



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED** **5:00 P.M.CLOSED SESSION AND 6:00 P.M. REGULAR** **MEETING** **AGENDA**

Tuesday, September 22, 2020
5:00 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.

Santa Clara Valley Water District Board of Directors

***AMENDED/APPEDED AGENDA**

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Tuesday, September 22, 2020

5:00 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 [h t t p s : / / e m m a . m s r b . o r g / a n d https://www.valleywater.org/how-we-operate/financebudget/investor-relations](http://www.valleywater.org/how-we-operate/financebudget/investor-relations), respectively.

Join Zoom Meeting:

<https://valleywater.zoom.us/j/95544338586>

Meeting ID: 955 4433 8586

Join by Phone:

1 (669) 900-9128, 95544338586#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

5:00 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

[20-0864](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

SCVWD v. San Francisco Bay Regional Water Quality Control Board

First Appellate District, Court of Appeal of the State of California, Case

No. A157127

*2.2. CLOSED SESSION

[20-0900](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Title: Chief Executive Officer, District Counsel and Clerk of the Board

6:00 PM

Rejoin Zoom Meeting

<https://valleywater.zoom.us/j/95544338586>

Meeting ID: 955 4433 8586

Join by Phone:

1 (669) 900-9128, 95544338586#

*2.3. District Counsel Report on Closed Session. (PREVIOUSLY LISTED AS ITEM 2.2)

*2.4. Pledge of Allegiance/National Anthem. (PREVIOUSLY LISTED AS ITEM 2.3)

*2.5. Orders of the Day. (PREVIOUSLY LISTED AS ITEM 2.4)

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.
(PREVIOUSLY LISTED AS ITEM 2.5)

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.

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. Approve City of Santa Clara Successor Agency Compensation Agreement.

[20-0775](#)

Recommendation: Approve City of Santa Clara Successor Agency Compensation Agreement.

Manager: Donald Rocha, 408-630-2338

Attachments: [Attachment 1: Compensation Agmt \(RDA Successor Resolution\)](#)
[Attachment 2: SC Convention Center CCRs](#)

- 3.2. Membership Nominations for Committee Appointments to the Santa Clara Valley Water Youth Commission. [20-0805](#)
- Recommendation: Consider nominations for two-year membership appointments to the Santa Clara Valley Water Youth Commission.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: Kulkarni, A. Application](#)
[Attachment 2: Kulkarni, V. Application](#)
[Attachment 3: SCVWD Resolution No. 17-75](#)
- 3.3. Recognition of Outgoing Youth Commission Members. [20-0811](#)
- Recommendation: Acknowledge and Recognize Outgoing Youth Commission Members.
- Manager: Michele King, 408-630-2711
- Attachments: [Attachment 1: Certificates of Recognition](#)
- 3.4. Notice of Completion of Contract and Acceptance of Work for the Rinconada Water Treatment Plant Oak Woodland Project, Ecological Concerns, Inc., Contractor, Project No. 93294057, Contract No. C0651 (Los Gatos) (District 7). [20-0808](#)
- Recommendation: A. Accept the work for the Rinconada Water Treatment Plant Oak Woodland Project, Project No. 93294057, Contract No. C0651 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: [Attachment 1: Notice of Completion](#)
[Attachment 2: Construction Contract Acceptance](#)
[Attachment 3: Project Completion Letter](#)
[Attachment 4: Construction Photos](#)
[Attachment 5: Project Delivery Process Chart](#)

- 3.5. Accept the CEO Bulletin for the Weeks of August 28 - September 10, 2020. [20-0812](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 091020 CEO Bulletin](#)

- 3.6. Approval of Minutes. [20-0774](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 081120 Regular Meeting Minutes](#)

[Attachment 2: 081420 Special Meeting Minutes](#)

[Attachment 3: 081920 Special Meeting Minutes](#)

[Attachment 4: 082520 Regular Meeting Minutes](#)

- *3.7. Adopt Recommended Position on Measure T, the Santa Clara Valley Open Space Authority's Open Space, Wildlife Habitat, Clean Water, and Increased Public Access Measure. (PREVIOUSLY LISTED AS ITEM 8.1) [20-0721](#)

Recommendation: Adopt a position of "Support" on Measure T, the Santa Clara Valley Open Space Authority's Open Space, Wildlife Habitat, Clean Water, and Increased Public Access Measure.

Manager: Donald Rocha, 408-630-2338

Attachments: [Attachment 1: SVOSA Measure Expenditure Plan](#)

Est. Staff Time: 5 Minutes

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Consider the July 27, 2020 Diversity and Inclusion Ad Hoc Committee Recommendation to Adopt a Resolution Addressing Systemic Racism and Promoting Equity and Present the Resolution to all Board Committees. [20-0690](#)

Recommendation:

- A. Consider the July 27, 2020 Diversity and Inclusion Ad Hoc Committee recommendations to adopt a Resolution Addressing Systematic Racism and Promoting Equity, and refer to staff to present the Resolution, if adopted, to all Board committees;
- B. Adopt the Resolution Addressing Systemic Racism and Promoting Equity; and
- C. Refer to staff to present the Resolution, if adopted, to all Board committees.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: ACA 5 \(Weber\)](#)

Est. Staff Time: 10 Minutes

- 4.2. Consider the July 27, 2020 Diversity and Inclusion Ad Hoc Committee Recommendation to Adopt a Resolution Recognizing Senator Kamala Harris as the First Woman of Color to be Selected as a Vice Presidential Candidate on a Major Political Party Ticket. [20-0809](#)

Recommendation:

- A. Consider the July 27, 2020 Diversity and Inclusion Ad Hoc Committee recommendation to adopt a Resolution recognizing Senator Kamala Harris as the first woman of color to be selected as a Vice Presidential candidate on a major political party ticket; and
- B. Adopt the RESOLUTION RECOGNIZING SENATOR KAMALA HARRIS AS THE FIRST WOMAN OF COLOR TO BE SELECTED AS A VICE PRESIDENTIAL CANDIDATE ON A MAJOR POLITICAL PARTY TICKET.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

*4.3. Financial Status Update and Strategy Recommendations during COVID-19 Pandemic.

