



## Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom

Join Zoom Meeting: <https://valleywater.zoom.us/j/84454515597>

### **\*AMENDED/APPENDED** **11:00 AM CLOSED SESSION AND 1:00 PM REGULAR** **MEETING** **AGENDA**

**Tuesday, June 28, 2022**  
**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

John L. Varela, Chair Pro Tem -  
District 1  
Barbara Keegan - District 2  
Richard P. Santos - District 3  
Linda J. LeZotte - District 4  
Nai Hsueh - District 5  
Tony Estremera - District 6  
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 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. 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](http://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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### **\*\*\*IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS\*\*\***

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to wear a mask.

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.

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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 Valley Water 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://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/84454515597>**  
**Meeting ID: 844 5451 5597**  
**Join by Phone:**  
**1 (669) 900-9128, 84454515597#**

**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

[22-0797](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Foster v. Santa Clara Valley Water District (WCAB Nos. ADJ13871656, ADJ15493906)

2.2. CLOSED SESSION

[22-0808](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Titles: CEO, District Counsel and Clerk of the Board

**1:00 PM**

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.*

3. **CONSENT CALENDAR: (3.1) (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. Adopt Recommended Positions on Federal Legislation: S. 4136 (Carper) / H.R. 7776 (DeFazio) - Water Resources Development Act of 2022; S. 4279 (Padilla) / H.R. 7847 (McNerney) - Water Efficiency, Conservation, and Sustainability Act of 2022; H.R. 3112 (McNerney) - Western Water Recycling and Drought Relief Act of 2021; H.R. 1352 (Lawrence) / S. 916 (Sanders) - Water Affordability, Transparency, Equity, and Reliability Act of 2021; and Other Legislation That May Require Urgent Consideration for a Position by the Board. [22-0106](#)

Recommendation:

- A. Adopt a position of "Support and Amend" on S. 4136 (Carper) / H.R. 7776 (DeFazio) - Water Resources Development Act of 2022;
- B. Adopt a position of "Support" on S. 4279 (Padilla) / H.R. 7847 (McNerney) - Water Efficiency, Conservation, and Sustainability Act of 2022;
- C. Adopt a position of "Support and Amend" on H.R. 3112 (McNerney) - Western Water Recycling and Drought Relief Act of 2021; and
- D. Adopt a position of "Support" on H.R. 1352 (Lawrence) / S. 916 (Sanders) - Water Affordability, Transparency, Equity, and Reliability Act of 2021.

Manager: Don Rocha, 408-630-2338

#### **REGULAR AGENDA:**

#### **4. BOARD OF DIRECTORS:**

- 4.1. Approve Fiscal Year 2022-23 Board Policy Planning Calendar. [22-0414](#)

Recommendation: Approve the Fiscal Year 2022-23 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY22-23 Board Calendar](#)

Est. Staff Time: 5 Minutes

- \*4.2. Consider the May 11, 2022, Recommendation from the Board Policy and Planning Committee to Adopt an Ordinance of Santa Clara Valley Water District Specifying Rules of Decorum in the Participation of Board and Committee Meetings. (Continued from June 14, 2022) [22-0796](#)

Recommendation: Adopt the Ordinance, AN ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM IN THE PARTICIPATION OF BOARD AND COMMITTEE MEETINGS.

Manager: Alexander Gordon, 408-630-2637

Attachments: [Attachment 1: Ordinance](#)  
[Attachment 2: Ordinance Red-Lined Version](#)  
[\\*Handout 4.2-A: Muirhead](#)  
[\\*Handout 4.2-B: John Public](#)  
[\\*Handout 4.2-C: John Public](#)

Est. Staff Time: 5 Minutes

- \*4.3. Consider the June 17, 2022, Recommendation from the Water Storage Exploratory Committee to Authorize the Chief Executive Officer to Send a Letter Expressing Valley Water's Potential Interest in Increasing Participation Level in the Planning Phase of the Sites Reservoir Project if Space in the Project Becomes Available and is Supported by Future Analysis. [22-0778](#)

Recommendation: A. Receive and Discuss Update on the Sites Reservoir Project; and  
B. Consider the June 17, 2022, recommendation from the Water Storage Exploratory Committee to authorize the Chief Executive Officer to send a letter expressing Valley Water's potential interest in increasing participation level in the planning phase of the Sites Reservoir Project if space in the project becomes available and is supported by future analysis.

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: Sites Project Participation Summary](#)  
[Attachment 2: Draft Letter](#)  
[Attachment 3: PowerPoint](#)  
[\\*Handout 4.3-A: Sletteland](#)  
[\\*Handout 4.3-B: Sierra Club](#)

Est. Staff Time: 5 Minutes

\*4.4. Board Committee Reports.

