



# Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

**\*AMENDED/APPENDED**  
**AMENDED 3:00 PM CLOSED SESSION AND 4:00 PM**  
**REGULAR MEETING**  
**AGENDA**

**Tuesday, May 26, 2020**  
**3:00 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  
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**

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**Tuesday, May 26, 2020**

**3:00 PM**

**Teleconference Zoom Meeting**

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**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.

\*Members of the public wishing to address the Board during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

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 Zoom Meeting:**

**<https://valleywater.zoom.us/j/96783809393>**

**Meeting ID: 9678 380 9393**

**Join by Phone:**

**1 (669) 900-9128, 96783809393#**

1.1. Roll Call.

**2. TIME CERTAIN:**

**3:00 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. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL

ANTICIPATED LITIGATION - Significant Exposure to Litigation

Pursuant to Government Code Section 54956.9(d)(2)

(One Potential Case)

[20-0452](#)

4:00 PM

**Rejoin Zoom Meeting:**  
**<https://valleywater.zoom.us/j/96783809393>**  
**Meeting ID: 9678 380 9393**  
**Join by Phone:**  
**1 (669) 900-9128, 96783809393#**

\*2.2. District Counsel Report on Closed Session.

2.3. Pledge of Allegiance/National Anthem.

2.4. Orders of the Day.

- A. *Approximate Discussion Time (Board); and*
- B. *Adjustments to the Order of Agenda Items.*

2.5. 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 on any item not listed on the agenda should access the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Board Chair in order requests are received and granted speaking access to address the Board. 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.*

2.6. Presentation of 2019 Board Advisory Committees/Commission Accomplishments Reports.

[20-0205](#)

Recommendation: Receive and approve the 2019 Accomplishments Reports as presented by the Board's Advisory Committees/Commission 2019 Chairs/Vice Chairs.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 2019 AWAC Accomplishments Report](#)  
[Attachment 2: 2019 EWRC Accomplishments Report](#)  
[Attachment 3: 2019 SCVWC Accomplishments Report](#)

Est. Staff Time: 15 Minutes

\*2.7. Approve the Preliminary Project Description for the Anderson Dam Federal Energy Regulatory Commission Order Compliance Project, (Anderson Dam Seismic Retrofit Project, Project No. 91864005); and Find that Requirements of the Federal Energy Regulatory Commission Order Compliance Project is Consistent with Santa Clara Valley Water District Resolution No. 605 (Morgan Hill, District 1).

[20-0461](#)

Recommendation: A. Approve the Preliminary Project Description for the Anderson Dam Federal Energy Regulatory Commission (FERC) Order Compliance Project; and  
B. Find that the requirements of FERC's Order are consistent with Santa Clara Valley Water District Resolution No. 605 (Adopted June 12, 1962).

Manager: Christopher Hakes, 408-630-3796

Attachments: [Attachment 1: 022020 FERC Order](#)  
[Attachment 2: 031620 FERC Letter](#)  
[Attachment 3: SCVWD Resolution No. 605](#)  
[\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: Preliminary Project Description](#)  
[\\*Handout 2.7-A - BMPs and VHP Conditions](#)

Est. Staff Time: 20 Minutes

**6:00 PM**

\*2.8. Consideration of Project Labor Agreement.

[19-1123](#)

- Recommendation:
- A. Receive information from Santa Clara Valley Water District (Valley Water) staff, and the Capital Improvement Program (CIP) Committee, regarding how a Project Labor Agreement (PLA) may impact Valley Water's capital projects;
  - B. Receive information and discuss the CIP Committee's identified potential benefits, and potential concerns;
  - C. Make a determination on whether Valley Water should pursue PLA implementation;
  - D. If the Board decides to proceed with a PLA, provide direction on whether Valley Water should adopt a project value threshold for use of a PLA, or should one specific pilot project be selected to test the use of a PLA; and
  - E. If the Board decides to proceed with a PLA, identify negotiation parameter and provide direction regarding PLA negotiation commencement.

Manager: Michael Baratz, 408-630-2361

Attachments:

