



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

REGULAR MEETING AGENDA

**Tuesday, May 11, 2021
11:00 AM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

DISTRICT BOARD OF DIRECTORS
Tony Estremera, Chair - District 6
Gary Kremen, Vice Chair - District 7
John Varela - District 1
Barbara Keegan - District 2
Richard P. Santos - District 3
Linda J. LeZotte - District 4
Nai Hsueh - District 5

During the COVID-19 restrictions, 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, or through a link in the Zoom Chat Section during the respective meeting. 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
REGULAR MEETING
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Tuesday, May 11, 2021

11:00 AM

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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" tool 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.

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 the District 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://emma.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/87258075157>

Meeting ID: 872 5807 5157

Join by Phone:

1 (669) 900-9128, 87258075157#

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 WITH LABOR NEGOTIATIONS

[21-0529](#)

Pursuant to Government Code Section 54957.6(a)

Agency Designated Representatives: Rick Callender, Tina Yoke, Ingrid Bella, Bryant Welch, Laura Harbert, Emily Meeks, Ingrid Bella

Employee Organizations: Employees Association, Engineers Society, Professional Managers Association

2.2. CLOSED SESSION

[21-0528](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Title: CEO, District Counsel and Clerk of the Board

1:00 PM

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/87258075157>

Meeting ID: 872 5807 5157

Join by Phone:

1 (669) 900-9128, 87258075157#

2.3. District Counsel Report on Closed Session.

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: Members of the public who wish to address the Board on any item not listed on the agenda should access the "Raise Hand" tool 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.*

- 2.7. Public Hearing on the Santa Clara Valley Water District's Draft Fiscal Years 2022-2026 Five-Year Capital Improvement Program (Continued from April 28, 2021), and Adoption of Resolution Approving the final Fiscal Years 2022-2026 Five-Year Capital Improvement Program. [21-0305](#)

- Recommendation:
- A. Re-convene the public hearing from April 28, 2021 to receive comments regarding the Santa Clara Valley Water District's Draft Fiscal Years 2022-2026 Five-Year Capital Improvement Program (CIP);
 - B. Close the public hearing;
 - C. Direct staff to incorporate the identified changes to the Draft FY 2022-2026 Five-Year CIP and finalize the FY 2022-2026 Five-Year CIP by June 30, 2021; and
 - D. Adopt the Resolution APPROVING FISCAL YEARS 2022-2026 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Draft FY 2022-26 CIP](#)
[Attachment 2: Resolution](#)
[Attachment 3: Final CIP Financial Overview](#)
[Attachment 4: Agency Letters](#)
[Attachment 5: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 2.8. Public Hearing-Annual Report Recommending Flood Control Benefit Assessments and Resolution Setting Benefit Assessment Revenue for Fiscal Year 2021-2022. [21-0502](#)

Recommendation: A. Open the annual public hearing to consider any comments regarding the Flood Control Benefit Assessments for Fiscal Year 2021-2022 (FY 2021-22);
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 2021-2022 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: Flood Control Benefit Assessment Report](#)

Est. Staff Time: 10 Minutes

- 2.9. 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 2021-2022. [21-0480](#)

Recommendation: A. Accept the fiscal year 2021-22 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 2021-2022.

Manager: Melanie Richardson, 408-630-2035

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

Est. Staff Time: 10 Minutes

2.10. Adoption of Groundwater Production and Other Water Charges for Fiscal Year 2021-2022. [21-0503](#)

- Recommendation:
- A. Adopt a Resolution DETERMINING GROUNDWATER PRODUCTION CHARGES FOR FISCAL YEAR 2021-2022; and
 - B. Adopt a Resolution DETERMINING SURFACE WATER, TREATED WATER, AND SOUTH COUNTY RECYCLED WATER CHARGES FOR FISCAL YEAR 2021-2022.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Maximum Proposed FY22 Water Charges](#)

Est. Staff Time: 5 Minutes

2.11. Resolutions Adopting the Fiscal Year 2021-22 Operating and Capital Budget and Levy of Ad-Valorem Property Taxes, Authorizing the Transfer of Funds From Special Purpose Funds and Making Certain Determinations in Connection Therewith, in a Not to Exceed Amount of \$25 Million in FY 2021-22 to Fund Supplemental Water Purchases; and Approval of Santa Clara Valley Water District Reserve Policy. [21-0510](#)

