater.zoom.us/j/323911620 Meeting ID: 323 911 620 1 (669) 900-9128, 323911620#

- 1.1. Roll Call.
- 1.2. Pledge of Allegiance/National Anthem.
- 1.3. Orders of the Day.
 - A. Approximate Discussion Time (Board); and
 - B. Adjustments to the Order of Agenda Items.

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1.4. 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. TIME CERTAIN:

4:00 PM

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. Budget, Water Charge, & Capital Improvement Program Alternatives to <u>20-0414</u>
Consider in Response to COVID-19 Pandemic.

Recommendation: Discuss alternative actions and plans related to the Fiscal Year

(FY) 2020-21 Budget, Water Charges, and Capital Improvement

Program (CIP) and provide direction to staff as necessary.

Manager: Darin Taylor, 408-630-3068

Attachments: Attachment 1: PowerPoint

*Handout 2.1-A, Legal

*Handout 2.1-B, Poseidon

*Handout 2.1-C, SJW

*Handout 2.1-D, Sunnyvale

*Handout 2.1-E. City Support

*Handout 2.1-F, Colleagues Memo

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2.2. Adopt the Resolution Authorizing the Solicitation and Negotiation of and Execution and Delivery of One or More Lines of Credit, Credit Agreement, Fee Letter and Related Documents and Actions.

<u> 20-0374</u>

Recommendation:

- A. Adopt the Resolution AUTHORIZING THE SOLICITATION AND NEGOTIATION OF AND EXECUTION AND DELIVERY OF ONE OR MORE LINES OF CREDIT, CREDIT AGREEMENT, FEE LETTER AND RELATED DOCUMENTS AND ACTIONS; and
- B. Authorize the Chief Executive Officer, Chief Financial Officer, or Treasury and Debt Officer (in each case, including any acting, interim, or otherwise appointed officer, as the case may be) or their written designees (each an "Authorized Officer"), and District Counsel and the Clerk of the Board of Directors and such other officers and staff of the District, acting singly, to do any and all things to solicit, negotiate and execute one or more Lines of Credit, Credit Agreement, Fee Letter, and such other agreements, documents and certificates, including to provide for covenants, representations and warranties of the District, as may be necessary to effectuate each Line of Credit, Credit Agreement and Fee Letter, if they determine such execution and delivery is in the best interest of the District.

Manager: Darin Taylor, 408-630-3068

Attachments: <u>Attachment 1: Resolution</u>

Est. Staff Time: 5 Minutes

6:00 PM

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*2.3. Public Hearing on the Decision to Adopt Modified Groundwater Benefit Zones W-2 and W-5 and Establish New Groundwater Benefit Zones W-7 and W-8.

<u>20-0418</u>

Recommendation:

- A. Conduct public hearing on the Decision to Adopt Modified Groundwater Benefit Zones W-2 and W-5, and New Groundwater Benefit Zones W-7 and W-8;
- B. Adopt the Resolution AMENDING THE BOUNDARIES OF GROUNDWATER BENEFIT ZONE W-2, with an implementation date of July 1, 2020;
- C. Adopt the Resolution AMENDING THE BOUNDARIES OF GROUNDWATER BENEFIT ZONE W-5, with an implementation date of July 1, 2020;
- D. Adopt the Resolution ESTABLISHING GROUNDWATER BENEFIT ZONE W-7, with an implementation date of July 1, 2020; and
- E. Adopt Resolution ESTABLISHING GROUNDWATER BENEFIT ZONE W-8, with an implementation date of July 1, 2020.

Manager: Garth Hall, 408-630-2750

Attachments: Attachment 1: Map, Existing GW Benefit Zones and Subbasins

Attachment 2: Map, Staff-Recommended GW Benefit Zones

Attachment 3: Resolution, Amending Zone W-2

Attachment 4: Resolution, Amending Zone W-5

Attachment 5: Resolution, Establishing Zone W-7

Attachment 6: Resolution, Establishing Zone W-8

<u>Attachment 7: PowerPoint</u>
*<u>Handout 2.3-A, Stanford</u>

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*2.4. Annual Report on the Protection and Augmentation of Water Supplies - February 2020 and Recommended Groundwater Production and Other Water Charges for Fiscal Year 2020-2021 (FY 2020-21).

