



## 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, September 27, 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**

2.1. CLOSED SESSION [22-1106](#)  
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
Scott R. Yeaman v. Santa Clara Valley Water District, et al., (Santa Clara County Superior Court Case No. 20CV369378)

\*2.2. CLOSED SESSION [22-1135](#)  
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant Exposure to Litigation  
Pursuant to Government Code Section 54956.9(d)(2)  
1 potential case

**1:00 PM**

2.3. District Counsel Report on Closed Session. (PREVIOUSLY LISTED AS ITEM 2.2)

2.4. Pledge of Allegiance/National Anthem. (PREVIOUSLY LISTED AS ITEM 2.3)

2.5. Orders of the Day. (PREVIOUSLY LISTED AS ITEM 2.4)

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

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

- 2.6. 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.*

- \*2.7. Receive Information on the Anderson Dam Seismic Retrofit Project Status. [22-1134](#)  
(PREVIOUSLY LISTED AS ITEM 2.6)

Recommendation: Receive information on the Anderson Dam Seismic Retrofit Project.

Manager: Chris Hakes, 408-630-3796

Attachments: [\\*Supplemental Agenda Memo](#)  
[\\*Supplemental Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

**3. CONSENT CALENDAR: (3.1 - \*3.9) (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 October, 2022, as Filipino American History Month. [22-0971](#)

Recommendation: Adopt the RESOLUTION DECLARING OCTOBER, 2022, AS FILIPINO AMERICAN HISTORY MONTH.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.2. Adopt a Resolution Declaring October, 2022, as National Disability Employment Awareness Month, and Recognizing the 32nd Anniversary of the Americans with Disabilities Act. [22-1042](#)

Recommendation: Adopt the RESOLUTION DECLARING OCTOBER, 2022, AS NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH, AND RECOGNIZING THE 32ND ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: Resolution](#)

- 3.3. Adopt a Resolution Declaring October, 2022, as Polish American Heritage Month. [22-1043](#)

Recommendation: Adopt the RESOLUTION DECLARING OCTOBER, 2022, AS POLISH AMERICAN HERITAGE MONTH.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.4. Adopt a Resolution Declaring October, 2022, as German American Heritage Month. [22-1044](#)

Recommendation: Adopt the RESOLUTION DECLARING OCTOBER, 2022, AS GERMAN AMERICAN HERITAGE MONTH.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.5. Adopt a Resolution Declaring October, 2022, as Italian American Heritage Month. [22-1045](#)

Recommendation: Adopt the RESOLUTION DECLARING OCTOBER, 2022, AS ITALIAN AMERICAN HERITAGE MONTH.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Resolution](#)

- 3.6. Consider and Approve the Membership Nominations for New Two-Year Term Committee Appointments to the Environmental and Water Resources Committee. [22-1049](#)

Recommendation: Consider and Approve the Membership Nominations for New Two-Year Term Committee Appointment to the Environmental and Water Resources Committee (EWRC).

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)  
[Attachment 2: Edwards Application](#)  
[Attachment 3: Mazzone Application](#)

- 3.7. Consider and Approve the Membership Nomination for New Two-Year Term Committee Appointment to the Santa Clara Valley Water Youth Commission. [22-1069](#)

Recommendation: Consider and Approve the Membership Nomination for New Two-Year Term Committee Appointment to the Santa Clara Valley Water Youth Commission.

Manager: Donald Rocha, 408-630-2238

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)  
[Attachment 2: Blair Application](#)

- \*3.8. Accept the CEO Bulletin for the Weeks of September 9-22, 2022. [22-1109](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 092222 CEO Bulletin](#)

- \*3.9. Approval of Minutes. [22-1088](#)

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [071222 CS and Regular Meeting Minutes](#)  
[080922 CS and Regular Meeting Minutes](#)

## **REGULAR AGENDA:**

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

- 4.1. Review the Fiscal Year 2023 Board Policy Planning Calendar. [22-1070](#)

Recommendation: Review the Fiscal Year 2023 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 and Approve the September 1, 2022, Recommendation from the Board Policy and Planning Committee to Approve Proposed Changes to Board Governance Policies - Executive Limitations (EL) 4 - Financial Management and Related Board Appointed Officer (BAO) Interpretations. [22-1063](#)

