



Santa Clara Valley Water District Board of Directors Meeting

Teleconference Zoom Meeting

***AMENDED/APPENDED** **5:00 PM CLOSED SESSION AND** **6:00 PM REGULAR MEETING** **AGENDA**

Tuesday, October 27, 2020
5:00 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

Nai Hsueh, Chair, District 5
Tony Estremera, Vice Chair, District 6
John L. Varela, District 1
Barbara Keegan, District 2
Richard P. Santos, District 3
Linda J. LeZotte, District 4
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 for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, 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 attend Board of Directors' 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.

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**Santa Clara Valley Water District
Board of Directors**

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Tuesday, October 27, 2020

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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-29-20 issued on March 17, 2020 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.

Members of the public wishing to address the Board during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. 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://emmasrb.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/92383105104>

Meeting ID: 923 8310 5104

Join by Phone:

1 (669) 900-9128, 92383105104#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

5:00 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. ITEM REMOVED FROM AGENDA**

[20-1001](#)

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4) - *Six Potential Cases

***2.2. CLOSED SESSION**

[20-0991](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Title: CEO, District Counsel and Clerk of the Board

6:00 PM

Rejoin Zoom Meeting:

<https://valleywater.zoom.us/j/92383105104>

Meeting ID: 923 8310 5104

Join by Phone:

1 (669) 900-9128, 92383105104#

***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).

[20-1015](#)

Attachments: [*Handout 2.6-A: Rhoda Fry Comment](#)

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" or "Chat" tools 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. Conduct Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Approve CEQA Exemption Determination, Adopt Resolution Approving the Engineer's Report, and Approve the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Project No. 93764004 (San Jose) (District 3). (PREVIOUSLY LISTED AS ITEM 2.6)

[20-1000](#)

Recommendation:

- A. Conduct Public Hearing on the Engineer's Report and the CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project (Project);
- B. Close the Public Hearing;
- C. Approve the CEQA exemption determination for the Project;
- D. Adopt the Resolution APPROVING THE ENGINEER'S REPORT FOR THE Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project; and
- E. Approve the Project.

Manager: Aaron Baker, 408-630-3135

Attachments: [Attachment 1: Draft Notice of Exemption](#)
[Attachment 2: Engineer's Report](#)
[Attachment 3: Public Hearing Notice](#)
[Attachment 4: Resolution](#)
[Attachment 5: PowerPoint](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Revised PowerPoint](#)

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.5) (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 complete a Speaker Card and present it to the Clerk of the Board.

- 3.1. Adopt the Resolution Amending Valley Water's 2020 Conflict of Interest Code. [20-0801](#)
- Recommendation: Adopt the Resolution AMENDING THE CONFLICT OF INTEREST CODE FOR THE SANTA CLARA VALLEY WATER DISTRICT INCLUDING THE APPENDICES WHEREIN THE POSITIONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS ARE DESIGNATED.
- Manager: Ingrid Bella, 408-630-3171
- Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Conflict of Interest Code, Redlined](#)
[Attachment 3: Conflict of Interest Code, Final](#)
- *3.2. Approve Recommended Position on Federal Legislation: H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and *H.R. XXXX - Coronavirus Stimulus Bill (Phase 4). [20-0981](#)
- Recommendation: A. Adopt a position of "Support and Amend" on H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and
B. *Adopt a position of "Support and Amend" on H.R. XXXX - Coronavirus Stimulus Bill (Phase 4).
- Manager: Don Rocha, 408-630-2338
- Attachments: [*Original Agenda Memo](#)
[*Supplemental Agenda Memo](#)
- *3.3. Approve Recommended Federal Appropriations Requests for Federal Fiscal Years 2021 and 2022. [20-0994](#)
- Recommendation: Approve the recommended federal Fiscal Years (FYs) 2021 and 2022 appropriations requests for Valley Water-sponsored and Valley Water-supported projects.
- Manager: Don Rocha, 408-630-2338
- Attachments: [Attachment 1: FY 21-22 Federal Appropriation Req](#)
[*Supplemental Agenda Memo](#)
[*Supplemental Attachment 1: Revised FY 21-22 Fed Appr Req](#)

- 3.4. Consider Membership Nominations for Committee [20-0941](#)
Appointments/Reappointments to the Agricultural Water Advisory Committee, the Environmental and Water Resources Committee, and the Safe, Clean Water Independent Monitoring Committee.

Recommendation: Consider the membership appointments for Committee Appointments/Reappointments to the Agricultural Water Advisory Committee (AWAC), the Environmental and Water Resources Committee (EWRC), and the Safe, Clean Water Independent Monitoring Committee (SCW IMC).

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: SCVWD Resolution No. 17-75](#)
[Attachment 2: Membership Application \(Barry\)](#)
[Attachment 3: SCVWD Resolution No. 13-61](#)
[Attachment 4: Membership Application \(Zepeda\)](#)

- *3.5. Accept the CEO Bulletin for the Weeks of October 9-22, 2020. [20-0956](#)

Recommendation: Accept the CEO Bulletin.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: 102220 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

- 4.1. Revised Fiscal Year 2021 Board Policy Planning Calendar. [20-0952](#)

Recommendation: Review and approve the Revised Fiscal Year 2021 Board Policy Planning Calendar.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Revised FY21 Board Calendar](#)

Est. Staff Time: 5 Minutes

- *4.2. Water Supply Master Plan 2040 Monitoring and Assessment Program Annual Report and Water Demands Update. [20-1002](#)

Recommendation: Receive and discuss information on the Water Supply Master Plan 2040 Monitoring and Assessment Program Annual Report and Water Demands Update.

Manager: Jerry De La Piedra, 408-630-2257

Attachments: [Attachment 1: 2020 MAP Report](#)
[Attachment 2: PowerPoint](#)
[*Handout 4.2-A: Revised PowerPoint](#)

Est. Staff Time: 20 Minutes

- *4.3. Board Committee Reports. [20-0983](#)

Attachments: [*Handout 4.3-A: 100520 AWAC Summary](#)
[*Handout 4.3-B: 100820 FAHCE Summary](#)
[*Handout 4.3-C: 101420 WSEC Summary](#)
[*Handout 4.3-D: 102820 Water Commission Agenda](#)
[*Handout 4.3-E: 103020 WSEC Agenda](#)
[*Handout 4.3-F: 101520 DCA Summary](#)
[*Handout 4.3-G: 101920 CIP Summary](#)

- 4.4. Proposed Future Board Member Agenda Items.

5. WATER UTILITY ENTERPRISE:

6. WATERSHEDS:

7. ASSISTANT CHIEF EXECUTIVE OFFICER:

- *7.1. Overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule for Capital Projects, and Review of the Fiscal Year 2021-22 (FY22) Currently Unfunded Projects. [20-1016](#)

Recommendation: A. Receive an overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule; and
B. Review list of Currently Unfunded Capital Projects.

Manager: Melanie Richardson, 408-630-2035

Attachments: [Attachment 1: PowerPoint](#)
[*Handout 7.1-A: Revised PowerPoint](#)

Est. Staff Time: 10 Minutes

8. EXTERNAL AFFAIRS:

- 8.1. Approve Recommended 2021 Legislative Policy Proposals and Legislative Guiding Principles. [20-0734](#)

Recommendation: Approve Recommended 2021 Legislative Policy Proposals and Legislative Guiding Principles for the first year of the two-year legislative session in the Legislature, and the first year of the two-year session in the 117th Congress; and for local and regional legislative efforts.

Manager: Don Rocha, 408-630-2338

Attachments: [Attachment 1: Legislative Policy Proposals/Guiding Principles](#)

Est. Staff Time: 5 Minutes

9. CHIEF EXECUTIVE OFFICER:

- *9.1. CEO and Chiefs' Report. [20-1003](#)

Attachments: [*Handout 9.1-A: Legislative 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 Regular Meeting at 1:00 p.m., on November 10, 2020, to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.



Santa Clara Valley Water District

File No.: 20-1001

Agenda Date: 10/27/2020

Item No.: *2.1.

NON-EXHIBIT/CLOSED SESSION ITEM

SUBJECT:

ITEM REMOVED FROM AGENDA

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4) - *Six Potential
Cases

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Santa Clara Valley Water District

File No.: 20-0991

Agenda Date: 10/27/2020
Item No.: *2.2.

NON-EXHIBIT/CLOSED SESSION ITEM

SUBJECT:
CLOSED SESSION
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Title: CEO, District Counsel and Clerk of the Board

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Santa Clara Valley Water District

File No.: 20-1015

Agenda Date: 10/27/2020
Item No.: *2.6.

BOARD AGENDA MEMORANDUM

SUBJECT:

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

ATTACHMENTS:

*Handout 2.6-A: Rhoda Fry Comment

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Michele King

Subject: FW: impacts of the Cupertino Quarries on Water Quality, especially at Stevens Creek Reservoir
Attachments: Ltr to County re SCQ Use Permit RPA (10-8-20).pdf; Attachment-202360.pdf

From: Fryhouse <fryhouse@earthlink.net>
Sent: Thursday, October 15, 2020 12:31 PM
To: Board of Directors <board@valleywater.org>
Subject: impacts of the Cupertino Quarries on Water Quality, especially at Stevens Creek Reservoir

Dear Valley Water Board,

I am concerned about impacts of the Cupertino Quarries on Water Quality, especially at Stevens Creek Reservoir. Please include these as part of public comment for your next Board Meeting.

Please find:

1. Attached and below, public comment to the State Mining and Geology Board 10/15/2020
2. Further below, public comment to the State Mining and Geology Board 9/17/2020

The SMGB has been unequivocal about not acting upon any mining-concerns raised by citizens and refers all concerns back to the lead agency, Santa Clara County.

Sincerely,
Rhoda Fry

From: Fryhouse [<mailto:fryhouse@earthlink.net>]
Sent: Tuesday, October 13, 2020 4:09 AM
To: 'smgb@conservation.ca.gov' <smgb@conservation.ca.gov>; 'dmr@conservation.ca.gov' <dmr@conservation.ca.gov>
Cc: 'webmaster@conservation.ca.gov' <webmaster@conservation.ca.gov>
Subject: SMGB Agenda Item #12 (Public Comment) October 15, 2020

From: Rhoda Fry, Santa Clara County
To: State Mining and Geology Board (SMGB) and Division of Mine Reclamation (DMR)
CC: Santa Clara County (Board of Supervisors, Planning Commission, HLUET Committee), City of Cupertino, Water Board, Valley Water, Senator Jim Beall, Assembly Member Evan Low, Assembly Member Kansen Chu, Department of Conservation, MidPeninsula Regional Open Space District
For: SMGB Agenda Item #12 (Public Comment) October 15, 2020
RE: Santa Clara County Oversight of Cupertino Quarries

Dear State Mining and Geology Board,

I am writing you once again about our community's grave concern regarding Santa Clara County's ability to regulate its mines pursuant to the State Mining and Reclamation Act (SMARA). While we have seen improvement under the skillful leadership of the County's new Planning Director Jaqueline Onciano, years of willful neglect must be resolved timely. We request that the SMGB assist the County in bringing the Lehigh Permanente Quarry and the Stevens Creek Quarry into compliance and that the DMR remove these quarries from the AB3908 list until they have achieved compliance.

Last month, I wrote you about a landslide at the Lehigh Permanente Quarry in Santa Clara County that is at risk of blocking Permanente Creek which leads San Francisco Bay. This landslide also poses a hazard to structures and residences downstream. Since at least 2015, County inspection reports have mentioned slope stability issues in the 200+ acre mountain of mining-waste, known as the West Materials Storage Area (WMSA), yet little has been done aside from installing failing silt fences. As we approach rainy season, little can be done to resolve this landslide because, according to the inspection report, working in the area during the wet season is unsafe. This health and safety hazard was

10/27/2020

highlighted by a large boulder that landed on an access road. Why has the County and the State Mining and Geology Board allowed an unstable hillslope to become a landslide?

Just last week, the City of Cupertino sent a 6-page missive (attached) to Santa Clara County pertaining to an inadequate reclamation plan along with inadequate oversight of the Stevens Creek Quarry, whose use permit expired in 2015. Areas of concern include:

- failure to start reclamation timely
- water quality and discharges to Stevens Creek Reservoir
- two landslides

These longtime SMARA infractions, demand that SCQ be removed from the AB3098 list in order for the quarry to return to compliance timely. Note that the AB3098 list is a list of compliant mines that are permitted to sell product to government projects. Since 40% to 60% of the quarry's clients are public projects, this list provides an incentive to remain in compliance. Allowing noncompliant mines to remain on the AB3098 list provides an unfair competitive advantage over mines that adhere to SMARA. Additionally, taxpayers must not be forced support businesses that break government rules. **I ask that the Division of Mine Reclamation remove SCQ and Lehigh Permanent Quarry from the AB3098 list.**

In spite of the County having recently doubled Stevens Creek Quarry's Financial Assurance Cost Estimate (FACE), this estimate remains woefully inadequate. On February 3, 2020, Mr. Paul Fry of the Division of Mining Reclamation recommended an increase of Stevens Creek Quarry's FACE and these recommendations are yet to be implemented. I have previously written and testified at the SMGB, as have others, about the risk of inadequate FACE for both Cupertino quarries. Without adequate FACE and an assurance mechanism, the \$60+ million cost of reclaiming these quarries, could fall upon the shoulders of California taxpayers. You must not allow this to happen.

A number of Santa Clara County citizens have urged the SMGB to include these quarries on a Board agenda in order to protect the environment and California taxpayers in an open forum. Our requests have been repeatedly denied. Please add these quarries to your next agenda. If the public cannot escalate our grievances to the SMGB, then where can we go?

Thank you for your consideration,

Rhoda Fry

From: Rhoda Fry, Cupertino

To: State Mining and Geology Board

RE: Landslide caused by Quarry creates Hazard

For: SMGB: Public Comment Period Agenda Item 12 Thursday September 17

[https://www.conservation.ca.gov/smgb/agendas/Documents/2020/RBM%20091720%20Draft%20Agenda ADA%20compliant.pdf](https://www.conservation.ca.gov/smgb/agendas/Documents/2020/RBM%20091720%20Draft%20Agenda%20ADA%20compliant.pdf)

Honorable SMGB Board Members,

There is a landslide at Lehigh's Permanente Quarry in Santa Clara County that is a threat to public health and safety. No, I am not making this up.

In February, the Water Board stated that the Yeager Landslide poses "potentially significant health and safety concerns."

And a Santa Clara County geologist report warns, "The Yeager Yard Landslide mass is moving towards Permanente Creek and its mass is sufficiently large to block the creek. Should this happen during winter months, the runoff from the upper watershed would likely pond, creating a new debris flow hazard to structures and residences downstream."

Slope instability at the Yeager Yard, also known as Subarea 3, has been monitored by Santa Clara County since at least 2015. Don't you think that it is about time that we stop monitoring and start protecting the Citizens of Santa Clara

10/27/2020

County and the Permanente Creek Watershed? The last thing we need is another disaster. Especially because we are approaching rainy season, I am once again asking the State Mining and Geology Board and the Division of Mining Reclamation to intervene and place Lehigh's Permanente Quarry on the next SMGB Agenda. If there is a landslide, you will have played a part in Lehigh and the County's willful negligence.

Sincerely,
Rhoda Fry

References:

Water Boards Letter February 2, 2020

https://www.dropbox.com/s/8w5rel0mpmnpym/2020-02-13%20Lehigh_CndlCncr_CAP_021320.pdf?dl=0

Official Geologist Report packet page 774

<https://www.dropbox.com/s/zs3xw71ekn7se4f/2020-05-12%20SCC%20Agenda%20-%20Tuesday%2C%20May%2012%2C%202020.pdf?dl=0>

Partial History of Yeager Yard Landslide – view folder in alphabetic order and see AAINDEX for summary of files

<https://www.dropbox.com/sh/mpplb5pff17mqm4/AADkL-atoPzzl0vDUZ3vamlaa?dl=0>

October 8, 2020

Robert Salisbury
County of Santa Clara
70 West Hedding Street
East Wing, Seventh Floor
San Jose, CA 95110
Robert.Salisbury@pln.sccgov.org

Dear Mr. Salisbury,

The City of Cupertino appreciates the County's referral of the application for a use permit and major reclamation plan amendment ("Application") recently submitted by Stevens Creek Quarry ("SCQ"). SCQ acknowledges that its onsite reserves are dwindling. This should lead to reclamation of the property under the Surface Mining and Reclamation Act and County Code "at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation." Pub. Res. Code § 2772(c)(6). Instead, and as the City noted in its July 2, 2019 comments on SCQ's pre-application for the same approvals, the Application seeks to expand and extend activities that already violate standards for water quality protection and slope stability, and that have significant impacts on City roads and infrastructure. SCQ now asks to open a major new area that SCQ does not even own for mining in order to keep operating as its own resources run out. This proposal appears inconsistent with both City and County policies that seek, among other things, to minimize impacts of vehicular use on the local community and infrastructure, local and regional air quality, and global climate change. These policies also protect resources such as water quality and provide for reclamation and restoration of mining properties once resources are depleted. The City looks forward to working with the County on revisions to bring any use permit and reclamation plan into compliance with these and other authorities.

Please note that, in addition to the concerns about the Application identified below, many of the issues that the City has raised related to the reclamation plan amendment and other activities proposed by Lehigh Southwest Cement Company ("Lehigh") also apply to SCQ. In particular, the City opposes export of aggregate from Lehigh's quarry to SCQ, which would expand operations at both properties, add an

estimated 400 truck trips each day between the properties, extend the life of SCQ's processing operation, and thereby extend and increase impacts of SCQ's operations. Neither quarry has any vested right or entitlement to engage in new activities such as export of materials from Lehigh to SCQ. Likewise, the City has serious concerns about both quarries' proposals to truck millions of cubic yards to their properties for reclamation, through City streets. At a minimum, the County must consider the common and cumulative impacts of both the expanded operations and the approach to reclamation for which these two large, adjacent businesses now seek approval. Together, they would impose significant and lasting impacts on the environment and the surrounding community.

I. The Application is inconsistent with City and County policies.

The County General Plan allows the Planning Commission to approve a use permit if it makes findings including that the proposed use will not be detrimental to the adjacent area, substantially worsen traffic congestion affecting the surrounding area, or adversely affect water quality, and that it will control erosion and adequately manage stormwater and runoff. County General Plan § 5.65.030(D). When considering applications to renew or extend a use permit, the Planning Commission must consider whether the new application seeks to intensify use, whether the existing permit and conditions were adequate to control the use, and whether a greater degree of control by the County is needed. *Id.* § 5.65.040. SCQ's existing impacts and history of noncompliance support denial of any expansion and imposition of meaningful controls in a new use permit.

The County also prioritizes coordination with cities such as Cupertino about impacts of traffic and transportation, especially from activities and properties such as SCQ that are located within the city's sphere of influence. The City's General Plan specifically identifies trucks from SCQ as a problem in Policy HS-8.7. In particular, the City's policy is to minimize impacts of quarry-related trucking with "measures [that] include regulation of truck speed, the volume of truck activity, and trucking activity hours to avoid late evening and early morning. Alternatives to truck transport, specifically rail, are strongly encouraged when feasible." Policy HS-8.7. To this end, the City will "coordinate with the County to restrict the number of trucks, their speed and noise levels along Foothill and Stevens Creek Boulevards, to the extent allowed in the Use Permit" and "ensure that restrictions are monitored and enforced by the County." It also identifies "road improvements to reduce [quarry] truck impacts" as a priority. As described in greater detail below, the current limit of 1,300 truck trips each day is far too lax to protect the City, its residents, its air quality and noise levels, and its infrastructure. A meaningful, enforceable truck plan will be an essential condition on any use permit.

At a more general level, the City works to minimize stormwater runoff, and has expressed particular concern about material from quarry trucks that is deposited on City streets and that reaches its storm drain system. The City already pays for extra street

sweeping to mitigate impacts from trucks leaving SCQ, even though such work is assigned to SCQ under the Mediated Conditions described below. The City also has goals to reduce greenhouse gases and other air pollutants. Continuation of current, high levels of quarry-related trucking, plus additional trucking in the future to bring backfill materials to the site, both run contrary to those goals. Each of these policies further reinforces the need for stringent controls on trucking to and from SCQ.

Overall, extension and expansion of SCQ's mining and aggregate processing operations will prolong and exacerbate impacts that quarry-related activities already impose on the City, its residents, and its infrastructure unless any use permit adds meaningful limits on quarry-related operations, especially transportation. The City looks forward to working with the County to craft an appropriate limit on daily truck trips as part of a truck plan that addresses these impacts.

II. Stevens Creek Quarry has no vested right to engage in the activities proposed in the Application.

The City notes several inaccuracies and key omissions in the Application. In particular, SCQ has never established a vested right to mine on its property, including its northern "Parcel B." In fact, and although SCQ fails to acknowledge this anywhere in the Application, SCQ has been operating under a set of mandatory conditions since 2002 that were negotiated with neighbors and approved by the Board of Supervisors ("Mediated Conditions"). Those conditions limit operations in a manner equivalent to the conditions provided in a use permit. They regulate hours and days of operation, number of truck trips per day, loading and managing truck loads to prevent spills, maintenance of local roads, noise and light conditions, and reclamation, among other things. Likewise, SCQ does not—and cannot—assert rights to expand mining onto Lehigh's property. The record is clear that SCQ has no existing entitlements. It has operated under an outdated use permit, set of conditions, and reclamation plan for years, followed by a compliance agreement. All prospective approvals and associated conditions are entirely within the County's discretion.

III. SCQ proposes to expand mining beyond its own property, into an area of significant instability, without adequate analysis or mitigation.

SCQ seeks a use permit to extend mining onto 85 acres owned by Lehigh, located west of Parcel B. This is a proposal for purely new extractive operations expressly intended to extend the life of its operations instead of winding down as soon as possible once its resources are depleted, as intended by SMARA. Pub. Res. Code § 2772(c)(6). Such an expansion and extension of its operations is inappropriate and unwarranted. SCQ's request for a 30-year use permit essentially seeks to restart the clock on its operations. The County should not accept the proposed expansion and associated impacts.

This proposal is problematic for the additional reason that it seeks to expand operations into an area of significant, known instability, without any analysis. SCQ's reclamation plan amendment claims that a "memo prepared by Norfleet Consultants support[s] the slope design" it proposes for this new area, but it does not provide the referenced (and required, 14 CCR § 3502(b)(3)) Slope Stability Memorandum.¹ Instead, other portions of the Application glibly state that "[s]everal geotechnical evaluations have been prepared for the site previously. A geotechnical investigation to support the current mine and reclamation design is ongoing." Application p. 5.

In fact, the City's geotechnical consultants, Cotton Shires and Associates, Inc., have identified a large, active, deep-seated landslide extending off the northwest corner of Parcel B into the Lehigh property near the location of Lehigh's proposed new Rock Plant Reserve pit. This landslide is failing into SCQ's existing upper pit. It has pushed through the quarry cut and does not appear to be a cutslope failure from cutting too steeply. Cotton Shires identified an additional landslide at the northern perimeter of Parcel B (again, adjacent to Lehigh's proposed new pit) that appears to have been active since at least 2011 and continues to show instability despite installation of a toe buttress and wall upslope. In addition to these two landslides, Lehigh has proposed to excavate its new Rock Plant Reserve pit in a location that backs up to the north wall of SCQ's existing pit. In other words, SCQ and Lehigh both propose to mine toward unstable material without adequate information or slope stability analyses.

The County should not allow SCQ's proposed expansion. Were the County to consider it, the County should require coordination between geotechnical consultants for both quarries to ensure consistent and adequate characterization and analysis of geologic conditions in this unstable area. Only then can the County hope to understand and obtain mitigation to address the impacts of further excavation at either site, much less in both locations.

IV. The Application would result in significant impacts from quarry-related truck traffic.

SCQ's operations already impact both traffic and infrastructure, with significant expense and disruption to the City and its residents. The quarry's current hauling contributes to congestion, excessive queuing of trucks, deposit of debris, and traffic violations along its Stevens Canyon Road/Foothill Boulevard truck route. Likewise, that stretch of road in the City's jurisdiction is in poor condition, largely due to hauling associated with the quarry's operations. The City has had to invest in substantial and expensive improvements to that stretch of City streets, simply to address the impacts of existing operations. These operations have also required the City to expend resources on

¹ Interestingly, SCQ provides a geotechnical analysis, including a slope stability analysis, for the new *settling pond* proposed in the Application, but not for the new *quarry pit* and area of excavation. See Project Description, Appendix A.

extra street sweeping and enforcement by the County sheriff. Accordingly, any use permit and reclamation plan amendment must both address and impose meaningful limits on quarry-related traffic and must require mitigation of the significant offsite impacts caused by trucks travelling to and from SCQ. These activities and impacts are supposed to—and should—sunset with the end of SCQ's resources. Any decision to extend and increase the material that SCQ can process beyond these current expectations must minimize the associated impacts that would not otherwise occur.

Similarly, the Quarry's proposal to import roughly 1 million tons of aggregate from neighboring Lehigh Permanente Quarry for processing and sale remains underdeveloped and under-analyzed. The City previously pointed out that the proposed off-road haul route between the two quarries violates the Mediated Conditions governing operations on Parcel B; raises significant concerns related to emissions, seismic stability, and ridgeline protections and views; and raises unaddressed permitting issues. The County also noted that it could not support the use of this haul route until existing violations are corrected. Rather than address these concerns, the Application states only that the use of this route will depend on City and County approvals, and defers to Lehigh's pending reclamation plan for the haul road. However, SCQ confuses the issue by also contending that it will develop a "new off-highway roadway" to facilitate the transfer of material from Lehigh to SCQ. As the City has previously explained, this alternative route only exacerbates impacts by climbing higher over the ridge. The County should reject the proposed transfer of aggregate between businesses for processing. At a minimum, SCQ should be required to clarify its proposed route for importing aggregate, and to obtain the requisite permits for that route before its use permit is approved. Under no circumstances, however, should SCQ use City streets to import aggregate from Lehigh.

Finally, SCQ proposes a major reclamation plan amendment that compounds the problems described above by proposing to import two million tons of fill with which to reclaim the quarry property.² The Application does not acknowledge the additional impacts on City streets and residents associated with adding even more hauling to already overburdened routes. It also does not explain why onsite materials are inadequate to complete reclamation, but suggests that imported fill may be "superior" to minimize water quality impacts without meaningful discussion or analysis. SCQ is also entirely silent about the recent reclamation plan amendment submitted by Lehigh, that proposes to import millions of additional tons of fill. The cumulative effects of these projects are obvious and must be addressed, including alternatives that rely on onsite material for reclamation.

V. The Application does not adequately address water quality.

² Note that the Mediated Conditions expressly require retention of onsite overburden for use in the reclamation and revegetation process.

SCQ's approach to water quality protection is similarly cavalier. The Application seeks to expand operations without undertaking a sufficient analysis of protections for Rattlesnake Creek and Swiss Creek, which merge within the facility and discharge to Stevens Creek Reservoir. The County noted that the pre-application project description failed to show the location of proposed Best Management Practices ("BMPs"). Here, while the Application includes maps showing proposed BMP locations throughout much of the SCQ property, there is no information on BMPs for the 85-acre area SCQ proposes to lease from Lehigh. Similarly, the quarry's Stormwater Pollution Prevention Plan and Spill Prevention Control and Countermeasure Plan do not appear to account for either the additional, leased 85-acre parcel, or the proposed expansion of operations to process imported aggregate. The County should require SCQ to document, construct, and maintain adequate protections for the full scope of its operations.

VI. Conclusion

The City looks forward to working with the County to address the scope and impacts of any use permit and reclamation plan amendment to bring them into conformity with City and County policies and to address significant impacts that they will have on the City and the surrounding community. However, as briefly summarized above, the City finds SCQ's proposed expansion inappropriate and highly detrimental to its residents and resources.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Deborah Feng', with a stylized flourish at the end.

Deborah Feng
City Manager



February 3, 2020

Mr. Robert Salisbury
County of Santa Clara
Department of Planning and Development
70 W. Hedding Street, East Wing, 7th Floor
San Jose, California 95110

Sent via email: Robert.Salisbury@PLN.SCCGOV.ORG

**FINANCIAL ASSURANCE COST ESTIMATE REVIEW
STEVENS CREEK QUARRY – (CA MINE ID #91-43-0007)**

Dear Mr. Salisbury:

The Department of Conservation's Division of Mine Reclamation (Division) received from Santa Clara County (County) a financial assurance cost estimate (FACE) in the amount of \$5,444,732 for the Stevens Creek Quarry (operation) on December 18, 2019. Stevens Creek Quarry, Inc. operates the mine and prepared the FACE. The County is the Lead Agency under the Surface Mining and Reclamation Act (SMARA).

The Division's geologists, civil engineer, and landscape architect reviewed the 2019 FACE, associated documents, and prepared this letter for the County's review and consideration. Our analysis and comments are limited to review of project documents. The Division's reviewers have not visited the project site and do not have access to historical or current topographic datasets of mined lands.

The Division finds the 2019 FACE to be inadequate and provides the following comments for the County to consider prior to approval of the "annual" financial assurance for this operation.

Background and Documents Relied on for FACE Comments

We reviewed of the submitted FACE, the Division's file for this operation, and documents related to this project from the County Planning Departments internet page at (<https://www.sccgov.org/sites/dpd/Programs/SMARA/Pages/StevensCreek.aspx>).

- *Permits*: The operation on Parcel A was originally issued a County Use Permit in 1984 and conditions of approval were modified in 1996. Mediated operating conditions for activities on Parcel B were established in a Resolution of the Board of Supervisors in September 2002.
- *Reclamation Plan Amendment (2009 RPA)*: The approved reclamation plan was amended (dated May 2007, revised 2008 by Resource Design Technology, Inc. of El Dorado Hills, CA) and was approved by the County in 2009.
- *Stipulated Order to Comply (2018 SOTC)*: The Operator and the County entered into a "Compliance Agreement and Stipulated Order to Comply" on May 16, 2018. The

operator and County agreed, amongst other items, that an amended reclamation plan must be developed and approved to address boundary and slope stability issues. The County recently indicated that the operator is in compliance with the 2018 SOTC and confirmed that the Operator applied for approval of an updated use permit and major reclamation plan amendment.

- *Development Pre-Application (2019 Pre-Application)*: "Santa Clara County Planning Development Application for Use Permit and Major Reclamation Plan Amendment for Steven's Creek Quarry," (dated May 31, 2019, File No. PLN19-0110). This document summarizes the proposed Use Permit and Major Reclamation Plan Amendment on the County required forms.
- *Proposed Amended Reclamation Plan (2019 PARP)*: "Stevens Creek Quarry, Mine and Reclamation Description for New Use Permit and Amended Reclamation Plan," (dated May 2019, by Benchmark Resources of Folsom, CA). This document summarizes the proposed operations and reclamation activities required by the County to comply with the 2018 SOTC.
- *2019 Financial Assurance Cost Estimate (2019 FACE)*: "Financial Assurance Cost Estimate for Stevens Creek Quarry," dated October 11, 2019 by Benchmark Resources.
- *Pre-Application Letter (2019 PAL)*: "Pre-Application Letter, PLN19-0110" (dated October 23, 2019, by Santa Clara County). This letter documents the "application requirements and preliminary issues associated with the potential Use Permit and Reclamation Plan Amendment Approval application for the Stevens Creek Quarry as identified in the pre-application submitted on May 31, 2019."
- *2019 Revised FACE Statement of Adequacy (2019 SOA)*: "Revised Statement of Adequacy, 2019 Financial Assurance Cost Estimate for Stevens Creek Quarry," dated December 18, 2019, by Santa Clara County.

The 2018 SOTC indicates that reclamation of mined lands at the operation cannot be completed pursuant to the approved 2009 RPA. The operator submitted the 2019 Pre-Application and 2019 PARP to the County on May 31, 2019. On October 11, 2019, the operator submitted their 2019 FACE to the County. The County provided comments on the 2019 PARP to the operator on October 23, 2019. On December 18, 2019 the County determined the 2019 FACE was adequate and submitted it to the Division for review and comment.

