



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED** **4:00PM CLOSED SESSION & 6:00PM REGULAR** **MEETING** **AGENDA**

Tuesday, November 23, 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, November 23, 2021

4:00 PM

Teleconference Zoom Meeting

*****BY VIRTUAL TELECONFERENCE ONLY*****

Pursuant to California Government Code section 54953(e), this meeting will be held by teleconference only. No physical location will be available for this meeting; however, members of the public will be able to participate in the meeting as noted below.

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 the Zoom meeting link listed on the agenda, at the time the item is called. 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.msrbo.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/87901362801>

Meeting ID: 879 0136 2801

Join by Phone:

1 (669) 900-9128, 87901362801#

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

[21-1307](#)

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, Emily Meeks

Employee Organizations: Employees Association, Engineers Society, Professional Managers

2.2. CLOSED SESSION

[21-1266](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Titles: CEO, District Counsel and Clerk of the Board

6:00 PM

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/87901362801>

Meeting ID: 879 0136 2801

Join by Phone:

1 (669) 900-9128, 87901362801#

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. Public Hearing on the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins, and Resolution Adopting the 2021 Groundwater Management Plan. [21-1075](#)

- Recommendation: A. Open the public hearing to receive comments on Santa Clara Valley Water District's 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins;
B. Close the public hearing; and
C. Adopt the Resolution ADOPTING THE 2021 GROUNDWATER MANAGEMENT PLAN FOR THE SANTA CLARA AND LLAGAS SUBBASINS.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: Notice of Public Hearing](#)
[Attachment 2: Resolution](#)
[Attachment 3: PowerPoint](#)
[Attachment 4: 2021 GWMP](#)

Est. Staff Time: *10 Minutes

- 2.8. Receive Overview of the FY 2022-23 Groundwater Production Charge Setting Process and Review of the 10-Year Water Rate Projection Assumptions, and Provide Feedback.

[21-0974](#)

- Recommendation:
- A. Receive an overview of the Fiscal Year 2022-23 Groundwater Production Charge setting process;
 - B. Review the 10-year Water Rate Projection Assumptions; and
 - C. Provide feedback.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: SCVWD Resolution No. 99-21](#)
[Attachment 3: SCVWD Resolution No. 12-10](#)

Est. Staff Time: 10 Minutes

- *2.9. Consider Memoranda of Understanding Between the Santa Clara Valley Water District and the Employees Association, AFSMCE Local 101, Professional Managers Association, IFPTE Local 21, and Engineers Society, IFPTE Local 21; and Adopt the Resolutions (4) Approving the Terms of the Memoranda, and Approving the Amended Compensation Plan for Unrepresented Employees in the Executive Service (January 1, 2022 through June 30, 2026).

[21-1309](#)

- Recommendation:
- A. Adopt the Resolution APPROVING THE TERMS OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT AND EMPLOYEES ASSOCIATION, AFSCME LOCAL 101 FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2025;
 - B. Authorize the Chief Executive Officer to sign the Memorandum of Understanding with Employees Association, AFSCME Local 101, in substantially the same form as the draft version;
 - C. Adopt the Resolution APPROVING THE TERMS OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT AND THE ENGINEERS SOCIETY, IFPTE LOCAL 21, FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2025;
 - D. Authorize the Chief Executive Officer to sign the Memorandum of Understanding with Engineers Society, IFPTE Local 21, in substantially the same form as the draft version;
 - E. Adopt the Resolution APPROVING THE TERMS OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT AND THE PROFESSIONAL MANAGERS ASSOCIATION, IFPTE LOCAL 21, FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2025;
 - F. Authorize the Chief Executive Officer to sign the Memorandum of Understanding with Professional Managers Association, IFPTE Local 21, in substantially the same form as the draft version; and
 - G. *Adopt the Resolution APPROVING SECOND AMENDED COMPENSATION PLAN FOR UNREPRESENTED EMPLOYEES IN THE EXECUTIVE SERVICE (January 1, 2022 through December 31, 2025).

Manager: Bryant Welch, 408-630-2383

Attachments: [*Original Agenda Memo](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Pkg Tentative Agmt w/Coalition Tab](#)
[*Supplemental Attachment 2: Redlined MOU, EA](#)
[*Supplemental Attachment 3: Redlined MOU, ES](#)
[*Supplemental Attachment 4: Redlined MOU, PMA](#)
[*Supplemental Attachment 5: Resolution, EA MOU](#)
[*Supplemental Attachment 6: Resolution, ES MOU](#)
[*Supplemental Attachment 7: Resolution, PMA MOU](#)
[*Supplemental Attachment 8: Resolution, Second Amended Com](#)
[*Supplemental Attachment 9: Revised Unclassified Benefits Sumr](#)

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

- 3.1. Approve the Agreement with Sjoberg Evashenk Consulting, Inc, CAS File [21-1127](#)
5183 for Board Audit Consultant Services 2021, for a not-to-exceed fee of \$800,000.