[20-0882](#)

- Recommendation:
- A. *Receive financial status update as it relates to the impact of the COVID-19 Pandemic;
 - B. *Direct staff not to pursue a mid-year water rate adjustment for FY 2020-21;
 - C. *Direct staff to continue to pursue partnerships to assist with water related programs and to continue to expand outreach and support for small businesses; and
 - D. *Direct staff to implement a Retailer Loan Program based on the attached draft termsheet.

Manager: Darin Taylor, 408-630-3068

Attachments: [*Original Board Agenda Memo](#)
[*Supplemental Board Agenda Memo](#)
[*Supplemental Attachment 1: PowerPoint](#)
[*Supplemental Attachment 2: Retailer Loan Termsheet](#)

Est. Staff Time: 20 Minutes

*4.4. Board Committee Reports.

[20-0861](#)

Attachments: [*Handout 4.4-A: 092320 RWC Agenda](#)
[*Handout 4.4-B: 091720 Delta Conveyance DCA Summary](#)

4.5. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

6. WATERSHEDS:

- 6.1. Approve the Agreements with Panorama Environmental, Inc., CAS File 5077, for a Total Not-to-Exceed Amount of \$3,000,000, and with GEI Consultants, Inc., CAS File 5119, for a Total Not-to-Exceed Amount of \$3,000,000, for Project No. 62041043, On-Call Environmental Planning and Permitting Services Project. [20-0691](#)

Recommendation:

- A. Approve the Standard On-Call Consultant Agreement by and between Santa Clara Valley Water District and Panorama Environmental, Inc. for On-Call Environmental Planning and Permitting Services (Project) for a not-to-exceed fee of \$3,000,000; and
- B. Approve the Standard On-Call Consultant Agreement by and between Santa Clara Valley Water District and GEI Consultants, Inc. for On-Call Environmental Planning and Permitting Services (Project) for a not-to-exceed fee of \$3,000,000.

Attachments: [Attachment 1: Agreement, Panorama Environmental](#)
[Attachment 2: Agreement, GEI Consultants](#)

Est. Staff Time: 5 Minutes

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 7.1. Fiscal Year 2019-2020 (FY20) Safe, Clean Water and Natural Flood Protection Program Annual Report - Year 7. [20-0677](#)

Recommendation:

- A. Approve the proposed text adjustment to the Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Program;
- B. Approve the FY20 Safe, Clean Water Program Annual Report - Year 7 with unaudited financials; and
- C. Authorize staff to finalize the FY20 Safe, Clean Water Program Annual Report - Year 7 Annual Report (with audited financials) and submit the final report to the Independent Monitoring Committee (IMC) for its review.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: FY 20 Safe Clean Water Annual Report](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 5 Minutes

8. EXTERNAL AFFAIRS:

- *8.1. Moved to Item 3.7.

- 8.2. Adopt Recommended Positions on State Ballot Initiatives: Proposition 15 - Tax on Commercial and Industrial Properties for Education and Local Government Funding Initiative; and Proposition 16 - Allows Diversity as a Factor in Public Employment, Education, and Contracting Decisions, Legislative Constitutional Amendment. [20-0829](#)

Recommendation: A. Adopt a position of "Support" on Proposition 15 - Tax on Commercial and Industrial Properties for Education and Local Government Funding Initiative; and
B. Adopt a position of "Support" on Proposition 16 - Allows Diversity as a Factor in Public Employment, Education, and Contracting Decisions, Legislative Constitutional Amendment.

Manager: Donald Rocha, 408-630-2338

Est. Staff Time: 5 Minutes

9. CHIEF EXECUTIVE OFFICER:

- 9.1. Update on COVID-19 Response.

- *9.2. CEO and Chiefs' Report. [20-0913](#)

Attachments: [*Handout 9.2-A: Office Government Relations](#)

10. ADMINISTRATION:

- 10.1. Adopt Resolution Approving the Amended Compensation Plan for Unrepresented Employees in the Executive Service (July 1, 2018 through June 30, 2022). [20-0737](#)

Recommendation: A. Receive information pertaining to the August 2019 CalPERS findings temporary upgrade pay reported as special compensation; and
B. Adopt the Resolution APPROVING THE AMENDED COMPENSATION PLAN FOR UNREPRESENTED EMPLOYEES IN THE EXECUTIVE SERVICE - (JULY 1, 2018 THROUGH JUNE 30, 2022).

Manager: Anna Noriega, 408-630-3089

Attachments: [Attachment 1: Resolution and Amended Compensation Plan](#)
[Attachment 2: CalPERS Temporary Upgrade Pay Review](#)

Est. Staff Time: 5 Minutes

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 1:00 p.m., on October 13, 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.