



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED** ***1:00 PM REGULAR MEETING** **AGENDA**

Tuesday, September 8, 2020
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
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.

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.

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**Santa Clara Valley Water District
Board of Directors**

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Tuesday, September 8, 2020

1:00 PM

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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.

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://emmas.msrb.org> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Join Zoom Meeting:

<https://valleywater.zoom.us/j/96229825428>

Meeting ID: 962 2982 5428

Join by Phone:

1 (669) 900-9128, 96229825428#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

***11:00 AM (Meeting Start Time Moved to 1:00 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. *(ITEM REMOVED FROM AGENDA) CLOSED SESSION
PUBLIC EMPLOYEE PERFORMANCE EVALUATION

1:00 PM

*2.2. *(ITEM REMOVED FROM AGENDA) 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. Adopt the Resolution Recognizing the Contributions of Sig Sanchez, in Commemoration of His 100th Birthday and Public Service to the City of Gilroy, the Santa Clara County Board of Supervisors, the Santa Clara Valley Water District, and the San Luis & Delta-Mendota Water Authority.

[20-0832](#)

Recommendation: Adopt the Resolution RECOGNIZING THE CONTRIBUTIONS OF SIG SANCHEZ IN COMMEMORATION OF HIS 100TH BIRTHDAY AND PUBLIC SERVICE TO THE CITY OF GILROY, THE SANTA CLARA COUNTY BOARD OF SUPERVISORS, THE SANTA CLARA VALLEY WATER DISTRICT (VALLEY WATER) AND THE SAN LUIS & DELTA-MENDOTA WATER AUTHORITY.

Manager: Rachael Gibson, 408-630-2884

Attachments: [Attachment 1: Resolution](#)

[*Handout 2.5-A: J. Maher Comments](#)

[*Handout 2.5-B: Presentation and Speakers List](#)

Est. Staff Time: 10 Minutes

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" 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.

- *2.7. Adopt Resolution Authorizing the Issuance of Not to Exceed \$120 Million Water System Refunding Revenue Bonds, Authorizing the Execution and Delivery of Not to Exceed \$155 Million Revenue Certificates of Participation, Approving the Execution and Delivery of Certain Documents, and Authorizing Certain Acts in Connection Therewith.
(Continued from August 25, 2020)

[20-0803](#)

- Recommendation:
- A. Adopt the Resolution AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$120 MILLION REFUNDING REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$155 MILLION REVENUE CERTIFICATES OF PARTICIPATION, APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS, AND AUTHORIZING CERTAIN ACTS IN CONNECTION THEREWITH; and
 - B. Authorize and direct the Chief Executive Officer, Assistant Chief Executive Officer-Operations, Chief Financial Officer, Treasury and Debt Officer, District Counsel, the Clerk of the Board, and such other officers and staff of the Santa Clara Valley Water District, acting singly, to do any and all things, and to execute and deliver any and all documents, which such officers may deem necessary or advisable in order to consummate the sale and delivery of the Refunding Revenue Bonds and the Revenue Certificates of Participation.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Preliminary Official Statement](#)
[Attachment 3: Continuing Disclosure Agreements](#)
[Attachment 4: Indenture of Trust \(Bonds\)](#)
[Attachment 5: Trust Agreement \(Certificates\)](#)
[Attachment 6: Installment Purchase Agreement](#)
[Attachment 7: Bond Purchase Contract](#)
[Attachment 8: Certificate Purchase Agreement](#)
[Attachment 9: Debt Management Policy](#)
[Attachment 10: Fed. Securities Law, Disclosure Responsibilities](#)
[*Supplemental Agenda Memorandum](#)
[*Supplemental Attachment 1: Board Feedback from August 25, 2020](#)
[*Supplemental Attachment 2: Updated Preliminary Official Statement](#)
[*Supplemental Attachment 3: Updated Financing Schedule](#)

Est. Staff Time: 5 Minutes

3. CONSENT CALENDAR: (3.1 - 3.8) (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 Declaring all Saturdays in September as Coastal Cleanup Days in Santa Clara County.

[20-0724](#)

Recommendation: Adopt the Resolution DECLARING ALL SATURDAYS IN SEPTEMBER AS COASTAL CLEANUP IN SANTA CLARA COUNTY.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.2. Adopt Recommended Positions on Federal Legislation: S. 4188 (Harris) Water for Tomorrow Act; H.R. 7575 (DeFazio) Water Resources Development Act; S. 4308 (Sinema) A Bill to Amend the Social Security Act to Include Special Districts in the Coronavirus Relief Fund, to Direct the Secretary to Include Special Districts as an Eligible Issuer Under the Municipal Liquidity Facility, and for Other Purposes; S. 2596 (Duckworth) Voluntary Water Partnership for Distressed Communities Act of 2019; S. 4530 (Feinstein) / H.R. 8041 (Harder) Snow Water Supply Forecasting Program Authorization Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board. [20-0725](#)

Recommendation:

- A. Adopt a position of “Support and Amend” on S. 4188 (Harris) Water for Tomorrow Act;
- B. Adopt a position of “Support and Amend” on H.R. 7575 (DeFazio) Water Resources Development Act of 2020;
- C. Adopt a position of “Support” on S. 4308 (Sinema) A bill to amend the Social Security Act to include special districts in the coronavirus relief fund, to direct the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility, and for other purposes;
- D. Adopt a position of “Support” on S. 2596 (Duckworth) Voluntary Water Partnership for Distressed Communities Act of 2019; and
- E. Adopt a position of “Support” on S. 4530 (Feinstein) / H.R. 8041 (Harder) Snow Water Supply Forecasting Program Authorization Act.

