



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, July 13, 2021
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
Tony Estremera, Chair - District 6
Gary Kremen, Vice Chair - District 7
John Varela - District 1
Barbara Keegan - District 2
Richard P. Santos - District 3
Linda J. LeZotte - District 4
Nai Hsueh - District 5

During the COVID-19 restrictions, 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 to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body, or through a link in the Zoom Chat Section during the respective meeting. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's 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**

***ITEMS AMENDED AND/OR APPEDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA
ARE IDENTIFIED BY AN ASTERISK (*) HEREIN**

Tuesday, July 13, 2021

11:00 AM

Teleconference Zoom Meeting

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" tool 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/89277884503>
Meeting ID: 892 7788 4503
Join by Phone:
1 (669) 900-9128, 89277884503#

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 [21-0814](#)
CONFERENCE WITH LEGAL COUNSEL
INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
*10 Potential Cases

2.2. CLOSED SESSION [21-0776](#)
CONFERENCE WITH LEGAL COUNSEL
INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
1 Potential Case

1:00 PM

Rejoin Zoom Meeting:
<https://valleywater.zoom.us/j/89277884503>
Meeting ID: 892 7788 4503
Join by Phone:
1 (669) 900-9128, 89277884503#

2.3. District Counsel Report on Closed Session.

2.4. Pledge of Allegiance/National Anthem.

2.5. Orders of the Day.

- 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.

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" tool 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. Monthly Drought Response and Water Supply Update.

[21-0791](#)

Recommendation: Receive an update on water supply conditions in Santa Clara County and staff's drought response efforts, and provide direction to staff as necessary.

Manager: Aaron Baker, 408-630-2135

Attachments: [*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: PowerPoint](#)
[*Supplemental Attachment 2: Drought Response Report](#)
[*Supplemental Attachment 3: July 2021 Water Tracker](#)
[*Supplemental Attachment 4: Water Conservation Overview](#)

Est. Staff Time: 30 Minutes

*2.8. Purified Water Project - City of San José Partnership Update (PREVIOUSLY LISTED AS 5.1).

[21-0721](#)

Recommendation: Receive Information on the Status of Partnership with City of San José on the Purified Water Project.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: 061521 SJ City Council Agenda Item 2.12](#)
[*Handout 2.8-A: 061821 Letter from SJ Councilmember C Jones](#)
[*Handout 2.8-B: 070220 Letter to SJ Councilmember C Jones](#)

Est. Staff Time: 10 Minutes

- *2.9. Public Hearing on Proposed Modifications to the Good Neighbor Program: Encampment Cleanup Project, Project F5 Under the Renewed Safe, Clean Water and Natural Flood Protection Program and Review and Approval of Corresponding Text Adjustments (PREVIOUSLY LISTED AS 2.8).

[21-0750](#)

- Recommendation:
- A. Open the public hearing to receive comments on the Renewed Safe, Clean Water and Natural Flood Protection Program's Project F5: Good Neighbor Program: Encampment Cleanup Project;
 - B. Close the public hearing;
 - C. Review and Approve the Proposed Text Adjustments; and
 - D. Adopt the resolution APPROVING THE MODIFICATION TO THE GOOD NEIGHBOR PROGRAM: ENCAMPMENT CLEANUP PROJECT OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM.

Manager: Jennifer Codianne, 408-630-3876

Attachments: [Attachment 1: Notice of Public Hearing, Ad Schedule](#)
[Attachment 2: Proposed Adjustments/Modifications, Redlined](#)
[Attachment 3: Proposed Adjustments/Modifications, Final](#)
[Attachment 4: Resolution](#)

Est. Staff Time: 15 Minutes

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 submit a request to speak to the Clerk of the Board.