The Division acknowledges that the 2019 FACE may likely be considered "interim" in nature, as the 2009 RPA cannot be achieved and the 2019 PARP has not been approved and still under review by the County. Reclamation standards from the existing permits, the 2009 RPA and the 2019 PARP appear to be co-mingled in the accounting of reclamation costs in the 2019 FACE. For example, according to the 2019 FACE, Task II Description, Current Site Conditions states, *"This FACE provides the cost to lay back the western slope in order to cut out the unstable portions of the existing slope in the higher elevations and create fill material for a 3:1 cut slope in the lower elevations for an overall 3:1 slope consistent with the geotechnical recommendations. It is recognized that the lay back, if it would ever need to be implemented, falls on the neighboring property where an agreement for the mining and reclamation plan amendment would be required."* Laying back the western slope and using excavated material as backfill is not allowed under 2009 RPA but is proposed in the 2019 PARP. In the event of financial incapability, how would the

County or State access material from an area not currently authorized for removal? In the unlikely scenario of financial incapability, the Division, or alternatively the County, would have to obtain backfill material from offsite sources to mitigate the existing slope issues at the operation that protects public health and safety. The 2019 FACE does not address the costs associated with importing material to mitigate health and safety issues associated with the current condition of mined slopes at the operation.

Earthwork Volume Estimates

The operator provided a narrative for earthwork quantities in the Primary Reclamation Activity section of the 2019 FACE, as well as including four figures: Figure 1 - "Reclamation Plan", Figure 2 - "Grading Areas", Figure 3 - "Revegetation Areas", and, Figure 4 - "Cross Sections". A quantitative analysis of total volumes for cuts and fills for reclamation of the operation were not included in the 2019 FACE. The 2019 FACE describes that "All volume calculations for this site were performed using DWG/DXF files....Volume calculations were made in both Autocad and Surpac."

Based on review of project documents, we estimated the total volume of material excavated from the quarry since 1990 to be approximately 16,800,000 cubic yards. The Division used Sheet 3 from the 2009 RPA and estimated approximately 6,800,000 cubic yards of material are required to achieve the reclaimed topography shown. We assumed average density of in-place materials to be 150 pounds per cubic foot, which was used in the geotechnical reports previously prepared for the project. We acknowledge this may not reflect current conditions and for the Division to determine an accurate calculation of backfill volume, we would require a topographic survey of current conditions, which we would compare to the 2009 RPA design. However, our 6,800,000 cubic yard estimate does provide a perspective of the magnitude of the total backfill needed to reclaim mined lands to the 2009 RPA.

The 2019 PARP proposes to extend the west quarry footprint into the adjacent property and the 2019 FACE subsequently estimates that 4,500,000 million cubic yards of material will be made available as a result of this expansion for reclamation backfill. The 2019 PARP further describes that quarry floor elevation would be raised to 900 feet, changing the final west quarry wall to a 3:1 slope by cutting the western portion of the quarry and pushing the slope toe easterly into the quarry. Benching of the mined slope and subsequent backfill and compaction is also proposed in the 2019 PARP.

The Division asserts that there is not an adequate accounting of backfill (onsite or offsite) in the 2019 FACE, nor does the 4,500,000 million cubic yards proposed in the 2019 FACE appear adequate to achieve reclamation goals of the 2009 RPA or the 2019 PARP.

Equipment and Production Rates

The equipment and production rates used to calculate costs for grading 4,500,000 million cubic yards in the 2019 FACE is inadequate. Based on our experience and using laboratory data in existing geotechnical reports for the project, the cohesion of fresh greenstone material is greater than the CAT 637D Scrapers' (referenced in the 2019 FACE) ability to rip and excavate. Our review of the 2019 FACE reveals that the production estimates for the scrapers are calculated assuming 100% efficiency. These values are inadequate considering the rugged terrain, the distances in work area, and type of material to be

excavated. The proposed average unit cost to excavate and backfill material in the 2019 FACE is about \$1.22 per cubic yard. Our experience for the cost of backfilling material from reviewing other cost estimates from similar surface mining operations throughout the State ranges between \$2.00 to \$2.50 per cubic yard, in terrain less rugged and in material that can be ripped more readily.

The 2019 FACE should be revised to include the costs for necessary engineering needed to determine backfill volumes, importing the needed volumes of backfill material, and associated equipment and labor costs, to insure there is adequate funds to complete grading.

Revegetation

The 2009 RPA revegetation standards explicitly call for hydroseeding with a slurry of seed and fertilizer, followed by hydromulching with a mixture of wood cellulose fiber mulch and tackifier. The proposed ATV with seed spreader is inadequate to perform the work at this scale for this task. The FACE substitutes straw in place of hydromulch. Thirty to forty-five days after hydroseeding, the ARP calls for a fertilizer application in all hydroseeded areas. The FACE is missing the cost for fertilizer and related equipment or labor costs. The 2019 FACE should be updated to include the appropriate materials, equipment, and labor rates consistent with the revegetation standards in the 2009 RPA or include a third-party hydroseeding and hydromulching estimate, to insure there is adequate funds to complete revegetation.

The tree installation in the 2019 FACE shows insufficient labor hours for digging in hard soils and for installing all materials listed in the 2009 RPA, with an incorrect prevailing wage labor rate used for Landscape Laborer. The FACE does not account for materials such as an amended backfill mix of 50% friable loam topsoil and 50% site topsoil (topsoil import as needed), bark mulch, protection wiring, and fertilizer tablets. Soil analyses will be needed for the imported friable loam topsoil and the site topsoil for fertilizer and amendment recommendations. The FACE should be updated to include missing materials, sufficient time to accomplish the task, and the correct labor rate, to insure there is adequate funds to complete revegetation.

Recommended Review

Considering the magnitude of the reclamation work, the Division recommends that the revised 2019 FACE should be reviewed by the County Civil Engineer (or third-party engineer), an experienced general engineering contractor, and a licensed landscape architect to insure adequate funds are available to the County or State in the event the operator becomes financially incapable.

The Division looks forward to receiving the County's response to our comments and the 30-day notice that it intends to approve the FACE pursuant to Public Resource Code Section 2773.4(d)(5)(D)(iii).

Mr. Robert Salisbury
February 3, 2020

Handout 2.6-A
10/27/2020

If you have any questions, please contact of us at (916) 323-9198.

Sincerely,



Paul Fry, PG
Manager
Engineering and Geology Unit



Gezahegn Hora, PE, PG
Civil Engineer
Engineering and Geology Unit



Kelly Matheson, PLA
Landscape Architect
Engineering and Geology Unit



Brian Barkwill, GIT
Engineer Geologist
Engineering and Geology Unit

cc: Mr. Jason Voss, Stevens Creek Quarry, Inc., jvoss@scqinc.com



Santa Clara Valley Water District

File No.: 20-1000

Agenda Date: 10/27/2020

Item No.: *2.7.

BOARD AGENDA MEMORANDUM

SUBJECT:

Conduct Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Approve CEQA Exemption Determination, Adopt Resolution Approving the Engineer's Report, and Approve the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Project No. 93764004 (San Jose) (District 3). (PREVIOUSLY LISTED AS ITEM 2.6)

RECOMMENDATION:

- A. Conduct Public Hearing on the Engineer's Report and the CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project (Project);
- B. Close the Public Hearing;
- C. Approve the CEQA exemption determination for the Project;
- D. Adopt the Resolution APPROVING THE ENGINEER'S REPORT FOR THE PENITENCIA WATER TREATMENT PLANT REHABILITATION OF FLOCCULATION AND SEDIMENTATION BASINS PROJECT; and
- E. Approve the Project.

SUMMARY:

The objective of the Penitencia Water Treatment Plant (PWTP) Rehabilitation of Flocculation and Sedimentation Basins Project is to extend the useful life and increase the reliability of the PWTP. The Project will remove and replace all process-related mechanical and electrical equipment, inspect and refurbish the basin concrete coatings, and upgrade the drive motor assemblies in all three (3) of the flocculation and sedimentation basins at the PWTP.

CEQA Exemption

CEQA provides a Categorical Exemption for the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety (CEQA Guidelines § 15301; Existing Facilities [Class 1 - operation, repair, maintenance, minor alteration of existing structures and facilities]).

Filing of Notice of Exemption

Staff has reviewed the proposed Project for CEQA compliance and concluded that it qualifies for CEQA's Class 1 Categorical Exemption. Consistent with Valley Water's CEQA procedures, a draft Notice of Exemption (NOE) (Attachment 1) is attached for Board consideration. If the Board approves the proposed Project, staff will file the NOE with the County of Santa Clara Office of the Clerk/Recorder.

Engineer's Report

Section 12 of the District Act requires the Board to conduct a public hearing to consider all written and oral objections to the proposed project when: 1) the project is new construction; and 2) the project is funded by a single or joint zone of benefit. As the proposed Project meets both conditions, staff prepared an Engineer's Report (Attachment 2) for the purpose of public disclosure. The Notice of Public Hearing for the Engineer's Report (Attachment 3) was published in accordance with the District Act; posted outside Valley Water's Offices at 5700 Almaden Expressway, San Jose, California, 95118; and on Valley Water's website at <https://www.valleywater.org/public-review-documents>. A copy of the Report has been provided to the City Clerk's office in the City of San Jose and may be available on its web site.

On October 13, 2020, the Board adopted Resolution No. 20-83 Setting Time and Place of Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Project. As stated in the Resolution, the Board was provided with the Engineer's Report dated "August 2020."

Attachment 4 provides the resolution approving the Engineer's Report.

Attachment 5 contains a presentation on the proposed Project.

Prior Board Action(s)

October 13, 2020: the Board adopted Resolution No. 20-83 setting the time and place for the public hearing on the Engineer's Report to take place on October 27, 2020.

Next Steps

If the Board approves the proposed Project, the future Project milestones are:

1. Board adoption of plans and specifications for construction
2. Board award of construction contract

FINANCIAL IMPACT:

The proposed Project is included in the Board-approved Fiscal Year 2021-25 Capital Improvement Program. The estimated total cost of the proposed Project is \$4.2 million. There are sufficient funds in the FY2020-21 Water Treatment Small Cap Project, Project No. 93764004, budget to fund the proposed Project. The proposed Project would be funded by the Water Enterprise Fund, with 100%

of the costs allocated to Zone W-2 (North County).

CEQA:

CEQA provides a categorical exemption for projects within existing facilities, which include specific actions necessary for the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment (CEQA Guidelines §15301(d)). After analysis of the facts and applicable law, staff has concluded that the proposed Project qualifies for this categorical exemption.

ATTACHMENTS:

Attachment 1: Draft Notice of Exemption

Attachment 2: Engineer's Report

Attachment 3: Notice of Public Hearing

Attachment 4: Resolution

Attachment 5: PowerPoint

*Supplemental Agenda Memorandum

*Supplemental Attachment 1: Revised PowerPoint

UNCLASSIFIED MANAGER:

Aaron Baker, 408-630-3135

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Public Notice
Notice of Exemption



To: Santa Clara County
Clerks Office, Business Division
70 West Hedding Street
San Jose CA 95110

From: Santa Clara Valley Water District
5750 Almaden Expressway
San Jose CA 95118-3686
Telephone (408) 265-2600

Project Title: Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins

Project Location-Specific: 3959 Whitman Way, San Jose, CA 95132 (Assessor's Parcel Number: 595-04-072)

Project Location-City: San Jose

Project Location-County: Santa Clara

Project Purpose: The project will extend the useful life and increase the reliability of the facility.

Name of Public Agency Approving Project: Santa Clara Valley Water District

Name of Agency or Person Carrying Out Project: Santa Clara Valley Water District

Exempt Status: (check one)

- ☐ Ministerial [Sec. 21080(b)(1); 15268];
- ☐ Declared Emergency [Sec. 21080(b)(3); 15269(a)];
- ☐ Emergency Project [Sec. 21080(b)(c)];
- ☒ Categorical Exemptions [Section 15301; Class 1, "Existing Facilities"]
- ☐ Statutory Exemptions [State code number].

Reasons Why Project is Exempt: The project qualifies for a Categorical Exemption under California Environmental Quality Act (CEQA) Guidelines §15301 (Class 1).

"Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of 'existing facilities' itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use."

None of the conditions noted under the CEQA Guidelines §15300.2 will occur.

Description of Project: The project will remove and replace mechanical and electrical equipment, inspect, and refurbish the basin concrete coatings, and upgrade the drive motor assemblies in all the three flocculation and sedimentation basins at the facility. Work will occur within the developed footprint and is anticipated to last for about seven months. Best Management Practices are incorporated, and crews will complete the work Monday through Friday, between 7:00 a.m. and 7:00 p.m., in accordance with San Jose municipal Code.

Lead Agency: Santa Clara Valley Water District
Contact Person: Colin Ganong

Area Code/Telephone/Extension
(408) 630-3125

Signature: _____
Title: Aaron Baker, P.E.
Deputy Operating Officer:
Water Utility Raw Water Division

Date: _____

cc: CEQA Administrative Record

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Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project

Engineer's Report

August 2020

Raw Water Division



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PENITENCIA WATER TREATMENT PLANT REHABILITATION OF FLOCCULATION AND SEDIMENTATION BASINS PROJECT

PROJECT NO. 93764004

ENGINEER'S REPORT

Prepared By:

David Kunz, P.E., Senior Engineer

Under the Direction of:

Joel Jenkins, P.E.
Engineering Unit Manager

Aaron Baker, P.E.
Deputy Operating Officer

Garth Hall
Chief Operating Officer

Rick Callender
Chief Executive Officer

The Engineer's Report has been prepared under the direct supervision of the undersigned, who hereby certifies that he is a Registered Civil Engineer in the State of California



A handwritten signature in cursive script that reads "David G. Kunz".

August 2020

DISTRICT BOARD OF DIRECTORS

John L. Varela
Barbara Keegan
Richard Santos,
Linda J. LeZotte

District 1
District 2
District 3
District 4

Nai Hsueh, Chair
Tony Estremera, Vice Chair
Gary Kremen

District 5
District 6
District 7

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**Penitencia Water Treatment Plant
Rehabilitation of Flocculation and Sedimentation Basins Project
Project No. 93764004
Engineer's Report
August 2020**

1. PROJECT DESCRIPTION

The proposed Project is located at the District's Penitencia Water Treatment Plant (PWTP) in San Jose (see Figures 1 for project location). The PWTP was built and placed in service in the early 1970's. An inspection of the flocculation and sedimentation equipment suggested its replacement. The objective of this Project is to extend the useful life and increase the reliability of the PWTP. The proposed Project, once completed, will ensure that the treatment plant can continue to efficiently and reliably provide potable water to water retailers, businesses, and residents within the District's service areas.

The Project will remove and replace all process-related mechanical and electrical equipment, inspect and refurbish the basin concrete coatings, and the upgrade the drive motor assemblies in all three (3) of the PWTP Flocculation and Sedimentation basins. Staging of this work will be coordinated between the three (3) basins of the plant. The plant will be on reduced capacity for the duration of the project construction.

2. ZONE BENEFITS

The proposed Project work will benefit the customers of Zone W-2 (North County).

3. PROJECT RIGHT OF WAY

The proposed Project would be constructed on District property.

4. MAPS AND FIGURES

Figure 1 - Project Location Map

5. PROJECT COSTS

The estimated cost for design and construction of the proposed Project is \$4.2 million (in 2020 dollars). The proposed Project would be funded by the Water Utility Enterprise Fund.

6. PROJECT SCHEDULE

- Advertise for construction bids: October 2020
- Award construction contract: January 2021
- Complete construction: April 2022

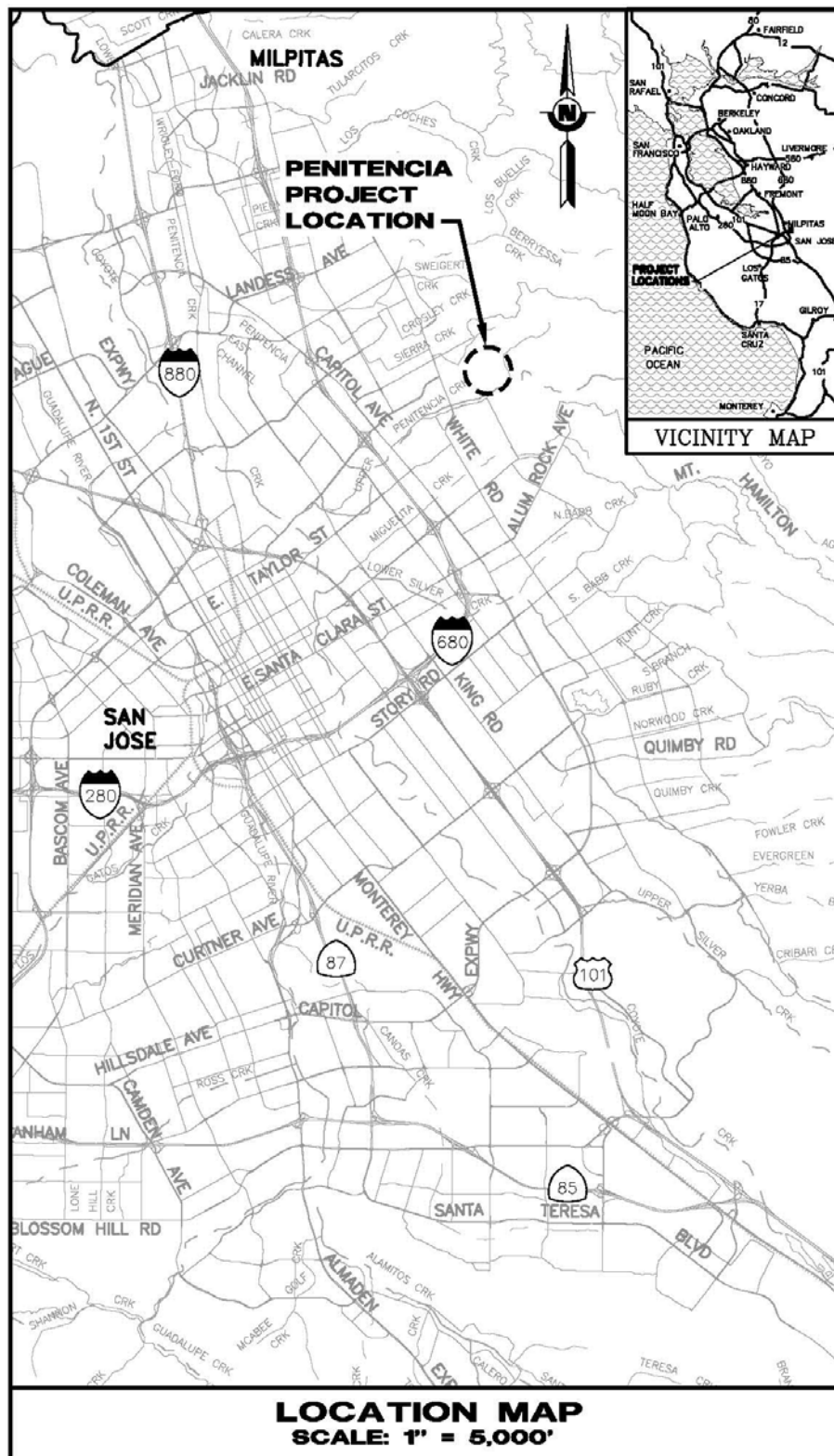


Figure 1 - Project Location Map

Public Hearing Notice

CAPITAL IMPROVEMENT PROJECT



Topic: Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project

Who: Santa Clara Valley Water District

What: Public hearing on Engineer's Report and CEQA Exemption Determination

When: Tuesday, October 27, 2020 – Item is time certain at 6:00 p.m.

Where: Teleconference Zoom

Why: The proposed work of improvement is described in the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project Engineer's Report. The Report is available on Valley Water's website: <http://www.valleywater.org/PublicReviewDocuments.aspx>. A copy of this Notice has been posted outside Valley Water's Offices at 5700 Almaden Expressway, San Jose, CA 95118. A copy of the Report has been provided to the City Clerk's office in the City of San Jose and may be available on its web page.

In compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to the COVID-19 pandemic, the Governor's Executive Order N-29-20, and Order of the County of Santa Clara Public Health Officer dated March 16, 2020, Valley Water's offices are closed to the public. Therefore, the Engineer's Report is unavailable for public inspection at Valley Water's offices and only available online.

The objective of the Penitencia Water Treatment Plant (PWTP) Rehabilitation of Flocculation and Sedimentation Basins Project (Project) is to extend the useful life and increase the reliability of the plant. The Project will remove and replace all process-related mechanical and electrical equipment, inspect and refurbish the basin concrete coatings, and upgrade the drive motor assemblies in all three (3) of the PWTP Flocculation and Sedimentation basins.

At the time and place fixed for the public hearing, the Board of Directors will receive comments on the Engineer's Report and the CEQA exemption determination for the Project and consider approving the Project's CEQA exemption determination in accordance with the California Environmental Quality Act. After considering the comments on the Engineer's Report, the Board will decide whether or not to proceed with the Project.

For more information about this hearing or this project, contact Joel Jenkins at (408) 630-2609 and/or David Kunz at (408) 630-2293.

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-29-20 issued on March 17, 2020 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.

Members of the public wishing to address the Board during a video conference meeting on this item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. 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.

Se realizarán esfuerzos a fin de brindar todas las facilidades posibles a las personas con discapacidades que desean asistir a esta reunión pública. Para información adicional sobre como asistir a esta audiencia incluyendo peticiones para acomodar a discapacitados o asistencia con intérpretes, por favor comuníquese a la Oficina del Secretario de la Junta Directiva al **(408) 630-2277**, por lo menos tres días antes de la audiencia.

Những người khuyết tật cũng có thể tham dự buổi điều trần này. Muốn có các yêu cầu hỗ trợ người khuyết tật tham dự buổi điều trần kể cả các tiện nghi, thông dịch, quý vị có thể tiếp xúc văn phòng Thư ký Hội đồng tại số **(408) 630-2277**, ít nhất ba ngày trước buổi điều trần.

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 20-

**APPROVING THE ENGINEER'S REPORT FOR THE
PENITENCIA WATER TREATMENT PLANT REHABILITATION
OF FLOCCULATION AND SEDIMENTATION BASINS PROJECT**

WHEREAS, the Santa Clara Valley Water District (Valley Water) has been duly and regularly established and exists pursuant to the provisions of the Santa Clara Valley Water District Act (District Act); and

WHEREAS, the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project (proposed Project) is included in the Board-approved fiscal years 2021-2025 Capital Improvement Program; and

WHEREAS, on the 13th day of October 2020, the Engineer's Report for the proposed Project prepared by Valley Water's Engineers, titled "Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project No. 93764004," dated August 2020, was made available to the Board of Directors; and

WHEREAS, on the 13th day of October 2020, this Board of Directors set a time and place for a public hearing on the Engineer's Report to take place on the 27th day of October 2020, at 6 p.m., by teleconference Zoom meeting; and

WHEREAS, notice of the time and place of said public hearing was duly given and published pursuant to law; and

WHEREAS, on the 27th day of October 2020, Valley Water's Engineer presented the Engineer's Report dated August 2020 to the Board of Directors containing:

1. A general description of the proposed Project;
2. A general description of and maps showing the location of the proposed Project and lands, rights of way, and easements required therefor; and
3. An estimate of the cost of the proposed Project and means of financing these costs.

WHEREAS, on said 27th day of October 2020, at the time and place as set by the Board of Directors a public hearing was duly held.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District:

SECTION 1

That all comments including all written and oral objections to the proposed Project have been heard and considered; and

SECTION 2

That this Board hereby approves said Engineer's Report for a work of improvement for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Project No. 93764004; and

SECTION 3

That the Engineer of this District has estimated the current cost of the Project is \$4.2 million and that this Board hereby determines that said Project is for the benefit of North County (W-2) Zone and further determines that 100 percent of the costs thereof shall be borne by Zone W-2.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on October 27, 2020:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors



Valley Water

Clean Water • Healthy Environment • Flood Protection

Valley Water PPT Template
Version Release v.2.02



Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project

Board Actions – October 27, 2020

- Conduct Public Hearing on Engineer's Report and CEQA Exemption Determination
- Close Public Hearing
- Consider CEQA Exemption Determination
- Approve the Engineer's Report
- Approve the Project

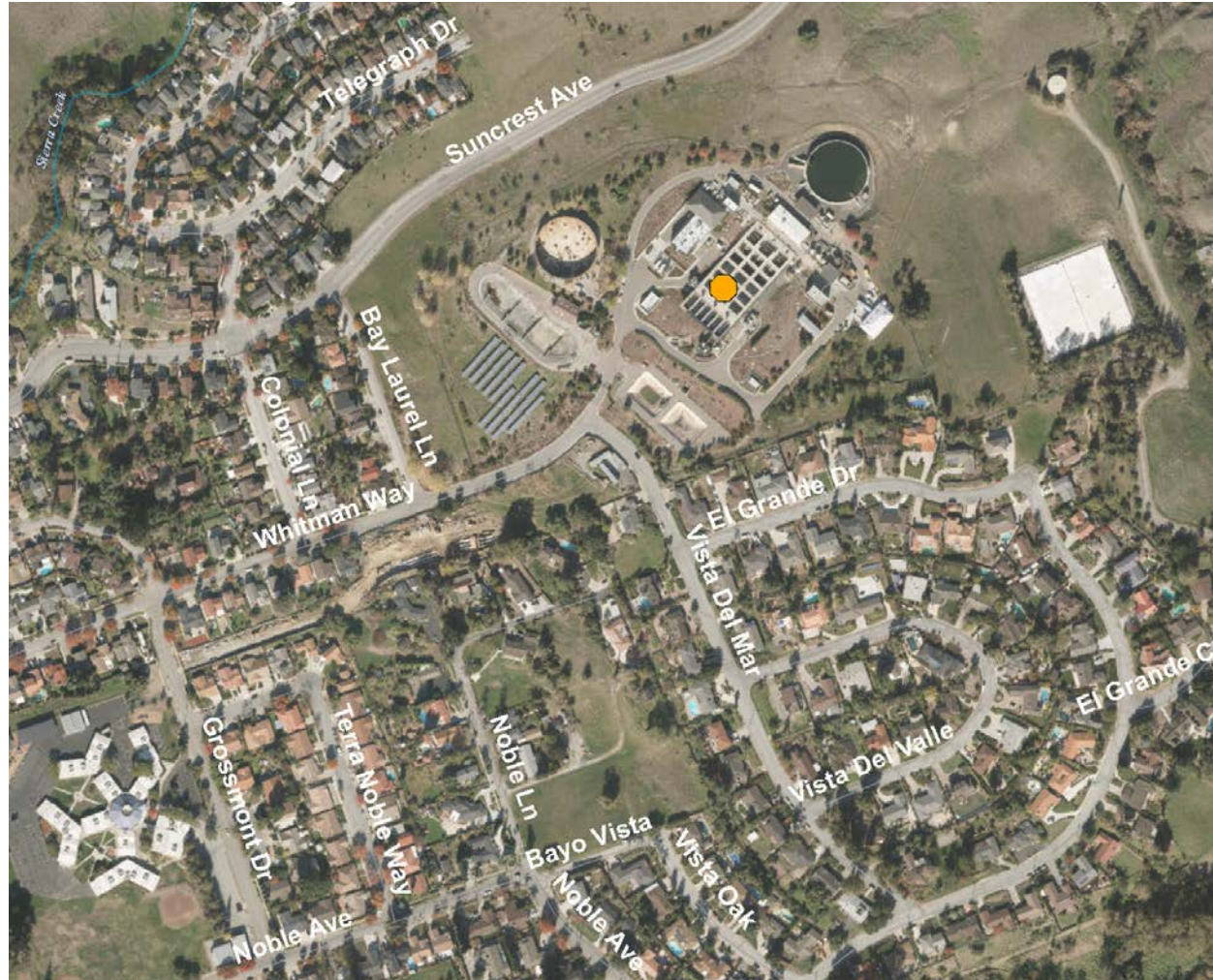
Project Objectives

- Extend the useful life and increase the reliability of the Penitencia Water Treatment Plant.



Project Location

5



Project Description

- Rehabilitate three (3) Flocculation and Sedimentation Basins
 - Remove and replace all process-related mechanical and electrical equipment
 - Inspect and refurbish basin concrete coatings
 - Upgrade drive motor assemblies

Project Rights of Way

- Project is within the limits of the District's property

Project CEQA

- Class 1 Categorical Exemption for Existing Facilities per CEQA Guidelines §15301

Project Cost / Zone Funding

- Estimated Total Cost: \$4.2M
- Zone of Benefit: W-2

Project Next Steps

- Advertise for Bids for Construction – November 2020
- Award Construction Contract – January 2021
- Issue Notice to Proceed – February 2021
- Complete Construction – April 2022



Valley Water

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Santa Clara Valley Water District

File No.: 20-0998

Agenda Date: 10/27/2020

Item No.: *2.7.

SUPPLEMENTAL BOARD AGENDA MEMORANDUM

SUBJECT:

Conduct Public Hearing on the Engineer's Report and CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Approve CEQA Exemption Determination, Adopt Resolution Approving the Engineer's Report, and Approve the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project, Project No. 93764004 (San Jose) (District 3). (PREVIOUSLY LISTED AS ITEM 2.6)

REASON FOR SUPPLEMENTAL MEMORANDUM:

This Supplemental Memorandum conveys additional information received after the initial Board Agenda Memorandum was published, consistent with Executive Limitations Policy EL-7-10-5.

RECOMMENDATION:

- A. Conduct Public Hearing on the Engineer's Report and the CEQA Exemption Determination for the Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project (Project);
- B. Close the Public Hearing;
- C. Approve the CEQA exemption determination for the Project;
- D. Adopt the Resolution APPROVING THE ENGINEER'S REPORT FOR THE PENITENCIA WATER TREATMENT PLANT REHABILITATION OF FLOCCULATION AND SEDIMENTATION BASINS PROJECT; and
- E. Approve the Project.

SUMMARY:

The PowerPoint Attachment was updated to reflect recent modifications to the schedule for Project construction including the following changes to the Project Next Steps slide on page 10:

- Advertise for Bids for Construction was updated from "November 2020" to "December 2020";
- Award Construction Contract was updated from "January 2021" to "February 2021"; and
- Issue Notice to Proceed was updated from "February 2021" to "March 2021."

FINANCIAL IMPACT:

No change.

File No.: 20-0998

Agenda Date: 10/27/2020
Item No.: *2.7.

CEQA:

No change.