<u>20-0419</u>

Recommendation:

- A. Conduct a public hearing pursuant to Section 26.6 of the District Act to consider the District FY 2020-21 Annual Report on the Protection and Augmentation of Water Supplies;
- B. Hear public comments from groundwater producers and any interested persons regarding such report; and
- C. Close the public hearing.

Manager: Nina Hawk, 408-630-2736

Attachments: <u>Attachment 1: Staff Report</u>

Attachment 2: PowerPoint

Attachment 3: SCVWD Resolution 12-10

*Handout 2.4-A, Stanford

*Handout 2.4-B, Sunnyvale

*Handout 2.4-C, Santa Clara

*Handout 2.4-D, CSJ

*Handout 2.4-E, CSJ Councilmembers

2.5. Public Hearing to Consider the Santa Clara Valley Water District's Draft Fiscal Years 2021-2025 Five-Year Capital Improvement Program.

20-0341

Recommendation:

- A. Open the public hearing to receive public comments and Board feedback regarding the Santa Clara Valley Water District's Fiscal Years 2021-2025 Five-Year Capital Improvement Program; and
- B. Continue the public hearing to the Board's Budget Work Study session currently set for April 29, 2020, and the regularly scheduled Board meeting on May 12, 2020.

Manager: Chris Hakes, 408-630-3796

Ngoc Nguyen, 408-630-2632 Heath McMahon, 408-630-3126 Vincent Gin, 408-630-2633 Roslyn Fuller, 408-630-2379 Michael Cook, 408-630-2347

Attachments: Attachment 1: Draft FY 2021-25 CIP

Attachment 2: Notice of Public Hearing

Est. Staff Time: 20 Minutes

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3. CONSENT CALENDAR: (3.1 - 3.14) (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. (ITEM REMOVED FROM AGENDA) Adopt Plans and Specifications and Authorize Advertisement for Bids for the Pacheco Pumping Plant Priority 1 Fire Alarm and Suppression System Improvements, Project No. 91214010, Contract No. C0653 (Merced County).
- 3.2. Receive and Direct the Clerk to File the Notice of Completion of Contract and Acceptance of Work for the Lower Silver Creek Flood Protection and Creek Restoration Project, Reach 6B (Landscape and Revegetation Establishment Maintenance Phase Milestone 2), Robert A. Bothman, Inc., Contractor, Project No. 40264008, Contract No. C0594 (San Jose) (District 6).

<u>20-0155</u>

Recommendation:

- A. Accept the work on the Lower Silver Creek Flood
 Protection and Creek Restoration Project, Reach 6B
 (Landscape and Revegetation Establishment
 Maintenance Phase Milestone 2), Robert A. Bothman,
 Inc., Contractor, Project No. 40264008, Contract No.
 C0594 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 Santa Clara County Clerk-Recorder.

Manager: Heath McMahon, 408-630-3126

Attachments: <u>Attachment 1: Notice of Completion</u>

Attachment 2: Construction Contract Acceptance

Attachment 3: Project Completion Letter
Attachment 4: Construction Summary

Attachment 5: Project Delivery Process Chart

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3.3. Approve Amendment No. 6 to Agreement No. A3741G, with Errol L. Montgomery & Associates, Inc., for Professional Consultant Services Related to a Groundwater Charge Zone Study (Groundwater Benefit Zone Study), Project No. 91041018, Increasing the Fee by \$50,000 for a Total Revised Not-To-Exceed Fee of \$613,547.

Recommendation: Approve Amendment No. 6 to Agreement No. A3741G, with

Errol L. Montgomery & Associates, Inc., for Professional Consultant Services Related to a Groundwater Charge Zone Study (Groundwater Benefit Zone Study), Increasing the Fee by \$50,000 for a Total Revised Not-To-Exceed Fee of \$613,547.

