



# Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

## **\*AMENDED/APPENDED SPECIAL BOARD MEETING AGENDA**

**Tuesday, November 17, 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.**

**Santa Clara Valley Water District  
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 <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/92725343992>**  
**Meeting ID: 927 2534 3992**  
**Join by Phone:**  
**1 (669) 900-9128, 92725343992#**

**1. CALL TO ORDER:**

- 1.1. Roll Call.
- 1.2. Pledge of Allegiance/National Anthem.
- 1.3. Orders of the Day.
  - A. *Approximate Discussion Time (Board); and*
  - B. *Adjustments to the Order of Agenda Items.*
- 1.4. 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. TIME CERTAIN:**

**1:00 PM**

- 2.1. Receive an Update on the Second Amendment to Valley Water's Central Valley Project Contract, Adopt the Resolution Approving the Second Amendment, and Authorize the Chief Executive Officer to Execute the Second Amendment.

[20-0665](#)

Recommendation:

- A. Receive information on the Second Amendment to Valley Water's Central Valley Project Contract;
- B. Adopt the Resolution APPROVING THE SECOND AMENDMENT TO CONTRACT BETWEEN UNITED STATES AND SANTA CLARA VALLEY WATER DISTRICT FOR WATER SERVICE AND OPERATION AND MAINTENANCE OF CERTAIN WORKS OF THE SAN FELIPE DIVISION; and
- C. Authorize the Chief Executive Officer to execute the Second Amendment.

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: Resolution](#)  
[Attachment 2: Second Amendment](#)  
[Attachment 3: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 2.2. Adopt Resolution Making Responsible Agency Findings and Approving State Water Project Contract Amendment for Water Management, and Authorize the Chief Executive Officer to Execute the Amendment and File Notice of Determination.

[20-0873](#)

Recommendation:

- A. Receive information and discuss the proposed State Water Project Water Supply Contract Amendment for Water Management (Water Management Tools Amendment);
- B. Adopt the Resolution (1) MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO CEQA FOR THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND ADOPTING CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND (2) APPROVING THE PROPOSED STATE WATER PROJECT CONTRACT AMENDMENT FOR WATER MANAGEMENT, AMENDMENT NO. 25 TO VALLEY WATER'S WATER SUPPLY CONTRACT WITH THE DEPARTMENT OF WATER RESOURCES; and
- C. Authorize the Chief Executive Officer to execute Amendment No. 25 to Valley Water's State Water Project Water Supply Contract and file Notice of Determination.

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: Resolution](#)  
[Attachment 2: Draft Notice of Determination](#)  
[Attachment 3: PowerPoint](#)

Est. Staff Time: 10 Minutes

\*2.3. Monitoring and Assessment Program Evaluation of Los Vaqueros Reservoir Expansion, Sites Reservoir, and Delta Conveyance Project.

[20-1058](#)

Recommendation:

- A. Receive and discuss information regarding the Los Vaqueros Reservoir Expansion Project, Sites Reservoir Project, and Delta Conveyance Project;
- B. Authorize the Chief Executive Officer (CEO) to execute Amendment 2 to the 2019 Multi-Party Agreement for Los Vaqueros Reservoir Expansion Project, which includes a contract extension through December 2021 and a cost-share not to exceed \$1,013,661;
- C. Authorize the CEO to execute the Second Amendment to 2019 Reservoir Project Agreement with Sites Project Authority and the Project Agreement Members for a participation level of 0.2 percent with a \$50,000 cost share; and
- D. For the Delta Conveyance Project:
  - i. Approve a provisional participation percentage in the Project of 2.73 percent and authorize the CEO to increase Valley Water's provisional participation percentage up to a total of 3.23 percent if additional shares become available;
  - ii. Adopt the Resolution APPROVAL OF PROVISIONAL PARTICIPATION PERCENTAGE AND AUTHORIZING NEGOTIATION AND EXECUTION OF A FUNDING AGREEMENT FOR PRELIMINARY PLANNING AND DESIGN COSTS RELATED TO A POTENTIAL DELTA CONVEYANCE PROJECT;
  - iii. Authorize the CEO to negotiate and execute a funding agreement with the Department of Water Resources committing up to \$4,034,001 for Project environmental planning and design costs incurred in Calendar Years 2021 and 2022, with an option to commit up to an additional \$6,972,348, upon future approval of the Board, for Project environmental planning and design costs incurred in Calendar Years 2023 and 2024; and
  - iv. Approve and Authorize the CEO to execute the Amended and Restated Joint Powers Agreement Forming the Delta Conveyance Design and Construction Authority.

Manager:

Jerry De La Piedra, 408-630-2257  
Vincent Gin, 408-630-2633

- Attachments:
- [Attachment 1: LVE Project Information](#)
  - [Attachment 2: LVE Local Agency Partners](#)
  - [Attachment 3: LVE Amendment No. 2](#)
  - [Attachment 4: LVE Project Map](#)
  - [Attachment 5: LVE Transfer-Bethany Pipeline Information](#)
  - [Attachment 6: LVE Proposed JPA Structure](#)
  - [Attachment 7: Sites Amendment No. 2 \(incl: 2019 Agmt, Amdt No.](#)
  - [Attachment 8: Sites Project Information](#)
  - [Attachment 9: Sites Participation Summary](#)
  - [Attachment 10: Sites Risk, Challenges, Mitigation](#)
  - [Attachment 11: Sites Letter to SCVWD WSEC, 081120](#)
  - [Attachment 12: DCP SCVWD Resolution No. 19-69](#)
  - [Attachment 13: DCP Project Information](#)
  - [Attachment 14: DCP Agreement in Principle](#)
  - [Attachment 15: DCP DWR Letter to SWC, 102320](#)
  - [Attachment 16: DCP Gap Funding Agreement](#)
  - [Attachment 17: DCP Participation Percentages](#)
  - [Attachment 18: DCP Resolution, Joint Funding](#)
  - [Attachment 19: DCP Amended and Restated Joint Powers DCA A](#)
  - [Attachment 20: LVE, Sites, DCP Milestones](#)
  - [Attachment 21: PowerPoint](#)
  - [\\*Handouts 2.3-A - 2.3-O: Public Comments](#)

Est. Staff Time: 45 Minutes

**3. ADJOURN:**

- 3.1. Clerk Review and Clarification of Board Requests.
- 3.2. Adjourn to 4:00 p.m. Closed Session and 6:00 p.m. Regular Meeting, on November 24, 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.