- Recommendation:
- A. Discuss and adopt a Resolution APPROVING AND ADOPTING THE OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2021-2022;
 - B. Discuss and adopt a Resolution PROVIDING FOR LEVY OF AD VALOREM REAL PROPERTY TAXES IN FISCAL YEAR 2021-22 TO MEET THE COST OF ITS WATER SUPPLY CONTRACT WITH THE STATE OF CALIFORNIA;
 - C. Adopt Resolution AUTHORIZING THE TRANSFER OF FUNDS FROM SPECIAL PURPOSE FUNDS AND MAKING CERTAIN DETERMINATIONS IN CONNECTION THEREWITH, in a not to exceed amount of \$25 million in Fiscal Year 2021-22 to fund supplemental water purchases; and
 - D. Approve the Santa Clara Valley Water District (Valley Water) Reserve Policy.

Manager: Darin Taylor, 408-630-3068

Est. Staff Time: 5 Minutes

3. CONSENT CALENDAR: (3.1 - 3.3) (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 submit a request to speak to the Clerk of the Board.

- 3.1. Adopt Resolutions (2) Delegating Authority to Deposit and Invest Funds to the Treasurer or their Designee, and Authorizing Investment of Monies in the Local Agency Investment Fund. [21-0343](#)

Recommendation: A. Adopt the Resolution DELEGATING AUTHORITY TO DEPOSIT AND INVEST FUNDS TO THE TREASURER OR THEIR DESIGNEE;
 B. Approve the Board Investment Policy; and
 C. Adopt the Resolution AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution, Delegating Authority](#)
 [Attachment 2: FY 21-22 Investment Policy](#)
 [Attachment 3: Resolution, Authorizing Investment](#)
 [Attachment 4: ESG Reports](#)

- 3.2. Receive the Board Audit Committee 2020 Self-Evaluation Report. [21-0445](#)

Recommendation: Receive the Board Audit Committee 2020 Self-Evaluation Report.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: BAC Self-Evaluation-Keegan](#)
 [Attachment 2: BAC Self-Evaluation-LeZotte](#)
 [Attachment 3: BAC Self-Evaluation-Santos](#)
 [Attachment 4: BAC Self-Evaluation-Kremen](#)

- 3.3. Resolution Recognizing May as Asian-Pacific American Heritage Month. [21-0522](#)

Recommendation: Adopt the Resolution RECOGNIZING MAY AS ASIAN-PACIFIC AMERICAN HERITAGE MONTH.

Manager: Tina Yoke, 408-630-2385

Attachments: [Attachment 1: Resolution](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Low-Income Customer Assistance Discussion. [21-0538](#)

Recommendation: Receive information on Low-Income Customer Assistance program options and ideas.

Manager: Darin Taylor, 408-630-3068

Est. Staff Time: 5 Minutes

- 4.2. Board Committee Reports.

- 4.3. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

- 5.1. Budget Adjustment Transferring \$7 Million from Multiple Water Utility Debt Service Projects to the Imported Water Unit for Emergency Water Purchases. [21-0507](#)

Recommendation: Approve a budget adjustment transferring \$7 million from multiple Water Utility debt service projects (No. 95993007, 95993008, 95993025, 95993026) to the Imported Water South Bay Aqueduct Deliveries project (No. 91131007) for emergency water purchases.

Manager: Vincent Gin, 408-630-2633

Est. Staff Time: 10 Minutes

6. WATERSHEDS:

6.1. Approve a Budget Adjustment in the Amount of \$875,000, from Fund 12 Operating and Capital Reserves, and Approve the Agreement with Horizon Water and Environment, LLC, for Environmental Planning and Permitting Services for the Stream Maintenance Renewal Program Project, Project No. 00041022, CAS File No. 5168 for a Not-to-Exceed Fee of \$2,137,452 for Valley Water's jurisdiction within Santa Clara County.