- [Attachment 1: 041019 Memo, B. Keegan to CIP Committee \(A1\)](#)
- [Attachment 2: 021119 CIP Mtg PowerPoint \(B1\)](#)
- [Attachment 3: Synopsis, Valley Water Construction \(B2-i\)](#)
- [Attachment 4: 102417 Synopsis, SJ City Council Mtg \(B2-ii\)](#)
- [Attachment 5: 042616 SC County BOS Policy 5.7.5.4 \(PLAs\) \(B2-\)](#)
- [Attachment 6: 011216 EBMUD Agenda, Pilot PLA \(B2-iv\)](#)
- [Attachment 7: 092116 VTA Policy BSD-002 \(B2-v\)](#)
- [Attachment 8: 2011 UCLA Study, PLAs \(B2-vi\)](#)
- [Attachment 9: Waitzman/Philips Study, PLAs/Bid Outcome \(B2-vii\)](#)
- [Attachment 10: 072919 CIP Mtg PowerPoint, PLAs \(B3\)](#)
- [Attachment 11: 080819 PLA/CWA, FAQs \(C1-i\)](#)
- [Attachment 12: Working Partnerships, Bldg Opp \(C1-ii\)](#)
- [Attachment 13: Testimony, Peter Philips \(C1-iii\)](#)
- [Attachment 14: 011507 ELECTRI Int'l, PLAs \(C1-iv\)](#)
- [Attachment 15: 110619 Memo, B. Field & D. Bini \(C1-v\)](#)
- [Attachment 16: 041719 CIP Speakers, Bini/Cabral/Biehl \(C1-vi\)](#)
- [Attachment 17: 041719 CIP Speakers, Munoz/Drocic \(C2\)](#)
- [Attachment 18: 041719 CIP Speaker, Casillas \(C3\)](#)
- [Attachment 19: 042619 E-mail, Siegert \(D1-i\)](#)
- [Attachment 20: 041719 CIP Speaker, Goehring \(D1-ii\)](#)
- [Attachment 21: 041719 CIP Handouts, CFEC/SCUSD \(D2-i\)](#)
- [Attachment 22: 041719 CIP Speaker, Christen \(D2-ii\)](#)
- [Attachment 23: 071819 E-mail, Ajlouny \(D3\)](#)
- [Attachment 24: 102119 E-mail, Truong \(D4-i\)](#)
- [Attachment 25: 102119 Memo, Mahood \(D4-ii\)](#)
- [Attachment 26: 102119 Memo, Gomez \(D5\)](#)
- [Attachment 27: 060919 Memo, Holtzman \(E1\)](#)
- [Attachment 28: 102119 PowerPoint, Wong \(E2\)](#)
- [Attachment 29: PowerPoint](#)
- [\\*Handout 2.8-A, N. Goehring](#)
- [\\*Handout 2.8-B, SJ Business Chamber](#)
- [\\*Handout 2.8-C, Senator J Beall](#)
- [\\*Handout 2.8-D, Assemblymember A Kalra](#)
- [\\*Handout 2.8-E, Monterey Peninsula Engineering](#)
- [\\*Handout 2.8-F, B Blach Construction](#)

Est. Staff Time: 30 Minutes

2.9. Public Hearing-Annual Report Recommending Flood Control Benefit Assessments and Resolution Setting Benefit Assessment Revenue for Fiscal Year 2020-2021. [20-0434](#)

Recommendation: A. Open the annual public hearing to consider any comments regarding the Flood Control Benefit Assessments for Fiscal Year 2020-2021 (FY 2020-21);

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 FY 2020-2021 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: Melanie Richardson, 408-630-2035

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

Est. Staff Time: 10 Minutes

2.10. Public Hearing and Resolution Approving the Santa Clara Valley Water District's Draft Fiscal Years 2021-2025 Five-Year Capital Improvement Program (Continued from May 12, 2020).

[20-0404](#)

- Recommendation:
- A. Re-convene the public hearing from May 12, 2020 to receive comments regarding the Santa Clara Valley Water District's Fiscal Years 2021-2025 Five-Year Capital Improvement Program (CIP);
  - B. Close public hearing;
  - C. Direct staff to incorporate the Board approved changes to the draft FY 2021-2025 Five-Year CIP and finalize the FY 2021-2025 Five-Year CIP by June 30, 2020; and
  - D. Adopt the Resolution APPROVING FISCAL YEARS 2021-2025 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP).

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: Resolution](#)  
[Attachment 2: Draft FY 2021-25 CIP](#)  
[Attachment 3: PowerPoint](#)  
[Attachment 4: Final CIP Financial Overview](#)  
[Attachment 5: Letters of Comment](#)

Est. Staff Time: 20 Minutes



- 2.11. Safe, Clean Water and Natural Flood Protection Special Tax Summary Report and Resolution Providing for Levy of the Special Tax Rates and Authorizing a Procedure for Correcting Special Tax Amounts for Fiscal Year 2020-2021. [20-0433](#)

- Recommendation: A. Accept the fiscal year 2020-21 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 2020-2021.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Staff Report](#)  
[Attachment 2: Resolution](#)  
[Attachment 3: Summary of KPIs, 15 Year Program](#)

Est. Staff Time: 10 Minutes

- 2.12. Adoption of Groundwater Production and Other Water Charges for Fiscal Year 2020-2021. [20-0420](#)

- Recommendation: A. Adopt a Resolution DETERMINING GROUNDWATER PRODUCTION CHARGES FOR FISCAL YEAR 2020-2021; and
- B. Adopt a Resolution DETERMINING SURFACE WATER, TREATED WATER, AND SOUTH COUNTY RECYCLED WATER CHARGES FOR FISCAL YEAR 2020-2021.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution, GW Charges](#)  
[Attachment 2: Resolution, SW, TW, RW Charges](#)

Est. Staff Time: 5 Minutes

- \*2.13 Resolutions Adopting the Fiscal Year 2020-2021 Operating and Capital Budget and Levy of Ad-Valorem Property Taxes, and Approval of Santa Clara Valley Water District Reserve Policy. [20-0455](#)

Recommendation:      A. Discuss and adopt a Resolution APPROVING AND ADOPTING THE OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2020-2021;  
                                 B. Discuss and adopt a Resolution PROVIDING FOR LEVY OF AD VALOREM REAL PROPERTY TAXES IN FISCAL YEAR 2020-21 TO MEET THE COST OF ITS WATER SUPPLY CONTRACT WITH THE STATE OF CALIFORNIA; and  
                                 C. Approve the Santa Clara Valley Water District (Valley Water) Reserve Policy.

