



# Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

**\*AMENDED/APPENDED**  
**AMENDED 11:00 AM CLOSED SESSION AND 1:00 PM**  
**REGULAR MEETING**  
**AGENDA**

**Tuesday, October 13, 2020**  
**11:00 AM**

**\*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**

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Tuesday, October 13, 2020

11:00 AM

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.

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 <http://emmas.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/97684891936>**

**Meeting ID: 976 8489 1936**

**Join by Phone:**

**1 (669) 900-9128, 97684891936#**

**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

PUBLIC EMPLOYEE EMPLOYMENT

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

Title: District Counsel

[20-0922](#)

\*2.2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4) - One Potential Case

[20-0958](#)

\*2.3. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

White, et al. v. SCVWD, et al. (Santa Clara Co. Superior Court, No. 18CV321600 (Lead))

[20-0959](#)

**1:00 PM**

**Rejoin Zoom Meeting:**  
**<https://valleywater.zoom.us/j/97684891936>**  
**Meeting ID: 976 8489 1936**  
**Join by Phone:**  
**1 (669) 900-9128, 97684891936#**

- \*2.4. District Counsel Report on Closed Session. (Previously Listed as Item 2.2.)
- \*2.5. Pledge of Allegiance/National Anthem. (Previously Listed as Item 2.3.)
- \*2.6. Orders of the Day. (Previously Listed as Item 2.4.)
  - A. *Approximate Discussion Time (Board); and*
  - B. *Adjustments to the Order of Agenda Items.*
- \*2.7. 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.*

- \*2.8. Adopt Resolution Expressing Appreciation to Norma J. Camacho. [20-0895](#)

Recommendation: Adopt the Resolution EXPRESSING APPRECIATION TO NORMA J. CAMACHO.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

- \*2.9. Receive Information and Authorize Staff to Proceed with Execution of Bank Line(s) of Credit with Aggregate Stated Amount Not to Exceed \$200 Million. \*(Previously Listed as Item 2.7.) [20-0937](#)

- Recommendation:
- A. Receive information regarding bank line(s) of credit solicitation;
  - B. Authorize staff to proceed with execution of bank line(s) of credit with aggregate stated amount not to exceed \$200 Million.
  - C. \* Authorize a deposit of up to \$14 million in a Certificate of Deposit Account Registry Service (CDAR) account with Bank of San Francisco, earning 0.45% per year for three-years; and
  - D. \* Authorize staff to offer special incentives to California based small community banks to fully subscribe the \$20 million syndicated community banks loan capacity.

Manager: Darin Taylor, 408-630-3068

Attachments: [\\*Original Agenda Memo](#)  
[\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: Best/Final Bank Proposals](#)  
[\\*Supplemental Attachment 2: Cert. Purchase/Reimburse Agmt](#)  
[\\*Supplemental Attachment 3: Small Banks Outreach](#)

Est. Staff Time: 10 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 Resolution Declaring October 17-24, 2020, as California Flood Preparedness Week in Santa Clara County. [20-0744](#)

Recommendation: Adopt the Resolution DECLARING THE WEEK OF OCTOBER 17 - 24, 2020, AS CALIFORNIA FLOOD PREPAREDNESS WEEK IN SANTA CLARA COUNTY.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.2. Adopt Resolution Setting Time and Place of a Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Project No. 93764004, (San Jose) (District 3). [20-0727](#)

Recommendation: Adopt the Resolution SETTING TIME AND PLACE OF PUBLIC HEARING ON THE ENGINEER'S REPORT AND CEQA EXEMPTION DETERMINATION FOR THE PENITENCIA WATER TREATMENT PLANT REHABILITATION OF FLOCCULATION AND SEDIMENTATION BASINS PROJECT to occur on October 27, 2020, at 6:00 PM by teleconference Zoom meeting.

Manager: Aaron Baker, 408-630-3135

Attachments: [Attachment 1: Resolution](#)  
[Attachment 2: Engineer's Report](#)  
[Attachment 3: Notice of Public Hearing](#)

- \*3.3. Accept the CEO Bulletins for the Weeks of September 11-24, \*and September 25 - October 8, 2020. [20-0917](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 092420 CEO Bulletin](#)  
[\\*Attachment 2: 100820 CEO Bulletin](#)

- \*3.4. Approval of Minutes. [20-0916](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 090820 Regular Meeting Minutes](#)  
[Attachment 2: 091520 Special Meeting Minutes](#)  
[\\*Attachment 3: 092220 Regular Meeting Minutes](#)

## REGULAR AGENDA:

## 4. BOARD OF DIRECTORS:

4.1. Approve Fiscal Year 2020 Board Performance Report. [20-0902](#)

Recommendation: A. Review and provide feedback, if necessary, on the Fiscal Year 2020 Board Performance Report; and  
B. Approve the Fiscal Year 2020 Board Performance Report.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY 2020 Board Performance Report](#)

Est. Staff Time: 5 Minutes

\*4.2. Consider Recommendations Resulting from the September 16, 2020, Board Audit Committee Meeting to Approve Initiation of the Permitting Best Practices Audit (Permits Provided to Requestors); Approve TAP International, Inc. as Auditor for the Permitting Best Practices Audit; and Approve Changes Recommended by the Board Audit Committee to the TAP Annual Audit Work Plan. [20-0911](#)

Recommendation: Consider recommendations resulting from the September 16, 2020, Board Audit Committee meeting and:  
A. Approve Initiation of the Permitting Best Practices Audit (Permits Provided to Requestors);  
B. Approve TAP International, Inc. to be the auditor for the Permitting Best Practices Audit; and  
C. Approve Changes Recommended by the Board Audit Committee to the TAP Annual Audit Work Plan.