[21-0410](#)

- Recommendation:
- A. Approve a Fiscal Year 2021 budget adjustment in the amount of \$875,000 from Fund 12 Operating and Capital Reserves for environmental planning and consulting services associated with renewal of the Stream Maintenance Program Project; and
 - B. Approve the agreement with Horizon Water and Environment, LLC., for Environmental Planning and Permitting Services for the Stream Maintenance Program Renewal (Project) for a not-to-exceed fee of \$2,137,452.

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

- 6.2. Adopt a Resolution Certifying the Final Environmental Impact Report, [21-0386](#)
Adopting the Mitigation Monitoring and Reporting Program, Findings of
Fact, and Statement of Overriding Considerations for the Almaden Lake
Improvement Project; Approve the Project as Project D4 to be constructed
under the Safe, Clean Water and Natural Flood Protection Program,
Project No. 26044001 (San Jose, District 4).

Recommendation: A. Consider the Potential Environmental Effects of the
Almaden Lake Improvement Project as discussed in the
Final Environmental Impact Report (EIR);
B. Adopt a RESOLUTION CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT, ADOPTING THE
MITIGATION MONITORING AND REPORTING
PROGRAM, FINDINGS OF FACT, AND STATEMENT
OF OVERRIDING CONSIDERATIONS FOR THE
ALMADEN LAKE IMPROVEMENT PROJECT; and
C. Approve the Almaden Lake Improvement Project as
Project D4 (Fish Habitat and Passage Improvement) to
be constructed under the Safe, Clean Water and Natural
Flood Protection Program.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: Final EIR Cover Page and Link](#)
[Attachment 2: Resolution](#)
[Attachment 3: Project Delivery Chart](#)

Est. Staff Time: 15 Minutes

- 6.3. Acquisition of Real Property from Srinivasarao B. Parimi and Madhavi [21-0339](#)
Rao Parimi, for the Coyote Creek Flood Management Measures Project
as part of the Federal Energy Regulatory Commission Order Compliance
Project, under the Anderson Dam Seismic Retrofit Project No. 91864005,
APN 467-29-038 and 467-29-039, Real Estate File No. 4021-285, (San
Jose) (District 2).

Recommendation: Approve and authorize the Chief Executive Officer (CEO) to
execute the Right of Way Agreement No. 4021-285; and to
accept the Grant Deed No. 4021-285.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: Right of Way Agreement No. 4021-285](#)
[Attachment 2: Grant Deed No. 4021-285](#)

Est. Staff Time: 5 Minutes

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

9.1. 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, Adopt the Resolution Regarding Intention to Issue Tax-Exempt Obligations for Water Utility Enterprise, Adopt the Resolution Regarding Intention to Issue Tax-Exempt Obligations for Safe, Clean Water and Natural Flood Protection Program, and Adopt the Resolution Providing for the Allocation of Safe, Clean Water Program Revenues and Establishing Covenants to Secure the Payment of Obligations Payable Therefrom.

[21-0340](#)

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 (TRANS) TO SUPPORT A COMMERCIAL PAPER PROGRAM AND OTHER SHORT-TERM OBLIGATIONS;
- B. Authorize the Chief Executive Officer, or Chief Financial Officer (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 such other chief executives of Valley Water (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 2021-22;
- 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 Regarding INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR WATER UTILITY ENTERPRISE;
- F. Adopt the Resolution Regarding INTENTION TO ISSUE TAX-EXEMPT OBLIGATIONS FOR SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM; and
- G. Adopt the Resolution Providing for the Allocation of Safe, Clean Water Program Revenues and Establishing Covenants to Secure the Payment of Obligations Payable Therefrom (Safe, Clean Water Master Resolution).

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution, Authorizing TRANS](#)
 [Attachment 2: Resolution, Water Utility Obligations](#)
 [Attachment 3: Resolution, SCW Obligations](#)
 [Attachment 4: Sustainalytics ESG Risk Ratings](#)
 [Attachment 5: SCW Master Resolution](#)
 [Attachment 6: SCW Master Resolution Q&A](#)

Est. Staff Time: 5 Minutes

9.2. CEO and Chiefs' Report.

10. ADMINISTRATION:

11. DISTRICT COUNSEL:

12. ADJOURN:

12.1. Board Member Reports/Announcements.

12.2. Clerk Review and Clarification of Board Requests.

12.3. Adjourn to Regular Meeting at 6:00 p.m., on May 25, 2021, 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.