ATTACHMENTS:

*Supplemental Attachment 1: PowerPoint

UNCLASSIFIED MANAGER:

Aaron Baker, 408-630-2135*



Valley Water

Clean Water • Healthy Environment • Flood Protection

Valley Water PPT Template
Version Release v.2.02



Penitencia Water Treatment Plant Rehabilitation of Flocculation and Sedimentation Basins Project

Board Actions – October 27, 2020

- Conduct Public Hearing on Engineer's Report and CEQA Exemption Determination
- Close Public Hearing
- Consider CEQA Exemption Determination
- Approve the Engineer's Report
- Approve the Project

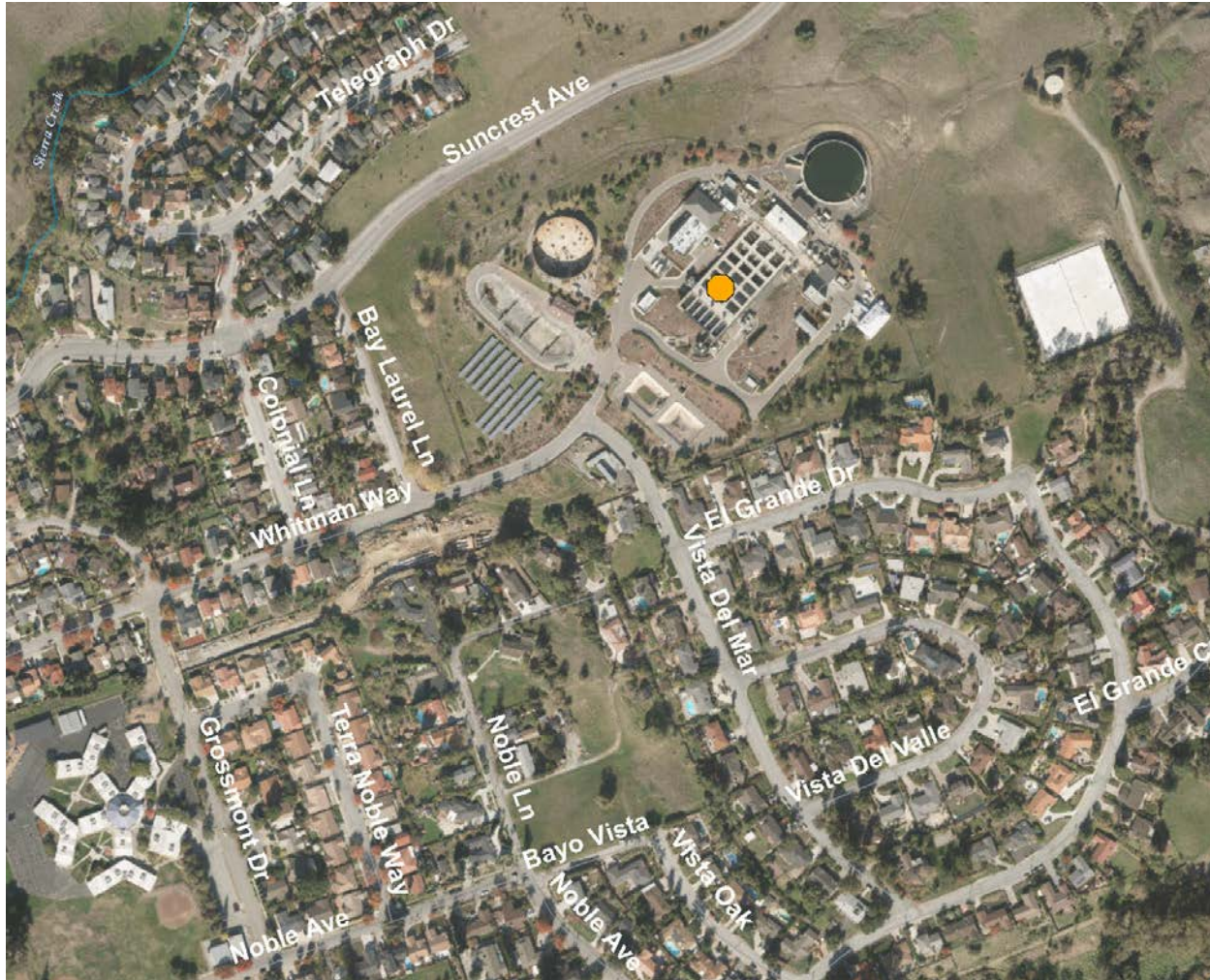
Project Objectives

- Extend the useful life and increase the reliability of the Penitencia Water Treatment Plant.



Project Location

5



Project Description

- Rehabilitate three (3) Flocculation and Sedimentation Basins
 - Remove and replace all process-related mechanical and electrical equipment
 - Inspect and refurbish basin concrete coatings
 - Upgrade drive motor assemblies

Project Rights of Way

- Project is within the limits of the District's property

Project CEQA

8

- Class 1 Categorical Exemption for Existing Facilities per CEQA Guidelines §15301

Project Cost / Zone Funding

- Estimated Total Cost: \$4.2M
- Zone of Benefit: W-2

Project Next Steps

- Advertise for Bids for Construction – December 2020
- Award Construction Contract – February 2021
- Issue Notice to Proceed – March 2021
- Complete Construction – April 2022



Valley Water

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Santa Clara Valley Water District

File No.: 20-0801

Agenda Date: 10/27/2020

Item No.: 3.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Adopt the Resolution Amending Valley Water's 2020 Conflict of Interest Code.

RECOMMENDATION:

Adopt the Resolution AMENDING THE CONFLICT OF INTEREST CODE FOR THE SANTA CLARA VALLEY WATER DISTRICT INCLUDING THE APPENDICES WHEREIN THE POSITIONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS ARE DESIGNATED.

SUMMARY:

This Board agenda item allows the Board to review the proposed revisions to the Conflict of Interest Code (Code) and adopt a Resolution amending Valley Water's Code (Attachment 1).

The Political Reform Act requires every local government agency to review its Code biennially (every even-numbered year) to respond to changes made in titles and responsibilities within the organization.

Pursuant to Government Code Section 87303, "No conflict of interest code shall be effective until it has been approved by the code reviewing body." The County of Santa Clara Board of Supervisors is the code-reviewing body for County agencies and for any other local agency whose jurisdiction is solely within the County. The Office of the County Counsel is responsible for reviewing revised codes prior to forwarding them to the Board of Supervisors for approval. County Counsel has requested that amended conflict of interest codes be provided by October 31, 2020.

Human Resources staff, in consultation with Valley Water management and County Counsel, performed a review of Valley Water's Code.

Revisions

Revisions to the Code include:

- Addition of new designated positions;
- Removal of positions that no longer meet Code requirements;
- Updating categories (levels of disclosure) of certain positions; and

- Position title revisions (including title updates).

The red-lined version of the revised Code is attached (Attachment 2), as well as a copy of the final version (Attachment 3)

Next Steps:

After the Board adopts the Resolution, the Clerk's office will submit the amended Conflict of Interest Code to the Office of County Counsel, meeting the October 31, 2020 deadline, for final approval by the County Board of Supervisors.

FINANCIAL IMPACT:

There is no financial impact relevant to this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably, foreseeable indirect physical changes in the environment.

ATTACHMENTS:

Attachment 1: Resolution

Attachment 2: Conflict of Interest Code, Redlined

Attachment 3: Conflict of Interest Code, Final

UNCLASSIFIED MANAGER:

Ingrid Bella, 408-630-3171

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 20-

**AMENDING THE CONFLICT OF INTEREST CODE FOR THE SANTA CLARA VALLEY
WATER DISTRICT INCLUDING THE APPENDICES WHEREIN THE POSITIONS REQUIRED
TO FILE STATEMENTS OF ECONOMIC INTEREST ARE DESIGNATED**

WHEREAS, under the Political Reform Act, the Santa Clara Valley Water District (Valley Water) is required to adopt a Conflict of Interest Code (Code) designating individuals subject to the reporting requirements and to periodically review and update it, including every two years (even-numbered years) to determine if it is accurate or, alternatively, if the Code must be amended; and

WHEREAS, if change is necessary, Valley Water is required to submit an amended Code to its code-reviewing body for approval; and

WHEREAS, the County of Santa Clara Board of Supervisors is the code-reviewing body for County agencies and for any other local agency whose jurisdiction is solely within the County; and

WHEREAS, revisions to Valley Water's Code were necessary to reflect the addition of positions to the Code which are involved in making or participation in making government decisions which may have material financial effect on their financial interests; and to remove positions from the Code, due to changes in position titles and responsibilities within the organization, and/or position title revisions were necessary.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District that the attached Conflict of Interest Code with attachments is adopted effective October 27, 2020, and shall be submitted for approval by the County of Santa Clara Board of Supervisors by the required deadline (October 31, 2020), and upon such date of approval, shall become effective and in force for Valley Water.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on October 27, 2020:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors

Attachment 1
Page 1 of 1

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Santa Clara Valley Water District

Conflict of Interest Code

SANTA CLARA VALLEY WATER DISTRICT

AMENDED

CONFLICT OF INTEREST CODE

Approval Date:

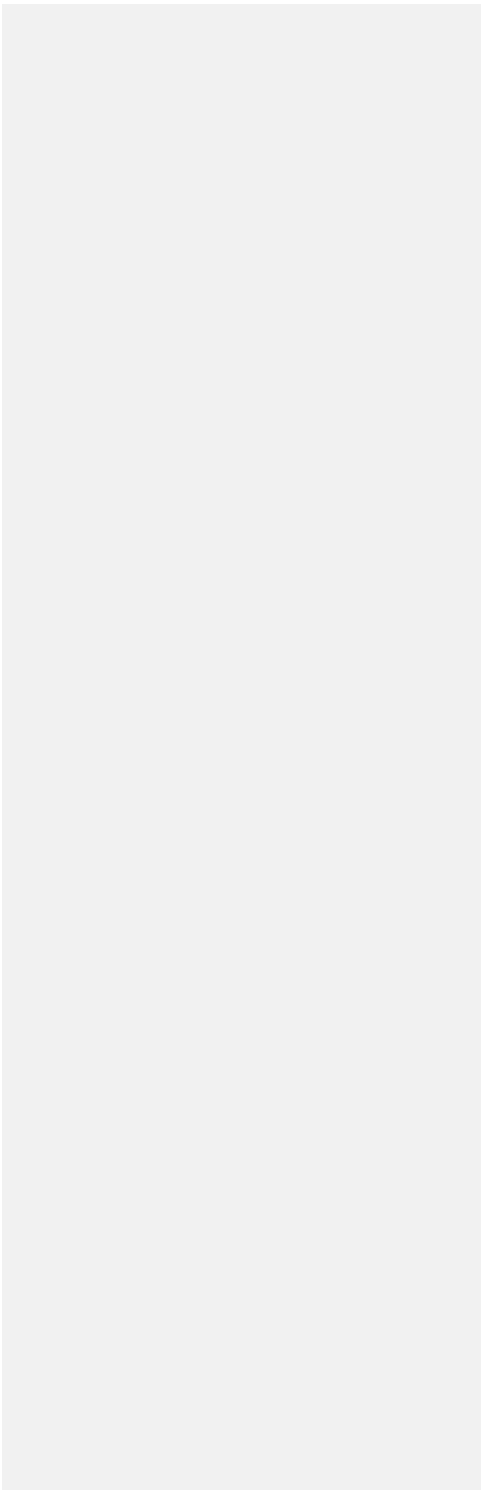
TBD - Revisions to the Code to be Passed by

Resolution of Board of Directors on ~~May 28~~October

~~27~~, 202019

and

Approved by Board of Supervisors on



Board of Supervisors
County of Santa Clara
70 West Hedding Street
San Jose, CA 95110

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The Santa Clara Valley Water District hereby submits the appended Conflict of Interest Code for approval or other action pursuant to law. The Code is in standard form and Exhibit "A" has been modified to include ~~the an-~~ addition of eleven (11) Designated Employees, ~~the deletion of eight (8) Designated Employees, an update in position titles for six (6) Designated Employees, and an update to the category designations for three (3) Designated Employees.~~

~~Linda LeZotte~~ Nai Hsueh,
Chair
Board of Directors

Received on behalf of the Board of Supervisors of the County of Santa Clara this _____, day of _____, 202019.

Megan Doyle
Clerk of the Board of Supervisors

The appended Conflict of Interest Code, having been submitted by Santa Clara Valley Water District, was approved by order of the Board of Supervisors on _____.

Other action (if any):

Megan Doyle
Clerk of the Board of Supervisors

CONFLICT OF INTEREST CODE
FOR
SANTA CLARA VALLEY WATER DISTRICT

The Political Reform Act, Government Code Sections 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the Exhibits "A", "B" and "C" in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Santa Clara Valley Water District. The complete text of 2 California Code of Regulations Section 18730 can be viewed on the Fair Political Practices Commission web page at: <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>

Persons holding designated positions shall file Statements of Economic Interests with the District's filing official. If statements are received in signed paper format, the District's filing official shall make and retain a copy and forward the original statements to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both the District's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed Statements simultaneously. The District shall retain Statements of Economic Interests as public records available for public inspection and reproduction pursuant to Government Code section 81008.

EXHIBIT "A"
Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Exhibit B.

ASM - Capital Program Planning & Analysis Manager
ASM - Civic Engagement Manager
ASM - Communications Manager
ASM - Construction Contracts Support Manager
ASM - Emergency & Security Manager
ASM - Environmental Health and Safety Manager
ASM -- Purchasing &- Contracts &- Warehouse
Manager
ASM - Real Estate Services Manager
ASM - Risk Manager
ASM - Watersheds Business Planning and Analysis Manager
Assistant Chief Executive Officer
Assistant District Counsel
Assistant Officer
Board Support Officer
Chief Executive Officer
Chief Operating Officer
Chief of External Affairs
Clerk of the Board
Deputy Administrative Officer
Deputy Clerk of the Board
Deputy Operating Officer
District Counsel
EGM - Asset Management Manager
EGM - Capital Engineering Manager
EGM - Community Projects Review Manager
EGM - Construction Manager
EGM - Hydrology, Hydraulics & Geomorphology Manager
EGM - Operations & Maintenance Engineering Support Manager
EGM - Water Policy & Planning Manager
ESM - Environmental Mitigation & Monitoring Manager
ESM - Environmental Services Manager - Water Utility
ESM - Environmental Services Manager - Watershed
ESSM- Land Surveying & Mapping Manager
FSM - Accounting Manager
FSM - Budget Manager
FSM - Financial Planning & Revenue Manager
FSM - Revenue Manager
FSM - Treasury & Debt Manager
GSM - Facilities & Fleet Manager
IWM - Imported Water Manager
Labor Relations Officer
Program Administrator - Administration-
Program Administrator - CEO
Program Administrator - External Affairs
Senior Assistant District Counsel
Senior Environmental Health & Safety Specialist

~~Senior Management Analyst - External Affairs~~

Senior Project Manager - Water Utility

Senior Project Manager - Watersheds

Supervising Land Surveyor

Supervising Well Ordinance Compliance Inspector

WRM - Groundwater Management Manager

~~WRM - Laboratory Services Manager~~

WUOM - Utility Operations & Maintenance Manager

WUOM - Water Treatment Manager

WSOMM - Integrated Vegetation Manager

WSOMM - Watershed Field Operations Manager

WUOMM - Well & Water Measurement Manager

- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 2 of Exhibit B.

ASM - Employment Services Manager

ASM - Labor Relations Manager

ASM - Racial Equity Diversity & Inclusion Manager

Assistant Procurement Specialist

Associate Engineer - Civil

Associate Engineer - Control System

Associate Engineer- Electrical

Associate Engineer - Mechanical

Associate Engineering Geologist

Associate Water Resources Specialist

Contracts Administrator I

Contracts Administrator II

Deferred Compensation Committee Alternate

Deferred Compensation Committee Member

EGM - Dam Safety Program Manager

EGM - Electrical & Control Systems Engineering Manager

EGM - Utility Maintenance Engineering Manager

Facilities Maintenance Administrator

~~EGM - Water Supply Operations Manager~~

Government Relations Advocate

GSM - Business & Customer Support Manager

GSM - Engineering Support Manager

~~GSM - Fleet and Equipment Manager~~

GSM - Records & Library Manager

Information Technology Architect

ISM - Information Technology Manager

ISM - Information Technology Projects & Business Operations Manager

ISM - Systems Development & Support Manager

Facilities Maintenance Administrator

Management Analyst II, Ethics & Equal Opportunity Programs

Management Analyst II, Purchasing & Consultant Contracts & Warehouse

Services

Network Architect

Principal Construction Contracts Administrator

Procurement Specialist

Program Administrator - Administration

Program Administrator - Water Utility

Project Manager - Water Utility

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Project Manager - Watersheds
~~Public Information Representative III~~

Senior Construction Contracts Administrator

Senior Engineer

Senior Engineering Geologist

Senior Information Systems Analyst

Senior Management Analyst, Purchasing & Consultant Contracts &
~~Warehouse Services~~

Senior Procurement Specialist

Senior Procurement Technician

Senior Project Manager - Administration

Senior Water Conservation Specialist

Senior Water Resources Specialist

~~Staff Analyst, Purchasing, Consultant Contracts & Warehouse Services~~

Water Conservation Specialist II

Water Conservation Specialist III

WRM - Laboratory Services Manager

WRM - Recycled & Purified Water Manager

WRM - Water Supply Planning & Conservation Manager

WRM - Water Quality Manager

WUOM - Water Supply Operations Manager

WUOMM -Utility Maintenance Manager - Distribution

WUOMM - Utility Maintenance Manager - Treatment

- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 3 of Exhibit B.

Associate Real Estate Agent

Senior Real Estate Agent

- IV. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 4 of Exhibit B.

None

- V. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 5 of Exhibit B.

Chief Construction Inspector

~~Equipment Mechanic II (Grade IV, Winfield)~~

Field Construction Supervisor

Field Operations Administrator

Information Systems Administrator

~~Management Analyst II, Benefits~~

Recycled Water Facility Supervisor

Senior Corrosion Control Technician

Senior Information Systems Analyst

Supervising Industrial Electrician

Supervising Instrumentation and Controls Technician

Supervising Plan/Pipeline Mechanical Technician

Supervising Water Resources Technician

Support Services Supervisor

Water Plant Supervisor

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- VI. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 6 of Exhibit B.

None

- VII. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 7 of Exhibit B.

Consultant

- VIII. Newly Created Positions

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the District's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Chief Executive Officer (or Chief Executive Officer's designee) may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Chief Executive Officer's (or Chief Executive Officer's designee's) determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Gov. Code Section 81008.)

As soon as the District has a newly created position that must file statements of economic interests, the District's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the District's filing official shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the District shall update this conflict of interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

EXHIBIT B

Disclosure Categories

Category 1

Designated persons in this category must report all interests in real property located entirely or partly within the boundaries of the District, or within two miles of District boundaries, or of any land owned or used by the District, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

Category 2

Designated persons in this category must report all investments, business positions and sources of income, including gifts, loans and travel payments.

Category 3

Designated persons in this category must report all interests in real property located entirely or partly within the boundaries of the District, or within two miles of District boundaries, or of any land owned or used by the District, as well as investments in, business positions with, and income (including gifts, loans, and travel payments) from all sources that are engaged in any real estate activity including, but not limited to, real estate appraisal, development, construction, planning/architectural design, engineering, sales, brokerage, leasing, lending, insurance, rights of way, and/or studies; and/or property or facilities management/maintenance/custodial and utility services as used by the District or provides capital for the purchase of property used or sold by the District.

Category 4

Designated persons in this category must report all investments in, business positions with, and income, including gifts, loans, and travel payments, from sources that provide goods or services related to travel and transportation including autos, air, and other transportation services, and lodging.

Category 5

Designated persons in this category must report all investments in, business positions with, and income, including gifts, loans, and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the District.¹

¹ This includes but is not limited to: Construction and building materials; Interests in real property; office equipment and supplies; banks and savings and loan institutions; public utilities; financial audit services; insurance services; printing, reproduction, or photographic equipment; services and supplies; chemical supplies; motor vehicles and specialty vehicles, parts and supplies; petroleum products; measuring and calculating equipment; safety equipment and supplies; telephone, communication services and equipment; pipes, valves, fittings, pumps, tanks, materials and similar; water quality testing equipment, supplies and services; business entities owning real property; cathodic protection equipment, services, and supplies; engineering services; employment and temporary help agencies; general and specialty equipment rental; demolition, construction and maintenance services; real estate sales or investment firms; consulting services: legal, energy and power, engineering, soils, testing, water treatment, data processing, computers, financial, labor relations, employee training, advertising, communications, design, art work, audiovisual, movie productions, planning, water pricing and demand, economists, audition, desalting, architectural sizing environmental, appraisers; title insurance, appraisal and escrow services .

Category 6

Designated persons in this category must report all investments in, business positions with, and income (including gifts, loans, and travel payments, and income from a nonprofit organization) from sources of the type to receive grants or other monies from or through the District.

Category 7

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the District's conflict of interest code (Category 1) subject to the following limitation: The Chief Executive Officer (or Chief Executive Officer's designee) may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirement of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's (or Chief Executive Officer's designee's) determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

EXHIBITC

GOVERNMENT CODE SECTION 87200 FILERS

Pursuant to Government Code section 87200, officials who manage public investments as defined by 2 California Code of Regulations section 18700.3(b) are subject to the disclosure and disqualification provisions set forth in the Political Reform Act (Government Code Title 9, Chapter 7, Article 2) and are required to file full Statements of Economic Interests.

The District has determined that the holders of the positions listed below are officials who manage public investments. These positions are not subject to the District's code, but are listed here for informational purposes only.

(1) Member, Board of Directors

(2) Chief Financial Officer

Government Code section 87200 filers shall file Statements of Economic Interests with the District's filing official. If statements are received in signed paper format, the District's filing official shall make and retain a copy and forward the original statements to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both the District's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed Statements simultaneously. The District shall retain Statements of Economic Interests as public records available for public inspection and reproduction pursuant to Government Code section 81008.

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Santa Clara Valley Water District

Conflict of Interest Code

SANTA CLARA VALLEY WATER DISTRICT

AMENDED

CONFLICT OF INTEREST CODE

Approval Date:

TBD - Revisions to the Code to be Passed by

Resolution of Board of Directors on October 27, 2020

and

Approved by Board of Supervisors on

Board of Supervisors
County of Santa Clara
70 West Hedding Street
San Jose, CA 95110

The Santa Clara Valley Water District hereby submits the appended Conflict of Interest Code for approval or other action pursuant to law. The Code is in standard form and Exhibit "A" has been modified to include the addition of eleven (11) Designated Employees, the deletion of eight (8) Designated Employees, an update in position titles for six (6) Designated Employees, and an update to the category designations for three (3) Designated Employees.

Nai Hsueh, Chair
Board of Directors

Received on behalf of the Board of Supervisors of the County of Santa Clara this _____, day of _____, 2020.

Megan Doyle
Clerk of the Board of Supervisors

The appended Conflict of Interest Code, having been submitted by Santa Clara Valley Water District, was approved by order of the Board of Supervisors on _____.

Other action (if any):

Megan Doyle
Clerk of the Board of Supervisors

CONFLICT OF INTEREST CODE
FOR
SANTA CLARA VALLEY WATER DISTRICT

The Political Reform Act, Government Code Sections 81000, *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the Exhibits "A", "B" and "C" in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Santa Clara Valley Water District. The complete text of 2 California Code of Regulations Section 18730 can be viewed on the Fair Political Practices Commission web page at: <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>

Persons holding designated positions shall file Statements of Economic Interests with the District's filing official. If statements are received in signed paper format, the District's filing official shall make and retain a copy and forward the original statements to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both the District's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed Statements simultaneously. The District shall retain Statements of Economic Interests as public records available for public inspection and reproduction pursuant to Government Code section 81008.

EXHIBIT "A"
Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Exhibit B.

ASM - Capital Program Planning & Analysis Manager
ASM - Civic Engagement Manager
ASM - Communications Manager
ASM - Construction Contracts Support Manager
ASM - Emergency & Security Manager
ASM - Environmental Health and Safety Manager
ASM - Purchasing & Contracts Manager
ASM - Real Estate Services Manager
ASM - Risk Manager
ASM - Watersheds Business Planning and Analysis Manager
Assistant Chief Executive Officer
Assistant District Counsel
Assistant Officer
Board Support Officer
Chief Executive Officer
Chief Operating Officer
Chief of External Affairs
Clerk of the Board
Deputy Administrative Officer
Deputy Clerk of the Board
Deputy Operating Officer
District Counsel
EGM - Asset Management Manager
EGM - Capital Engineering Manager
EGM - Community Projects Review Manager
EGM - Construction Manager
EGM - Hydrology, Hydraulics & Geomorphology Manager
EGM - Operations & Maintenance Engineering Support Manager
EGM - Water Policy & Planning Manager
ESM - Environmental Mitigation & Monitoring Manager
ESM - Environmental Services Manager - Water Utility
ESM - Environmental Services Manager - Watershed
ESSM - Land Surveying & Mapping Manager
FSM - Accounting Manager
FSM - Budget Manager
FSM - Financial Planning & Revenue Manager
FSM - Revenue Manager
FSM - Treasury & Debt Manager
GSM - Facilities & Fleet Manager
IWM - Imported Water Manager
Program Administrator - CEO
Program Administrator - External Affairs
Senior Assistant District Counsel
Senior Environmental Health & Safety Specialist

Senior Project Manager - Water Utility
Senior Project Manager - Watersheds
Supervising Land Surveyor
Supervising Well Ordinance Compliance Inspector
WRM - Groundwater Management Manager
WUOM - Utility Operations & Maintenance Manager
WUOM - Water Treatment Manager
WSOMM - Integrated Vegetation Manager
WSOMM - Watershed Field Operations Manager
WUOMM - Well & Water Measurement Manager

- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 2 of Exhibit B.

ASM - Employment Services Manager
ASM - Labor Relations Manager
ASM - Racial Equity Diversity & Inclusion Manager
Assistant Procurement Specialist
Associate Engineer - Civil
Associate Engineer - Control System
Associate Engineer- Electrical
Associate Engineer - Mechanical
Associate Engineering Geologist
Associate Water Resources Specialist
Contracts Administrator I
Contracts Administrator II
Deferred Compensation Committee Alternate
Deferred Compensation Committee Member
EGM - Dam Safety Program Manager
EGM - Electrical & Control Systems Engineering Manager
EGM - Utility Maintenance Engineering Manager
Facilities Maintenance Administrator
Government Relations Advocate
GSM - Business & Customer Support Manager
GSM - Engineering Support Manager
GSM - Records & Library Manager
Information Technology Architect
ISM - Information Technology Manager
ISM - Information Technology Projects & Business Operations Manager
ISM - Systems Development & Support Manager
Management Analyst II, Purchasing & Consultant Contracts Services
Network Architect
Principal Construction Contracts Administrator
Procurement Specialist
Program Administrator - Administration
Program Administrator - Water Utility
Project Manager - Water Utility
Project Manager - Watersheds
Senior Construction Contracts Administrator
Senior Engineer
Senior Engineering Geologist
Senior Management Analyst, Purchasing & Consultant Contracts Services
Senior Procurement Specialist
Senior Procurement Technician

Senior Project Manager - Administration
 Senior Water Conservation Specialist
 Senior Water Resources Specialist
 Water Conservation Specialist II
 Water Conservation Specialist III
 WRM - Laboratory Services Manager
 WRM - Recycled & Purified Water Manager
 WRM - Water Supply Planning & Conservation Manager
 WRM - Water Quality Manager
 WUOM - Water Supply Operations Manager
 WUOMM - Utility Maintenance Manager - Distribution
 WUOMM - Utility Maintenance Manager - Treatment

- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 3 of Exhibit B.

Associate Real Estate Agent
 Senior Real Estate Agent

- IV. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 4 of Exhibit B.

None

- V. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 5 of Exhibit B.

Chief Construction Inspector
 Field Construction Supervisor
 Field Operations Administrator
 Information Systems Administrator
 Recycled Water Facility Supervisor
 Senior Corrosion Control Technician
 Senior Information Systems Analyst
 Supervising Industrial Electrician
 Supervising Instrumentation and Controls Technician
 Supervising Plan/Pipeline Mechanical Technician
 Supervising Water Resources Technician
 Support Services Supervisor
 Water Plant Supervisor

- VI. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 6 of Exhibit B.

None

- VII. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 7 of Exhibit B.

Consultant

- VIII. Newly Created Positions

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the District's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Chief Executive Officer (or Chief Executive Officer's designee) may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Chief Executive Officer's (or Chief Executive Officer's designee's) determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Gov. Code Section 81008.)

As soon as the District has a newly created position that must file statements of economic interests, the District's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the District's filing official shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the District shall update this conflict of interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

EXHIBIT B

Disclosure Categories

Category 1

Designated persons in this category must report all interests in real property located entirely or partly within the boundaries of the District, or within two miles of District boundaries, or of any land owned or used by the District, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

Category 2

Designated persons in this category must report all investments, business positions and sources of income, including gifts, loans and travel payments.

Category 3

Designated persons in this category must report all interests in real property located entirely or partly within the boundaries of the District, or within two miles of District boundaries, or of any land owned or used by the District, as well as investments in, business positions with, and income (including gifts, loans, and travel payments) from all sources that are engaged in any real estate activity including, but not limited to, real estate appraisal, development, construction, planning/architectural design, engineering, sales, brokerage, leasing, lending, insurance, rights of way, and/or studies; and/or property or facilities management/maintenance/custodial and utility services as used by the District or provides capital for the purchase of property used or sold by the District.

Category 4

Designated persons in this category must report all investments in, business positions with, and income, including gifts, loans, and travel payments, from sources that provide goods or services related to travel and transportation including autos, air, and other transportation services, and lodging.

Category 5

Designated persons in this category must report all investments in, business positions with, and income, including gifts, loans, and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the District.¹

¹ This includes but is not limited to: Construction and building materials; Interests in real property; office equipment and supplies; banks and savings and loan institutions; public utilities; financial audit services; insurance services; printing, reproduction, or photographic equipment, services and supplies; chemical supplies; motor vehicles and specialty vehicles, parts and supplies; petroleum products; measuring and calculating equipment; safety equipment and supplies; telephone, communication services and equipment; pipes, valves, fittings, pumps, tanks, materials and similar; water quality testing equipment, supplies and services; business entities owning real property; cathodic protection equipment, services, and supplies; engineering services; employment and temporary help agencies; general and specialty equipment rental; demolition, construction and maintenance services; real estate sales or investment firms; consulting services: legal, energy and power, engineering, soils, testing, water treatment, data processing, computers, financial, labor relations, employee training, advertising, communications, design, art work, audiovisual, movie productions, planning, water pricing and demand, economists, audition, desalting, architectural sizing environmental, appraisers; title insurance, appraisal and escrow services .

Category 6

Designated persons in this category must report all investments in, business positions with, and income (including gifts, loans, and travel payments, and income from a nonprofit organization) from sources of the type to receive grants or other monies from or through the District.

Category 7

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the District's conflict of interest code (Category 1) subject to the following limitation: The Chief Executive Officer (or Chief Executive Officer's designee) may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirement of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's (or Chief Executive Officer's designee's) determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

EXHIBIT C

GOVERNMENT CODE SECTION 87200 FILERS

Pursuant to Government Code section 87200, officials who manage public investments as defined by 2 California Code of Regulations section 18700.3(b) are subject to the disclosure and disqualification provisions set forth in the Political Reform Act (Government Code Title 9, Chapter 7, Article 2) and are required to file full Statements of Economic Interests.

The District has determined that the holders of the positions listed below are officials who manage public investments. These positions are not subject to the District's code, but are listed here for informational purposes only.

(1) Member, Board of Directors

(2) Chief Financial Officer

Government Code section 87200 filers shall file Statements of Economic Interests with the District's filing official. If statements are received in signed paper format, the District's filing official shall make and retain a copy and forward the original statements to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both the District's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed Statements simultaneously. The District shall retain Statements of Economic Interests as public records available for public inspection and reproduction pursuant to Government Code section 81008.

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Santa Clara Valley Water District

File No.: 20-0981

Agenda Date: 10/27/2020

Item No.: *3.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Recommended Position on Federal Legislation: H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and *H.R. XXXX - Coronavirus Stimulus Bill (Phase 4).

RECOMMENDATION:

- A. Adopt a position of "Support and Amend" on H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and
- B. *Adopt a position of "Support and Amend" on H.R. XXXX - Coronavirus Stimulus Bill (Phase 4).

SUMMARY:

A. H.R. 8166 (Cox) - Western Water Storage Infrastructure Act

Recommendation: Support and Amend

Priority: 2

This bill would address the continued need for new water supply and improved water infrastructure in California and throughout the arid West. With the Water Infrastructure Improvements for the Nation (WIIN) Act expiring at the end of 2020 and much of the funding having already been exhausted, this bill would extend some of the WIIN Act provisions and authorize new storage funding. Key provisions include:

- Authorizes \$800 million in new funding for water storage projects. This represents a significant increase over the \$335 million authorized under the Water Infrastructure Improvements for the Nation (WIIN) Act, funding that has already been appropriated.
- Preserves the WIIN Act process for projects that are already going through that process, including "State-led" projects like the Pacheco Reservoir Expansion Project.
- Reauthorizes the California Bay-Delta Restoration Act (CALFED) through fiscal year 2024, which would mean continued authorization for the San Luis Low Point Improvement Project for which the Pacheco Project is the Preferred National Economic Development alternative.
- Extends the Delta operations provisions of the WIIN Act for eight years. These provisions set direction for operation of the Central Valley Project with the goal of balancing water supply and

environmental protection objectives.