- *3.1. Approve Recommended Positions on Federal Legislation: H.R. 3404 (Huffman) - the Furthering Underutilized Technologies and Unleashing Responsible Expenditures for Western Water Infrastructure and Drought Resiliency Act (FUTURE Western Water Infrastructure and Drought Resiliency Act); H.R. 3293 (Blunt Rochester) - Low-Income Water Customer Assistance Programs Act of 2021; H.R. 1512 (Pallone) - Climate Leadership and Environmental Action for our Nation’s Future Act (CLEAN Future Act); H.R. 2337 (Neal) - Public Servants Protection and Fairness Act of 2021; *S. 2185 (Barrasso) - Western Water Infrastructure Act of 2021; *S. 872 (Duckworth) - Environmental Justice for All Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

- Recommendation:
- A. Adopt a position of “Support and Amend” on H.R. 3404 (Huffman) - Furthering Underutilized Technologies and Unleashing Responsible Expenditures for Western Water Infrastructure and Drought Resiliency Act (FUTURE Western Water Infrastructure and Drought Resiliency Act);
 - B. Adopt a position of “Support and Amend” on H.R. 3293 (Blunt Rochester) - Low-Income Water Customer Assistance Programs Act of 2021;
 - C. Adopt a position of “Support” on H.R. 1512 (Pallone) - Climate Leadership and Environmental Action for our Nation’s Future Act (CLEAN Future Act);
 - D. Adopt a position of “Support” on H.R. 2337 (Neal) - Public Servants Protection and Fairness Act of 2021;
 - *E. Adopt a position of “Support and Amend” on S. 2185 (Barrasso) - Western Water Infrastructure Act of 2021; and
 - *F. Adopt a position of “Support” on S. 872 (Duckworth) - Environmental Justice for All Act.

Manager: Donald Rocha, 408-630-2338

Attachments: [*Original Agenda Memo](#)
[*Supplemental Agenda Memo](#)

- 3.2. Adopt Recommended Positions on State Legislation: AB 819 (Levine) [21-0722](#)
California Environmental Quality Act: Notices and Documents: Electronic Filing and Posting; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

Recommendation: Adopt a Position of “Support” on: AB 819 (Levine) California Environmental Quality Act: notices and documents: electronic filing and posting.

Manager: Don Rocha, 408-630-2338

- 3.3. Approve the Recommended Position on the Nomination of Camille Calimlim Touton to be Commissioner of the U.S. Bureau of Reclamation. [21-0773](#)

Recommendation: Adopt a position of “Support” on the Nomination of Camille Calimlim Touton to be Commissioner of the U.S. Bureau of Reclamation.

Manager: Don Rocha, 408-630-2338

- *3.4. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Cross Valley Pipeline Extension Project, as part of the Anderson Dam Seismic Retrofit Project No. 91864005, Contract No. C0676 (Morgan Hill, Santa Clara County) (District 1). [21-0641](#)

Recommendation: A. Adopt the plans and specifications and authorize advertisement for bids for the construction of the Cross Valley Pipeline Extension Project per the Notice to Bidders (Attachment 1); and
B. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

Manager: Chris Hakes, 408-630-3796

Attachments: [Attachment 1: Location Map](#)
[Attachment 2: Notice to Bidders](#)
[Attachment 3: Project Delivery Chart](#)
[Attachment 4: Plans](#)
[Attachment 5: Specifications](#)
[*Handout 3.4-A: Revised Plans](#)
[*Handout 3.4-B: Revised Specifications](#)

- 3.5. Approve San Francisquito Creek Joint Powers Authority Operating Budget for Fiscal Year 2021-2022, and Authorize Santa Clara Valley Water District Fiscal Year 2021-2022 Financial Contribution of \$337,240 (Palo Alto) (District 7). [21-0676](#)

Recommendation: A. Approve the San Francisquito Creek Joint Powers Authority Fiscal Year 2021-2022 Operating Budget; and
B. Authorize the Santa Clara Valley Water District's Fiscal Year 2021-2022 financial contribution to the San Francisquito Creek Joint Powers Authority in the amount of \$337,240.

Manager: Rechelle Blank, 408-630-2615

Attachments: [Attachment 1: SFCJPA FY 21-22 Operating Budget](#)
[Attachment 2: SFCJPA FY 21-22 Contribution Invoice](#)

- 3.6. Consider Membership Nomination for Committee Appointment to the Environmental and Water Resources Committee. [21-0659](#)

Recommendation: Consider Committee Membership Appointment Nomination to the Environmental and Water Resources Committee (EWRC).