Recommendation: Consider recommendations resulting from the September 16, 2020, Board Audit Committee meeting and:

- A. Approve Initiation of the Permitting Best Practices Audit (Permits Provided to Requestors);
- B. Approve TAP International, Inc. to be the auditor for the Permitting Best Practices Audit; and
- C. Approve Changes Recommended by the Board Audit Committee to the TAP Annual Audit Work Plan.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Permitting Best Practices Audit Task Order](#)  
[Attachment 2: Annual Audit Work Plan, Redlined](#)  
[Attachment 3: Annual Audit Work Plan, Revised](#)

Est. Staff Time: 10 Minutes

\*4.3. Consider Recommendations Resulting from the September 16, 2020, Board Audit Committee Meeting and Approve Proposed Updates to the Board Audit Committee Audit Charter. [20-0928](#)

Recommendation: Consider recommendations resulting from the September 16, 2020, Board Audit Committee Meeting and approve the proposed updates to the Board Audit Committee Audit Charter.

Recommendation: Consider recommendations resulting from the September 16, 2020, Board Audit Committee Meeting and approve the proposed updates to the Board Audit Committee Audit Charter.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Revised BAC Charter, with Redlines](#)

Est. Staff Time: 10 Minutes

\*4.4. Board Committee Reports. (Previously Listed as Item 4.2)

[20-0921](#)

- Attachments:
- [\\*Handout 4.4-A: 091420 CIP Summary](#)
  - [\\*Handout 4.4-B: 091620 BAC Summary](#)
  - [\\*Handout 4.4-C: 092320 RWC Summary](#)
  - [\\*Handout 4.4-D: 092820 BPPC Summary](#)
  - [\\*Handout 4.4-E: 092920 WCDM Summary](#)
  - [\\*Handout 4.4-F: 100820 FAHCE Agenda](#)
  - [\\*Handout 4.4-G: 101920 EWRC Agenda](#)
  - [\\*Handout 4.4-H: 100720 SFRWQCB Summary](#)

\*4.5. Proposed Future Board Member Agenda Items. (Previously Listed as Item 4.3)

## 5. WATER UTILITY ENTERPRISE:

\*5.1. Report of Bids Received and Award of Construction Contract to C. Overaa & Co., for the Santa Teresa Water Treatment Plant Air Wash Pipeline Replacement Project, Project No. 93764004, Contract No. C0662 (San Jose, District 7).

[20-0893](#)

- Recommendation:
- A. Ratify Addenda No. 1, 2, and 3 to the Contract Documents for the Santa Teresa Water Treatment Plant Air Wash Pipeline Replacement Project;
  - B. Award the Construction Contract to C. Overaa & Co. in the sum of \$1,457,000; and
  - C. Approve a contingency sum of \$145,700 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 No. 1, 2, and 3](#)  
[Attachment 2: Project Delivery Process Chart](#)  
[Attachment 3: Map](#)

Est. Staff Time: 5 Minutes



- \*5.2. Report of Bids Received and Award of Construction Contract to [20-0904](#)  
Con-Quest Contractors, Inc., for the Central and Parallel East Pipelines  
Inspection and Rehabilitation Project, Project No. 95084002, Contract No.  
C0661 (San Jose and Unincorporated Santa Clara County), (Districts 1, 2,  
4, 6, and 7).

Recommendation:     A. Ratify Addenda Nos. 1 and 2 to the Contract Documents  
for the Central and Parallel East Pipelines Inspection and  
Rehabilitation Project; and  
                          B. Award the Construction Contract to Con-Quest  
Contractors, Inc. in the sum of \$7,905,580; and  
                          C. Approve a contingency sum of \$1,185,837 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 No. 1 and 2](#)  
[Attachment 2: Project Delivery Process Chart](#)  
[Attachment 3: Site Map](#)

Est. Staff Time:     5 Minutes

**6. WATERSHEDS:**

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

- 7.1. Approve Amendment No. 4 to Agreement No. A3675A with GEI [20-0906](#)  
Consultants, Inc., for Planning and Environmental Consultant Services for  
Calero and Guadalupe Dams Seismic Retrofits Project, Project No.  
91084020 (San Jose) (District 1).

Recommendation: Approve Amendment No. 4 to Agreement No. A3675A with GEI  
Consultants, Inc., for Planning and Environmental Consultant  
Services for Calero and Guadalupe Dams Seismic Retrofits  
Project, to increase the not-to-exceed fee by \$2,709,970,  
resulting in a total not-to-exceed fee of \$8,929,811.

Manager:             Christopher Hakes, 408-630-3796

Attachments:        [Attachment 1: Amendment No. 4](#)

Est. Staff Time:     5 Minutes

**8. EXTERNAL AFFAIRS:**

**9. CHIEF EXECUTIVE OFFICER:**

- 9.1. Board Confirmation of the Chief Operating Officer, Water Utility Enterprise. [20-0885](#)

Recommendation: Confirm the appointment of Aaron Baker as the Chief Operating Officer of Water Utility Enterprise for the Santa Clara Valley Water District.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: Recruitment Brochure](#)

Est. Staff Time: 5 Minutes

- 9.2. Update on COVID-19 Response.

- \*9.3. CEO and Chiefs' Report. [20-0969](#)

Attachments: [\\*Handout 9.3-A: Office of Civic Engagement Update](#)

[\\*Handout 9.3-B: Office of Communications Update](#)

[\\*Handout 9.3-C: NAACP Cert Program, Sea Level Rise/Flood Mgn](#)

**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 October 27, 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.