Status:

The bill was introduced in the House on September 4, 2020, and was referred to the Committee on Natural Resources.

Proposed Amendments:

In order to better serve the interests of Santa Clara County residents, Valley Water recommends the following amendments to the bill:

1. Under the provision to extend the California Bay-Delta Restoration Act (CALFED), include a repeal of language from the original CALFED law that expressly prohibits the use of funding for construction of an expanded Pacheco Reservoir.
2. Include language to enable certain non-federal dams to be eligible for dam rehabilitation and repair funding. The Federal Emergency Management Agency (FEMA) currently operates a grant program to rehabilitate high hazard potential dams - one of the only sources of federal dam safety and repair funding available. However, dams with hydroelectric facilities are not eligible to access this funding. Staff recommends including language in this bill to enable dams with small hydroelectric power generation (under 1.5 megawatts) to be eligible for FEMA dam rehabilitation grant funding. This change could allow Anderson Dam and certain other non-federal dams to become eligible for critical retrofit and repair funding. Rehabilitating our nation's highest risk dams, the vast majority of which are non-federal, should be an essential component of any water infrastructure legislation.

Importance to Valley Water:

This bill would extend several key provisions of the WIIN Act and authorize new storage funding, helping to preserve the only real means of federal support for water storage projects that currently exists. New funding for storage is critical for ensuring future water supply reliability, particularly as we continue to see the effects of a changing climate year after year. The bill would also extend WIIN Act Delta operations provisions, which have set the direction on how the Central Valley Project is to balance water supply and ecosystem objectives.

Pros:

- Extends key provisions of the WIIN Act, including authorizing new funding for water storage projects (\$800 million). As Congress has already appropriated all prior authorized appropriations under the WIIN Act, the significant unmet demand demonstrates the need for new funds.
- Reauthorizes the CALFED law through fiscal year 2024, which includes authorization for the San Luis Low Point Improvement Project for which the Pacheco Project is the Preferred National Economic Development alternative.
- Extends the Delta Operations provisions of the WIIN Act for eight years.

Cons:

- Without the proposed amendments, the bill does not include any provisions for funding dam safety or rehabilitation or fixing potentially problematic language pertaining to Pacheco Reservoir.

B. H.R. XXXX - Coronavirus Stimulus Bill (Phase 4)

Recommendation: Support and Amend

Priority Recommendation: 2

As the nation continues to grapple with the novel coronavirus pandemic, Congress is currently developing another federal stimulus package to provide economic relief to the nation. To date, Congress has passed four bills aimed at providing funding for a national response to the disease and immediate relief to workers. These include three large packages (Phases 1-3) and one smaller package (Phase 3.5). Congressional leaders recently restarted negotiations with the White House on another large package (Phase 4). Any package under development is expected to include financial relief for Americans and businesses suffering from the coronavirus pandemic.

Proposed Amendment:

In order to better serve the interests of Valley Water, staff recommends the following amendment to the next stimulus package that would reduce Valley Water's future financial liability:

1. Amend Internal Revenue Service (IRS) rules to allow any public or private employee to:
 - a. Sell back more vacation hours than he/she will accrue in any given year (e.g., those accrued from prior years); and
 - b. Sell back vacation hours in the same year they accrue.

Status:

As of this writing, the path forward for this legislation is uncertain. In September and early October, House Speaker Nancy Pelosi and Treasury Secretary Steven Mnuchin held several negotiations over funding levels and content of the next stimulus package. Meanwhile, on October 6, the House passed the Heroes Act (H.R. 925), a \$2.2 trillion coronavirus relief package that the White House signaled that it would not support. Then on October 6, the President instructed Secretary Mnuchin to stop negotiating with Speaker Pelosi until after the November 3 elections. The President has changed his mind since then, however, and talks have restarted. Negotiations are ongoing but the path to resolution remains unclear.

Importance to Valley Water:

Valley Water provides an essential service to the people of Santa Clara County, one of the hardest hit counties in the nation during this novel coronavirus pandemic. Valley Water employees ensure that residents have reliable access to safe, clean water and are protected from flooding. As the State of California and local governments are stretched financially during this crisis, Valley Water's ability to access federal funding and support is critical.

In addition to funding for infrastructure projects and priorities for which Valley Water staff is already

advocating, this next coronavirus stimulus package could present an opportunity to amend the IRS rule that places limits on vacation sell back programs and poses a future financial liability for Valley Water due to the higher vacation leave balances that may arise from such restrictions. Current IRS rules stipulate that an employee can only sell back the amount of vacation hours he/she will accrue in the following calendar year, nor can he/she sell back vacation hours in the same year that they accrue. Changing this rule would allow Valley Water to pay out more than an employee will accrue in any given year, as well as pay out in the same year the hours are accrued, should the employee elect to do so. This will help address this future financial liability for Valley Water.

Pros:

- The proposed amendment would help reduce Valley Water's future financial liability.

Cons:

- None identified at this time.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

*Original Agenda Memo

*Supplemental Agenda Memo

UNCLASSIFIED MANAGER:

Don Rocha, 408-630-2338



Santa Clara Valley Water District

File No.: 20-0732

Agenda Date: 10/27/2020

Item No.: 3.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Recommended Positions on Federal Legislation: H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

RECOMMENDATION:

Adopt a position of "Support and Amend" on H.R. 8166 (Cox) - Western Water Storage Infrastructure Act.

SUMMARY:

H.R. 8166 (Cox) - Western Water Storage Infrastructure Act

Recommendation: Support and Amend

Priority: 2

This bill would address the continued need for new water supply and improved water infrastructure in California and throughout the arid West. With the Water Infrastructure Improvements for the Nation (WIIN) Act expiring at the end of 2020 and much of the funding having already been exhausted, this bill would extend some of the WIIN Act provisions and authorize new storage funding. Key provisions include:

- Authorizes \$800 million in new funding for water storage projects. This represents a significant increase over the \$335 million authorized under the Water Infrastructure Improvements for the Nation (WIIN) Act, funding that has already been appropriated.
- Preserves the WIIN Act process for projects that are already going through that process, including "State-led" projects like the Pacheco Reservoir Expansion Project.
- Reauthorizes the California Bay-Delta Restoration Act (CALFED) through fiscal year 2024, which would mean continued authorization for the San Luis Low Point Improvement Project for which the Pacheco Project is the Preferred National Economic Development alternative.
- Extends the Delta operations provisions of the WIIN Act for eight years. These provisions set direction for operation of the Central Valley Project with the goal of balancing water supply and environmental protection objectives.

Status:

The bill was introduced in the House on September 4, 2020, and was referred to the Committee on Natural Resources.

Proposed Amendments:

In order to better serve the interests of Santa Clara County residents, Valley Water recommends the following amendments to the bill:

1. Under the provision to extend the California Bay-Delta Restoration Act (CALFED), include a repeal of language from the original CALFED law that expressly prohibits the use of funding for construction of an expanded Pacheco Reservoir.
2. Include language to enable certain non-federal dams to be eligible for dam rehabilitation and repair funding. The Federal Emergency Management Agency (FEMA) currently operates a grant program to rehabilitate high hazard potential dams - one of the only sources of federal dam safety and repair funding available. However, dams with hydroelectric facilities are not eligible to access this funding. Staff recommends including language in this bill to enable dams with small hydroelectric power generation (under 1.5 megawatts) to be eligible for FEMA dam rehabilitation grant funding. This change could allow Anderson Dam and certain other non-federal dams to become eligible for critical retrofit and repair funding. Rehabilitating our nation's highest risk dams, the vast majority of which are non-federal, should be an essential component of any water infrastructure legislation.

Importance to Valley Water:

This bill would extend several key provisions of the WIIN Act and authorize new storage funding, helping to preserve the only real means of federal support for water storage projects that currently exists. New funding for storage is critical for ensuring future water supply reliability, particularly as we continue to see the effects of a changing climate year after year. The bill would also extend WIIN Act Delta operations provisions, which have set the direction on how the Central Valley Project is to balance water supply and ecosystem objectives.

Pros:

- Extends key provisions of the WIIN Act, including authorizing new funding for water storage projects (\$800 million). As Congress has already appropriated all prior authorized appropriations under the WIIN Act, the significant unmet demand demonstrates the need for new funds.
- Reauthorizes the CALFED law through fiscal year 2024, which includes authorization for the San Luis Low Point Improvement Project for which the Pacheco Project is the Preferred National Economic Development alternative.
- Extends the Delta Operations provisions of the WIIN Act for eight years.

Cons:

- Without the proposed amendments, the bill does not include any provisions for funding dam safety or rehabilitation or fixing potentially problematic language pertaining to Pacheco Reservoir.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

Don Rocha, 408-630-2338

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Santa Clara Valley Water District

File No.: 20-0967

Agenda Date: 10/27/2020

Item No.: *3.2.

SUPPLEMENTAL BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Recommended Position on Federal Legislation: H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and *H.R. XXXX - Coronavirus Stimulus Bill (Phase 4).

REASON FOR SUPPLEMENTAL MEMORANDUM:

This supplemental Board agenda memorandum conveys additional information received after the initial agenda item was released, consistent with Executive Limitations Policy EL-7-10-5.

RECOMMENDATION:

- A. Adopt a position of "Support and Amend" on H.R. 8166 (Cox) - Western Water Storage Infrastructure Act; and
- B. *Adopt a position of "Support and Amend" on H.R. XXXX - Coronavirus Stimulus Bill (Phase 4).

SUMMARY:

B. H.R. XXXX - Coronavirus Stimulus Bill (Phase 4)

Recommendation: Support and Amend

Priority Recommendation: 2

As the nation continues to grapple with the novel coronavirus pandemic, Congress is currently developing another federal stimulus package to provide economic relief to the nation. To date, Congress has passed four bills aimed at providing funding for a national response to the disease and immediate relief to workers. These include three large packages (Phases 1-3) and one smaller package (Phase 3.5). Congressional leaders recently restarted negotiations with the White House on another large package (Phase 4). Any package under development is expected to include financial relief for Americans and businesses suffering from the coronavirus pandemic.

Proposed Amendment:

In order to better serve the interests of Valley Water, staff recommends the following amendment to the next stimulus package that would reduce Valley Water's future financial liability:

1. Amend Internal Revenue Service (IRS) rules to allow any public or private employee to:
 - a. Sell back more vacation hours than he/she will accrue in any given year (e.g., those accrued from prior years); and

- b. Sell back vacation hours in the same year they accrue.

Status:

As of this writing, the path forward for this legislation is uncertain. In September and early October, House Speaker Nancy Pelosi and Treasury Secretary Steven Mnuchin held several negotiations over funding levels and content of the next stimulus package. Meanwhile, on October 6, the House passed the Heroes Act (H.R. 925), a \$2.2 trillion coronavirus relief package that the White House signaled that it would not support. Then on October 6, the President instructed Secretary Mnuchin to stop negotiating with Speaker Pelosi until after the November 3 elections. The President has changed his mind since then, however, and talks have restarted. Negotiations are ongoing but the path to resolution remains unclear.

Importance to Valley Water:

Valley Water provides an essential service to the people of Santa Clara County, one of the hardest hit counties in the nation during this novel coronavirus pandemic. Valley Water employees ensure that residents have reliable access to safe, clean water and are protected from flooding. As the State of California and local governments are stretched financially during this crisis, Valley Water's ability to access federal funding and support is critical.

In addition to funding for infrastructure projects and priorities for which Valley Water staff is already advocating, this next coronavirus stimulus package could present an opportunity to amend the IRS rule that places limits on vacation sell back programs and poses a future financial liability for Valley Water due to the higher vacation leave balances that may arise from such restrictions. Current IRS rules stipulate that an employee can only sell back the amount of vacation hours he/she will accrue in the following calendar year, nor can he/she sell back vacation hours in the same year that they accrue. Changing this rule would allow Valley Water to pay out more than an employee will accrue in any given year, as well as pay out in the same year the hours are accrued, should the employee elect to do so. This will help address this future financial liability for Valley Water.

Pros:

- The proposed amendment would help reduce Valley Water's future financial liability.

Cons:

- None identified at this time.

FINANCIAL IMPACT:

There is no change to the originally reported financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

File No.: 20-0967

Agenda Date: 10/27/2020
Item No.: *3.2.

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

Don Rocha, 408-630-2338

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Santa Clara Valley Water District

File No.: 20-0994

Agenda Date: 10/27/2020

Item No.: *3.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Recommended Federal Appropriations Requests for Federal Fiscal Years 2021 and 2022.

RECOMMENDATION:

Approve the recommended federal Fiscal Years (FYs) 2021 and 2022 appropriations requests for Valley Water-sponsored and Valley Water-supported projects.

SUMMARY:

On November 16-18, 2020, Valley Water Board members and staff will hold a virtual lobby trip with Members of Congress and staff, as well as executive agency officials and staff, to discuss Valley Water's federal FY 2021 and FY 2022 appropriations requests and priorities. Approval of this item will allow participating Board members and staff to engage in and influence the federal budget process, as well as discuss other priority issues.

While the 2021 federal fiscal year began on October 1, there is still time to influence FY 2021 appropriations and, in particular, the U.S. Army Corps of Engineers (USACE) FY 2021 work plan. On October 1, the President signed into law a continuing resolution that funds the federal government through December 11, 2020, at FY 2020 funding levels. Congress must first pass a regular appropriations bill before USACE can submit its work plan. In addition, federal agencies are currently in the process of drafting their respective FY 2022 budget requests, which the President will release in his budget submission to Congress in February 2021.

In order to engage in and influence the budget and appropriations process, staff is requesting that the Board support a list of Valley Water's USACE-partnered flood protection project funding requests for USACE's FY 2021 and FY 2022 work plans, as well as a list of federally partnered water utility project funding requests for the U.S. Bureau of Reclamation. The requests are shown on Attachment 1 and are coordinated with Valley Water's federal and local partners to ensure that the appropriations will fully fund these programs and projects.

In spring 2021, prior to the spring trip to Washington, D.C. (whether in-person or virtual), staff will bring an updated list of appropriations requests for FY 2022 for the Board's consideration.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: FY 21-22 Federal Appropriations Requests

*Supplemental Agenda Memo

*Supplemental Attachment 1: Revised FY 21-22 Federal Appropr Req

UNCLASSIFIED MANAGER:

Don Rocha, 408-630-2338

Summary of Federal Authorization and Appropriation Requests for Federal Fiscal Years 2021 and 2022 for Projects that Affect Santa Clara County, California

Program Name	Project/Program Stage	FY 21 Valley Water Request	FY 22 Valley Water Request
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Flood Protection Projects of Direct Interest to Valley Water

South San Francisco Bay Shoreline Project – Phase II	FY 21: Complete the Feasibility Study and gather data for a Chief's Report FY22: Prepare the Chief's Report	\$400,000 ¹	\$400,000 ¹ (if no funding received in FY21)
Upper Guadalupe River Flood Protection Project	FY 21-22: Prepare General Reevaluation Report	No funding request at this time.	
Upper Llagas Creek Flood Protection Project	FY 21-22: Construction	\$80 million ³	\$80 million ³ (if no funding received in FY21)
San Francisquito Creek Flood Protection Project	FY 21-22: Channel widening from Hwy 101 to Pope Chaucer Bridge	\$10 million ¹	\$10 million ¹

Water Supply Projects of Direct Interest to Valley Water

Pacheco Reservoir Expansion Project	FY 21: Design and Pre-Construction	\$335 million ²	\$335 million ² (if no funding received in FY21)
San Luis Low Point Improvement Program	FY 21: Complete the Feasibility Study and Begin Pre-Construction FY22: Construction	\$185 million ²	\$185 million ² (if no funding received in FY21)
High Hazard Dam Rehabilitation and Repair	FY 21-22: Continued Program Funding	\$7.5 million ⁶ for Anderson Dam Seismic Retrofit	\$7.5 million ⁶ for Anderson Dam Seismic Retrofit
Recycled & Purified Water Program	FY 21-22: Project Construction	\$315.2 million ²	\$315.2 million ² (if no funding received in FY21)
South County Recycled Water Program	FY 21-22: Design and Construction	\$11 million ²	\$11 million ² (if no funding received in FY21)
San José Area Water Reclamation and Reuse Program	FY 21-22: Construction of Expedited Recycled and Purified Water Program Projects	\$47 million ²	\$47 million ² (if no funding received in FY21)
CALFED Bay-Delta Restoration Program	FY 21-22: Continuing Program	\$35 million ²	\$35 million ²
Los Vaqueros Reservoir Expansion Project	FY 21-22: Pre-Construction	\$83 million ²	\$83 million ²
Don Edwards San Francisco Bay National Wildlife Refuge	FYs 21-22: Support project partner request for adaptive management	\$2 million ⁴	\$2 million ⁴ (if no funding received in FY21)

Regional or National Projects

South San Francisco Bay Emergency Port Access Project	FYs 21-22: Initiate Study	\$100,000 ¹	\$100,000 ¹ (if no funding received in FY21)
Collaborative Science and Adaptive Management Program	FYs 21-22: New Program Funding	\$20 million ^{4,5} total	\$20 million ^{4,5} total
Innovative Water Infrastructure Workforce Development Program	FYs 21-22: Program Authorization and Funding	Two-year authorization in 2020 WRDA bill and \$10 million ⁷	Two-year authorization and \$10 million ⁷ (if not received in FY21)

Funding Sources:

¹U.S. Army Corps of Engineers

²U.S. Bureau of Reclamation

³U.S. Department of Agriculture – Natural Resources Conservation Service

⁴U.S. Department of the Interior – U.S. Fish and Wildlife Service

⁵U.S. Department of Commerce – National Marine Fisheries Service

⁶U.S. Department of Homeland Security – Federal Emergency Management Agency

⁷U.S. Environmental Protection Agency

If you have questions, please contact Don Rocha at drocha@valleywater.org or (408) 630-2338.

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Santa Clara Valley Water District

File No.: 20-0974

Agenda Date: 10/27/2020

Item No.: *3.3.

SUPPLEMENTAL BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Recommended Federal Appropriations Requests for Federal Fiscal Years 2021 and 2022.

REASON FOR SUPPLEMENTAL MEMORANDUM:

This supplemental Board agenda memorandum conveys additional information received after the initial agenda item was released, consistent with Executive Limitations Policy EL-7-10-5.

RECOMMENDATION:

Approve the recommended federal Fiscal Years (FYs) 2021 and 2022 appropriations requests for Valley Water-sponsored and Valley Water-supported projects.

SUMMARY:

On November 16-18, 2020, Valley Water Board members and staff will hold a virtual lobby trip with Members of Congress and staff, as well as executive agency officials and staff, to discuss Valley Water's federal FY 2021 and FY 2022 appropriations requests and priorities. Approval of this item will allow participating Board members and staff to engage in and influence the federal budget process, as well as discuss other priority issues.

While the 2021 federal fiscal year began on October 1, there is still time to influence FY 2021 appropriations and, in particular, the U.S. Army Corps of Engineers (USACE) FY 2021 work plan. On October 1, the President signed into law a continuing resolution that funds the federal government through December 11, 2020, at FY 2020 funding levels. Congress must first pass a regular appropriations bill before USACE can submit its work plan. In addition, federal agencies are currently in the process of drafting their respective FY 2022 budget requests, which the President will release in his budget submission to Congress in February 2021.

In order to engage in and influence the budget and appropriations process, staff is requesting that the Board support a list of Valley Water's USACE-partnered flood protection project funding requests for USACE's FY 2021 and FY 2022 work plans, as well as a list of federally partnered water utility project funding requests for the U.S. Bureau of Reclamation. The requests are shown on Attachment 1 and are coordinated with Valley Water's federal and local partners to ensure that the appropriations will fully fund these programs and projects.

In spring 2021, prior to the spring trip to Washington, D.C. (whether in-person or virtual), staff will bring an updated list of appropriations requests for FY 2022 for the Board's consideration.

*This supplemental agenda item includes several updates to funding requests based on information that was received after the original agenda item was posted. The updates include changes to the requests for Phase II and a new Phase III of the South San Francisco Bay Shoreline Project to match the requests from the U.S. Army Corps of Engineers, as well as an updated request for the Los Vaqueros Reservoir Expansion Project.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

*Supplemental Attachment 1: Revised FY21-22 Federal Approp Req

UNCLASSIFIED MANAGER:

Don Rocha, 408-630-2338

Summary of Federal Authorization and Appropriation Requests for Federal Fiscal Years 2021 and 2022 for Projects that Affect Santa Clara County, California

Program Name	Project/Program Stage	FY 21 Valley Water Request	FY 22 Valley Water Request
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Flood Protection Projects of Direct Interest to Valley Water

*South San Francisco Bay Shoreline Project – Phase II	FYs 21-22: Complete the Feasibility Study and prepare the Chief's Report	*\$1,000,000 ¹	*\$1,100,000 ¹
*South San Francisco Bay Shoreline Project – Phase III	FY 22: Initiate Feasibility Study	No funding request	*\$200,000 ¹
Upper Guadalupe River Flood Protection Project	FYs 21-22: Prepare General Reevaluation Report	No funding request at this time.	
Upper Llagas Creek Flood Protection Project	FYs 21-22: Construction	\$80 million ³	\$80 million ³ (if no funding received in FY21)
San Francisquito Creek Flood Protection Project	FYs 21-22: Channel widening from Hwy 101 to Pope Chaucer Bridge	\$10 million ¹ (CAP 205 Program)	\$10 million ¹ (if no funding received in FY21)

Water Supply Projects of Direct Interest to Valley Water

Pacheco Reservoir Expansion Project	FY 21: Design and Pre-Construction	\$335 million ²	\$335 million ² (if no funding received in FY21)
San Luis Low Point Improvement Program	FY 21: Complete the Feasibility Study and Begin Pre-Construction FY 22: Construction	\$185 million ²	\$185 million ² (if no funding received in FY21)
High Hazard Dam Rehabilitation and Repair	FYs 21-22: Continued Program Funding	\$7.5 million ⁶ for Anderson Dam Seismic Retrofit	\$7.5 million ⁶ for Anderson Dam Seismic Retrofit
Recycled & Purified Water Program	FYs 21-22: Project Construction	\$315.2 million ²	\$315.2 million ² (if no funding received in FY21)
South County Recycled Water Program	FYs 21-22: Design and Construction	\$11 million ²	\$11 million ² (if no funding received in FY21)
San José Area Water Reclamation and Reuse Program	FYs 21-22: Construction of Recycled and Purified Water Program Projects	\$47 million ²	\$47 million ² (if no funding received in FY21)
CALFED Bay-Delta Restoration Program	FYs 21-22: Continuing Program	\$35 million ²	\$35 million ²
*Los Vaqueros Reservoir Expansion Project	FYs 21-22: Support Project Partner Request for Design and Construction	*\$67 million ²	*\$20 million ²
Don Edwards San Francisco Bay National Wildlife Refuge	FYs 21-22: Support Project Partner Request for Adaptive Management	\$2 million ⁴	\$2 million ⁴ (if no funding received in FY21)

Regional or National Projects

South San Francisco Bay Emergency Port Access Project	FYs 21-22: Initiate Study	\$100,000 ¹	\$100,000 ¹ (if no funding received in FY21)
Collaborative Science and Adaptive Management Program	FYs 21-22: New Program Funding	\$20 million ^{4,5} total	\$20 million ^{4,5} total
Innovative Water Infrastructure Workforce Development Program	FYs 21-22: Program Authorization and Funding	Two-year authorization in 2020 WRDA bill and \$10 million ⁷	Two-year authorization and \$10 million ⁷ (if not received in FY21)

Funding Sources:

¹U.S. Army Corps of Engineers

²U.S. Bureau of Reclamation

³U.S. Department of Agriculture – Natural Resources Conservation Service

⁴U.S. Department of the Interior – U.S. Fish and Wildlife Service

⁵U.S. Department of Commerce – National Marine Fisheries Service

⁶U.S. Department of Homeland Security – Federal Emergency Management Agency

⁷U.S. Environmental Protection Agency

If you have questions, please contact Don Rocha at drocha@valleywater.org or (408) 630-2338.

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Santa Clara Valley Water District

File No.: 20-0941

Agenda Date: 10/27/2020

Item No.: 3.4.

BOARD AGENDA MEMORANDUM

SUBJECT:

Consider Membership Nominations for Committee Appointments/Reappointments to the Agricultural Water Advisory Committee, the Environmental and Water Resources Committee, and the Safe, Clean Water Independent Monitoring Committee.

RECOMMENDATION:

Consider the membership appointments for Committee Appointments/Reappointments to the Agricultural Water Advisory Committee (AWAC), the Environmental and Water Resources Committee (EWRC), and the Safe, Clean Water Independent Monitoring Committee (SCW IMC).

SUMMARY:

In accordance with Board Governance Process Policy - 8, Board Committees are established to assist the Board with policy advice, District Mission implementation, respective expertise, and, very importantly, to help produce the link between the District and the community.

The following committee member nominations are submitted for Board appointment consideration in accordance with Board Resolution 17-75 and Resolution 13-61, Providing for and Defining the Structure and Function of Board Committees (Attachments 1 and 3). Respective committee applications for new nominees are included as (Attachment 2 and 4).

Applicant Name	Nominating Director	Nomination (2-year term)	Membership Category	Board Action: New Appointment
Russ Bonino	Director Varela	Agricultural Water	District 1	Re-Appointment
Mitchell Mariani	Director Varela	Agricultural Water	District 1	Re-Appointment
James Provenzano	Director Keegan	Agricultural Water	District 2	Re-Appointment
William Cilker, Jr.	Director Santos	Agricultural Water	District 3	Re-Appointment
David Vanni	Director Santos	Agricultural Water	District 3	Re-Appointment

Sheila Barry	Director LeZotte	Agricultural Water	District 4	New Appointment
Jan Garrod	Director Hsueh	Agricultural Water	District 5	Re-Appointment
Michael Miller	Director Hsueh	Agricultural Water	District 5	Re-Appointment
Robert Long	Director Estremera	Agricultural Water	District 6	Re-Appointment
Sandra Carrico	Director Kremen	Agricultural Water	District 7	Re-Appointment
Dhruv Khanna	Directors Hsueh/Estremera	1-year term - Agricultural Water	Chair/Vice Chair	Re-Appointment
Loren Lewis	Director Varela	EWRC	District 1	Re-Appointment
Bonnie Bamburg	Director Varela	EWRC	District 1	Re-Appointment
Charles Ice	Director Keegan	EWRC	District 2	Re-Appointment
Charles Taylor	Director Santos	EWRC	District 3	Re-Appointment
Bob Levy	Director LeZotte	EWRC	District 4	Re-Appointment
Hon. Tara Martin-Milius	Director Hsueh	EWRC	District 5	Re-Appointment
Sachihiko (Mike) Michitaka	Director Hsueh	EWRC	District 5	Re-Appointment
Hon. Patrick S. Kwok	Director Estremera	EWRC	District 6	Re-Appointment
Tess Byler	Director Kremen	EWRC	District 7	Re-Appointment
Steve Jordan	Director Kremen	EWRC	District 7	Re-Appointment
Arthur M. Keller, Ph. D.	Director Kremen	EWRC	District 7	Re-Appointment
Kathleen Sutherland	Director Keegan	SCW IMC	District 2	Re-Appointment
Rosalinda Zepeda	Director Keegan	SCW IMC	District 2	New Appointment
Hon. Joe Head	Director LeZotte	SCW IMC	District 4	Re-Appointment
Bill Hoeft	Director Hsueh	SCW IMC	District 5	Re-Appointment
Hon. Patrick S. Kwok	Director Estremera	SCW IMC	District 6	Re-Appointment
Hon. Dan McCorquodale	Director Estremera	SCW IMC	District 6	Re-Appointment
Tess Byler	Director Kremen	SCW IMC	District 7	Re-Appointment

FINANCIAL IMPACT:

There is no financial impact for appointing committee members. The funds associated with developing and mailing Resolutions of Appreciation are budgeted in the Office of the Clerk of the Board for Fiscal Year 2021.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in director or reasonable foreseeable indirect physical change in the environment.

ATTACHMENTS:

- Attachment 1: SCVWD Resolution No. 17-75
- Attachment 2: Membership Application (Barry)
- Attachment 3: SCVWD Resolution No. 13-61
- Attachment 4: Membership Application (Zepeda)

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

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**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER
DISTRICT**

**RESOLUTION 17- 75
PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

There have been established as advisory to the Santa Clara Valley Water District (District) Board of Directors (Board), in accordance with the District Act, the following committees (hereafter "Committees"), which shall continue in accordance with the provisions of this resolution:

1. Agricultural Water Advisory Committee (established by the District Act, which states "... The Board shall create an advisory committee consisting of farmers to represent users of agricultural water.");
2. Environmental and Water Resources Committee;
3. Santa Clara Valley Water Commission; and
4. Santa Clara Valley Water District Youth Commission.

1. PURPOSE

- 1.1 This resolution sets forth the purpose, activities, and membership guidelines of the Committees.
- 1.2 The Committees are established to assist the Board with policy review and development, provide comment on activities in the implementation of the District's mission for Board consideration, and to identify Board-related issues pertaining to the following:
 - 1.2.1 **Agricultural Water Advisory Committee:** agricultural water supply and use and groundwater production charges.
 - 1.2.2 **Environmental and Water Resources Committee:** water supply, flood protection, and environmental stewardship.
 - 1.2.3 **Santa Clara Valley Water Commission:** water supply, flood protection, and environmental stewardship.
 - 1.2.4 **Santa Clara Valley Water District Youth Commission:** public policy, education, outreach, and all matters impacting the Santa Clara County youth and the water district.

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

- 1.3 In accordance with Governance Process Policy-8, the specific duties of the Committees are to:
 - 1.3.1 Provide input on policy alternatives for Board deliberation.
 - 1.3.2 Provide comment on the activities in the implementation of the District's mission for Board consideration.
 - 1.3.3 Produce and present to the Board an Annual Accomplishments Report summarizing the outcomes of the Committee's annual Board-approved work plan.
 - 1.3.4 Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.
- 1.4 In carrying out these duties, the Committee members bring to the District their respective expertise and the interests of the communities they represent.

2. MEMBERSHIP

- 2.1 Committee membership shall consist of the following:

Agricultural Water Advisory Committee

- 2.1.1 The Agricultural Water Advisory Committee shall be comprised of 16 members who are farmers and reside or do business, as determined by the Board, within Santa Clara County.
- 2.1.2 The Agricultural Water Advisory Committee shall also be comprised of one member who owns a private well (non-retail) within Santa Clara County.
- 2.1.3 Each Director may nominate up to two farmers who reside and/or farm within the nominating Director's district. In the event that a Director is unable to nominate a farmer from his/her district, the Director may nominate a farmer from anywhere within Santa Clara County.
- 2.1.4 The Loma Prieta Resource Conservation District and the Santa Clara County Farm Bureau may each nominate one representative for appointment as long as the nominee is a farmer who resides or does business, as determined by the Board, within Santa Clara County.
- 2.1.5 The Agricultural Water Advisory Committee does not have alternate members.

Environmental and Water Resources Committee

- 2.1.6 Effective July 1, 2015, the Environmental and Water Resources Committee shall be comprised of 21 At-Large members, who reside or do business, as determined by the Board, within Santa Clara County.
- 2.1.7 Effective July 1, 2015, each Director may nominate up to three at-large members.

Santa Clara Valley Water Commission

- 2.1.8 The Santa Clara Valley Water Commission shall be comprised of 18 elected representatives: one from each City and Town in Santa Clara County, the County of Santa Clara, the Santa Clara County Open Space Authority, and the Midpeninsula Regional Open Space District. Each elected representative may have at least one alternate who may be another elected official or staff person from the same jurisdiction.
- 2.1.9 All municipal representatives and alternates to the Santa Clara Valley Water Commission shall be appointed by their perspective agency.