Recommendation: Approve the Agreement with Sjoberg Evashenk Consulting, Inc, for Board Audit Consultant Services 2021 (Project) for a not-to-exceed fee of \$800,000.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Agreement](#)

- *3.2. ITEM REMOVED FROM AGENDA.
Approve the Agreement with Harvey M. Rose Associates, LLC, CAS File 5174 for On-Call Management Services for Auditing Support for a not-to-exceed fee of \$500,000.

3.3. Approval of Minutes. [21-1218](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 100621 Special Joint Meeting](#)
[Attachment 2: 101221 CS & Regular Meeting](#)
[Attachment 3: 102221 Special Meeting w Flip Chart Notes](#)
[Attachment 4: 102621 CS & Regular Meeting Minutes](#)

*3.4. Accept the CEO Bulletin for the Weeks of November 5 - 18, 2021. [21-1269](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 111821 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Consider the October 21, 2021 Board Policy and Planning Committee Recommendation to Adopt the Proposed Modifications to Board Governance Ends Policy E-3: Natural Flood Protection. [21-1211](#)

Recommendation: A. Consider the October 21, 2021 Board Policy and Planning Committee recommendation to adopt the proposed modifications to Board Governance Ends Policy E-3: Natural Flood Protection; and
 B. Adopt the proposed modifications to Board Governance Ends Policy E-3: Natural Flood Protection.

Manager: Lisa Bankosh, 408-630-2618

Attachments: [Attachment 1: Revised Ends Policy E-3](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 10 Minutes

- 4.2. Consider Adopting a Resolution Proclaiming a Continued Local Emergency, Acknowledging the Proclamation of a State of Emergency by Governor's Order No. N-23-20 Dated March 4, 2020, and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Santa Clara Valley Water District for 30 Days Pursuant to Brown Act Provisions. [21-1242](#)

Recommendation: Consider adopting a RESOLUTION PROCLAIMING A CONTINUED LOCAL EMERGENCY, ACKNOWLEDGING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER NO. N-23-20 DATED MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SANTA CLARA VALLEY WATER DISTRICT FOR 30 DAYS PURSUANT TO BROWN ACT PROVISIONS.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

- 4.3. Review Fiscal Year 2022 Board Policy Planning Calendar. [21-0132](#)

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

- 4.4. Board Committee Reports. [21-1270](#)

Attachments: [*Handout 4.4-A: 102121 BAC Summary](#)
[*Handout 4.4-B: 102121 RWC Summary](#)
[*Handout 4.4-C: 102521 WCaDM Summary](#)
[*Handout 4.4-D: 110421 SPOC Summary](#)
[*Handout 4.4-E: 112221 WCaDM Agenda](#)

- 4.5. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

- 5.1. Update on the Condition of the Almaden Valley Pipeline and Determination that the Condition of the Almaden Valley Pipeline Continues to Constitute an Emergency (San Jose) (District 3). [21-1247](#)

Recommendation: A. Receive an update on the Almaden Valley Pipeline; and
 B. Determine by a four-fifths vote of the Board that there is a need to continue the emergency action declared by the Chief Executive Officer (CEO) on November 2, 2021 pursuant to California Public Contract Code §22050, to repair the Almaden Valley Pipeline.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: Declaration of Emergency](#)

Est. Staff Time: 5 Minutes

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

8. EXTERNAL AFFAIRS:

9. CHIEF EXECUTIVE OFFICER:

- *9.1. Fiscal Year 2021-22 Urgent Position Requests and Midyear Budget Adjustments. [21-1298](#)

Recommendation: A. *Approve the budget adjustments for the addition of fourteen (14) regular positions and two (2) limited term positions for urgent project support and drought emergency needs;
 B. Approve the Fiscal Year 2021-22 midyear operating and capital budget adjustments; and
 C. *Approve the recommendation to revise the Board Governance Policy Executive Limitation 3.7 to increase the number of unclassified positions from no more than thirty-two (32) to thirty-four (34) positions without Board approval.

Manager: Darin Taylor, 408-630-3068

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

Est. Staff Time: 10 Minutes

*9.2. CEO and Chiefs' Report.

[21-1271](#)

Attachments: [*Handout 9.2-A: Office of Government Relations Update](#)
[*Handout 9.2-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 Meeting at 12:00 p.m., on December 8, 2021.