[22-0812](#)

Attachments: [\\*Handout 4.4-A: 052322 BAC Meeting Summary](#)  
[\\*Handout 4.4-B: 052522 RWC Summary](#)

**5. WATER UTILITY ENTERPRISE:**

- 5.1. Approve the Standard On-Call Consultant Agreement with OCMI, Inc. to Provide Independent Cost Estimating and Constructability Review Services, Agreement No. A4619A, PB File No. VW0019, for a Not-to-Exceed Aggregate Fee of \$5,000,000, and Consider Proceeding with the Multiple Award of this On-Call Consultant Agreement.

[22-0617](#)

Recommendation: A. Approve the Standard On-Call Consultant Agreement with OCMI, Inc. for Independent Cost Estimating and Constructability Review Services for a not-to-exceed aggregate fee of \$5,000,000; and  
B. Approve that Staff Proceed with Negotiations for the Potential Multiple Award of this On-Call Consultant Agreement for Independent Cost Estimating and Constructability Review Services.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

- \*5.2. \*(ITEM REMOVED FROM THE AGENDA) Receive Report of Bids and Award the Construction Contract to Calstate Construction, Inc. for the Silicon Valley Advanced Water Purification Center Storage Building Project, under the Small Capital Improvements, Water Treatment, Project No. 93764004, Contract No. C0686 (San Jose) (District No.3).

- 5.3. Receive Report of Bids and Award the Construction Contract to Con-Quest Contractors, Inc. for the Santa Clara Conduit Rehabilitation and Pacheco Sectionalizing Valve Replacement Project, as part of the 10-Year Pipeline Inspection and Rehabilitation Project, Project No. 95084002, Contract No. C0673 (Gilroy, San Benito County, Unincorporated Santa Clara County) (District 1). [22-0786](#)

Recommendation:

- A. Ratify Addenda No. 1 to the Contract Documents for the Santa Clara Conduit Rehabilitation and Pacheco Conduit Sectionalizing Valve Replacement Project;
- B. Award the Contract to Con-Quest Contractors, Inc., located in San Francisco, CA, in the sum of \$9,677,100; and
- C. Approve a contingency sum of \$1,451,565 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Emmanuel Aryee, 408-630-3074

Attachments: [Attachment 1: Addendum 1](#)  
[Attachment 2: Project Delivery Process Chart](#)  
[Attachment 3: Map](#)

Est. Staff Time: 5 Minutes

**6. WATERSHEDS:**

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

- 7.1. Approve Fiscal Year 2022 Schedule Adjustments to Projects in the Renewed Safe, Clean Water and Natural Flood Protection Program. [22-0662](#)

Recommendation: Approve Fiscal Year 2022 Safe, Clean Water Project Schedule Adjustments.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: Powerpoint](#)

Est. Staff Time: 5 Minutes

**8. EXTERNAL AFFAIRS:**

**9. CHIEF EXECUTIVE OFFICER:**



- 9.1. Adopt a Resolution Establishing Appropriations Limit for Fiscal Year 2022-23. [22-0682](#)

Recommendation: A. Select the cost-of-living factor to establish the Santa Clara Valley Water District's Appropriations Limit; and  
B. Adopt the Resolution ESTABLISHING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2022-23.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 5 Minutes

- \*9.2. CEO and Chiefs' Report. [22-0831](#)

Attachments: [\\*Handout 9.1-A: Civ Eng](#)  
[\\*Handout 9.1-B: GRU](#)

## 10. ADMINISTRATION:

- 10.1. Adopt Resolution Adopting Employee Salary Schedule for Fiscal Year 2023. [22-0807](#)

Recommendation: Adopt Resolution ADOPTING EMPLOYEE SALARY SCHEDULE - EFFECTIVE THE BEGINNING OF PAY PERIOD 14 OF CALENDAR YEAR 2022.

Manager: Patrice McElroy, 408-630-3159

Attachments: [Attachment 1: Resolution with Salary Table](#)

Est. Staff Time: 5 Minutes

- \*10.2 Adopt Resolution Approving Third Amended Compensation Plan for Unrepresented Employees in the Executive Service of the Santa Clara Valley Water District. [22-0830](#)

Recommendation: Adopt Resolution APPROVING THIRD AMENDED COMPENSATION PLAN FOR UNREPRESENTED EMPLOYEES IN THE EXECUTIVE SERVICE (January 1, 2022, through December 31, 2025).

Manager: Patrice McElroy, 408-630-3159

Attachments: [Attachment 1: Resolution](#)  
[Attachment 2: Revised Unclassified Benefits Summary](#)  
[\\*Original Agenda Memo](#)  
[\\*Supplemental Agenda Memo](#)

Est. Staff Time: 5 Minutes

**11. DISTRICT COUNSEL:**

**12. ADJOURN:**

12.1. Board Member Reports/Announcements.

12.2. Proposed Future Board Member Agenda Items.

12.3. Clerk Review and Clarification of Board Requests.

12.4. Adjourn to Regular Meeting at 11:00 a.m., on July, 12, 2022.