20-0099

Manager: Garth Hall, 408-630-2750

Attachments: Attachment 1: Amendment No. 6

3.4. Adopt Resolution recognizing April 22, 2020 as Earth Day. <u>20-0362</u>

Recommendation: Adopt the Resolution RECOGNIZING APRIL 22, 2020, AS

EARTH DAY.

Manager: Lisa Infante (Bankosh), 408-630-2618

Bhavani Yerrapotu, 408-630-2735

Attachments: Attachment 1: Resolution

3.5. Resolution Declaring March 30 - April 5, 2020, as a Week of Public <u>20-0330</u> Service in Honor of César Chávez.

Recommendation: A. Recognize and observe March 30 - April 5, 2020, as a

week of public service in honor of César Chávez; and

B. Adopt the Resolution DECLARING MARCH 30 TO APRIL 5, 2020, AS A WEEK OF PUBLIC SERVICE IN

HONOR OF CESAR CHAVEZ.

Manager: Tina Yoke, 408-630-2385
Attachments: Attachment 1: Resolution

3.6. Adopt Resolution Recognizing March 2020 as Women's History Month. 20-0301

Recommendation: Adopt the RESOLUTION RECOGNIZING MARCH 2020 AS

WOMEN'S HISTORY MONTH.

Manager: Nina Hawk, 408-630-2736
Attachments: Attachment 1: Resolution

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3.7. Resolution Adopting the 2019 Pajaro River Watershed Integrated Regional Water Management Plan.

<u>20-0270</u>

Recommendation: Adopt the Resolution ADOPTING THE 2019 PAJARO RIVER

WATERSHED INTEGRATED REGIONAL WATER

MANAGEMENT PLAN.

Manager: Garth Hall, 408-630-2750

Attachments: <u>Attachment 1: Goals and Objectives</u>

Attachment 2: Resolution

*3.8. Recommended Positions on State Legislation: SB 971 (Hertzberg) Small Water Supplier and Countywide Water Shortage Contingency Planning;
*Midpeninsula Regional Open Space District \$20 million Senator Beall Member Budget Request; *AB 2560 (Quirk) Water Quality: Notification and Response Levels: Procedures; *AB 3232 (Friedman) Commercial Washing Machines: Microfiber Filters;*SB 952 (Nielsen) Sales and Use Taxes: Exemption: Backup Electrical Resources: Deenergizing Events;
*SB 1044 (Allen) Firefighting Equipment and Foam: PFAS Chemicals; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

Recommendation:

- A. Adopt a position of "Support" on: SB 971 (Hertzberg) Small Water Supplier and Countywide Water Shortage Contingency Planning;
- *Adopt a position of "Support" on: Midpeninsula Regional Open Space District \$20 million Senator Beall Member Budget Request;
- C. *Adopt a position of "Support" on: AB 2560 (Quirk) Water Quality: Notification and Response Levels: Procedures;
- D. *Adopt a position of "Support" on: AB 3232 (Friedman) Commercial Washing Machines: Microfiber Filters;
- E. *Adopt a position of "Support" on: SB 952 (Nielsen)
 Sales and Use Taxes: Exemption: Backup Electrical
 Resources: Deenergizing Events; and
- F. *Adopt a position of "Support" on: SB 1044 (Allen) Firefighting Equipment and Foam: PFAS Chemicals.