Santa Clara Valley Water District Youth Commission

- 2.1.10 The Santa Clara Valley Water District Youth Commission shall be comprised of 21 Board-appointed members who reside and attend high school in Santa Clara County.
- 2.1.11 Each Director may nominate up to three at-large members of the Santa Clara Valley Water District Youth Commission.
- 2.2 Members and alternates (where applicable) of the Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission serve a two-year renewable term that begins upon appointment, or January 1 if a renewed appointment, and expires on December 31 of the year following appointment. Term of office for Committee members and alternates who are appointed mid-year shall begin upon appointment and run through December 31 of the year following appointment.
- 2.3 Members of the Santa Clara Valley Water District Youth Commission serve a two-year renewable term that begins upon appointment, or September 1 if a renewed appointment, and expires on August 31 of the year following appointment. Term of office for Committee members and alternates who are appointed mid-term shall begin upon appointment and run through August 31 of the year following appointment.
- 2.4 Board appointed Committee members shall be held over until they are reappointed or successors are appointed by the Board.
- 2.5 Municipal appointed Committee members shall be held over until they are reappointed or successors are appointed by the County of Santa Clara and each City and Town therein.

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

- 2.6 Board member nominee appointments to Committees shall be subject to a majority vote of a quorum of the Board.
- 2.7 Following two or more consecutive unexcused absences, the Board may choose to remove a Board appointee. An unexcused absence is defined as failure to notify the District at least 48 hours in advance that the member will not attend the meeting.
- 2.8 Nothing in this resolution affects the eligibility of any current member of any Committee to serve out his or her current term, as long as the member continues to meet the eligibility criteria in effect when he or she was appointed to the Committee.

3. OFFICERS AND DUTIES

- 3.1 The officers of each Committee shall be a Chairperson and Vice-Chairperson, both of whom shall be members of that Committee. The Chairperson and Vice-Chairperson shall be elected by the Committee.
- 3.2 The term of the Chairperson and Vice-Chairperson of the Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission is one year commencing on January 1 and ending on December 31 and for no more than two consecutive terms. The Agricultural Water Advisory Committee, Environmental and Water Resources Committee, and Santa Clara Valley Water Commission shall elect their officers at the first meeting of the calendar year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.
- 3.3 The term of the Chairperson and Vice-Chairperson for the Santa Clara Valley Water District Youth Commission shall commence on September 1 and end on August 31 of the following year. However, the term of the first Chairperson and Vice-Chairperson of the Santa Clara Valley Water District Youth Commission will commence at the Santa Clara Valley Water District Youth Commission's first meeting and end on August 31 of the following year.
- 3.4 The Chairperson of each Committee shall have the following authority and duties:
 - (a) Preside at all meetings of the Committee;
 - (b) Facilitate productive meetings in accordance with posted Agenda and the Ralph M. Brown Act (open meeting law);
 - (c) Add items to the committee agenda;
 - (d) Invite speakers for any agenda item;
 - (e) Manage speaker time limits;

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

- (f) Facilitate communication of committee comments, requests, and recommendations to the Board of Directors;
 - (g) Report to the committee on decisions of the Board of Directors which impact the committee's activities; and
 - (h) Perform other such duties as the Committee may prescribe consistent with the purpose of the Committee.
- 3.5 The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the unexpected vacancy of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed upon the Chairperson until such time as a new Chairperson is elected by the Committee.
- 3.6 Should the office of Chairperson or Vice-Chairperson become vacant during the term of such office, the Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable and such election shall be for the unexpired term of such office.
- 3.7 Should the Chairperson and Vice-Chairperson know in advance that they will both be absent from a meeting, the Chair may appoint a Chairperson Pro-tempore to preside over that meeting. In the event of an unanticipated absence of both the Chairperson and Vice-Chairperson, the Committee may elect a Chairperson Pro-tempore to preside over the meeting in their absence.

4. MEETINGS

- 4.1 Meetings of the Committees shall be open and public and called in accordance with the Ralph M. Brown Act, Government Code Sections 54950 and following. Such meetings shall be held at the District Headquarters or such other place and time within Santa Clara County as the Board may designate.
- 4.2 Special meetings may be called by the Board and conducted in accordance with Section 54956 of the Government Code.
- 4.3 Committees shall convene four times per year or more often, as authorized by the Board, except for the Agricultural Water Advisory Committee, which shall convene at least once a year, or more often, as authorized by the Board.
- 4.4 The Board approves and sets all Committee annual work plans and meeting agendas. Committee meeting agendas will be considered pre-approved by the Board once it has approved each of the annual Advisory Committee work plans. Modifications to meeting agendas will be considered by the Board, or Board Chair, as needed, through a review of the pre-approved work plans when it receives and considers Committee policy recommendations, comments, and requests, staff recommended modifications, and requests by members of the public. The Board may also initiate modifications to pre-approved work plans at any time.

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

- 4.5 Notices of each meeting, together with an agenda, the draft minutes of the preceding meeting, and supporting meeting materials, shall be provided to the Committee members no less than ten business days in advance.
- 4.6 Any Committee meeting in which all items on the Agenda are informational, excluding the approval of meeting minutes, will be cancelled and notification sent from the Clerk of the Board at least ten days prior to the scheduled meeting date.
- 4.7 A majority of the appointed members of the Committee or their alternates is required to constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. If the Clerk of the Board, or his/her designated representative (Clerk), has been notified at least two business days in advance of a scheduled meeting that a quorum will not be present, the Clerk will cancel the meeting and notice the membership of the cancellation.
- 4.8 In the event that a Committee meeting is cancelled due to the lack of a quorum, upon concurrence of the Committee Chair and the Board Representative, the Committee meeting may be re-scheduled or re-convened to a specified date, time, and place.
- 4.9 In the event a quorum of the Committee is not present at the scheduled start time of the meeting, or is lost during the meeting, at the discretion of the Chair of each Advisory Committee, individual Committee members present in the room may proceed to hear informational agenda items, including any staff reports. No action shall be taken on any agenda item when a quorum does not exist. No official record of statements made by individual Committee members, staff, or members of the public will be created. However, if a quorum is achieved at any time, action items may be heard, discussed, and voted upon.
- 4.10 Except for such actions to adjourn, action of the Committee may be taken only upon the affirmative vote of not less than a majority of the appointed members or their alternates present. The voting on all matters shall be by voice vote unless a roll call vote is called for by any member of the Committee. Only appointed Committee members or appointed alternates (who are sitting in an appointed member's stead) may vote on a matter.
- 4.11 Discussion on any agenda item by either Committee members or by any member of the general public may be limited, at the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
- 4.12 The Committee may adjourn any regular or special meeting to a time and place specified in the order of adjournment.

5. SUB-COMMITTEES

- 5.1 Subcommittees of Board Advisory Committees will not be recognized. However, less than a quorum of Committee members may meet informally outside of meetings in accordance with Ralph M. Brown Act requirements.

Attachment 1

**PROVIDING FOR AND DEFINING THE STRUCTURE AND FUNCTION OF
ADVISORY COMMITTEES TO THE SANTA CLARA VALLEY WATER DISTRICT
BOARD OF DIRECTORS AND REPEALING RESOLUTION 15-28**

RESOLUTION 17- 75

BE IT FURTHER RESOLVED that Resolution No. 15-28 is hereby repealed.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on

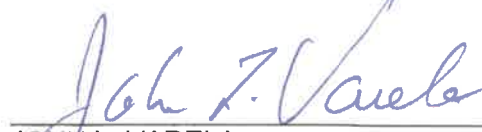
AYES: Directors T. Estremera, R. Santos, N. Hsueh, G. Kremen,
L. LeZotte, J. Varela

NOES: Directors None

ABSENT: Directors B. Keegan

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT



JOHN L. VARELA
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC



Clerk/Board of Directors

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APPLICATION FOR A SANTA CLARA VALLEY WATER DISTRICT COMMITTEE

F720D01 (B) (1-19-12)

Please complete this application in its entirety and submit an original signed copy to the Office of the Clerk of the Board at 5750 Almaden Expressway, San Jose, California 95118. If more space is needed, please attach additional pages. Applications are valid for one year from the date of receipt and are public record. This application is available on-line at www.valleywater.org under "Board of Directors." For assistance, please contact the Office of the Clerk of the Board at (408) 265-2607, extension 2277.

A. CONTACT INFORMATION

Name of Committee: Environment and Water Resources			
Name (First, Middle, Last): John Andrew Bourgeois			
Home Phone:	Work Phone:	Cell Phone:	Fax:
Mailing Address: (Street Address, City, State, ZIP)			
E-mail:			
If Applicable, Present Employer (Name and Address): State Coastal Conservancy		Job Title: Executive Project Manager	
Do you have a current contractual relationship with the Santa Clara Valley Water District? Yes <u>No</u>			
If Yes, please describe (if more space is needed, please attach additional pages):			

B. VOLUNTEER EXPERIENCE

List current and previous volunteer experience. Include experience with charitable organizations, committees and commissions, or public offices you may have held and relevant dates. If more space is needed, please attach additional pages.

DATE(S):	NAME:	RESPONSIBILITIES/EXPERIENCE:
Jan-14 to June-15	Housing Element Advisory Board, Los Gatos	
Sept-05 to Dec-13	Planning Commission, Los Gatos	Served ^{as} and Chair and Vice-Chair
Jan-06 to Dec-13	General Plan Committee, Los Gatos	Served ^{as} and Chair and Vice-Chair
May-08 to Dec-10	Sustainability Committee, Los Gatos	
Apr-04 to Sept-05	Parks Commission, Los Gatos	
Sept-03 to May-04	Leadership Los Gatos	
Apr-03 to Sept-03	Apartment Ordinance Subcommittee, Los Gatos	
Sept-04 to Dec-06	Ranch and Wilderness Committee, Hidden Villa	

Apr-10 to present	Numerous Professional Technical Advisory Boards	Specializing in habitats, climate change, and shoreline resiliency.
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C. INTEREST AND AVAILABILITY

How did you hear about this committee opening?

District Website

Director (please specify):

Committee Member (please specify):

Other (please specify): Mayor of Los Gatos

Please describe your interest in serving on this committee:

I have made wetland restoration my life's work. Ever since graduate school I have been focused on large-scale tidal marsh restoration. As such, I have worked extensively on large-scale multi-objective projects, which almost always include a component of flood risk management. The Santa Clara Valley Water District is a regional leader in some of these issues, and I feel my direct professional experience and personal interest in policy issues are a good match for this committee.

Please describe your relevant qualifications, such as specific skills, training, or knowledge that should be considered in applying for this committee:

I bring extensive practical experience in planning, funding, permitting and implementing large-scale wetland restoration projects in San Francisco Bay. In addition to serving as the Executive Project Manager of the South Bay Salt Pond Restoration project since 2009, I also have over 12 years working as an ecological consultant on a variety of habitat, restoration and flood risk management projects.

How would the community benefit by your participation on this committee?

I feel my experience allows me to understand not only the technical aspects of these projects, but also the political, regulatory, funding and other practical application elements that are required for a successful project outcome.

Are you available to attend committee meetings when scheduled? (please go to www.valleywater.org for committee meeting schedule details) ☒ Yes ☐ No If No, please describe:

If you have a disability, what accommodations would you need to serve on this committee?

N/A

D. EMERGENCY CONTACT INFORMATION

In case of emergency, contact:

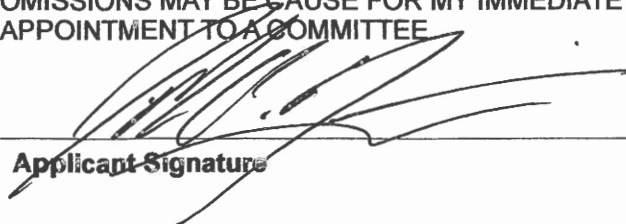
1. Name: Susan Love

Phone:

2. Name: Donna Ball

Phone:

I, HEREBY, ATTEST THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND MAY BE VERIFIED BY THE SANTA CLARA VALLEY WATER DISTRICT. I UNDERSTAND THAT MISREPRESENTATION OR OMISSIONS MAY BE CAUSE FOR MY IMMEDIATE REJECTION AS AN APPLICANT OR TERMINATION FROM APPOINTMENT TO A COMMITTEE


Applicant Signature

12/16/16
Date Signed



APPLICATION FOR A SANTA CLARA VALLEY WATER DISTRICT COMMITTEE

F720D01 (B) (1-19-12)

Please complete this application in its entirety and submit an original signed copy to the Office of the Clerk of the Board at 5750 Almaden Expressway, San Jose, California 95118. If more space is needed, please attach additional pages. Applications are valid for one year from the date of receipt and are public record. This application is available on-line at www.valleywater.org under "Board of Directors." For assistance, please contact the Office of the Clerk of the Board at (408) 265-2607, extension 2277.

A. CONTACT INFORMATION

Name of Committee: Environmental and Water Resources Committee			
Name (First, Middle, Last): Tara L. Martin-Milius			
Home Phone:	Work Phone:	Cell Phone:	Fax:
Mailing Address: (Street Address, City, State, ZIP)			
E-mail:			
If Applicable, Present Employer (Name and Address): City of Sunnyvale		Job Title: Sunnyvale City Council Member until Jan. 2017	
Do you have a current contractual relationship with the Santa Clara Valley Water District? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please describe (if more space is needed, please attach additional pages):			

B. VOLUNTEER EXPERIENCE

List current and previous volunteer experience. Include experience with charitable organizations, committees and commissions, or public offices you may have held and relevant dates. If more space is needed, please attach additional pages.		
DATE(S):	NAME:	RESPONSIBILITIES/EXPERIENCE:
2012-2016	Sunnyvale City Council	Inter governmental: recycled water; watersheds, water advisory committee, environmental, waste and LUTE
See attached list for more		

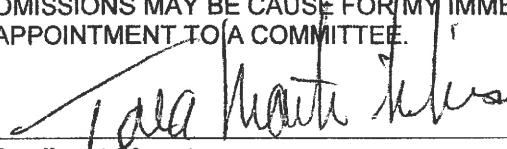
C. INTEREST AND AVAILABILITY

How did you hear about this committee opening?	
<input type="checkbox"/> District Website	<input checked="" type="checkbox"/> Director (please specify): Nai Hsueh
<input checked="" type="checkbox"/> Committee Member (please specify): Nancy Smith	<input type="checkbox"/> Other (please specify):
Please describe your interest in serving on this committee: I have a strong interest in regional environmental and water issues	
Please describe your relevant qualifications, such as specific skills, training, or knowledge that should be considered in applying for this committee: Served on other SCVWD committees related to water, watersheds, restoration and on Stevens Creek Trail and the LCC Environmental Quality Policy Committee	
How would the community benefit by your participation on this committee? I have good general knowledge and context for regional water issues and can understand and advise effectively	
Are you available to attend committee meetings when scheduled? (please go to www.valleywater.org for committee meeting schedule details) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, please describe:	
If you have a disability, what accommodations would you need to serve on this committee?	

D. EMERGENCY CONTACT INFORMATION

In case of emergency, contact:	
1. Name: Judy Santiago	Phone:
2. Name:	Phone:

I, HEREBY, ATTEST THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND MAY BE VERIFIED BY THE SANTA CLARA VALLEY WATER DISTRICT. I UNDERSTAND THAT MISREPRESENTATION OR OMISSIONS MAY BE CAUSE FOR MY IMMEDIATE REJECTION AS AN APPLICANT OR TERMINATION FROM APPOINTMENT TO A COMMITTEE.



Applicant Signature



Date Signed



APPLICATION FOR A SANTA CLARA VALLEY WATER DISTRICT COMMITTEE

F720D01 (B) (1-19-12)

Please complete this application in its entirety and submit an original signed copy to the Office of the Clerk of the Board at 5750 Almaden Expressway, San Jose, California 95118. If more space is needed, please attach additional pages. Applications are valid for one year from the date of receipt and are public record. This application is available on-line at www.valleywater.org under "Board of Directors." For assistance, please contact the Office of the Clerk of the Board at (408) 265-2607, extension 2277.

A. CONTACT INFORMATION

Name of Committee: Environmental and Water Resources Committee (EWRC)			
Name (First, Middle, Last): Maya Esparza			
Home Phone:	Work Phone:	Cell Phone:	Fax:
Mailing Address: (Street Address, City, State, ZIP)			
E-mail:			
If Applicable, Present Employer (Name and Address): The Health Trust/Destination: Home		Job Title: Director, All The Way Home	
Do you have a current contractual relationship with the Santa Clara Valley Water District? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes, please describe (if more space is needed, please attach additional pages):			

B. VOLUNTEER EXPERIENCE

List current and previous volunteer experience. Include experience with charitable organizations, committees and commissions, or public offices you may have held and relevant dates. If more space is needed, please attach additional pages.		
DATE(S):	NAME:	RESPONSIBILITIES/EXPERIENCE:
2012-2014	Franklin-McKinley School District	Boardmember- elected school board trustee to K-8 district of over 10,000 students in Central San Jose
2010-Present	Operation: Care & Comfort	Boardmember- Oversee administrative and financial operations (including auditing, internal controls) for agency serving military, veterans and their families.
2009	Los Altos LEAD	Los Altos Community Foundation program to educate citizens on the multiple private and public organizations in Los Altos and Los Altos Hills.

C. INTEREST AND AVAILABILITY

How did you hear about this committee opening?

☐ District Website

☒ Director (please specify): Tony Estremera

☐ Committee Member (please specify):

☐ Other (please specify):

Please describe your interest in serving on this committee:

I'm interested in serving in order to represent the community on environmental stewardship, water supply and flood protection issues and to also communicate information back to the community.

Please describe your relevant qualifications, such as specific skills, training, or knowledge that should be considered in applying for this committee:

Background serving the community, homelessness issues, Masters in Public Administration.

How would the community benefit by your participation on this committee?

The community would benefit by having a voice and someone to inform local neighborhoods and families on the Water Districts activities on water supply, flood protection and environmental stewardship.

Are you available to attend committee meetings when scheduled? (please go to www.valleywater.org for committee meeting schedule details) ☒ Yes ☐ No If No, please describe:

If you have a disability, what accommodations would you need to serve on this committee?

n/a

D. EMERGENCY CONTACT INFORMATION

In case of emergency, contact:

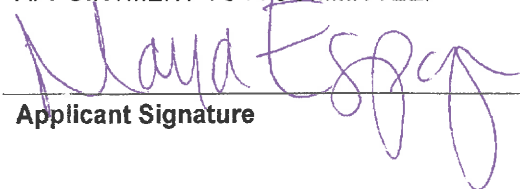
1. Name: Alex Esparza

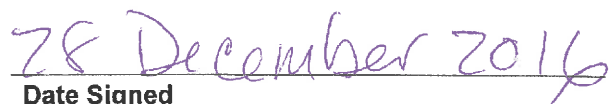
Phone:

2. Name:

Phone:

I, HEREBY, ATTEST THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND MAY BE VERIFIED BY THE SANTA CLARA VALLEY WATER DISTRICT. I UNDERSTAND THAT MISREPRESENTATION OR OMISSIONS MAY BE CAUSE FOR MY IMMEDIATE REJECTION AS AN APPLICANT OR TERMINATION FROM APPOINTMENT TO A COMMITTEE.


Applicant Signature


Date Signed

RESOLUTION NO. 13 - 61

PROVIDING FOR A SAFE, CLEAN WATER AND
NATURAL FLOOD PROTECTION PROGRAM
INDEPENDENT MONITORING COMMITTEE
OF THE SANTA CLARA VALLEY WATER DISTRICT

RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

I. GENERAL

- A. Resolution 2012-62, approved by the voters of Santa Clara County by the passage of the November 6, 2012, Safe, Clean Water and Natural Flood Protection Program (Program) (ballot Measure B), requires that the Santa Clara Valley Water District Board of Directors (Board) appoint an external Independent Monitoring Committee (Committee) to conduct an annual audit and provide an annual report to the Board regarding implementation of the intended results of the Program. At the fifth and tenth anniversaries of the Program, the Committee will identify to the Board such modifications as may be reasonably necessary to meet the priorities of the Program.
- B. The Committee shall be comprised of 15 members who reside within Santa Clara County: two members to be nominated by each member of the Board and one additional member who shall be nominated by the Chair of the Board.
- C. The Committee member nominated by the Chair of the Board shall serve a term not to exceed one calendar year beginning on or after January 1 of a given year. The term of office of this Committee member shall not be subject to reappointment.
- D. In order to provide continuity, each Board member shall nominate one Committee member to serve a three-year term, and one Committee member to serve a two-year term. The terms of office of Committee members shall begin on July 1 of a given year, and are subject to reappointment by the full Board.
- E. Meetings of the Committee shall be governed by the Ralph M. Brown Act, Government Code Sections 54950-54961.

II. PURPOSE

- A. The Committee shall prepare and submit an annual report to the Board, which shall be made available to Santa Clara County residents, regarding the Committee's review of the implementation of the intended results of the Program. At the fifth and tenth anniversaries of the Program, the Committee will identify to the Board such modifications as may be reasonably necessary to meet the priorities of the Program. The Committee will provide for a regular meeting to be held not less than once per year.
- B. In monitoring implementation, the Committee will reasonably inform itself to the extent necessary to determine the degree to which the District 15-year plan for the Program is being accomplished to date and is planned for the next period.
- C. The District shall fund clerical support.

III. CONDUCT OF MEETINGS

- A. The Chairperson or a majority of the Committee membership may call for a special meeting of the Committee from time to time in accordance with Section 54956 of the Government Code, and Paragraph 2 hereof. Such

Providing for a Safe, Clean Water and Natural Flood Protection Program Independent
Monitoring Committee of the Santa Clara Valley Water District

meetings shall be held at the Santa Clara Valley Water District Headquarters or such other place and time as the Chairperson may designate. The District may request the Chairperson or Committee to convene a special meeting.

- B. Notices of each Committee meeting, together with an agenda thereof and the draft minutes of the preceding meeting, shall be electronically mailed or sent by first class mail, postage prepaid, to each Committee member, and made available to the public in accordance with the Ralph M. Brown Act.
- C. The Committee may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time.
- D. The powers of the Committee shall be vested in the members thereof in office from time to time. A majority of the full membership of the Committee shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. With the exception above specified, actions of the Committee may be taken upon the affirmative vote of not less than a majority of a quorum present and voting.
- E. The voting on all matters shall be by voice vote, unless a roll call vote is called for by any member of the Committee.
- F. Discussion on any particular matter by either Committee members or by any member of the general public may be limited, in the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
- G. Whenever the Committee authorizes and instructs the Chairperson to appoint a subcommittee of the Committee or a committee composed of persons who are not members of the Committee, the members of such subcommittee or committee shall serve at the pleasure of the Chairperson. The Chairperson of such subcommittees and committees shall be appointed by the Chairperson of the Committee. All subcommittee meetings shall be conducted in accordance with the Ralph M. Brown Act.
- H. All meetings of the Committee shall be open and public.
- I. The Committee may be adjourned sine die by the Chairperson at the close of consideration of the business before it and may thereafter be returned to a course of regular meetings upon the call of the Chairperson or of a majority of the Committee membership in the manner prescribed for a call of a special meeting.

IV. OFFICERS

- A. The officers of the Committee shall be a Chairperson and Vice Chairperson, both of whom shall be members of the Committee. The Chairperson and Vice Chairperson shall be elected by the Committee, each for a term of one year commencing on July 1 and ending on June 30. The Committee shall elect its officers at a meeting of the Committee held the first meeting of the year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.

Attachment 1

- B. The Chairperson shall preside at all meetings of the Committee. The Chairperson shall sign all resolutions and all other instruments made or promulgated by the Committee and he or she shall perform such other duties as the Committee may prescribe consistent with the purpose of the Committee.
- C. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation of or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed upon the Chairperson until such time as a new Chairperson is elected by the Committee.
- D. Should the office of Chairperson or Vice Chairperson become vacant during the term of such office, the Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable, and such election shall be for the unexpired term of such office.
- E. In the event the Chairperson and Vice Chairperson are both absent from a meeting, the Committee may elect a Chairperson Pro-tempore to preside over the meeting during the absence of the Chairperson and Vice Chairperson.
- F. Additional bylaws may be adopted for the purpose of conducting the business of the Committee.

V. AMENDMENT

- A. Amendment of this resolution consistent with or necessary to carry out or support the purpose of the Committee may be proposed by vote of the Committee or by the District's Board of Directors. The Board will consider and act upon the proposed amendment without delay but following not less than three calendar days (72 hours) written notice to each Committee member of the time and place when and where the proposed amendment is to be acted upon.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on November 12, 2013:

AYES: Directors R. Santos, L. LeZotte, T. Estremera, B. Keegan, D. Kennedy,
B. Schmidt, N. Hsueh

NOES: Directors None

ABSENT: Directors None

ABSTAIN: Directors None


SANTA CLARA VALLEY WATER DISTRICT

By:


NAI HSUEH

Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC


Clerk/Board of Directors

Attachment 1

Page 3 of 3

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Valley Water

APPLICATION FOR A SANTA CLARA VALLEY WATER DISTRICT COMMITTEE

Please complete this application in its entirety and submit an original signed copy to the Office of the Clerk of the Board at 5750 Almaden Expressway, San Jose, California 95118. If more space is needed, please attach additional pages. Applications are valid for one year from the date of receipt and are public record. This application is available on-line at www.valleywater.org under "Board of Directors." For assistance, please contact the Office of the Clerk of the Board at (408) 265-2607, extension 2277.

A. CONTACT INFORMATION

Name of Committee: Safe, Clean Water & Natural Flood Protection: Independent Monitoring Committee			
Name (First, Middle, Last): Rosalinda Zepeda			
Home Phone: [REDACTED]	Work Phone: [REDACTED]	Cell Phone: [REDACTED]	Fax:
Mailing Address: (Street Address, City, State, ZIP) [REDACTED]			
E-mail: [REDACTED]			
If Applicable, Present Employer (Name and Address): Yosemite Community College District 2201 Blue Gum Ave, Modesto, Ca		Job Title: Director of Public Relations	
Do you have a current contractual relationship with the Santa Clara Valley Water District? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please describe (if more space is needed, please attach additional pages):			

B. VOLUNTEER EXPERIENCE

List current and previous volunteer experience. Include experience with charitable organizations, committees and commissions, or public offices you may have held and relevant dates. If more space is needed, please attach additional pages.		
DATE(S):	NAME:	RESPONSIBILITIES/EXPERIENCE:
1/19	South Bay Progressive Alliance	Co-Chair of Education Committee
1/19-12/19	D9 Leadership Group	Chair
1/18	Kiwanis of Cambrian Park	Member/Volunteer
1/18	Friends of Cambrian Park	Member/Volunteer
1/15-1/17	Society of Women Engineers	Volunteer

C. INTEREST AND AVAILABILITY

How did you hear about this committee opening?

☒ District Website

☐ Director (please specify):

☐ Committee Member (please specify):

☐ Other (please specify):

Please describe your interest in serving on this committee:

I would like to serve in this role to provide oversight, honest review and feedback on behalf of the community. I want to represent the community's interest on any planning in this committee, as well as how funds are used and get extended.

Please describe your relevant qualifications, such as specific skills, training, or knowledge that should be considered in applying for this committee:

I have a Master's in Education and a Certificate on Effective Leadership in non-profits. I was a trainer in organizational development, effective communication and effective governance. I have over 15 years in communications and can decipher enormous amounts of information in short period amount of time. I am familiar with the governance process.

How would the community benefit by your participation on this committee?

I bring a level headed approach to committee work. Santa Clara County is a very diverse community and I am a representation of that diversity. I have a strong network within the community. I can hear diverse concerns at once, and can be a conduit to represent the different voices in the district.

Are you available to attend committee meetings when scheduled? (please go to www.valleywater.org for committee meeting schedule details) ☒ Yes ☐ No If No, please describe:

If you have a disability, what accommodations would you need to serve on this committee?

D. EMERGENCY CONTACT INFORMATION

In case of emergency, contact:

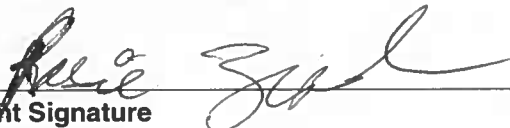
1. Name: [REDACTED]

Phone: [REDACTED]

2. Name: [REDACTED]

Phone: [REDACTED]

I, HEREBY, ATTEST THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND MAY BE VERIFIED BY THE SANTA CLARA VALLEY WATER DISTRICT. I UNDERSTAND THAT MISREPRESENTATION OR OMISSIONS MAY BE CAUSE FOR MY IMMEDIATE REJECTION AS AN APPLICANT OR TERMINATION FROM APPOINTMENT TO A COMMITTEE.


Applicant Signature

9-8-20
Date Signed



Santa Clara Valley Water District

File No.: 20-0956

Agenda Date: 10/27/2020

Item No.: *3.5.

BOARD AGENDA MEMORANDUM

SUBJECT:

Accept the CEO Bulletin for the Weeks of October 9-22, 2020.

RECOMMENDATION:

Accept the CEO Bulletin.

SUMMARY:

The CEO Bulletin is a weekly communication for the CEO, to the Board of Directors, assuring compliance with Executive Limitations Policy EL-7: The BAOs inform and support the Board in its work. Further, a BAO shall: inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established; and report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

CEO Bulletins are produced and distributed to the Board weekly as informational items, and then placed on the bimonthly, regular Board meeting agendas to allow opportunity for Board discussion on any of the matters contained therein.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: 102220 CEO Bulletin

UNCLASSIFIED MANAGER:

Rick Callender, 408-630-2017

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CEO BULLETIN



To: Board of Directors
From: Rick L. Callender, CEO

Weeks of October 9 – October 22, 2020

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Item	IN THIS ISSUE
<u>1</u>	2020 Youth Commission Virtual Retreat
<u>2</u>	Anderson Dam Operational Impact Contingency Planning Workshop
<u>3</u>	"Ask the CEO" Virtual Meeting Series - Fall 2020
<u>4</u>	California Natural Resources Agency Proposition 68 Grants Announcement
<u>5</u>	FAHCE Plus Pilot Program on Stevens Creek and Guadalupe Reservoirs
<u>6</u>	Forecast Informed Reservoir Operations
<u>7</u>	Information Technology Division Adds New Internet Service Provider
<u>8</u>	Municipal Regional Stormwater Permit Annual Report
<u>9</u>	New Warehouse Fall Protection Improvements at Coyote Pumping Plant
<u>10</u>	Results of the Sale of Water Utility Debt Obligations
<u>11</u>	Update on Valley Water Response to PFAS
<u>12</u>	Valley Water Appeals the Cal/OSHA Citation Alleging an Excavation Safety Order Violation
<u>13</u>	Valley Water Hosts 2020 Virtual Water Walk Tour
<u>14</u>	Valley Water Launches a Water Conservation Webinar Series
<u>15</u>	Valley Water Submits Letter of Interest for WIFIA Loan for Pacheco Reservoir Expansion Project
<u>16</u>	Water 101 Academy - Spring 2021 Applications Launching

1. 2020 Youth Commission Virtual Retreat

The 2020 Valley Water Youth Commission Virtual Retreat was held on October 10, 2020 with seventeen Youth Commissioners in attendance. The overall goal of the retreat was for the Youth Commissioners to sign up for a working group, brainstorm major objectives for fiscal year (FY) 2021, and to get to know each other.

The retreat included the following activities:

- 1) Working group exploration – Four different working groups were introduced: Creek Stewardship Program, Career Shadowing & Mentorship, Youth Citizen Science Network, and Adopt-A-Bench Project. Each youth commissioner signed up to participate in one or two working groups.
- 2) Workplan development - The Youth Commission reviewed the FY20 workplan goals and began to identify new goals/objectives for the FY21 workplan.
- 3) Icebreakers - To build team morale, Youth commissioners participated in two icebreakers.
- 4) Educational activities – youth Commissioners also participated in a Hidden Water activity and a virtual trivia game based on a video of Valley Water history.

In addition to the activities listed, three new Youth Commissioners were sworn in.

The next Youth Commission virtual meeting is scheduled for November 18, 2020 at 6:00 p.m.

