



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED** **5:00 PM CLOSED SESSION AND** **6:00 PM REGULAR MEETING** **AGENDA**

Tuesday, October 27, 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.

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Board of Directors**

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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://emmasrb.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/92383105104>

Meeting ID: 923 8310 5104

Join by Phone:

1 (669) 900-9128, 92383105104#

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. ITEM REMOVED FROM AGENDA**

[20-1001](#)

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4) - *Six Potential Cases

***2.2. CLOSED SESSION**

[20-0991](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Title: CEO, District Counsel and Clerk of the Board

6:00 PM

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/92383105104>

Meeting ID: 923 8310 5104

Join by Phone:

1 (669) 900-9128, 92383105104#

***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).

[20-1015](#)

Attachments: [*Handout 2.6-A: Rhoda Fry Comment](#)

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. Conduct Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Approve CEQA Exemption Determination, Adopt Resolution Approving the Engineer's Report, and Approve the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Project No. 93764004 (San Jose) (District 3). (PREVIOUSLY LISTED AS ITEM 2.6) [20-1000](#)

Recommendation:

- A. Conduct Public Hearing on the Engineer's Report and the CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project (Project);
- B. Close the Public Hearing;
- C. Approve the CEQA exemption determination for the Project;
- D. Adopt the Resolution APPROVING THE ENGINEER'S REPORT FOR THE Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project; and
- E. Approve the Project.

Manager: Aaron Baker, 408-630-3135

Attachments: [Attachment 1: Draft Notice of Exemption](#)
[Attachment 2: Engineer's Report](#)
[Attachment 3: Public Hearing Notice](#)
[Attachment 4: Resolution](#)
[Attachment 5: PowerPoint](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Revised PowerPoint](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.5) (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 Amending Valley Water's 2020 Conflict of Interest Code. [20-0801](#)
- Recommendation: Adopt the Resolution AMENDING THE CONFLICT OF INTEREST CODE FOR THE SANTA CLARA VALLEY WATER DISTRICT INCLUDING THE APPENDICES WHEREIN THE POSITIONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS ARE DESIGNATED.
- Manager: Ingrid Bella, 408-630-3171
- Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Conflict of Interest Code, Redlined](#)
[Attachment 3: Conflict of Interest Code, Final](#)
- *3.2. Approve Recommended Position on Federal Legislation: H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and *H.R. XXXX - Coronavirus Stimulus Bill (Phase 4). [20-0981](#)
- Recommendation: A. Adopt a position of "Support and Amend" on H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and
B. *Adopt a position of "Support and Amend" on H.R. XXXX - Coronavirus Stimulus Bill (Phase 4).
- Manager: Don Rocha, 408-630-2338
- Attachments: [*Original Agenda Memo](#)
[*Supplemental Agenda Memo](#)
- *3.3. Approve Recommended Federal Appropriations Requests for Federal Fiscal Years 2021 and 2022. [20-0994](#)
- Recommendation: Approve the recommended federal Fiscal Years (FYs) 2021 and 2022 appropriations requests for Valley Water-sponsored and Valley Water-supported projects.
- Manager: Don Rocha, 408-630-2338
- Attachments: [Attachment 1: FY 21-22 Federal Appropriation Req](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Revised FY 21-22 Fed Appr Req](#)

- 3.4. Consider Membership Nominations for Committee [20-0941](#)
Appointments/Reappointments to the Agricultural Water Advisory Committee, the Environmental and Water Resources Committee, and the Safe, Clean Water Independent Monitoring Committee.

Recommendation: Consider the membership appointments for Committee Appointments/Reappointments to the Agricultural Water Advisory Committee (AWAC), the Environmental and Water Resources Committee (EWRC), and the Safe, Clean Water Independent Monitoring Committee (SCW IMC).

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)
[Attachment 2: Membership Application \(Barry\)](#)
[Attachment 3: SCVWD Resolution No. 13-61](#)
[Attachment 4: Membership Application \(Zepeda\)](#)

- *3.5. Accept the CEO Bulletin for the Weeks of October 9-22, 2020. [20-0956](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 102220 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Revised Fiscal Year 2021 Board Policy Planning Calendar. [20-0952](#)

Recommendation: Review and approve the Revised Fiscal Year 2021 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Revised FY21 Board Calendar](#)

Est. Staff Time: 5 Minutes

- *4.2. Water Supply Master Plan 2040 Monitoring and Assessment Program Annual Report and Water Demands Update. [20-1002](#)

Recommendation: Receive and discuss information on the Water Supply Master Plan 2040 Monitoring and Assessment Program Annual Report and Water Demands Update.

Manager: Jerry De La Piedra, 408-630-2257

Attachments: [Attachment 1: 2020 MAP Report](#)
[Attachment 2: PowerPoint](#)
[*Handout 4.2-A: Revised PowerPoint](#)

Est. Staff Time: 20 Minutes

- *4.3. Board Committee Reports. [20-0983](#)

Attachments: [*Handout 4.3-A: 100520 AWAC Summary](#)
[*Handout 4.3-B: 100820 FAHCE Summary](#)
[*Handout 4.3-C: 101420 WSEC Summary](#)
[*Handout 4.3-D: 102820 Water Commission Agenda](#)
[*Handout 4.3-E: 103020 WSEC Agenda](#)
[*Handout 4.3-F: 101520 DCA Summary](#)
[*Handout 4.3-G: 101920 CIP Summary](#)

- 4.4. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- *7.1. Overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule for Capital Projects, and Review of the Fiscal Year 2021-22 (FY22) Currently Unfunded Projects. [20-1016](#)

Recommendation: A. Receive an overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule; and
B. Review list of Currently Unfunded Capital Projects.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: PowerPoint](#)
[*Handout 7.1-A: Revised PowerPoint](#)

Est. Staff Time: 10 Minutes

8. EXTERNAL AFFAIRS:

- 8.1. Approve Recommended 2021 Legislative Policy Proposals and Legislative Guiding Principles. [20-0734](#)

Recommendation: Approve Recommended 2021 Legislative Policy Proposals and Legislative Guiding Principles for the first year of the two-year legislative session in the Legislature, and the first year of the two-year session in the 117th Congress; and for local and regional legislative efforts.

Manager: Don Rocha, 408-630-2338

Attachments: [Attachment 1: Legislative Policy Proposals/Guiding Principles](#)

Est. Staff Time: 5 Minutes

9. CHIEF EXECUTIVE OFFICER:

- *9.1. CEO and Chiefs' Report. [20-1003](#)

Attachments: [*Handout 9.1-A: Legislative Update](#)

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 1:00 p.m., on November 10, 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.