



## Santa Clara Valley Water District Board of Directors Meeting

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

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

**Tuesday, September 13, 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**

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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 comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

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.

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water 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 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://emmas.msrb.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/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. (ITEM REMOVED FROM AGENDA) CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Pursuant to Government Code Section 54956.9(d)(4)  
2 Potential Cases

\*2.2. CLOSED SESSION [22-1064](#)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
SCVWD v. Jin, et al., (Santa Clara Co. Superior Court, Case No. 22CV397577)

\*2.3. CLOSED SESSION [22-1065](#)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
SCVWD v. Jin, et al., (Santa Clara Co. Superior Court, Case No. 19CV35222)

\*2.4. CLOSED SESSION [22-1066](#)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
Stop the Pacheco Dam Project Coalition v. SCVWD (Santa Clara Co. Superior Court, Case No. 22CV399384)

**1:00 PM**

\*2.5. District Counsel Report on Closed Session. (PREVIOUSLY LISTED AS ITEM 2.2)

\*2.6. Pledge of Allegiance/National Anthem. (PREVIOUSLY LISTED AS ITEM 2.3)

\*2.7. Orders of the Day. (PREVIOUSLY LISTED AS ITEM 2.4)

A. *Approximate Discussion Time (Board); and*

B. *Adjustments to the Order of Agenda Items.*

\*2.8. Time Open for Public Comment on any Item not on the Agenda.  
(PREVIOUSLY LISTED AS ITEM 2.5)

*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.*

\*2.9. Monthly Drought Emergency Response and Water Supply Update.  
(PREVIOUSLY LISTED AS ITEM 2.6)

[22-1054](#)

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: September 2022 Water Tracker](#)

Est. Staff Time: 15 Minutes

\*2.10 Public Hearing - Consider Adoption of the First Amended and Restated Ordinance 22-02, A First Amended and Restated Ordinance of Santa Clara Valley Water District Adopting Drought Outdoor Water Conservation and Enforcement Measures to Provide Water Retailers Additional Opportunities to Undertake Enforcement Measures that Address Water Waste and to Restrict Irrigation of Commercial, Industrial, and Institutional Non-Functional Turf.

[22-0985](#)

- Recommendation:
- A. Conduct a Public Hearing to allow members of the public to provide comments on the need to consider adoption of the First Amended and Restated Ordinance 22-02, A FIRST AMENDED AND RESTATED ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT ADOPTING DROUGHT OUTDOOR WATER CONSERVATION AND ENFORCEMENT MEASURES, to enforce Santa Clara Valley Water District's mandatory water use restrictions;
  - B. Close the Public Hearing; and
  - C. Adopt the First Amended and Restated Ordinance 22-02, which provides water retailers additional opportunities to undertake enforcement measures that address water waste, and bans irrigation of commercial, industrial, and institutional (CII) non-functional turf.

Manager: Aaron Baker, 408-630-2135

Attachments: [Attachment 1: Notice of Public Hearing](#)  
[Attachment 2: Amended Ordinance](#)  
[Attachment 3: PowerPoint](#)

Est. Staff Time: 20 mins

**3. CONSENT CALENDAR: (3.1 - \*3.10) (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 a Resolution declaring September 15 to October 15, 2022, as Chicano/Hispanic/Latino Heritage Month. [22-0914](#)  
Recommendation: Adopt the RESOLUTION DECLARING SEPTEMBER 15 TO OCTOBER 15, 2022, AS CHICANO/HISPANIC/LATINO HERITAGE MONTH.  
  
Manager: Aaron Baker, 408-630-2135  
Carlos Orellana, 408-630-2755  
Attachments: [Attachment 1: Resolution](#)
- 3.2. Resolution Declaring September 17, 2022, as California Coastal Cleanup Day in Santa Clara County. [22-1015](#)  
Recommendation: Adopt a Resolution DECLARING SEPTEMBER 17, 2022, AS CALIFORNIA COASTAL CLEANUP DAY IN SANTA CLARA COUNTY.  
  
Manager: Donald Rocha, 408-630-2338  
Attachments: [Attachment 1: Resolution](#)
- 3.3. Adopt a Resolution Proclaiming September 2022 as National Preparedness Month. [22-0962](#)  
Recommendation: Adopt the Resolution NATIONAL PREPAREDNESS MONTH, SEPTEMBER 2022.  
  