Manager: Don Rocha, 408-630-2338

- 3.3. Slate Energy Storage Project Rate Agreement for Battery Storage with the Power and Water Resources Pooling Authority. [20-0762](#)

Recommendation: Authorize the Chief Executive Officer to negotiate and, following Valley Water’s compliance with the California Environmental Quality Act as needed, execute the Slate Energy Storage Project Rate Agreement with the Power and Water Resources Pooling Authority to add battery storage to the Recurrent Energy Slate solar project.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Agreement](#)

- 3.4. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2020. [20-0726](#)
- Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2020; and
B. Approve the report, if the reimbursements comply with Board Policy.
- Manager: Darin Taylor, 408-630-3068
- Attachments: [Attachment 1: Quarterly Expense Reports](#)
- 3.5. Accept the CEO Bulletin for the Weeks of August 14 - 27, 2020. [20-0770](#)
- Recommendation: Accept the CEO Bulletin.
- Manager: Rick Callender, 408-630-2017
- Attachments: [Attachment 1: 082720 CEO Bulletin](#)
- 3.6. Resolution Proclaiming September 2020 as National Preparedness Month. [20-0800](#)
- Recommendation: Adopt the Resolution NATIONAL PREPAREDNESS MONTH, SEPTEMBER 2020.
- Manager: Tina Yoke, 408-630-2385
- Attachments: [Attachment 1: Resolution](#)
- 3.7. Resolution Declaring September 15 to October 15, 2020, as National Hispanic Heritage Month. [20-0792](#)
- Recommendation: Adopt the Resolution DECLARING SEPTEMBER 15 TO OCTOBER 15, 2020, AS NATIONAL HISPANIC HERITAGE MONTH.
- Manager: Jerry De La Piedra, 408-630-2257
- Attachments: [Attachment 1: Resolution](#)
- *3.8. Approval of Minutes. [20-0771](#)
- Recommendation: Approve the minutes.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: 072120 Special Meeting Minutes](#)
[Attachment 2: 072820 Regular Meeting Minutes](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Public/Private Partnership Implementation Approach and Staffing Plan for Purified Water Projects. [20-0736](#)

Recommendation:

- A. Approve the proposed Design-Build-Finance-Operate-Maintain procedures for procurement under a Public-Private Partnership (P3) structure of the necessary facilities and services to accomplish purification and delivery to groundwater recharge ponds of the product water;
- B. Direct staff to launch a P3 procurement plan as soon as the necessary elements for a proposed project, including (a) agreement for long-term supply of treated wastewater, (b) agreement enabling management of reverse osmosis concentrate, and (c) agreement for siting of the purification facilities, are sufficiently secured for the proposed project;
- C. Encourage the current short-listed P3 entities to participate in the new Request for Qualifications;
- D. Review a schedule for implementation of the P3 procurement process; and
- E. Receive information on the P3 staffing plan.

Manager: Garth Hall, 408-630-2750
Roslyn Fuller, 408-630-2379

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Consultant Biographies](#)
[Handout 4.1-A, S. Williams Email](#)

Est. Staff Time: 10 Minutes

- *4.2. Board Committee Reports. [20-0806](#)

Attachments: [*Handout 4.2-A: 081920 BAC Summary](#)
[*Handout 4.2-B: 082620 Youth Comm Summary](#)
[*Handout 4.2-C: 082720 D&I Summary](#)
[*Handout 4.2-D: 083120 HEAHC Summary](#)
[*Handout 4.2-E: 091620 BAC Agenda](#)

- 4.3. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

- 5.1. Report of Bids Received and Award of Construction Contract to Blocka Construction, Inc., for the Pacheco Pumping Plant Priority 1 Fire Alarm and Suppression System Improvements, Project No. 91214010, Contract No. C0653 (Merced County). [20-0776](#)

Recommendation: A. Ratify Addenda No. 1, 2, 3, and 4 to the Contract Documents for the Pacheco Pumping Plant Priority 1 Fire Alarm and Suppression System Improvements;
 B. Award the Construction Contract to Blocka Construction, Inc. in the sum of \$1,571,355; and
 C. Approve a contingency sum of \$157,135 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Addenda Nos. 1, 2, 3, and 4](#)
 [Attachment 2: Project Delivery Process Chart](#)
 [Attachment 3: Map](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

9.1. Update on COVID-19 Response.

*9.2. CEO and Chiefs' Report. [20-0835](#)

Attachments: [*Handout 9.2-A: Stream Maintenance Report](#)
 [*Handout 9.2-B: Office of Civic Engagement](#)
 [*Handout 9.2-C: Office of Communications](#)

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 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting, on September 22, 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.