Manager: Rachael Gibson, 408-630-2884
Attachments: *Original Board Agenda Memo

*Supplemental Board Agenda Memo

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3.9. Approve Recommended Positions on Federal Legislation: H.R. 5752

(Costa) - Conveyance Capacity Correction Act; H.R. 5504 (Brownley) - To Amend the National Dam Safety Program Act with Respect to the Definition of Eligible High Hazard Potential Dam, and for other Purposes; H.R. 5302 (McNerney) - Western Water Recycling and Drought Relief Act; H.R. 5316 (Cox) - Move Water Now Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

Recommendation:

- A. Adopt a position of "Support" on H.R. 5752 (Costa) -Conveyance Capacity Correction Act;
- B. Adopt a position of "Support" on H.R. 5504 (Brownley) -To amend the National Dam Safety Program Act with respect to the definition of eligible high hazard potential dam, and for other purposes;
- C. Adopt a position of "Support and Amend" on H.R. 5302 (McNerney) - Western Water Recycling and Drought Relief Act; and
- D. Adopt a position of "Support and Amend" on H.R. 5316 (Cox) Move Water Now Act.

Manager: Rachael Gibson, 408-630-2884

3.10. Providing Notice of Time and Place of Public Hearing Regarding Flood

Control Benefit Assessments for Fiscal Year 2020-2021.

Recommendation: Set a time and place for the public hearing on Flood Control

Benefit Assessments for Fiscal Year 2020-2021 (FY 2020-21) at 6:00 p.m. on May 26, 2020, at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California.

Manager: Melanie Richardson, 408-630-2035

Attachments: Attachment 1: Staff Report

Attachment 2: Notice of Public Hearing

3.11. Approve Amended and Restated Joint Powers Agreement for the San Francisquito Creek Joint Powers Authority, Project No. 26284002, (Palo Alto) (District 7).

Recommendation: Approve the Amended and Restated Joint Powers Agreement

for the San Francisquito Creek Joint Powers Authority.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: Attachment 1: Amended/Restated Agreement (w/Track Changes)

Attachment 2: Amended/Restated Agreement

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*3.12 Authorize the Chief Executive Officer to Negotiate and Execute the Rate

20-0417

Agreement with the Power and Water Resources Pooling Authority for the Rehabilitation of the Almaden Campus Solar Carport, at a Not-to-Exceed Rate of \$132 Per Megawatt Hour (San Jose) (District 4).

Recommendation: Authorize the Chief Executive Officer to Negotiate and Execute

the Rate Agreement with the Power and Water Resources Pooling Authority for the rehabilitation of the Almaden Campus Solar Carport at a not-to-exceed rate of \$132 per megawatt

hour.

Manager: Bhavani Yerrapotu, 408-630-2735

*3.13 Accept the CEO Bulletins for the Weeks of March 6 -12, and April 17-23, 20-0403

2020.

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: <u>Attachment 1: 031220 CEO Bulletin</u>

*Attachment 2: 042320 CEO Bulletin

3.14. Approval of Minutes.

20-0355

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: Attachment 1: 021820 Special Meeting Minutes

Attachment 2: 022520 Regular Meeting Minutes
Attachment 3: 031020 Regular Meeting Minutes
Attachment 4: 031820 Special Meeting Minutes
Attachment 5: 032420 Special Meeting Minutes

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Discuss Conducting Board and Committee Meetings in Consideration of the COVID-19 Pandemic and Current Shelter in Place Orders.

Recommendation: A. Discuss parameters for Conducting Board and Committee Meetings in consideration of the COVID-19 Pandemic and

current Shelter in Place Orders; and

B. Provide direction to staff.

Manager: Michele King, 408-630-2711

Est. Staff Time: 5 Minutes

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4.2. Amendment No. 2 to Agreement No. A4071A with TAP International, Inc. for Board Independent Auditing Services to extend the Agreement term to June 30, 2021.

Recommendation: A. Approve Amendment No. 2 to Agreement No. A4071A

with TAP International, Inc. for Board Independent Auditing Services to extend the Agreement term to June

30, 2021; and

B. Delegate the Authority to the Chief Executive Officer to execute the Agreement Term to June 30, 2021, Amendment No. 2, to Agreement No. A4071A with TAP International, Inc. to complete the Board Independent Auditing Services, based on the Board-approved multi-year Audit Work Plan.