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)
[Attachment 2: Membership Application, J. Piazza](#)

- *3.7. Accept the CEO Bulletin for the Weeks of June 18 through July 8, 2021. [21-0784](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 070821 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Adopt Resolution Providing for the Compensation of the Chief Executive Officer, a Board Appointed Officer of the Santa Clara Valley Water District. [21-0755](#)

Recommendation: A. Consider and determine compensation adjustments, if any, for the Chief Executive Officer; and
 B. Adopt the Resolution PROVIDING FOR THE COMPENSATION OF THE CHIEF EXECUTIVE OFFICER, A BOARD APPOINTED OFFICER OF THE SANTA CLARA VALLEY WATER DISTRICT, and approve the Second Amendment to the Employment Agreement Between the Santa Clara Valley Water District and Enrico Callender, consistent with Board-approved compensation adjustments.

Manager: Ingrid Bella, 408-630-3171

Attachments: [Attachment 1: Resolution w/Amendment to Employment Agmt](#)

Est. Staff Time: 5 Minutes

- 4.2. Adopt Resolution Providing for the Compensation of the District Counsel, a Board Appointed Officer of the Santa Clara Valley Water District. [21-0754](#)

Recommendation: A. Consider and determine compensation adjustments, if any, for the District Counsel; and
 B. Adopt the Resolution PROVIDING FOR THE COMPENSATION OF THE DISTRICT COUNSEL, A BOARD APPOINTED OFFICER OF THE SANTA CLARA VALLEY WATER DISTRICT, and approve the Amendment to the Employment Agreement Between the Santa Clara Valley Water District and Juan Carlos Orellana, consistent with Board-approved compensation adjustments.

Manager: Ingrid Bella, 408-630-3171

Attachments: [Attachment 1: Resolution w/Amendment to Employment Agmt](#)

Est. Staff Time: 5 Minutes

- 4.3. Adopt Resolution Providing for the Compensation of the Clerk of the Board, a Board Appointed Officer of the Santa Clara Valley Water District. [21-0753](#)

Recommendation: A. Consider and determine compensation adjustments, if any, for the Clerk of the Board; and
 B. Adopt the Resolution PROVIDING FOR THE COMPENSATION OF THE CLERK OF THE BOARD, BOARD APPOINTED OFFICER OF THE SANTA CLARA VALLEY WATER DISTRICT, and approve the Fourth Amendment to the Employment Agreement Between the Santa Clara Valley Water District and Michele L. King, consistent with Board-approved compensation adjustments.

Manager: Ingrid Bella, 408-630-3171

Attachments: [Attachment 1: Resolution w/Amendment to Employment Agmt](#)

Est. Staff Time: 5 Minutes

- 4.4. Adoption of Climate Change Action Plan. [21-0413](#)

Recommendation: Adopt the Climate Change Action Plan and Direct Development of the Implementation Program.

Manager: Lisa Bankosh, 408-630-2618
 Kirsten Struve, 408-630-3138

Attachments: [Attachment 1: Climate Change Action Plan](#)
 [Attachment 2: CCAP Outreach Response to Comments](#)
 [Attachment 3: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 4.5. Consider the April 5, 2021, Board Policy and Planning Committee Recommendations Regarding the New Board Governance Ends Policy E-5: Climate Change Mitigation and Adaptation. [21-0609](#)

Recommendation: Consider the Proposed Board Governance Ends Policy E-5: Climate Change Mitigation and Adaptation

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment 1: Draft Ends Policy E-5](#)

Est. Staff Time: 5 Minutes

- 4.6. Consider the May 26, 2021, Board Audit Committee Recommendation to Receive the Final Audit Report and Management Response for the Permitting Best Practices Audit Conducted by TAP International, Inc. [21-0772](#)

Recommendation: Consider the May 26, 2021, Board Audit Committee recommendation to receive the final Audit Report and Management Response for the Permitting Best Practices Audit conducted by TAP International, Inc.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Permitting Best Practices Audit Final Report](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 10 Minutes