For further information, please contact Marta Lugo at (408) 630-2237.

2. Anderson Dam Operational Impact Contingency Planning Workshop

On October 14, 2020, Valley Water hosted an Anderson Dam Operational Impact Contingency Planning Workshop via Zoom. Valley Water presented contingency plans for the Anderson Reservoir water supply outage, inviting water retailers to participate in discussions of operational strategies and communication protocols in response to the impacts of the Anderson Dam Seismic Retrofit Project (Project). In all, 35 individuals representing all 13 of the water retailers within Santa Clara County attended the workshop.

Following an overview of the Project construction elements and timeline, and presentations of groundwater recharge operations and raw and treated water operational contingency planning by Valley Water, scenario exercises were conducted. These exercises guided attendees through mock events during the Anderson outage, and engaged water retailer participants.

Valley Water received helpful feedback from water retailers about how they might operate under certain situations, and Valley Water was able to respond to water retailers' questions and comments. This dialogue will help refine our contingency planning, and our communications strategy with water retailers as well as the broader community. Preliminary feedback from participants was that the workshop was worthwhile, and future such sessions may be scheduled.

For further information, please contact Bhavani Yerrapotu at (408) 630-2735.

3. "Ask the CEO" Virtual Meeting Series - Fall 2020

Valley Water hosted an "Ask the CEO" virtual meeting to offer the community an opportunity to ask questions and have informal discussions with Valley Water's CEO Rick Callender on projects and issues within each of Valley Water's seven districts in Santa Clara County.

Valley Water held a virtual meeting for each district with the representing board member in attendance on the following dates:

- September 21, 2020, with Director Richard P. Santos for District 3
- September 25, 2020, with Chair Nai Hsueh for District 5
- September 30, 2020, with Director John L. Varela for District 1
- October 2, 2020, with Director Linda J. LeZotte for District 4
- October 6, 2020, with Director Gary Kremen for District 7
- October 7, 2020, with Vice Chair Tony Estremera for District 6
- October 14, 2020, with Director Barbara F. Keegan for District 2

In total, 206 community members participated via Zoom and Facebook Live, plus an additional 539 community members who viewed recordings on YouTube and Facebook to date.

In addition to providing updates on Valley Water priority projects and programs, CEO Callender fielded questions from the community about Valley Water's efforts surrounding the Anderson Dam Seismic Retrofit Project, the Coyote Creek Flood Protection Project, homeless activity along creeks and streams, climate change, and both the existing and proposed renewal of the Safe, Clean Water and Natural Flood Protection Program.

Residents were encouraged to email follow-up questions or comments directly to the CEO, using the CEO@ValleyWater.org address. Video recordings of the Ask the CEO meetings can be found at <https://www.valleywater.org/ask-the-ceo>.

For further information, please contact Theresa Chinte at (408) 630-2714.

4. California Natural Resources Agency Proposition 68 Grants Announcement

On October 1, 2020, the California Natural Resources Agency announced it is directing almost \$50 million in Proposition 68 funding toward 15 projects that are expected to immediately improve the ecosystem health for protected fish species in the Central Valley. The projects benefit salmon, steelhead, and other native fish through improvements in food availability, creation of more suitable spawning and rearing habitat, installation of fish passage and fish screens to reduce entrainment, and more. Many of these projects were identified in the Voluntary Agreements and would count towards Voluntary Agreement improvements if the Agreements move forward.

Proposition 68 authorized \$4 billion in funding for natural resource programs, of which \$200 million was allocated to support multi-benefit water quality, water supply, and watershed programs in the Sacramento and San Joaquin river systems. California state agencies worked together to select projects based on their feasibility and delivery of long-term recovery for target species, for example the Central Valley Chinook salmon.

Environmental regulations to protect state and federally listed species, such as Central Valley Chinook salmon, influence the amount of imported water available to Valley Water. As such, improving conditions for these species helps protect the water supply reliability for Valley Water.

Visit <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/email-items/Proposition-68-Restoration-Projects-20201001.pdf> to view more details on each project and proposed awards.

For further information, please contact Vincent Gin at (408) 630-2633.

5. FAHCE Plus Pilot Program on Stevens Creek and Guadalupe Reservoirs

Valley Water officially began its Fish and Aquatic Habitat Collaborative Effort (FAHCE) Plus Pilot Program on Thursday, October 15, 2020. This pilot program is intended to provide improved conditions for steelhead trout, a federally threatened species. FAHCE Plus is a modified version of the FAHCE reservoir re-operations presented in the 2003 "FAHCE Settlement Agreement".

The pilot program will apply to Stevens Creek and Guadalupe reservoirs, and includes reservoir operating rules that provide for pulse flows in the winter for adult steelhead to migrate upstream from San Francisco Bay into Stevens Creek and Guadalupe River/Creek to lay their eggs and reproduce. The operating rules also provide for flows necessary to allow the eggs to hatch, then provide for an additional pulse flow in the spring to help the adult fish and juveniles from previous years to migrate back to San Francisco Bay, and on to the Pacific Ocean. This pilot program will involve data collection, so that the effectiveness of the reservoir operating rules in improving fish habitat conditions and reproductive success may be assessed and adjustments made to future operations, if necessary.

More information about FAHCE may be found at: <https://www.valleywater.org/project-updates/creek-river-projects/fahce-fish-and-aquatic-habitat-collaborative-effort>.

For further information, please contact Greg Williams at (408) 630-2867.

6. Forecast Informed Reservoir Operations

Valley Water, like other water agencies, operates its reservoirs based on fixed rule curves developed from decades-old hydrology data. Forecast-Informed Reservoir Operations (FIRO) incorporates weather forecast data and stochastic modeling into the operating rules for reservoirs. As we face climate change, with the potential for more uncertainty in weather and more intense storms, the FIRO approach could help to optimize our reservoir management for both water supply and flood management.

In our region, nearly 85% of flooding events are caused by atmospheric river storms. The Center for Western Weather & Water Extremes (CW3E) at Scripps Institution of Oceanography leads a variety of contemporary, science-based Atmospheric River and FIRO programs and projects to optimize weather, climate and water forecasts — providing water managers with practical tools to improve their operations, increase water supplies, and promote public safety. Valley Water has elected to join and be a founding member of the CW3E. This membership will provide Valley Water with the opportunity to help guide and provide feedback on strategies to transfer research to operations through scientific insights and decision support tools.

For further information, please contact Sue Tippetts at (408) 630-2253.

7. Valley Water Adds New Internet Service Provider

Valley Water has partnered with Wiline Networks to supplement the existing internet connection provided by AT&T. Wiline utilizes Microwave, Laser and other line-of-sight or near-line-of-sight communication methods to provide connectivity to locations where fiber optic and copper networks are unavailable. During normal operations, Wiline will effectively double network bandwidth. In the event of either a Wiline or AT&T outage, Valley Water can seamlessly continue operations.

In addition to improved speed and redundant connectivity to the internet, Valley Water is completing a proof of concept with Wiline to bring Valley Water's internal network to the remote Anderson Dam construction site. If successful, this proof of concept will be expanded to bring much higher speeds (up to 40x) to treatment and pumping facilities as well as connectivity to remote locations currently relying on low-speed connections.

For further information, please contact Mike Cook at (408) 630-2424.

8. Municipal Regional Stormwater Permit Annual Report

Valley Water complies with the Municipal Regional Stormwater NPDES Permit (MRP) by implementing actions in accordance with the applicable portions of the MRP's major provisions, including operation of storm drains from our facilities, illicit discharge detection and elimination, public information and outreach, and other actions. These compliance actions are reported annually to the San Francisco Bay Regional Water Quality Control Board. The report provides data and narrative demonstrating Valley Water's compliance, progress, and accomplishments throughout the reporting year. Valley Water leads by serving as Chair of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Management Committee, representing SCVURPPP at the Bay Area Stormwater Management Agencies Association Board of Directors, and serving on the Board of Directors of the statewide California Stormwater Quality Association.

Major accomplishments this year include:

- As one of the few Santa Clara County Permittees with 24-hour availability to conduct storm water pollution investigations, Valley Water received and responded to 86 emergency response reports in FY19-20.
- The Valley Water's Code Enforcement Program processed 240 cases in FY19-20, including encroachments and illegal dumping on Valley Water property.
- The Water Waste Inspector Program responded to and resolved 272 reports of water waste.
- During FY19-20, Valley Water removed 11,568 cubic yards of trash and debris from various waterways in Santa Clara County. Most of this trash is removed through the Good Neighbor Encampment Cleanup program and partnerships with other agencies.

The report also highlights Valley Water's public information and outreach program, including the popular Water Resources Education Outreach Program, Adopt-A-Creek and creek clean up events, attendance at many community events, the Grants and Partnerships program, and distance learning content produced in response to students' learning needs during the COVID-19 pandemic. The Stormwater Annual report will be posted on the Water Board's website at https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/Annual_Reports1.html and on the Safe, Clean Water Project B2 Interagency Urban Runoff Program page: <https://www.valleywater.org/project-updates/b2-interagency-urban-runoff-program>.

For further information, please contact Lisa Bankosh at (408) 630-2618.

9. New Warehouse Fall Protection Improvements at Coyote Pumping Plant

Permanent fall protection systems have been incorporated into Valley Water's new Coyote Pumping Plant Warehouse. Fall protection cable systems were installed on the fixed ladder and roof. These two systems are composed of steel cables attached with stanchions/anchors that are secured along the ladder and the entire length of the roof. Staff connect to the cable system using a fall protection harness and a connector that allows them to move safely along the system. These fixed fall protection cable systems allow staff to remain tied-off at all times, which significantly reduces the risk of falls during roof access maintenance work activities.

For further information, please contact Tina Yoke at (408) 630-2385.

10. Results of the Sale of Water Utility Debt Obligations

On October 14, 2020, Valley Water closed on a debt issuance to finance capital improvement costs for the water utility system. The financing was authorized by Valley Water's Board of Directors at its September 8, 2020, regular meeting. Total debt proceeds of \$216 million plus \$20 million of original issue premium were used to repay \$99.3 million of commercial paper that was issued as interim financing for previously-incurred costs (Water System Refunding Revenue Bonds, Series 2020A/B) and generate \$135 million of new money proceeds to fund eligible capital costs over the next 1-2 years (Revenue Certificates of Participation, Water Utility System Improvement Projects, Series 2020AC/D). Valley Water received 'AA+' and 'Aa1' credit ratings on the debt from Fitch and Moody's, respectively. The debt obligations will be repaid over 30 years at fixed rates. Valley Water achieved very favorable pricing with an aggregate, all-in true interest cost of 2.69% and achieved budgetary debt service savings of approximately \$5 million for the current fiscal year 2020-21. The successful transaction was a result of the Board's strong leadership and fiscally prudent executive management team.

For further information, please contact Darin Taylor at (408) 630-3068.

11. Update on Valley Water Response to PFAS

Valley Water continues to track the emerging issues related to PFAS (Per- and Polyfluoroalkyl Substances), which are persistent in the environment and have known and suspected adverse health effects. Two PFAS, PFOA and PFOS, have health-based notification and response levels set by the State Water Resources Control Board (State Board). As presented at the August 11, 2020 Board Meeting, voluntary Valley Water sampling of 55 monitoring wells does not indicate widespread presence of PFOA and PFOS above health advisory levels in local groundwater, but the presence of PFAS in some wells is concerning. Valley Water will resample all 12 monitoring wells with detections of PFOA or PFOS to confirm the previous results.

In September 2020, Valley Water met with the San Francisco Bay and Central Coast Regional Water Quality Control Boards (Regional Boards) and the Division of Drinking Water regarding regional PFAS sampling results and potential coordination. The Regional Board was interested in any information that will help them prioritize investigations, especially as they relate to impacted drinking water wells. Valley Water is evaluating the extent of PFAS in groundwater using all available data and will continue to collaborate with water retailers and regulatory agencies to better understand PFAS occurrence and potential sources, and to identify any action that may be needed to protect local water supplies.

Valley Water also plans to conduct voluntary, quarterly PFAS sampling at Valley Water's three water treatment plants beginning this Fall 2020. In addition, the State Board has ordered quarterly PFAS sampling at Valley Water's Campbell Well C beginning in late 2020 since low levels of PFAS were detected in two of the three Campbell wells under a 2019 State Board Investigative Order. All PFAS detections at these wells were below the notification levels. At no point was water from the Campbell Wells, which remain an emergency source of supply, served to the public.

For further information, please contact Greg Williams at (408) 630-2867.

12. Valley Water Appeals the Cal/OSHA Citation Alleging an Excavation Safety Order Violation

In the September 11 – September 24, 2020 Issue of the CEO Bulletin, it was reported that Valley Water Legal Counsel was reviewing a citation that Valley Water received from the California Division of Occupational Safety and Health. The alleged safety violation was associated with an excavation that was dug for the repair of a 12-inch water main at the Santa Teresa Water Treatment Plant.

Valley Water Legal Counsel has reviewed the citation, and associated facts, and recommended to appeal the citation, which was subsequently approved by the Appointing Authority. The appeal has been made within the statutory time limits, and further notification is anticipated to be forthcoming from either the Occupational Safety and Health Appeals Board, or the Division of Occupational Safety and Health to determine the next steps in the appeal process.

For further information, please contact Tina Yoke at (408) 630-2385.

13. Valley Water Hosts 2020 Virtual Water Walk Tour

On October 9, 2020, Valley Water conducted its first-ever Virtual Water Walk Tour, which educated and engaged 40 elected officials, federal, state, regional, and local jurisdiction representatives, and key advocacy stakeholders on various Valley Water projects, and highlighted the continued partnership and advocacy needed to advance them.

Tour attendees then virtually visited the Anderson Dam in Morgan Hill where the group learned about the Seismic Retrofit Project and Anderson's role in supplying safe, clean water to the county, and how it will be funded, including through Santa Clara County Measure S if it is passed by voters.

Next, the tour stopped at the San Francisquito Creek Flood Protection Project in Palo Alto where attendees heard the critical need for and complexities involved in a multi-jurisdictional flood protection project that spans two counties and four cities and aims to provide flood protection, improved water quality, enhanced recreational opportunities, and habitat for endangered species.

The next project visit was a strategic stop at the Downtown Guadalupe Flood Protection Project which allowed tour attendees to see the results of a successfully completed, multi-agency and multi-benefit project first-hand.

The tour finished up at the Silicon Valley Advanced Water Purification Center, where the group learned about Valley Water's use of cutting-edge recycled water technologies that showcase the future of water supplies for Silicon Valley. This virtual stop enabled a robust discussion of the essential partnerships necessary to ensure the future of water supplies in Santa Clara County.

The tour concluded with a discussion of Valley Water's legislative priorities and the need for continued engagement and support from policymakers and advocacy stakeholders on water supply and watersheds projects that benefit Silicon Valley. Attendees were fully engaged throughout the tour and asked many good questions throughout the event. Valley Water received overwhelmingly positive feedback from attendees and are hopeful to return to a traditional bus tour in 2021.

For further information, please contact Don Rocha at (408) 630-2338.

14. Valley Water Launches a Water Conservation Webinar Series

Valley Water has a four-part Water Conservation Facebook Live Series. Two of the presentations have already been taped and are posted to the Water Savings Videos page on the Valley Water website located at: <https://www.youtube.com/user/Valleywater>, within the Conservation is a California Way of Life section.

The topics include:

- Top Ten Ways to Save Water in Your Home, recorded on September 15th; and
- How to Lose Your Lawn with Valley Water's Landscape Rebate Program, recorded on September 23rd.

The upcoming topics include:

- Reuse Graywater and Rainwater in Your Yard, will air on October 22nd at 6:00 pm.
To register for the live presentation: <https://www.eventbrite.com/e/reuse-graywater-and-rainwater-in-your-yard-tickets-120877165857>
- How to be a Leak Detective at Home, will air on November 18th at 12:00 pm.
To register for the live presentation: <https://www.eventbrite.com/e/become-a-leak-detective-at-home-tickets-120885847825>

For further information, please contact Jerry De La Piedra at (408) 630-2257.

15. Valley Water Submits Letter of Interest for WIFIA Loan for Pacheco Reservoir Expansion Project

Valley Water submitted a letter of interest (LOI) for the Pacheco Reservoir Expansion Project (project) to the U.S. Environmental Protection Agency (EPA) for a loan under its Water Infrastructure Finance and Innovation Act (WIFIA) loan program. The LOI, submitted prior to the deadline on October 15, 2020, described the project and its community benefits in detail and provided information on the creditworthiness of Valley Water as a borrower.

The EPA will announce in 3 months which projects from across the nation are invited to apply for a WIFIA loan. The federal WIFIA loan program, previously identified by Valley Water as a preferential, low-cost option for borrowing funds to finance the development, design, and construction of the project, can fund up to 49% of eligible capital costs. In its notice of funding availability, the EPA estimated that its budget authority for its fiscal year ending September 30, 2021 may provide for approximately \$5 billion in loans to selected projects, with additional funding possibly available from prior year carryover resources.

Valley Water's funding plan for the \$1.3 billion project includes maximizing the use of eligible state Proposition 1 Water Storage Investment Program grant funds (\$485 million) and maximizing WIFIA support to finance the remainder, with additional funds to be generated from the issuance of water utility enterprise revenue bonds, as needed, other federal and state programs, and contributions from project partner beneficiaries. It is anticipated that any increases to the project cost may be accommodated by the WIFIA loan program depending on the availability of program funding.

For further information, please contact Darin Taylor at (408) 630-3068.

16. Water 101 Academy - Spring 2021 Applications Launching

Valley Water is preparing to launch the third cohort of the "Water 101 Academy" for Spring 2021. Last year, the program received over 70 applications and a total of 21 community ambassadors were selected from all seven districts by their respective board member. The leadership program is designed to educate and engage community members who would then become an ambassador in their communities on all things water and provide accurate and up-to-date information on resources, opportunities, challenges or other pertinent issues, helping to provide a local voice in their personal and virtual social networks.

Since the completion of the academy last Spring 2020, ambassadors have continued to be active spokespeople in their communities on water issues, with several of them advocating for Valley Water efforts such as purified and recycled water expansion, as well as volunteering to participate in community events including the recent California Coastal Cleanup (with social distancing measures in place). Several ambassadors have expressed fervent support of the Water 101 Academy and are highly motivated to encourage other community leaders to participate.

Applications for the third year of the Water 101 Academy will be made available from October 6 through December 4, 2020. Valley Water is working on a comprehensive promotion and outreach plan to promote the program through social media, blog posts, monthly newsletters and Nextdoor posts from each Board of Director. Selected applicants (three from each board district) will undergo six educational sessions starting in March 2021, including a virtual tour of Valley Water facilities. Due to the COVID-19 pandemic, the sessions will be hosted virtually until further notice. The final session and graduation ceremony will conclude in June 2021 during a regular evening board meeting.

Expected outcomes include expanding the cadre of countywide water ambassadors who will help support and share invaluable information between Valley Water and their respective communities. The ultimate goal is to improve two-way communication with the residents of Santa Clara County by leveraging community leaders to help expand information sharing and input gathering, resulting in more knowledgeable and engaged residents.

For further information, please contact Marta Lugo at (408) 630-2237.

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Santa Clara Valley Water District

File No.: 20-0952

Agenda Date: 10/27/2020

Item No.: 4.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Revised Fiscal Year 2021 Board Policy Planning Calendar.

RECOMMENDATION:

Review and approve the Revised Fiscal Year 2021 Board Policy Planning Calendar.

SUMMARY:

At the August 11, 2020 meeting, the Board approved the Fiscal Year 2020-2021 Board Policy Planning Calendar (FY21 Calendar) which was reformatted to better align with the approved Fiscal Year 2020-2021 Board Work Plan. To provide more detailed real-time information on the Board and the Board Committee's work, the FY21 Calendar has been updated and reformatted (Attachment 1).

Staff determined that additional information would be useful to identify items being considered by the Board and the Board Committees and identified in the CEO's Strategic Plan. The calendar was updated to provide a more inclusive list of items scheduled for Board and Committee consideration this fiscal year. The revised FY21 Calendar was presented to the Board Policy and Planning Committee (BPPC) on September 28, 2020. The BPPC supported the revised format and requested that staff present it to the full Board for approval.

This calendar will be presented to the Board monthly during the second regular Board meeting for review and to incorporate any revisions and additions as may be appropriate.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: Revised FY21 Board Calendar

File No.: 20-0952

Agenda Date: 10/27/2020
Item No.: 4.1.

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711

DRAFT FY21 VALLEY WATER BOARD POLICY PLANNING CALENDAR

FY21 Board Work Plan			Board Committee	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	Actively Pursue Water Storage Opportunities	• Sites Reservoir Phase 2 Years 2/3 Participation Decision	Water Storage Exploratory Committee			C	R							
		• Los Vaqueros Expansion Project (Amendment #2)	Water Storage Exploratory Committee	C			R							
		• Los Vaqueros Expansion Project (JPA Formation)	Water Storage Exploratory Committee						R			R		
2.	Actively Participate in Decisions Regarding the CA Delta Conveyance	• Decision on next level of funding, determination of VW participation level, DCA agreement amendment					S/R							
3.	Lead Recycled and Purified Water Efforts with Committed Partners	• South County Recycled Water Governance	Recycled Water Committee		C	R					R			
		• Negotiations with cities of San Jose and Santa Clara	Recycled Water Committee		C	C		C		C	R			
		• P3	Recycled Water Committee		R	C		C	R	C	R			
		• Countywide Water Reuse Master Plan	Recycled Water Committee	R				C			C			
4.	Engage and Educate the Community, Elected Officials and Staff on Future Water Supply Strategies in Santa Clara County	• Water Demand Projection	Water Conservation and Demand Management Committee		C	R								
		• Water Supply Master Plan/Monitoring and Assessment Plan (MAP)	Water Conservation and Demand Management Committee		C	R								
5.	Advance Anderson Dam Seismic Retrofit Project	• Alternative Contracting		R										
6.	Protect and maintain existing assets and infrastructure	• Second amendment to CVP Contract				R								
		• CVP Contract conversion under WIIN Act								R				
		• SWP Contract amendment to add "Water Management Tools"					R							
7.	Pursue opportunities to improve internal capacity to acquire regulatory permits	• Work-Study Session w/Regulators	SF Bay Reg. WQB Mtg			I								
8.	Attain Net Positive Impact on the Environment When Implementing Flood Protection and Water Supply Projects	• One Water Countywide Framework	Board Policy and Planning Committee					C		R				
		• Ends Policy Review	Board Policy and Planning Committee				C	R						
9.	Promote the Protection of Creeks, Bay and Other Aquatic Ecosystems from Threats of Pollution and Degradation	• Revisions to the Water Protection Ordinance	Board Policy and Planning Committee		C			R						
		• Updated Trails Policy	Board Policy and Planning Committee				C		R					

Board Meetings
R = Regular
S = Special
C = Committee
X = Closed
I = Information

October 16, 2020

Page 1 of 3

Attachment 1
Page 1 of 3

DRAFT FY21 VALLEY WATER BOARD POLICY PLANNING CALENDAR

FY21 Board Work Plan			Board Committee	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
10.	Continue FAHCE	• Update on Guadalupe River and Stevens Creek	FAHCE Committee							R				
		• Review of FAHCE Committee Structure and Purpose	FAHCE Committee		C	C	R							
11.	Advance Diversity and Inclusion	• Racial Equity, Diversity and Inclusion Master Plan	D&I Ad Hoc Committee								R			
12.	Maintain Appropriate Staffing Levels and Expertise	• Project Labor Agreement	PLA Working Group					R						
		• Long-Term Staffing Master Plan							C		C			
13.	Provide Affordable and Cost-Effective Level of Services	• Customer Assistance Program			R									
		• FY20-21 Budget Review related to COVID-19 Impacts & Mid-Year Increase Decision			R									
		• FY20 Unaudited Actuals Review & Comprehensive Annual Financial Report (CAFR) Review			R				R					
		• Budget Committee Benchmarking and Proposal						R						
		• FY 21-22 Water Rate Setting Process						R	R	R		R	R	
		• FY 21-22 Budget Setting Process						R		R	R	R	R	
14.	Address Future Impacts of Climate Change to Valley Water's Mission and Operations	• Climate Change Action Plan (CCAP)	Board Policy and Planning Committee				C		R					
15.	Other Notable Policy and Board Actions	• Office of Government Relations Annual Legislative and Policy Proposals				R								
		• Civic Engagement Outreach and Tracking Poll	Recycled Water Committee		C									
		• Civic Engagement Grant Program funding recommendations									R			
		• Redistricting Plan: Process, Criteria, and Advisory Committee						R	R					

Board Meetings
R = Regular
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C = Committee
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I = Information

DRAFT FY21 VALLEY WATER BOARD POLICY PLANNING CALENDAR

Board Committee(s) Recommended Items (Committee Not Assigned to Board Work Plan Items)			Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	Audit Committee	• Grants Management Audit Report			C								
		• Board Audit Committee Charter Update											
		• Contracts Improvement Process Update				C							
2.	Policy and Planning Committee	• FY20-21 Board Work Plan	R										
		• FY20-21 Board Policy Planning Calendar	R	C	R								
		• E-2 Water Supply											
		• E-3 Flood Protection											
		• E-4 Environmental Stewardship		C		C	R						
		• FY22 Strategic Planning Workshop											
3.	Capital Improvement Program (CIP)	• Preliminary FY21-22 Five-Year Capital Improvement Program					C	R					
		• FY21-22 Five-Year CIP Adoption Process							R		R	R	

Items Regularly Monitored by Board			Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	BAO Performance		X	X	X		X		X		X		X
2.	BAO Compensation												
3.	Board Expense Report				R				R				R
4.	Board Self-Assessment			R									

Board Member(s) Requested Items			Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
1.	Santos	Two-Year Budget	R										
2.	Santos	District Financial/Investment Status (To be Combined with FY20-21 Budget Review)		R									
3.	Varela, Santos, Kremen	Fire Suppression Efforts				S							
4.	Hsueh	Structure and Scope for Budget Committee					R						

Board Meetings
R = Regular
S = Special
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Santa Clara Valley Water District

File No.: 20-1002

Agenda Date: 10/27/2020

Item No.: *4.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Water Supply Master Plan 2040 Monitoring and Assessment Program Annual Report and Water Demands Update.

RECOMMENDATION:

Receive and discuss information on the Water Supply Master Plan 2040 Monitoring and Assessment Program Annual Report and Water Demands Update.

SUMMARY:

The Water Supply Master Plan 2040 (Master Plan) is Santa Clara Valley Water District's (Valley Water) strategy for providing a reliable and sustainable water supply in a cost-effective manner consistent with Board Policy E-2.1 "There is a reliable, clean water supply for current and future generations". It informs investment decisions by describing the type and level of water supply investments Valley Water is planning to make through 2040, the anticipated schedule, the associated costs and benefits, and how the plan will be monitored and adjusted through the Master Plan's Monitoring and Assessment Program (MAP).

The Master Plan, which was adopted by the Board of Directors (Board) in November 2019, defines a new level of service goal, provides an investment strategy, and recommends water supply projects that achieve the investment strategy and level of service goal. However, new data, modeling, and project information is available each year and needs to be integrated into the Master Planning process to determine if the recommended projects will still achieve the level of service goal by providing Valley Water a reliable water supply that is resilient to future uncertainties. Therefore, the MAP integrates new information and tracks changes forecasted for existing water supplies (e.g., imported water contract supplies, local water supplies and infrastructure, etc.), potential future water supply projects, and forecasted demands. MAP helps ensure Valley Water is effectively and efficiently implementing the Master Plan and includes a report to the Board at least annually. The Board can use the MAP report to support annual strategic planning that informs the annual water rate setting, Capital Improvement Program (CIP), and budget processes. This memorandum summarizes the MAP 2020 report (Attachment 1) and next steps.

Monitoring and Assessment Program 2020

Valley Water's level of service goal is to "develop water supplies designed to meet at least 100 percent of average annual water demand identified in Valley Water's Water Supply Master Plan

during non-drought years and at least 80 percent of average annual water demand in drought years.” To ensure Valley Water achieves its level of service goal, the Master Plan recommends the following strategy and associated projects:

- 1) Secure existing supplies and infrastructure:
 - a. Continue baseline projects (Vasona Pump Plant Upgrade, Rinconada Water Treatment Plant Reliability Improvement, dam seismic upgrades)
 - b. Delta Conveyance Project (DCP)
- 2) Expand water conservation and reuse:
 - a. 24,000 acre-foot (AF) potable reuse project
 - b. Achieve 110,000 AF of conservation by 2040 (represents an additional 11,000 AF of conservation above the baseline).
- 3) Optimize the use of existing supplies and infrastructure:
 - a. Pacheco Reservoir
 - b. Transfer Bethany Pipeline

As part of MAP, Valley Water collaborates with internal and external stakeholders to maintain an accurate understanding of the existing system and water demands, participates in the development of new water supply projects, and fully evaluates which investments are needed to meet Valley Water’s level of service goal.

Water Demand Forecast

A reliable water demand forecast is needed to determine the level of investment necessary to meet Valley Water’s level of service goal. The demand forecasts in the Master Plan were developed in 2016 with the best available data and assumed a rebound to pre-drought water use. Since 2016, the drought rebound has been significantly less than forecasted; in addition, more water use data and new housing and economic development forecasts have become available (e.g., Plan Bay Area). These factors warranted the development of a new Valley Water demand model.

Valley Water’s new demand forecasts integrate the understanding of historic water use trends and drought rebound. Defining a drought rebound is an important modeling assumption in forecasting water demand. Valley Water experienced a small rebound in 2017 and since then demands have remained relatively stable through 2018 and 2019. Therefore, the rebound has been relatively muted. Valley Water and the Consultant developed two demand scenarios to consider the range of drought rebounds that could be realistically achieved (Table 1):

- 1) No continued demand rebound beyond 2019
- 2) 50% rebound to pre-drought water use by 2025 and then no further rebound

Table 1. Newly forecasted demands in thousand AF units compared to the Master Plan demands (rounded to the nearest 5 thousand AF), including planned water conservation.

Demand Scenario	2020	2025	2030	2035	2040
No Continued Rebound	300	295	285	290	290

50% Rebound	300	330	320	330	335
Master Plan	360	365	370	380	390
Difference ¹	60	35-70	50-85	50-90	55-100

¹The low bookend is the difference between the 50% Rebound scenario and the Master Plan scenario while the high bookend is the difference between the No Continued Rebound scenario and the Master Plan scenario.

Assuming no continued drought rebound (scenario 1), planned water conservation is forecasted to mitigate increases in water demands with a forecasted 2040 demand of approximately 290,000 AF. Alternatively, assuming a 50% drought rebound by 2025 (scenario 2) translates to a 13% increase (approximately 40,000 AF) in demands by 2025 and results in a 2040 demand forecast of approximately 335,000 AF. In comparison, the Master Plan demand forecast developed in 2016 was 389,000 AF. The new demand model forecasts compared to the Master Plan are approximately 55,000-100,000 AF lower in 2040 than the forecast in the Master Plan (Table 1). The new demand model improved Valley Water's demand forecasting to more accurately reflect expected drought rebound, integrate new water use data, and integrate new growth forecasts.

While water conservation has mitigated the impacts of growth over the past decade, demand rebounds have also occurred historically. However, the drought rebound thus far has been limited for Valley Water and most peer agencies. Therefore, the 50% drought rebound scenario and the modeled growth through 2040 integrate the understanding of historic water use trends and drought rebound. The 50% drought rebound scenario is likely a conservative (i.e., minimizes risk of under-predicting demand) outlook for demand rebound, but more realistic when compared to the Master Plan demands. Therefore, staff used the 50% drought rebound scenario for this initial MAP evaluation.