Manager: Darin Taylor, 408-630-3068

Attachments: Attachment 1: Amendment No. 2

Est. Staff Time: 5 Minutes

*4.3. Board Committee Reports. <u>20-0421</u>

Attachments: *Handout 4.3-A, DCA Summary

4.4. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

5.1. Update on the Condition of the Milpitas Pipeline and Determination that the Condition of the Milpitas Pipeline Continues to Constitute an Emergency (San Jose) (District 3).

<u>20-0365</u>

20-0336

Recommendation:

- A. Receive an update on the Milpitas 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 March 16, 2020, pursuant to California Public Contract Code §22050, to

repair the Milpitas Pipeline.

Manager: Aaron Baker, 408-630-2135

Attachments: <u>Attachment 1: Emergency Declaration</u>

Est. Staff Time: 5 Minutes

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5.2. Standard On-Call Consultant Agreements for On-Call Construction Scheduling and Claims Analysis Services with CPM Associates, Inc. for a Not-to-Exceed Fee of \$1,000,000, and with PMA Consultants, LLC for a Not-to-Exceed Fee of \$500,000.

Recommendation:

A. Approve the On-Call Consultant Agreement with CPM Associates, Inc., for On-Call Construction Scheduling and Claims Analysis Services for a not-to-exceed fee of \$1,000,000; and

20-0339

B. Approve the On-Call Consultant Agreement with PMA Consultants, LLC, for On-Call Construction Scheduling and Claims Analysis Services for a not-to-exceed fee of \$500,000.

Manager: Heath McMahon, 408-630-3126

Attachments: <u>Attachment 1: Agreement, CPM Associates</u>

Attachment 2: Agreement, PMA Consultants

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. EXTERNAL AFFAIRS:

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*7.1. Update on Exploratory Efforts to Update and Enhance the Safe, Clean Water and Natural Flood Protection Program for a Future Funding Measure.

20-0401

Recommendation:

- A. *Receive information on potential new program development, specifically input received from the Capital Improvement Program Committee, potential capital projects, Blue Ribbon Forum;
- B. *Receive new and updated information on program development, including public education, engagement efforts, community input, new polling information; and
- C. *Provide input on the development of a draft Community-Preferred Plan.

Manager: Marta Lugo, 408-630-2237

Attachments: *Original Board Agenda Memo

*Original Attachment 1: PowerPoint

*Original Attachment 2: FM3 Research Memo

*Supplemental Board Agenda Memo

*Supplemental Attachment 1: April 2020 Polling Memo

*Supplemental Attachment 2: Blue Ribbon Forum Brochure

*Supplemental Attachment 3: Blue Ribbon Forum Executive Sumr

*Supplemental Attachment 4: Adjusted Project Schedule

*Supplemental Attachment 5: Revised PowerPoint, Replacing Orig

8. CHIEF EXECUTIVE OFFICER:

*8.1. CEO and Chiefs' Report.

20-0423

ATTACHMENTS:

*Handout 8.1-A, Storm Report

Attachments: *Handout 8.1-A, Storm Report

9. ADMINISTRATION:

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*9.1. Continuation of Declaration of State of Emergency Regarding COVID-19.

20-0372

Recommendation:

A. Receive Information Regarding Ongoing Threat Posed by the COVID-19 Pandemic Since March 18, 2020; and

B. By four-fifths vote, adopt a RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA

VALLEY WATER DISTRICT CONTINUING

EMERGENCY DECLARATION AS A RESULT OF THE

COVID-19 PANDEMIC.

Manager: Tina Yoke, 408-630-2385.

Attachments: <u>Attachment 1: Declaration of Emergency</u>

Attachment 2: Resolution
*Handout 9.1-A, Update

Est. Staff Time: 5 Minutes

10. DISTRICT COUNSEL:

11. ADJOURN:

- 11.1. Board Member Reports/Announcements.
- 11.2. Clerk Review and Clarification of Board Requests.
- 11.3. Adjourn to the 6:00 p.m. Special Meeting, on April 29, 2020, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

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