- *4.7. Fiscal Year 2022 Board Policy Planning Calendar. [21-0794](#)

Recommendation: Review and approve the Fiscal Year 2022 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Board Policy Planning Calendar](#)

Est. Staff Time: 5 Minutes

- *4.8. Board Committee Reports. [21-0785](#)

Attachments: [*Handout 4.8-A: 062121 WCaDM Summary](#)
[*Handout 4.8-B: 062321 RAC Summary](#)
[*Handout 4.8-C: 071221 AWAC Agenda](#)
[*Handout 4.8-D: 071921 EWRC Agenda](#)
[*Handout 4.8-E: 071921 CIP Agenda *PLACEHOLDER](#)
[*Handout 4.8-F: 072021 HEC Agenda *PLACEHOLDER](#)

- 4.9. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

- *5.1. ITEM MOVED TO 2.8.

- 5.2. Receive an Update on the Condition of the Almaden Valley Pipeline. [21-0767](#)

Recommendation: Receive an Update on the Condition of the Almaden Valley Pipeline.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

- *5.3. Report of Bids Received and Award of Construction Contract to Kiewit Infrastructure West Co. for the Rinconada Water Treatment Plant Residuals Remediation Project, Project No. 93294058, Contract No. C0671 (Los Gatos), (District 7). [21-0712](#)

Recommendation:

- A. Ratify Addenda Nos. 1 and 2 to the Contract Documents for the Rinconada Water Treatment Plant Residuals Remediation Project;
- B. Award the Construction Contract to Kiewit Infrastructure West Co. in the sum of \$22,979,980; and
- C. Approve a contingency sum of \$3,447,000 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 and 2](#)
[Attachment 2: Project Delivery Process Chart](#)
[Attachment 3: Location Map](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

8. EXTERNAL AFFAIRS:

- *8.1. *Approve Implementation of a \$1.225 Million Low-Income Residential Water Rate Assistance Program, with a \$1 Million Relief Fund and up to \$225,000 for Program Administration Costs; *Approve a Budget Adjustment for \$1.225 Million to Fund the Total Program Cost; and Find that the Program Serves a Legitimate Public Purpose and is Consistent with District Act. [21-0815](#)

- Recommendation:
- A. Receive an update on the Low-Income Residential Water Rate Assistance Program (WRAP);
 - B. *Approve implementation of WRAP using \$1.225 million of the ad valorem property tax, allocating \$1 million for program relief and up to \$225,000 for program administration costs;
 - C. *Approve a budget adjustment for \$1.225 million to fund the total program cost; and
 - D. Find that WRAP serves a legitimate public purpose and is consistent with the District Act.

Manager: Marta Lugo, 408-630-2237

Attachments: [*Original Agenda Memo](#)
[*Supplemental Agenda Memo](#)

Est. Staff Time: 10 Minutes

9. CHIEF EXECUTIVE OFFICER:

- 9.1. Formalize Juneteenth as a Valley Water Observed Holiday in Accordance with the Newly Adopted Federal Holiday; Adopt a Resolution in Recognition of Juneteenth, as a Newly Designated Annual Holiday at Santa Clara Valley Water District; and Provide Staff a Paid Holiday in Observation of the 2021 Juneteenth Commemoration. [21-0734](#)

- Recommendation:
- A. Formalize Juneteenth as a Valley Water Observed Holiday, in Accordance with the Newly Adopted Federal Holiday;
 - B. Adopt the Resolution in RECOGNITION OF JUNETEENTH, AS A NEWLY DESIGNATED ANNUAL HOLIDAY AT SANTA CLARA VALLEY WATER DISTRICT; and
 - C. Provide staff a paid Holiday in observance of the 2021 Juneteenth Commemoration.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

*9.2. CEO and Chiefs' Report.

[21-0786](#)

Attachments: [*Handout 9.2-A: Office of Communications Update](#)
[*Handout 9.2-B: Watersheds Operations & Maintenance Report](#)
[*ITEM REMOVED FROM AGENDA: Handout 9.2-C: CEO Report](#)

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 August 10, 2021, 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.