Manager:                Darin Taylor, 408-630-3068

Attachments:          [\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: Resolution, Budget](#)  
[\\*Supplemental Attachment 2: Resolution, Ad-Valorem Tax](#)  
[\\*Supplemental Attachment 3: Reserve Policy](#)  
[\\*Supplemental Attachment 4: Transmittal Letter](#)  
[\\*Handout 2.13-A, Signage Program Cost Estimate](#)

Est. Staff Time:      5 Minutes

**3. CONSENT CALENDAR: (3.1 - 3.4) (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 should complete a Speaker Card and present it to the Clerk of the Board.*

- 3.1. Adopt Resolutions Expressing Appreciation to Water 101 Academy Ambassadors. [20-0439](#)

Recommendation:    Adopt the Resolutions EXPRESSING APPRECIATION to 20 Water 101 Academy Ambassadors.

Manager:                Rick L. Callender, 408 630-2017

Attachments:          [Attachment 1: Resolutions](#)

- 3.2. Adopt Recommended Positions on State Legislation: SB 1188 (Stern) [19-0960](#)  
The California Water Plan; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

Recommendation: Adopt a position of "Support" on: SB 1188 (Stern) The California Water Plan.

Manager: Rachael Gibson, 408-630-2884

- \*3.3. Approve Recommended Positions on Federal Legislation: H.R. 6643 [20-0453](#)  
(Schneider) - Supporting State and Local Leaders Act; \*S. 3591  
(Barrasso) - America's Water Infrastructure Act (AWIA) of 2020; and \*S.  
3590 (Barrasso) - Drinking Water Infrastructure Act of 2020.

Recommendation: A. Adopt a position of "Support" on H.R. 6643 (Schneider) - Supporting State and Local Leaders Act;  
B. \*Adopt a position of "Support and Amend" on S. 3591 (Barrasso) - America's Water Infrastructure Act (AWIA) of 2020; and  
C. \*Adopt a position of "Support" on S. 3590 (Barrasso) - Drinking Water Infrastructure Act of 2020.

Manager: Rachael Gibson, 408-630-2884

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

- \*3.4. Accept the CEO Bulletin for the Weeks of May 8 -22, 2020. [20-0428](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 052220 CEO Bulletin](#)

#### **REGULAR AGENDA:**

#### **4. BOARD OF DIRECTORS:**

- \*4.1. Chief Executive Officer Appointment and Employment Agreement. [20-0454](#)

Recommendation: Adopt the Resolution APPOINTING ENRICO (RICK) CALLENDER AS THE CHIEF EXECUTIVE OFFICER, A BOARD APPOINTED OFFICER OF THE SANTA CLARA VALLEY WATER DISTRICT, AND APPROVING EMPLOYMENT AGREEMENT.

Manager: Michele King, 408-630-2711

Attachments: [\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: Resolution](#)  
[\\*Handout 4.1-A, D Muirhead](#)

Est. Staff Time: 5 Minutes

- 4.2. Board Committee Reports. [20-0430](#)

Attachments: [\\*Handout 4.2-A, DCA Design & Construction Summary](#)  
[\\*Handout 4.2-B, DCA Finance Summary](#)

- 4.3. Proposed Future Board Member Agenda Items.

**5. WATER UTILITY ENTERPRISE:**

- \*5.1. ITEM REMOVED FROM AGENDA.  
(Receive an Update on the Central Valley Project Contract Conversion Process Under the Water Infrastructure Improvements for the Nation Act; Adopt a Resolution Approving Mercy Spring Repayment Contract and Authorizing the Chief Executive Officer to Execute it; and Approve and Authorize the District Counsel to File a Validation Action for the Mercy Springs Repayment Contract.)

**6. WATERSHEDS:**

**7. EXTERNAL AFFAIRS:**

**8. CHIEF EXECUTIVE OFFICER:**

- 8.1. Update on COVID-19 Response.

- \*8.2. CEO and Chiefs' Report. [20-0451](#)

Attachments: [\\*Handout 8.2-A: Office of Government Relations Update](#)

**9. ADMINISTRATION:**

**10. DISTRICT COUNSEL:**

**11. ADJOURN:**

11.1. Board Member Reports/Announcements.

11.2. Clerk Review and Clarification of Board Requests.

11.3. Adjourn to Regular Meeting at 1:00 p.m., on June 9, 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.