Manager: Alexander Gordon, 408-630-2637  
Attachments: [Attachment 1: Resolution](#)
- 3.4. Adopt Resolutions Expressing Appreciation and Acknowledging and Recognizing the Service of the Outgoing Members of the 2012 Safe, Clean Water and Natural Flood Protection Program's Independent Monitoring Committee. [22-0925](#)  
Recommendation: Adopt RESOLUTIONS EXPRESSING APPRECIATION and Acknowledging and Recognizing the Service of the Outgoing Members of the 2012 Safe, Clean Water and Natural Flood Protection Program's Independent Monitoring Committee.  
  
Manager: Candice Kwok-Smith, 408-630-3193  
Attachments: [Attachment 1: Resolutions](#)  
Est. Staff Time: 10 Minutes

- 3.5. Denial of Claim of Andres Carrasco. [22-0946](#)  
Recommendation: Deny the claim.  
  
Manager: Carlos Orellana, 408-630-2755  
Attachments: [Attachment 1: Claim](#)
- 3.6. Denial of Claim of Monarch Landscape, LLC. on behalf of Alan Araujo Algandar. [22-1023](#)  
Recommendation: Deny the claim.  
  
Manager: Carlos Orellana, 408-630-2755  
Attachments: [Attachment 1: Claim](#)
- 3.7. Approve the Standard On-Call Consultant Agreement with Cotton, Shires and Associates, Inc. for On-Call Engineering Geology and Geotechnical Engineering Services in Support of the Penitencia Creek Landslide and Calaveras Fault Crossing Monitoring Project, Project No. A4666A, PB File VW0041 for a Not-to-Exceed Fee of \$500,000. [22-0947](#)  
Recommendation: Approve the Standard On-Call Consultant Agreement with Cotton, Shires and Associates, Inc., for On-Call Engineering Geology and Geotechnical Engineering services in support of the Penitencia Creek Landslide and Calaveras Fault Crossing Monitoring Project for a not-to-exceed fee of \$500,000.  
  
Manager: Greg Williams, (408) 630-2867  
Attachments: [Attachment 1: Agreement](#)
- 3.8. Approve the Consultant Agreement with Anchor QEA, LLC, to Provide Modeling Services in Support of the Calabazas/San Tomas Aquino Creek-Marsh Connection Project, Project No. A4668A, PlanetBids File No. VW0122, for a Not-to-Exceed Amount of \$500,000 (Sunnyvale, Santa Clara, San Jose) (District 3). [22-0986](#)  
Recommendation: Approve the Consultant Agreement (Agreement) with Anchor QEA, LLC, for modeling services in support for the Calabazas/San Tomas Aquino Creek-Marsh Connection Project (Project), for a Not-to-Exceed amount of \$500,000.  
  
Manager: John Bourgeois, (408) 630-2990  
Attachments: [Attachment 1: Project Map](#)  
[Attachment 2: Agreement](#)

- 3.9. Approve the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2022. [22-0996](#)

Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending June 30, 2022; and  
B. Approve the report, if the reimbursements comply with Board Policy.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Quarterly Expense Report](#)

- \*3.10 Accept the CEO Bulletin for the Week of August 19 Through September 8, 2022. [22-1057](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 090822 CEO Bulletin](#)

#### **REGULAR AGENDA:**

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

- 4.1. Receive the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year Ended June 30, 2021. [22-0828](#)

Recommendation: Receive the Audit Report of the Water Utility Enterprise Funds for the Fiscal Year ended June 30, 2021.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Audit Report, FY Ending 2021 WUE Funds](#)

- \*4.2. Board Committee Reports. [22-1058](#)

Attachments: [\\*Handout 4.2-A: 082222 EWRC Meeting Summary](#)

[\\*Handout 4.2-B: 082422 Youth Commission Meeting Summary](#)

[\\*Handout 4.2-C: 091422 Diversity and Inclusion Meeting Agenda](#)

#### **5. WATER UTILITY ENTERPRISE:**

#### **6. WATERSHEDS:**

#### **7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

#### **8. EXTERNAL AFFAIRS:**

#### **9. CHIEF EXECUTIVE OFFICER:**

\*9.1. CEO and Chiefs' Report.

[22-1078](#)

Attachments: [\\*Handout 9.1-A: Communications Activities](#)

**10. ADMINISTRATION:**

**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 the Regular Meeting at 1:00 p.m., on September 27, 2022.