Recommendation: Approve proposed changes to Board Governance Policies - Executive Limitations (EL) 4 - Financial Management and Related BAO Interpretations.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: EL-4 Proposed Revisions](#)

[Attachment 2: BAO Interpretation Proposed Revisions](#)

Est. Staff Time: 5 Minutes

- 4.3. Receive Update on Impacts of a Potential Recession and Recent High Inflation Trends on Santa Clara Valley Water District's Finances. [22-1072](#)

Recommendation: A. Receive information on impacts of a potential recession as well as recent high inflation trends on Santa Clara Valley Water District's finances; and  
B. Provide feedback and direction to staff as necessary.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Financial Status Update](#)

Est. Staff Time: 30 Minutes

- \*4.4. Board Committee Reports. [22-1112](#)

Attachments: [\\*Handout 4.4-A: 082922 WCaDMC Meeting Summary](#)

[\\*Handout 4.4-B: 090122 BPPC Meeting Summary](#)

Est. Staff Time: 5 Minutes

## 5. WATER UTILITY ENTERPRISE:

- 5.1. Approve the Agreement with Hazen and Sawyer for On-Call Mechanical Engineering and Support Services, PlanetBids File No. VW0043, for a Not-to-Exceed Fee of \$2,000,000. [22-0980](#)

Recommendation: Approve the Agreement with Hazen & Sawyer for On-Call Mechanical Engineering and Support Services for a not-to-exceed fee of \$2,000,000.

Manager: Greg Williams, 408-630-2867

Attachments: [Attachment 1: Agreement](#)

Est. Staff Time: 5 Minutes

- 5.2. Receive Report of Bids and Reject All Bids for the Construction of 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). [22-0950](#)

Recommendation: A. Ratify Addenda Nos. 1, 2, and 3 to the Contract Documents for the Silicon Valley Advanced Water Purification Center Storage Building Project; and  
B. Reject all bids.

Manager: Emmanuel Aryee, 408-630-3074

Attachments: [Attachment 1: Addenda Nos. 1, 2, and 3](#)

Est. Staff Time: 5 Minutes

## 6. WATERSHEDS:



- 6.1. Authorize Acquisition of a Real Property Interest from Edward G. Ruder and Elizabeth M. Ruder, for the Coyote Creek Flood Management Measures Project, Anderson Dam Federal Energy Regulatory Commission Order Compliance Project No. 91864007, APN 467-29-026, Real Estate File No. 4021-287 (San Jose) (District 2). [22-1062](#)

Recommendation:      A. Authorize the Chief Executive Officer to execute a Right of Way Agreement between Edward G. Ruder and Elizabeth M. Ruder and the Santa Clara Valley Water District, for acquisition of APN 467-29-026, located at 150 Arroyo Way, San Jose, CA, based upon the terms and conditions as set forth in the Agreement; and  
                                 B. Authorize the Chief Executive Officer to accept the Grant Deed from Edward G. Ruder and Elizabeth M. Ruder.

Manager:                      Bhavani Yerrapotu, 408-630-2735

Attachments:                [Attachment 1: Right of Way Agreement](#)  
                                      [Attachment 2: Grant Deed No. 4021-287](#)  
                                      [Attachment 3: Conditional Entitlement Letter](#)

Est. Staff Time:          5 Minutes

**7. ASSISTANT CHIEF EXECUTIVE OFFICER:**

- \*7.1. (ITEM REMOVED FROM AGENDA) Approve the Budget Adjustment, Receive Report of Bids, and Award the Construction Contract for the Coyote Creek Stream Augmentation Fish Protection Measure Chillers Plant Project, Anderson Dam Federal Energy Regulatory Commission Order Compliance Project No. 91864008, Contract No. C0684 in the Sum of \$5,167,000 (Morgan Hill) (Santa Clara County) (District 1).

**8. EXTERNAL AFFAIRS:**

**9. CHIEF EXECUTIVE OFFICER:**

- \*9.1. CEO and Chiefs' Report. [22-1071](#)

Attachments:                [\\*Handout 9.1-A: Government Relations Activities](#)  
                                      [\\*Handout 9.1-B: Civic Engagement Monthly Update](#)  
                                      [\\*Handout 9.1-C: Watersheds O&M Report](#)

Est. Staff Time:          5 Minutes

**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 Regular Meeting at 1:00 p.m., on October, 11, 2022.