Project Evaluation

Since the drought rebound is likely going to be significantly less than what was originally expected back in 2016, the newly forecasted demands are significantly lower than those reported in the Master Plan. With lower demands, the Board may wish to revisit the current portfolio of projects in the Master Plan to determine which projects should continue to be invested in to meet the level of service goal and potentially for other benefits such as operational flexibility, supply diversification, and resiliency to future uncertainties. Staff evaluated each Master Plan recommended project to determine how it could help meet the level of service goal while considering cost and resilience to future uncertainties (e.g., climate change, regulations, etc.) (Figure 1). Each project was evaluated with the baseline investments (dam seismic retrofits, Rinconada Water Treatment Plant Improvement Project, Vasona Pump Plant Upgrade, and 99,000 AF of water conservation by 2030) and the Master Plan's additional water conservation of 11,000 AF.

Figure 1 Individual Projects Evaluated to Achieve the Level of Service Goal.

Staff did not evaluate the DCP because modeling on its potential benefits for Valley Water is not available. Staff is planning to provide a more detailed DCP update to the Board in November 2020, and will model its potential benefits once the information is available.

The Master Plan analysis indicated that additional groundwater recharge may be necessary in the northern portion of the Llagas sub-basin. Given the new demands, staff is analyzing groundwater in

the Llagas sub-basin to ensure adequate groundwater storage is maintained throughout the entire sub-basin through 2040.

Staff is interested in Board feedback on projects they are interested in for continued evaluation. As an example, staff is providing an evaluation of water conservation paired with potable reuse, which would provide Valley Water locally controlled, climate-change resilient supplies that diversify Valley Water's system and reduce reliance on the Delta.

Modeling and analysis indicate that investing in a 10 million gallons per day (MGD) potable reuse plant coupled with achieving the 110,000 AF by 2040 water conservation goal will meet Valley Water's level of service goal through 2040. Valley Water executed a partnership agreement with the cities of Palo Alto and Mountain View that, in part, provides effluent to Valley Water for use at a regional purification facility. Valley Water is also in discussions with San Jose to secure a similar partnership agreement. In addition, Valley Water is on track to meet the water conservation goal, needing only approximately 35,000 AF more of water conservation by 2040.

There may be other operational and/or policy reasons to continue consideration of other projects not needed to meet the level of service goal. For example, the Board may decide to continue planning for a 24 MGD potable reuse plant to further reduce Valley Water's reliance on the Delta and increase local resilience to climate change or emergencies. Conveyance projects such as DCP and the Transfer Bethany Pipeline provide operational flexibility. Valley Water is also developing three coordinated plans that will recommend and prepare capital projects to strengthen infrastructure resilience and reliability into the future, including the Distribution System Implementation Plan, the Water Treatment Plant Implementation Plan, and the Supervisory Control and Data Acquisition (SCADA) Implementation Plan (collectively referred to as the Infrastructure Implementation Plans). At the Board's direction, projects under the strategy elements "Secure Existing Supplies and Infrastructure" and "Optimize the Use of Existing Supplies and Infrastructure," may be considered within the Infrastructure Implementation Plans.

Voluntary Call for Water Use Reduction

During the 2012-2016 drought, Valley Water's Board called on residents and businesses throughout Santa Clara County to reduce water use. At the peak of the drought, the community achieved nearly a 30% water use reduction. Since the end of the 2012-2016 drought, Valley Water's Board has continued a call for a 20% voluntary water use reduction. The 2012-2016 drought emergency has ended and Valley Water's groundwater is healthy. The Water Shortage Contingency Plan no longer recommends a call for water use reduction. However, the Board may decide to continue the voluntary 20% call to continue drought messaging and education. At the July 15th, 2020 Retailer Meeting, staff received informal direction from Chair Hsueh to discuss the call for a 20% voluntary water use reduction with the Board.

Next Steps

Through MAP, Valley Water will continue to track uncertainties and recommend approaches for adapting to future conditions. In addition, staff will continue to refine project costs and evaluate project benefits. Appendix B of the MAP Report provides a full list of Valley Water's potential water supply projects that staff is or has evaluated. Valley Water will continue to update the list as new

opportunities arise and with direction from the Board. Regular monitoring of specific projects and overall conditions provide Valley Water and its Board the opportunity to adjust the Master Plan strategy and recommended projects as needed. Through MAP, staff will continue to evaluate Valley Water's supplies, demands, and investment opportunities. Staff will prepare the MAP report annually and provide other MAP updates to the Board throughout the year as needed.

FINANCIAL IMPACT:

There is no new financial impact associated with this item. Costs associated with continued participation and planning of projects are already included in the FY 2021 budget will be included in future budget proposals as appropriate.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: 2020 MAP Report

Attachment 2: PowerPoint

*Handout 4.2-A: Revised PowerPoint

UNCLASSIFIED MANAGER:

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Valley Water

Fiscal Year 2020-21

Monitoring and Assessment Program Report

Water Supply Master Plan 2040

SANTA CLARA VALLEY WATER DISTRICT
WATER SUPPLY MASTER PLAN 2040
2020 MONITORING AND ASSESSMENT PROGRAM REPORT

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1.0 INTRODUCTION

The Water Supply Master Plan 2040 (Master Plan) is Santa Clara Valley Water District's (Valley Water) strategy for providing a reliable and sustainable water supply in a cost-effective manner consistent with Board Policy E-2.1 "There is a reliable, clean water supply for current and future generations". The Master Plan was adopted by the Board of Directors (Board) in November 2019 and informs investment decisions by describing the type and level of water supply investments Valley Water is planning to make through 2040, the anticipated implementation schedule, and the associated costs and benefits. This is an on-going process; therefore, a critical piece of the Master Plan is the annual Monitoring and Assessment Plan (MAP).

The MAP provides updated information on demands, supplies, and the status of projects and programs identified in the Master Plan to inform the annual water rate-setting process, Capital Improvement Program (CIP), and budget processes. The update gives the Board an opportunity to adjust the Master Plan in response to changing conditions. Such adjustments could include, but are not limited to, accelerating or delaying projects due to changes in the demand trend, changing projects due to project feasibility or implementation challenges, and adding projects due to lower than expected supply trends. The MAP allows Valley Water to continuously assess its current water supplies, current and forecasted demands, implementation of Master Plan projects, and mitigation measures if milestones are not met. MAP helps ensure Valley Water is effectively and efficiently implementing the Master Plan and includes a report to the Board at least annually.

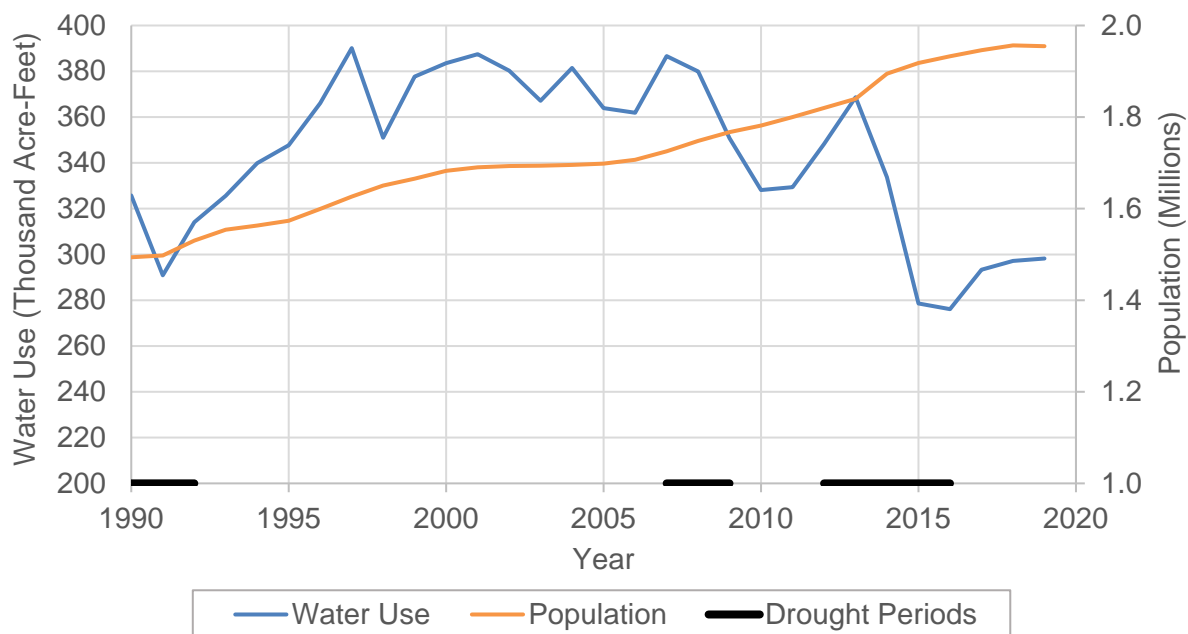
2.0 EXISTING CONDITIONS

Valley Water operates an integrated water supply system based on the conjunctive management and use of surface water and groundwater resources to maximize water use efficiency and meet demands in Santa Clara County. Valley Water supplies include water captured in local reservoirs, water imported from the Central Valley Project (CVP) and State Water Project (SWP), natural groundwater recharge, recycled and purified water, and water conservation and demand management activities. These supplies are augmented with San Francisco Public Utilities Commission (SFPUC) water and other local water captured and treated by local water retailers. Currently, Valley Water maintains and operates 10 dams, 17 miles of raw surface water canals, five water supply diversion dams, 393 acres of groundwater recharge ponds, 91 miles of controlled in-stream recharge, 142 miles of pipelines, three drinking water treatment plants, one advanced water purification center, and three pump stations.

Since the 2012-2016 drought, annual average water use in Santa Clara County has been approximately 300,000 acre-feet per year (AFY). This water includes domestic, municipal, industrial, and agricultural use. Valley Water estimates that water demand would be approximately 75,000 AF higher in 2019 if not for the combined efforts of Valley Water, water retailers, the state of California, and the community to conserve water. Because of Valley Water's investments in water conservation since 1992, water use in the county has remained relatively consistent despite a 25 percent increase in

population over the same period (Figure 1). The various significant decreases in water use are associated with the extended droughts of 1987 to 1992, 2007 to 2010, and 2012 to 2016. The 2007-2010 drought also occurred during an economic recession, which can also depress water use.

Figure 1 Historic Water Use and Population in Santa Clara County



To accurately evaluate future needs, Valley Water needs to maintain an accurate understanding of its current water supply system. Since the Master Plan was adopted, staff worked with internal and external stakeholders to ensure the interpretation and analysis of the existing system is complete and up-to-date. For example, staff reviewed physical characteristics and operational rules of the imported water system, local reservoirs, and Valley Water’s groundwater sub-basins. In addition, staff worked with a consultant to refine Valley Water’s understanding of the cost of shortage and the impacts of the recent 2012-2016 drought (Appendix A). For more detailed information on the existing water supply system, please refer to the Master Plan (available on valleywater.org).

3.0 FUTURE CONDITIONS

To maintain Valley Water’s water supply reliability into the future, the Master Plan defines a new level of service goal, provides an investment strategy, and recommends water supply projects that achieve the investment strategy and level of service goal. Valley Water’s level of service goal is to “develop water supplies designed to meet at least 100 percent of average annual water demand identified in Valley Water’s Water Supply Master Plan during non-drought years and at least 80 percent of average annual water demand in drought years.” To ensure Valley Water achieves its level of service goal, the Master Plan recommends the following strategy:

- 1) Secure existing supplies and infrastructure
- 2) Expand water conservation and reuse
- 3) Optimize the use of existing supplies and infrastructure

Valley Water staff partner with internal and external stakeholders to ensure staff maintain an accurate understanding of the existing system and water demands, participate in the development of new water supply projects (Appendix B), and fully evaluate which investments are needed to meet Valley Water's level of service goal. Below is a summary of that work, including a discussion of the new demand forecasts, the status of Master Plan recommended projects, and an evaluation of projects identified that best achieve the Master Plan investment strategy summarized above.

3.1 Forecasted Water Demands

A reliable water demand forecast is needed to determine the level of investment necessary to meet Valley Water's level of service goal. The demand forecasts in the Master Plan were developed in 2016 with the best available data and assumed a rebound to pre-drought water use. Since 2016, the drought rebound has been significantly less than forecasted; in addition, more water use data and new housing and economic development forecasts have become available (e.g., Plan Bay Area). These factors warranted the development of a new Valley Water Demand Model. After a competitive bidding process, Valley Water contracted with Hazen and Sawyer (Consultant) to develop a new demand model. The new demand model provides forecasted demands in 5-year increments out to 2045 to meet our current planning needs.

To support the Consultant in developing the model, Valley Water collected monthly sectoral water use data from local water retailers for 2000-2019 (although certain water retailers did not have data back to 2000) and groundwater pumping data for Valley Water's independent pumpers (i.e., non-retailer well owners). In addition, the Consultant collected historic data on temperature, precipitation, water rates, water shortage restrictions, economic information, and housing information from Valley Water and its water retailers, the US Census, Federal Reserve, and California Department of Finance (CDOF). The historic data were used to determine the relationship between water use and forecasting variables, including housing information, median income, economic information, water rates, drought restrictions and weather. Demand forecasts were then developed using the projected forecasting variables with information from the Association of Bay Area Governments (ABAG), CDOF, and PRISM (provides data on climate projections).

The Demand Model is used to evaluate potential future scenarios by adjusting the forecasting variables. This supports Valley Water's efforts to understand the uncertainty related to water demand forecasts. Recommended demand forecasts for planning evaluations, such as the MAP, focus on using forecasting variable information from regional and state agencies, such as ABAG and CDOF (Table 1).

Table 1 Forecasting Variables Used in the Demand Model

Forecasting Variable	Source
Water rates (by retailer and groundwater zone, inflation adjusted)	Valley Water
Drought Restrictions	Valley Water and retailers
Median income	US Census
Economic indices (e.g., unemployment)	Federal Reserve, Economic Cycle Research Institute (ECRI)
Housing density	Derived from US Census and CDOF
Persons per household	Derived from US Census and CDOF
Housing Units	ABAG
Sectoral employment	ABAG
Weather (temperature and precipitation)	Prism

An important modeling assumption in forecasting water demand is related to defining a drought rebound. Valley Water experienced a small rebound in 2017 and since then demands have remained relatively stable through 2018 and 2019. Therefore, the rebound has been relatively muted. Valley Water and the Consultant developed two demand scenarios to consider the range of drought rebounds that could be realistically achieved:

- 1) No continued demand rebound beyond 2019
- 2) 50% rebound to pre-drought water use by 2025 and then no further rebound

The new demand forecasts include the planned water conservation goal of 110,000 AF by 2040, with a 1992 baseline. Valley Water currently saves approximately 75,000 AFY through its water conservation program. Modeling of our current programs and implementation of existing regulations (referred to as passive water conservation measures) indicates Valley Water should achieve 99,000 AF by 2030. The additional 11,000 AF is forecasted to occur between 2030 and 2040.

Assuming no continued drought rebound (scenario 1), planned water conservation is forecasted to mitigate increases in water demands with a forecasted 2040 demand of approximately 290,000 AF (Figure 2). Alternatively, assuming a 50% drought rebound by 2025 (scenario 2) translates to a 13% increase (approximately 40,000 AF) in demands by 2025 and results in a 2040 demand forecast of approximately 335,000 AF (Figure 2). In comparison, the Master Plan demand forecast developed in 2016 was 389,000 AF. The new demand model forecasts compared to the Master Plan are approximately 55,000-100,000 AF lower in 2040 than the forecast in the Master Plan (Table 2). The new demand model improved Valley Water's demand forecasting to more accurately reflect expected drought rebound, integrate new water use data, and integrate new growth forecasts.

While water conservation has mitigated the impacts of growth over the past decade (Figure 1), demand rebounds have also occurred historically. However, the drought rebound thus far has been limited for Valley Water and most peer agencies. Therefore,

the 50% drought rebound scenario and the modeled growth through 2040 integrate the understanding of historic water use trends and drought rebound. The 50% drought rebound scenario is likely a conservative (i.e., minimizes risk of under-predicting demand) but realistic outlook for demand rebound. Therefore, Valley Water uses the 50% drought rebound scenario for the MAP evaluation.

Figure 2 Historic and Projected Water Use including Planned Water Conservation (rounded to the nearest 5 Thousand AF (TAF))

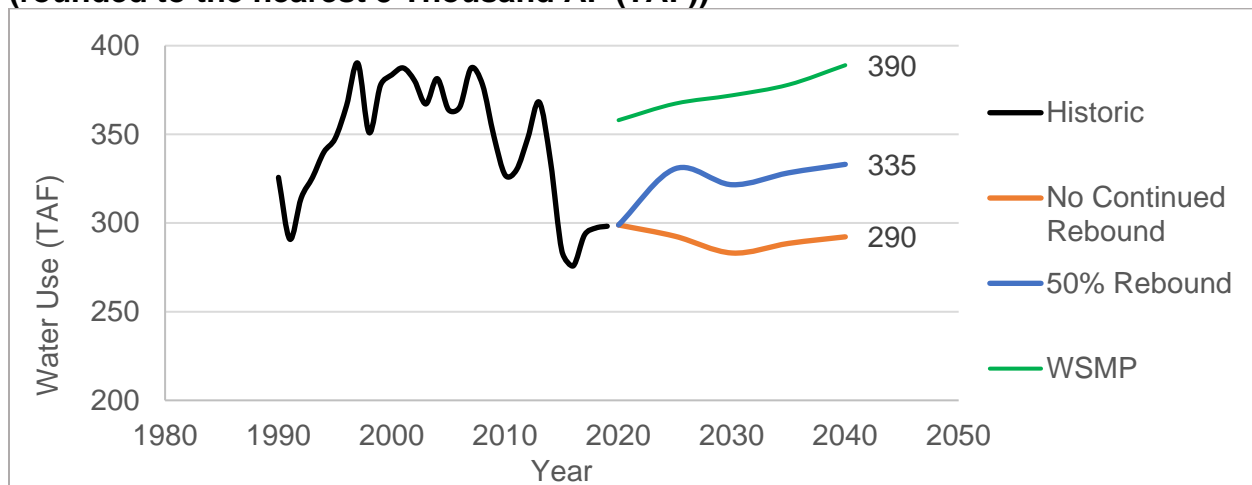


Table 2 Newly Forecasted Demands Compared to the Master Plan Demands, Including Planned Water Conservation (rounded to the nearest 5 TAF)

Demand Scenario	2020	2025	2030	2035	2040
No Continued Rebound	300	295	285	290	290
50% Rebound	300	330	320	330	335
Master Plan	360	365	370	380	390
Difference ¹	60	35-70	50-85	50-90	55-100

¹The low bookend is the difference between the 50% Rebound scenario and the Master Plan scenario while the high bookend is the difference between the No Continued Rebound scenario and the Master Plan scenario.

3.2 Master Plan “Ensure Sustainability” Strategy

For Valley Water to continue meeting its level of service goal, the Master Plan recommended a three-prong strategy:

- 1) Secure existing supplies and infrastructure
- 2) Increase water conservation and reuse
- 3) Optimize the use of existing supplies and infrastructure

Along with the three-pronged strategy, it provided potential projects that could help achieve each aspect of the strategy. The status of those projects is summarized below.

3.2.1 Secure Existing Supplies and Infrastructure

This strategy element aims to maintain existing supplies and infrastructure that the Board identifies as important to future water supply reliability. Valley Water is developing three coordinated plans that will help inform how best to secure existing supplies and infrastructure, including the Distribution System Implementation Plan, the Water Treatment Plant Implementation Plan, and the Supervisory Control and Data Acquisition (SCADA) Implementation Plan (collectively referred to as the Infrastructure Implementation Plans). The Infrastructure Implementation Plans will evaluate the existing water treatment plants, SCADA infrastructure, and distribution system and recommend and prepare capital projects to strengthen their resilience and reliability into the future. Since the Infrastructure Implementation Plans will evaluate how to secure and optimize the existing water supply system, staff recommend that any projects within this strategy element be considered in conjunction with future demands and the priorities identified in the Infrastructure Implementation Plans.

While the Infrastructure Implementation Plans are being developed, the Board has identified projects that should continue planning and implementation, including the Vasona Pump Plant upgrade, Rinconada Water Treatment Plant Reliability Improvement (RWTP) Project, and dam seismic retrofits for Anderson Dam, Almaden Dam, Calero Dam, and Guadalupe Dam. The Vasona Pumping Plant Upgrade is currently in the planning phase and construction is expected to be completed by 2024. The RWTP Project is currently under construction, with phases 1 and 2 to be completed by the end of 2020 and phases 3-6 expected to be completed by 2027. The dam seismic retrofits are in the planning phase. Anderson is expected to be completed by 2030 while Almaden, Calero and Guadalupe seismic retrofits are expected to be completed by 2035.

Anderson Dam Seismic Retrofit Update

In the Master Plan, analysis assumed use of Anderson at a restricted level during demand year 2025 and use of the full storage volume from 2030 onward. On February 20, 2020, the Federal Energy Regulatory Commission (FERC) ordered Valley Water to draw down Anderson Reservoir to deadpool level by October 1, 2020 as a measure to help prevent going above the seismic restriction. Therefore, staff updated the Master Plan assumptions for this MAP report to assume no usable storage in Anderson during demand year 2025. The MAP report maintains the assumption of full storage from 2030 onward.

Delta Conveyance Project Updates

The Board directed staff to participate in the planning and feasibility analysis of the Delta Conveyance Project (DCP) as a potential investment to secure existing supplies and infrastructure. The DCP aims to develop new diversion and conveyance facilities in the Delta to restore and protect the reliability of SWP water deliveries. The DCP objectives include protecting the SWPs ability to continue to deliver water south of the Delta; improving SWP resiliency to the impacts of climate change and extreme weather events; minimizing the potential public health and safety impacts from reduced quantity and quality of water caused by earthquakes; and providing SWP operational flexibility to

improve aquatic conditions and better manage risks of additional future regulatory constraints on project operations.

The California Department of Water Resources (DWR) is the agency leading project development and Valley Water is a project partner. The DCP is currently in the early planning and environmental review stages with a public draft Environmental Impact Statement/Environmental Impact Report expected in mid-2022.

Currently, no agency-specific benefits of the project are available. A preliminary analysis of potential total project water supply benefits conducted for the State Water Contractors looked at a range of potential future scenarios to assess the project's ability to maintain or improve SWP reliability and resiliency. While no single scenario likely represents the true future, the analysis does provide some indication of how the project could perform under a range of potential futures. The analysis evaluated a range of regulatory scenarios, including continuing the existing regulations and considering how the project might perform if future regulations require additional outflow or impose additional restrictions on South Delta operations. That analysis indicates that future regulatory scenarios could reduce SWP systemwide supplies by anywhere from 300,000 AF to over 1 million AF, depending on the regulatory scenario. Under these scenarios, the project could restore available SWP systemwide deliveries by anywhere from 100,000 AF to 1 million AF per year on average, showing the least benefits if future regulations require greater outflows to the Bay and the most benefits with additional South Delta restrictions. The analysis also indicates that late century sea level rise could result in over 1 million AF of reduced supplies without the project. Under this future scenario, the project could potentially restore approximately 900,000 AF of systemwide deliveries.

If Valley Water invests in the DCP, then Valley Water would receive a portion of that water supply reliability benefit. However, the timing and volume of when water is available could impact the level of benefits Valley Water could experience from the DCP project. For example, if most of the reliability/increased delivery is provided during infrequent wet years (as is currently expected from climate change), then it may be difficult for Valley Water to use the water effectively since local supplies will generally also be abundant in wet years. As project planning progresses, Valley Water will continue to evaluate potential benefits of the project. Staff will present a preliminary evaluation of the DCP to the Board at the November 10, 2020 meeting. Since this project is an option for securing existing supplies, if the Board chooses to continue to participate then staff recommend considering its benefits in conjunction with the priorities identified in the Infrastructure Implementation Plans.

3.2.2 Expand Water Conservation and Reuse

Demand management, stormwater capture, and water reuse are critical elements of the water supply strategy. They are resilient to climate change and are local solutions for meeting future demands. The Master Plan recommends increasing water conservation to approximately 110,000 AF annually by 2040 compared to the base year 1992 and recommends developing approximately 24 TAF of reuse by 2040.

Water Conservation

Valley Water has made considerable progress on attaining 110,000 AF annually by 2040, with approximately 75,000 AF achieved in 2019. To achieve the 110,000 AF goal, Valley Water works with the community and retailers to implement over a dozen water conservation programs, such as advanced metering infrastructure (AMI), the Landscape Rebate Program, the Water Wise Survey Program, and the Water Efficient Technologies Rebate Program. In addition, Valley Water is completing a Water Conservation Strategic Plan that will support Valley Water's water conservation goal by providing recommendations to improve existing programs and develop new programs.

Potable Reuse

The Master Plan recommended developing 24,000 AF of additional recycled water by 2040. Valley Water is working with local recycled water producers, retailers, regulators, and other stakeholders to develop a Countywide Water Reuse Master Plan (CWRMP) that will address key challenges in potable water reuse, including: (1) identification of how much water will be available for potable and non-potable reuse expansion, (2) evaluation of system integration options, (3) identification of specific potable and non-potable reuse projects, and (4) development of proposals for governance model alternatives including roles and responsibilities. The CWRMP currently has seven different reuse project alternatives under consideration. The CWRMP is scheduled to be completed in early 2021. Outcomes from the CWRMP will be integrated into future MAPs.

On September 8, 2020, the Board approved the recommended Design-Build-Finance-Operate-Maintain procedures for procurement under a Public/Private Partnership (P3) structure to accomplish purification and delivery to groundwater recharge ponds of the product water. Direction was given to staff to launch a P3 procurement plan as soon as all the necessary elements for a proposed project, including (a) agreement for long-term supply of treated wastewater, (b) agreement enabling management of reverse osmosis concentrate, and (c) agreement for siting of the purification facilities, are sufficiently secured for the proposed project.

Valley Water has actively been pursuing partnerships to secure these elements. In December 2019, Valley Water executed a Partnership Agreement to Advance Resilient Water Reuse Programs in Santa Clara County (Agreement) with the cities of Palo Alto and Mountain View. The Agreement will allow the agencies to further develop water supplies and infrastructure to meet the county's water supply needs. The three main parts of the Agreement, include:

- Funding a local salt removal facility owned and operated by Palo Alto, to provide a higher quality of recycled water for irrigation and cooling towers,
- An effluent transfer option to Valley Water for a regional purification facility owned and operated by Valley Water, to provide advanced purified water for potable reuse, and

- A water supply option for the cities of Palo Alto and Mountain View to request an additional supply if needed.

Valley Water is working with Palo Alto on the additional agreements needed to secure an option for the land needed for the purification facility and an agreed upon concept for reverse osmosis concentrate management. Valley Water is also in discussions with the city of San Jose to secure a partnership agreement similar to the one executed with the cities of Palo Alto and Mountain View.

3.2.3 Optimize the use of existing supplies and infrastructure

This strategy element aims to increase Valley Water's ability to use existing supplies and infrastructure. Valley Water's existing supplies are more than enough to meet current and future needs in all but the driest years. In some years, supplies exceed needs, so additional facilities could increase the flexibility to use those supplies. Additional infrastructure could also help Valley Water convey supplies more effectively during water shortages, such as droughts. The Infrastructure Implementation Plans will evaluate the existing water treatment plants, SCADA infrastructure, and distribution system to recommend and prepare capital projects to strengthen the resilience and reliability of Valley Water's infrastructure into the future. Since the Infrastructure Implementation Plans will evaluate how to secure and optimize the existing water supply system, staff recommend that any projects within this strategy element be considered in conjunction with the priorities identified in the Infrastructure Implementation Plans.

As the Infrastructure Implementation Plans are being developed, the Board has identified projects that should continue planning, including Transfer Bethany Pipeline, a south county recharge project, and Pacheco Reservoir. As planning progresses for these three projects, staff recommend considering their benefits in conjunction with future demands and the priorities identified in the Infrastructure Implementation Plans.

Transfer Bethany Pipeline

Transfer Bethany Pipeline is an element of the Los Vaqueros Expansion (LVE) project that would connect Contra Costa Water District's (CCWD) system to the imported water delivery system. This project is a partnership between CCWD and other Bay Area and Central Valley agencies. Transfer Bethany could provide Valley Water flexibility in how to receive imported water deliveries, potentially improving Valley Water's use of existing supplies. Transfer Bethany is in the planning phase and is expected to be constructed by 2025. Project partners are being requested for an additional cost-share to cover planning and design costs through December 2021, with the first payment occurring in November 2020. Staff is evaluating potential benefits of investing in the Transfer Bethany Pipeline and the associated Los Vaqueros Reservoir Expansion Project. Staff will provide an update to the Board on project benefits and a recommendation on the cost share agreement at the November 10, 2020 Board meeting.

South County Recharge

The South County Recharge project optimizes the use of existing imported supplies by increasing groundwater recharge capacity in the Llagas Subbasin. Valley Water is evaluating potential recharge and in lieu recharge projects (i.e., a south county water treatment plant) (Appendix B) and is continuing to evaluate the need and benefits of additional recharge capacity in the Llagas Subbasin.

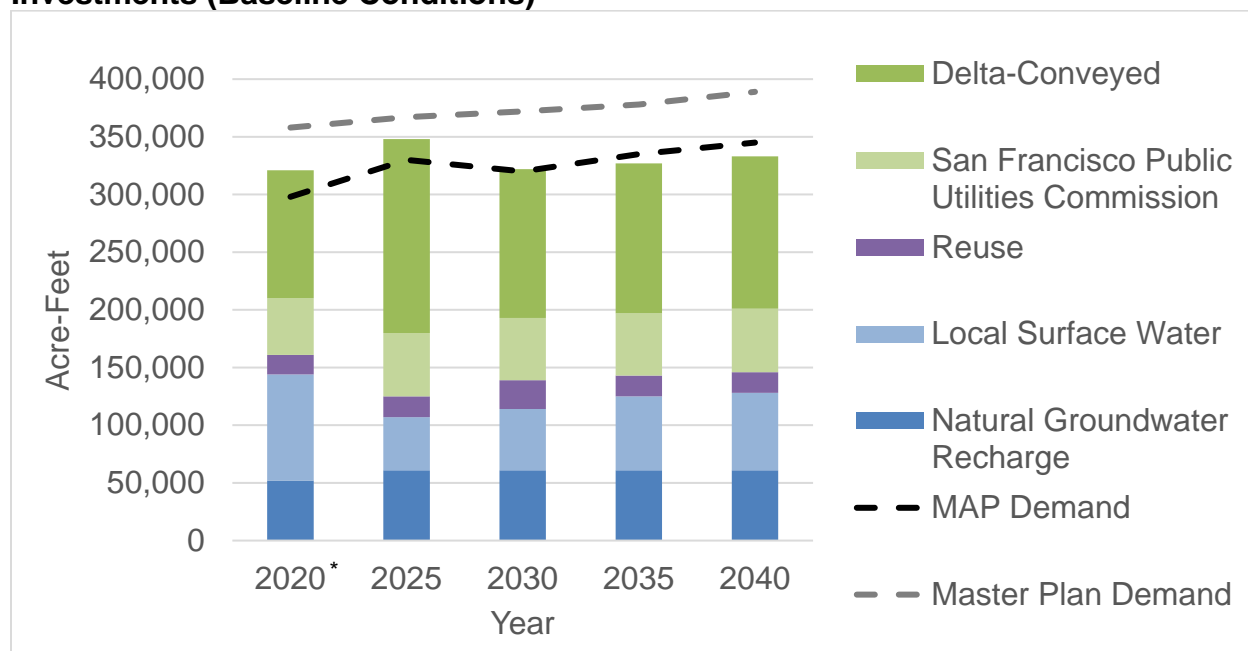
Pacheco Reservoir

Pacheco Reservoir may optimize the use of existing supplies by increasing in-county storage. The project was awarded approximately \$484.5 million from the Proposition 1 Water Storage Investment Program (WSIP). The project is currently in the planning phase. To maintain eligibility for the WSIP funding, the project must achieve several milestones before January 1, 2022, including preparing a draft Environmental Impact Report and determining non-State funding. All milestones are currently being addressed in the current planning phase. Staff are also evaluating potential benefits of the project to support operational and investment decisions.

