



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED**
AMENDED 4:00 PM CLOSED SESSION & 6:00 PM
REGULAR MEETING (TO BE PUBLISHED 09/24/21)
AGENDA

Tuesday, September 28, 2021
4:00 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
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**

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Tuesday, September 28, 2021

4:00 PM

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-08-21 issued on June 11, 2021 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.

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the "Raise Hand" tool located in Zoom meeting link listed on the agenda, at the time the item is call. 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.

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/88549986572>

Meeting ID: 8854 998 6572

Join by Phone:

1 (669) 900-9128, 88549986572#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

4:00 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

THREAT TO PUBLIC SERVICES OR FACILITIES

Pursuant to Government Code Section 54957(a)

Consultation with Alex Gordon, Assistant Officer

[21-0973](#)

2.2. CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6(a)

Agency Designated Representatives: Rick Callender, J. Carlos Orellana, Brian Hopper, Tina Yoke, Edward Kreisberg, Ingrid Bella, Bryant Welch, Laura Harbert, Emily Meeks

Employee Organizations: Employees Association, Engineers Society, Professional Managers

[21-1027](#)

2.3. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION

Government Code Section 54956.9(d)(4)

One Potential Case

[21-1028](#)

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/88549986572>

Meeting ID: 8854 998 6572

Join by Phone:

1 (669) 900-9128, 88549986572#

6:00 PM

- 2.4. District Counsel Report on Closed Session.
- 2.5. Pledge of Allegiance/National Anthem.
- 2.6. Orders of the Day.
 - 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.

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.

- 2.8. Public Hearing on the Engineer's Report and CEQA Exemption [21-0937](#)
Determination for the Santa Teresa Water Treatment Plant Filter Media Replacement Project, Project No. 93284013, (Santa Clara County, District 7).

- Recommendation:
- A. Conduct a Public Hearing on the Engineer's Report and the CEQA Exemption Determination for the Santa Teresa Water Treatment Plant Filter Media Replacement Project (Project);
 - B. Close the Public Hearing;
 - C. Approve the CEQA Exemption Determination for the Project;
 - D. Adopt Resolution APPROVING THE ENGINEER'S REPORT FOR THE SANTA TERESA Water Treatment Plant FILTER MEDIA REPLACEMENT Project; and
 - E. Approve the Project.

Manager: Heath McMahon, 408-630-3126

Attachments: [Attachment 1: Notice of Exemption](#)
[Attachment 2: Engineer's Report](#)
[Attachment 3: Public Hearing Notice](#)
[Attachment 4: Resolution](#)
[Attachment 5: Project Delivery Process Chart](#)
[Attachment 6: PowerPoint](#)

Est. Staff Time: 5 Minutes

3. CONSENT CALENDAR: (3.1 -*3.2) (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. 1563 (Garcia) - To Extend the Authorities Under the Water Infrastructure Improvements for the Nation Act of 2016 Providing the Operational Flexibility, Drought Relief, and Other Benefits to the State of California; H.R. 2895 (Peters)/S. 1499 (Warner) - Reinventing Economic Partnerships And Infrastructure Redevelopment Act (REPAIR) Act; H.R. 3282 (McKinley) - Drinking Water Funding for the Future Act of 2021; H.R. 3228 (Velazquez) - National Coastal Resilience Data and Services Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board. [21-0958](#)

Recommendation: A. Adopt a position of "Support" on H.R. 1563 (Garcia) - To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing the operational flexibility, drought relief, and other benefits to the State of California;
 B. Adopt a position of "Support" on H.R. 2895 (Peters)/S. 1499 (Warner) - Reinventing Economic Partnerships And Infrastructure Redevelopment Act (REPAIR) Act;
 C. Adopt a position of "Support" on H.R. 3282 (McKinley) - Drinking Water Funding for the Future Act of 2021; and
 D. Adopt a position of "Support" on H.R. 3228 (Velazquez) - National Coastal Resilience Data and Services Act.

Manager: Don Rocha, 408-630-2338

- *3.2. Accept the CEO Bulletin for the Weeks of September 10 - 23, 2021. [21-1021](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 092321 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Review Fiscal Year 2022 Board Policy Planning Calendar. [21-0130](#)

Recommendation: Review, discuss and revise the Fiscal Year 2022 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY22 Board Calendar](#)

Est. Staff Time: 5 Minutes

- 4.2. Receive the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year Ended June 30, 2020. [21-0852](#)

Recommendation: Receive the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year ended June 30, 2020.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Audit Report, FY Ending 2020 WUE Funds](#)

Est. Staff Time: 5 Minutes

- *4.3. Board Committee Reports. [21-1022](#)

Attachments: [*Handout 4.3-A: 090921 SPOC Summary](#)

[*Handout 4.3-B: 091521 RAC Summary](#)

[*Handout 4.3-C: 092221 RAC Summary](#)

[*Handout 4.3-D: 092721 WCDM Agenda](#)

[*Handout 4.3-E: 092921 RAC Agenda](#)

- 4.4. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

- 5.1. Approve the Agreement with Carollo Engineers, Inc. for Consulting Services, for the Water Treatment Plant Implementation Project, Project No. 93044001, CAS File No. 5144, for a Not-to-Exceed Fee of \$6,461,429. [21-0864](#)

Recommendation: Approve the Agreement with Carollo Engineers, Inc. for consulting services, for the Water Treatment Plant Implementation Project, for a Not-to-Exceed Fee of \$6,461,429.

Manager: Bhavani Yerrapotu, 408-630-2735

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- 7.1. Approve, and Authorize Staff to Finalize and Submit the Fiscal Year 2020-2021 (FY21) Safe, Clean Water and Natural Flood Protection Program Annual Report - Year 8 (Final 2012 Program Report), for Independent Monitoring Committee (IMC) Review. [21-1030](#)

Recommendation: A. Approve the FY21 Safe, Clean Water Program Annual Report - Year 8 with unaudited financials; and
 B. Authorize staff to finalize the FY21 Safe, Clean Water Program Annual Report - Year 8 (with audited financials) and submit the final report to the IMC for its review.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: FY21 Safe, Clean Water Annual Report](#)
[Attachment 2: PowerPoint](#)

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

- *9.1. CEO and Chiefs' Report. [21-1058](#)

Attachments: [*Handout 9.1-A: Office of Government Relations Update](#)
[*Handout 9.1-B: Office of Civic Engagement 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 Special Joint Meeting with the City of Sunnyvale at 6:00 p.m., on October 6, 2021.