3.3 MAP Analysis of Master Plan Strategy and Recommended Projects

Given that the newly forecasted demands are significantly lower than those used in the Master Plan (Table 2), fewer investments are required to meet Valley Water's level of service goal through 2040. However, there may be other operational or policy reasons for investing in projects now and into the future. With the 50% drought rebound demand forecast and assuming baseline projects are completed, modeling indicates that new investments are not needed to meet the level of service goal until 2035 (Figures 3 and 4). Baseline projects include dam seismic retrofits, the RWTP Project, Vasona Pump Plant Upgrade, and an additional 25,000 AF of water conservation by 2030 (to achieve 99,000 AF of water conservation by 2030). Since new investments are still needed to meet the level of service goal through 2040 (Figures 3 and 4), staff evaluated each Master Plan recommended project and each project in Appendix B that had adequate information to determine how it could help meet the level of service goal (Figure 5).

Figure 3 Average Supplies Used to Meet MAP Demands Assuming No New Investments (Baseline Conditions)



*Data for 2020 are actual numbers for 2019 that are published in the Protection and Augmentation of Water Supplies 2020 Report. Years 2025-2040 are modeled values.

Figure 4 2040 Water Supplies Used During an Extended Drought Assuming No New Investments (Baseline Conditions)

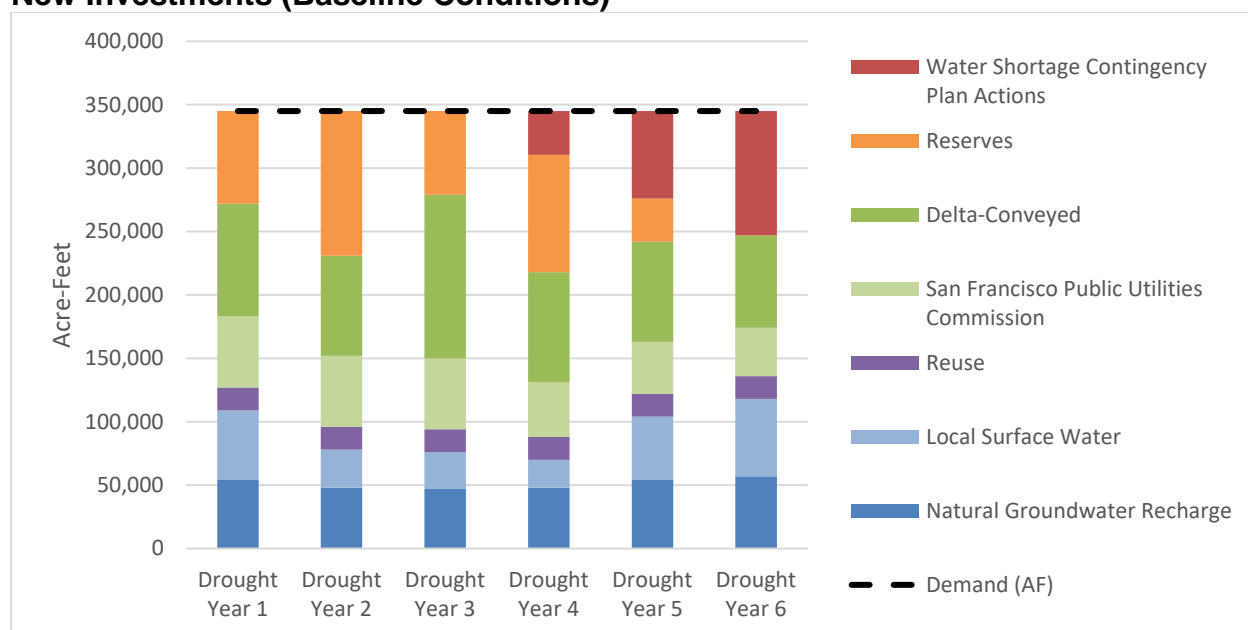


Figure 5 Projects Evaluated to Achieve the Level of Service Goal

<u>Does NOT Achieve Level of Service Goal</u>	<u>Achieves Level of Service Goal</u>
<ul style="list-style-type: none"> • Groundwater banking • Pacheco Reservoir Expansion Project • Transfer Bethany Pipeline • Los Vaqueros Storage • Sites Reservoir – 3.2% share • Additional Centralized In-county Groundwater Recharge 	<ul style="list-style-type: none"> • 10 Million Gallon per Day Potable Reuse Plant • Sites Reservoir – 6.6% share • Lexington Pipeline • Refinery Recycled Water

All projects were evaluated using the 50% Drought Rebound demands forecast and assumed that Valley Water completes the projects in the Capital Improvement Program (dam seismic retrofits, RWTP Project, and Vasona Pump Plant Upgrade) and achieves the 110,000 AF of water conservation by 2040 with 1992 as a baseline. Data and modeling indicate that Valley Water should be able meet the water conservation goal, only needing approximately 35,000 AF more water conservation by 2040. In addition, the analysis assumed imported water deliveries decrease approximately 20% on average by 2030 due to increased regulations and sea level rise and that non-potable recycled water demands remain at the historical average of approximately 18,000 AF per year. Therefore, the analysis took a conservative (e.g., supply limited) approach to how our existing water supply investments may perform in the future.

Staff did not evaluate the DCP because information on its potential benefits for Valley Water is not available. Currently, there is only preliminary analysis of the potential benefits of the DCP for the State Water Project as summarized in Section 3.2.1. If directed by the Board, staff will continue to participate in the DCP and model its potential benefits once information is available.

The Master Plan analysis indicated that additional groundwater recharge may be necessary in the northern portion of the Llagas sub-basin. Given the new demands, staff is analyzing groundwater in the Llagas sub-basin to ensure adequate groundwater storage is maintained throughout the entire sub-basin through 2040.

In general, projects that are primarily for storage of existing supplies did not meet Valley Water's level of service goal because Valley Water already has access to sufficient storage within the County and at the Semitropic water bank for our existing imported water supplies. Therefore, modeling indicated that the additional storage added minimal water supply benefit to the water supply portfolio. However, Valley Water does have potential concerns with the Semitropic water bank related to Sustainable Groundwater Management Act requirements, so staff is evaluating the need to diversify our out-of-county banking. The new water supply associated with Transfer Bethany is a wet year

water supply and Valley Water has sufficient wet year supplies. Therefore, the projects that performed best generally provided a new water supply during dry years.

While the Master Plan recommended investing in a 24 MGD potable reuse project, modeling and analysis indicate that investing in a 10 million gallons per day (MGD) potable reuse plant coupled with achieving the 110,000 AF by 2040 water conservation goal will meet Valley Water’s level of service goal through 2040 (Figures 6 through 8).

With 35,000 AF of additional water conservation and a 10 MGD potable reuse plant, average supplies are sufficient to meet non-drought year demand (Figure 7). Modeling indicates that Valley Water would only need to call for water use reductions approximately 5 percent of the time and only during extreme drought conditions. Even in an extended drought, such as the one that occurred from 1987-1992, investing in water conservation and 10 MGD reuse will allow Valley Water to meet 100% of demand during most years (Figure 8) and only need to call for water use reductions under the water shortage contingency plan for year five and six of the extended drought. Modeling showed a call for 10% water use reduction in year five and 20% in year six.

Figure 6 Master Plan Demands and Average Water Supply Used with the Master Plan Recommended Projects (adapted from the Master Plan)

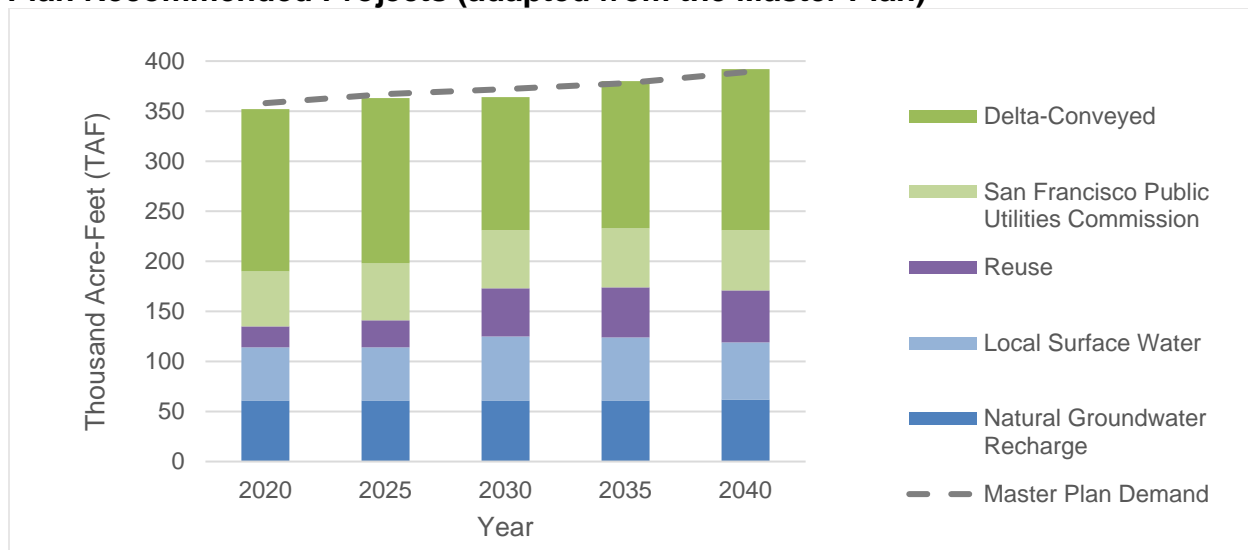
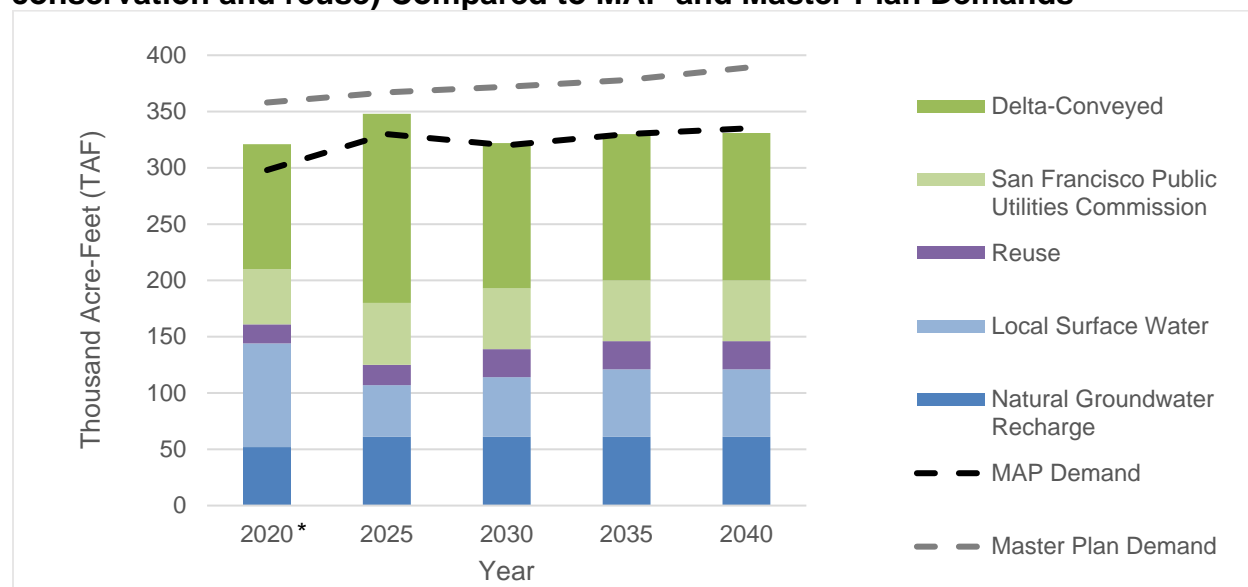
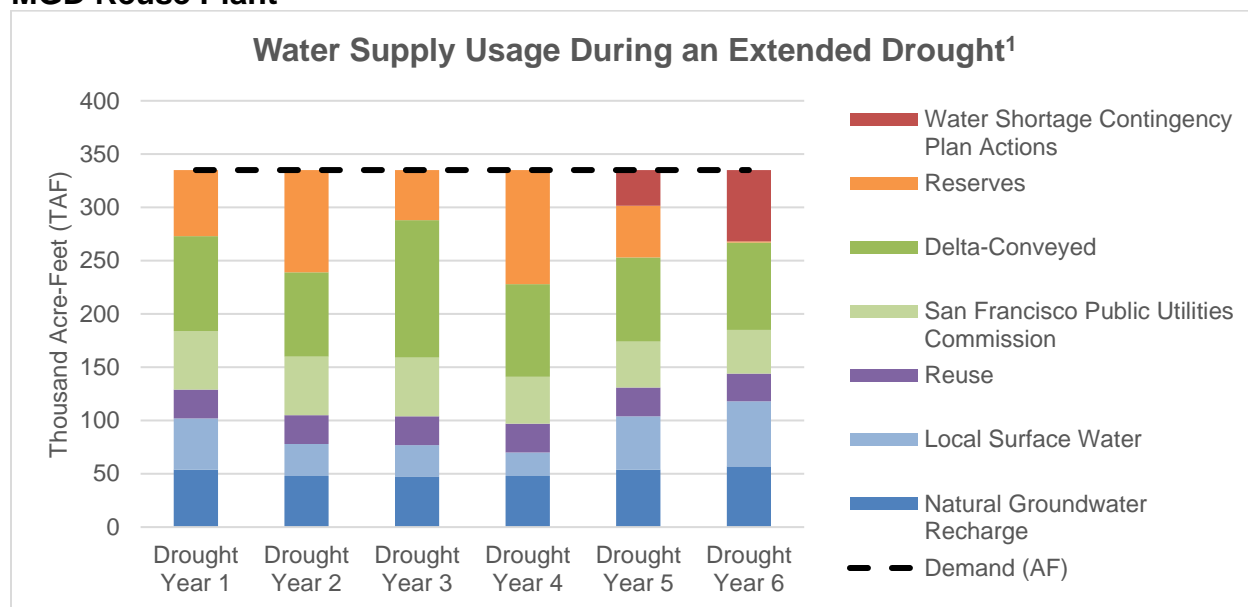


Figure 7 Average Water Supply Used with the MAP Recommended Projects (water conservation and reuse) Compared to MAP and Master Plan Demands



*Data for 2020 are actual numbers for 2019 that are published in the Protection and Augmentation of Water Supplies 2020 Report. Years 2025-2040 are modeled values.

Figure 8 Water Supply Used During an Extended Drought Based on the Newly Forecasted 2040 Demands with 35 TAF of Additional Water Conservation and a 10 MGD Reuse Plant



¹The extended drought is based on the historical 1987-1992 drought.

The Master Plan's "Ensure Sustainability" strategy recommends meeting demands with water conservation and reuse and the MAP analysis indicates that water conservation and reuse alone are sufficient in terms of new investments to achieve the level of service goal through 2040. Water conservation and reuse are resilient to climate

change, are local solutions for meeting future demands, and support the Board and State policy to reduce reliance on the Delta. The Delta Reform Act of 2009 (California Water Code Section 850221) is to “*reduce reliance on the Delta in meeting California’s future water supply needs... Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycled, advanced water technologies...*”

In addition to being local and climate change-resilient, water conservation and reuse have additional benefits. Water conservation is a cost-efficient and environmentally friendly approach for meeting current and future water supply needs. Reuse would further diversify Valley Water’s water supply portfolio while increasing operational flexibility by providing an additional local water source. Water conservation and reuse increase our water supply resilience to future uncertainty, including events that could temporarily limit our access to imported supplies such as a Delta levee failure or an earthquake. Overall, water conservation and reuse provide a local, climate change-resilient approach to meeting Valley Water’s level of service goal while diversifying Valley Water’s water supply portfolio, decreasing reliance on the Delta, and increasing operational flexibility.

There may be other operational or policy reasons to continue consideration of other projects. For example, the Board may decide to continue planning for a 24 MGD potable reuse plant to further reduce Valley Water’s reliance on the Delta and increase local resilience. In addition, projects under the strategy elements “Secure Existing Supplies and Infrastructure” and “Optimize the Use of Existing Supplies and Infrastructure,” may be considered with the Infrastructure Implementation Plans, which will recommend priorities for maintaining a resilient water supply system over the next 30 years.

4.0 FUTURE UNCERTAINTIES AND NEXT STEPS

Through Valley Water’s diverse water supply portfolio and successful water conservation program, Valley Water has provided a reliable, clean water supply to generations of Santa Clara County residents. As discussed in Chapter 4 of the Master Plan, there are on-going uncertainties related to regulations, climate change, demands, and project planning and implementation. Uncertainties are primarily in relation to:

- Imported water deliveries: regulations that could decrease deliveries, aging infrastructure, and changing hydrological patterns
- Water use efficiency: state and local regulations that increase efficiency requirements
- Demands: different growth and water use patterns that result in higher or lower demands than forecasted
- Water Supply Projects: changing costs, funding, stakeholder and political support, and engineering feasibility
- Climate change: changing hydrological patterns, increased temperatures, increased evaporation and evapotranspiration, and changing water quality

Valley Water's "Ensure Sustainability" strategy and recommended investment in water conservation and reuse projects aims to meet Valley Water's level of service goal while mitigating uncertainties. However, it is important that Valley Water continues to actively evaluate and plan for uncertainties. Through MAP, Valley Water will continue to track uncertainties and recommend approaches for adapting to future conditions. Appendix B provides a full list of Valley Water's potential water supply projects that staff is or has evaluated. Valley Water will continue to update the list as new opportunities arise and with direction from the Board. Regular monitoring of specific projects and overall conditions provides Valley Water and its Board the opportunity to adjust the Master Plan strategy and recommended projects as needed. Through MAP, staff will continue to evaluate Valley Water's supplies, demands, and investment opportunities and provide the Board the opportunity to adjust the Master Plan strategy and recommended projects. Staff will prepare the MAP report annually and provide other MAP updates to the Board throughout the year as needed.

APPENDIX A

COST OF SHORTAGE MEMORANDUM

Estimating Water Shortage Costs

David Mitchell, M.Cubed

September 2020

Understanding the economic consequences of water shortages is important for water utility managers and policymakers. For example, the value of improved water supply reliability can be cast in terms of avoided water shortage cost. An important litmus test for whether a proposed project will economically benefit water users is the magnitude of the shortage costs the project would help to avoid. If these avoided costs are large, this may be all that is required to demonstrate the economic feasibility of the project. If they are small, then other benefits generated by the project would need to offset its costs to make it worthwhile. In most cases, investments in new water supply are irreversible and for large water systems may entail hundreds of millions or even billions in cost. The stakes, therefore, may be quite high, making it all the more important to fully enumerate the benefits and costs of the proposed investment.

How can water shortage costs be measured? Direct measurement generally is not feasible for several reasons. First, homes and businesses use water in myriad ways and have many margins at which this use can be adjusted during a shortage. It would be a herculean feat to catalog all the different ways in which homes and businesses could adjust their water use. Second, even if all such adjustments could be identified, it would not be possible in most cases to measure the associated changes in water use. Except in rare situations water is not metered at the point of use. Water going into a home, for example, is metered at the curb not where it is actually being used (e.g., the toilet, dishwasher, etc.). From the utility's vantage point, the home is essentially a black box. This is also the case for most non-residential water uses.¹ Third, even if the myriad changes to water use could be measured, what cost should be assigned to these adjustments? What is the cost of flushing a toilet less often or letting a lawn die or changing the way a product is formulated or produced? Market prices do not exist for most of the things people do to reduce their water use during a shortage.

This means that water shortage costs generally must be inferred. Different approaches for doing this have been proposed. One approach is to ask people what they would be willing to pay to avoid a shortage. In the economics literature, this approach is called contingent valuation, and it relies on

¹ Some commercial and industrial end uses are metered for sewer billing purposes, but this is the exception rather than the rule.

sophisticated surveying techniques to tease out what homes and businesses would be willing to pay to avoid water shortages of varying duration and magnitude. This approach has been heavily critiqued because it relies on hypothetical situations for which those being questioned may have little knowledge or experience.²

Another approach is to estimate water demand curves from data on water use and prices and then use these demand curves to value changes in water use. Griffin (1990) was the first to apply this method to the estimation of water shortage costs.³ This method is widely used in water planning studies, including in the state's benefit-cost assessments of Delta conveyance proposals and the 2015-16 State Conservation Mandate, and it is the method that Valley Water uses to estimate the cost of water shortages in its planning studies.

It is broadly understood that demand curves slope downward while supply curves slope upward. Less well known, however, is that this is a consequence of optimization. In the case of demand, it follows directly from consumers optimizing their consumption choices subject to their available income. In terms of water demand, we can envision each home or business as having a schedule of demands for water that is based on the values they place on different uses. For example, households are likely to place the highest value on water used for drinking and basic sanitation, a lesser value on water used for bathing and laundry, and even lesser value on water used for landscaping and other less essential uses, such as car washing and cleaning outdoor surfaces. Thus, if each household was given the task of ordering their preferences for water from highest to lowest valued, these preferences could be arrayed as a set of demand curves like the ones shown in the left-hand panel of Figure 1. Aggregating these curves would then yield a total demand curve like the one shown in the right-hand panel of Figure 1.

Of course, no household is actually given this task to perform. However, by observing how demand for water adjusts as the price for water service changes, we can infer this relationship – in other words, we can trace out the portion of the demand curve that spans the observed range of water prices and quantities. We can then use this information to calculate the value households and businesses place on different levels of water use.

² See, for example, Diamond, Peter A., and Jerry A. Hausman. 1994. Contingent valuation: Is some number better than no number? *Journal of Economic Perspectives* 8 (Fall): 45-64.

³ A comprehensive discussion of the method is provided in Chapter 5 of the textbook [Water Resource Economics](#) by Ronald C. Griffin. The method is also described in Chapter 7 of [Determining the Economic Value of Water: Concepts and Methods](#) by Robert Young.

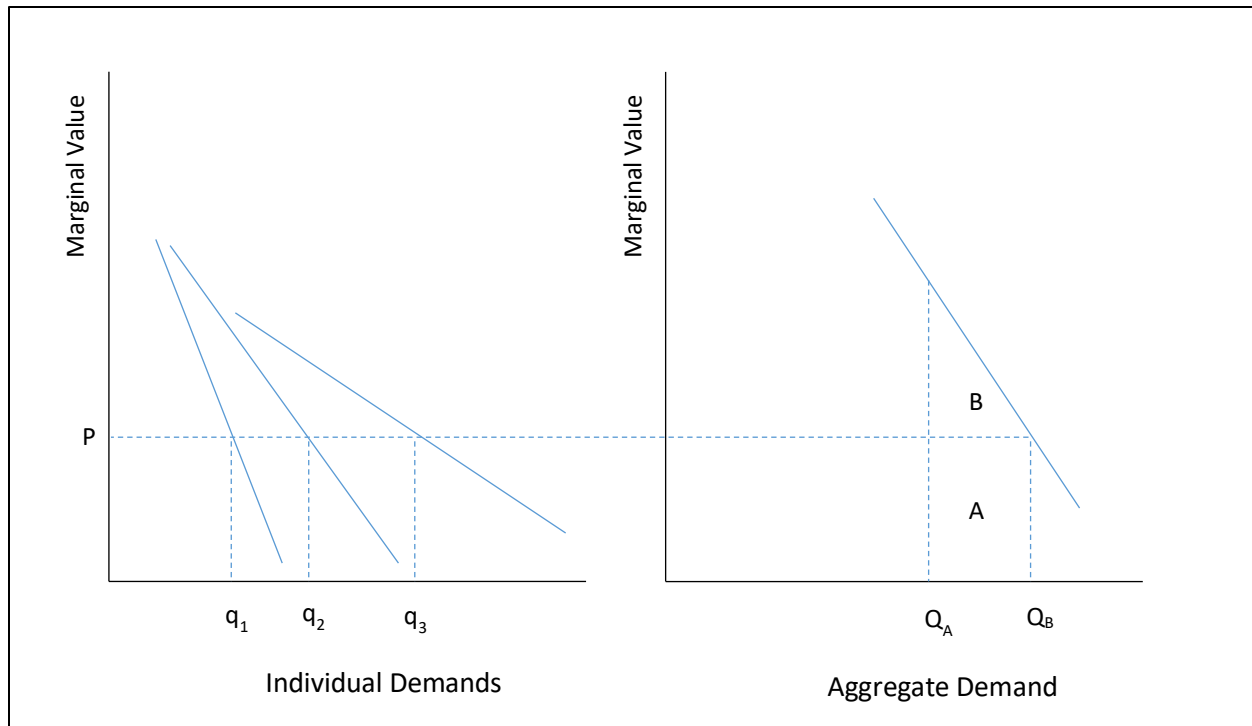


Figure 1. Graphical Depiction of Individual and Aggregate Demand Curves for Water Service

There are several points to emphasize about Figure 1.

- First, a point on the demand curve indicates the marginal value of consumption. If, for example, the first household in the left-hand panel of Figure 1 uses a total of q_1 units of water, the value of the marginal unit consumed is P . All the units of water to the left of q_1 are worth more than this to the household. We can calculate the total value of consuming q_1 units by adding up the values of all the units to the left of q_1 . This value is equal to the area under the demand curve from 0 to q_1 . The same calculus can be applied to the aggregate demand curve in the right-hand panel of Figure 1. If aggregate demand is Q_B , then the total value to consumers is the area under the aggregate demand curve from 0 to Q_B .
- Second, the total value is greater than the cost of the water. If there were no surplus value, consumers would have no motivation to purchase water from the utility. They would self-supply or choose an alternative source. The surplus value measures the net benefit consumers get from water use. For example, looking at the right-hand side of Figure 1, it would cost consumers an amount equal to area A to go from Q_A to Q_B while the total amount they would be willing to pay is equal to the area $A + B$. Area B therefore measures the economic benefit to consumers of the additional water use. By the same token, area B measures the economic cost to consumers if they

are required to cut back water use from Q_B to Q_A . Thus, the economic cost of a water shortage can be measured in terms of the loss in surplus value.

- Third, the magnitude of the shortage cost depends on the slope of the demand curve. The steeper the curve, the less flexible are consumers in their use of water and the more they would be willing to pay to avoid a shortage. Thus, the calculation of shortage cost critically depends on the estimated slope of the demand curve. Valley Water uses slope estimates based on detailed statistical models of water use for each of the retail water suppliers it serves. The primary sources of these estimates is Sunding (2012) and M.Cubed (2018).

So far this discussion has mostly referenced water used by households. But the same logic applies to water used in business and industry. In this case, water is being used as an input to a production process and the surplus value measures the business/industry profit earned on the water use.⁴ Thus, if the right-hand side of Figure 1 represents the demand from the utility's industrial customers, the loss in surplus value from cutting back water use from Q_B to Q_A is measuring the loss of profit. So whether the analysis is considering residential or business/industry water use, the same method can be used to compute the shortage cost.

Thus, shortage cost stems from residential and business/industry consumers being unable to consume water at the level they would otherwise freely choose given the price of water service. The cost is measured in terms of the forgone surplus value of this consumption. In the case of residential water users, the income-equivalent change in their economic welfare is being measured. In the case of business/industrial water users, the change in profit or net income is being measured.

It is important to stress that rationing use during a water shortage is fundamentally different from policies designed to help consumers use water more efficiently, such as educational programs and the distribution or subsidy of more efficient water use technology, such as rebates for super-efficient toilets and clotheswashers. The intention behind rationing during a shortage is to rapidly reduce water use to balance available supply with demand. The intention behind water use efficiency policies is to allow consumers to realize the same benefits from water use while using less of it. In the rationing case, consumers are unambiguously made worse off. With efficiency policies, provided they are well-designed, consumers are made no worse off and may be made better off.

⁴ Under general conditions, it can be shown that the producer surplus (i.e. profit) that a business earns on the sale of its product is equal to the sum of the consumer surpluses it receives on the inputs used to produce it (see Just, Hueth, and Schmitz (2004)).

This is graphically depicted in Figure 2.⁵ The utility's water use efficiency policy shifts the demand curve from D0 to D1. Average production cost falls from P0 to P1 and consumers save an amount equal to area c + d + e + f. Consumers are better off with this policy so long as it costs less than this amount to implement. In tallying up the implementation costs, both the costs incurred by the utility *and* its customers should be counted. Note, however, that it would be incorrect to count area b in Figure 2 as a cost because it is presumed that consumers are able to realize the same benefits as before while using less water. This is what distinguishes policies designed to help consumers use water more efficiently from policies designed to ration water during a shortage. In the former case, the benefits of water use are preserved even though less water is being used. In the latter case, the benefits are lost. These forgone benefits constitute the principal cost of a water shortage.

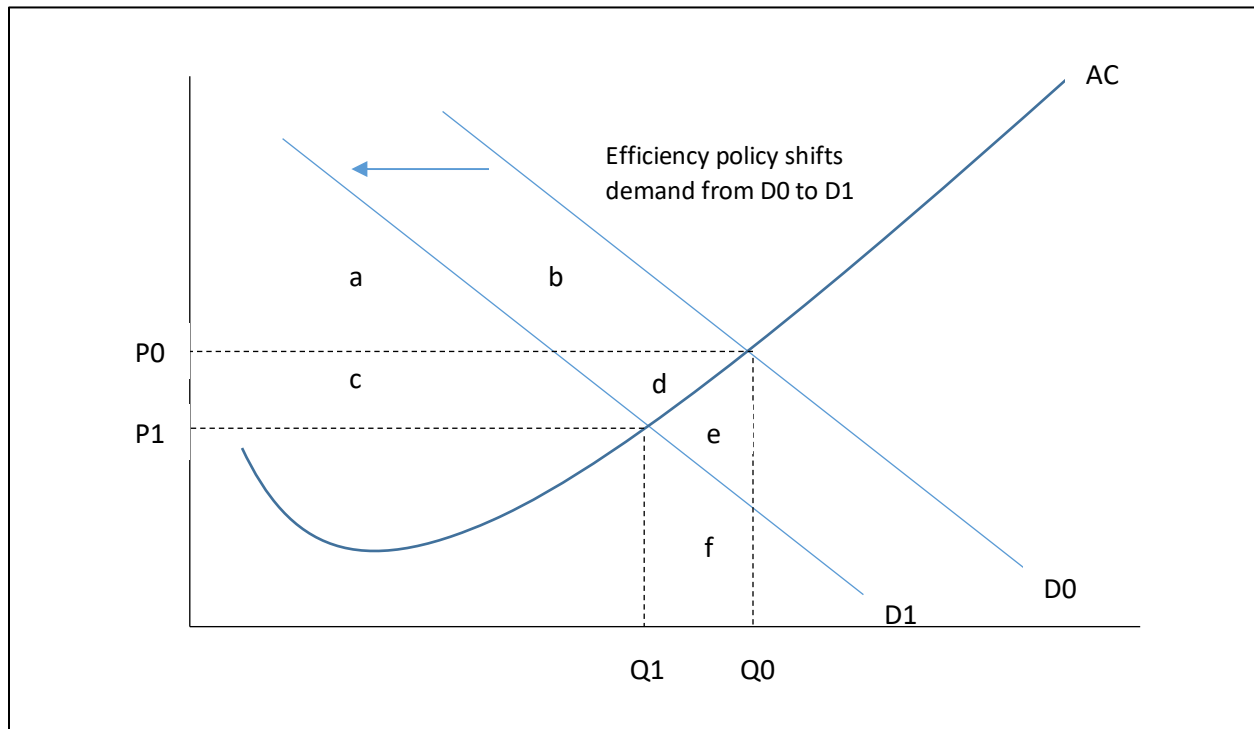


Figure 2. Graphical Depiction of Demand-Shifting Water Use Efficiency Policy

⁵ Figure 2 is based on Figure 6.5 in Griffin (2016).

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APPENDIX B

PROJECT LIST

TABLE 1. MASTER PLAN RECOMMENDED PROJECTS

Project	Lifecycle Cost (Present Value, rounded 2019\$) ^{1,2}	Average Usable Supply (AFY) ³	Cost/AF
Conservation and Stormwater Projects and Programs			
Advanced Metering Infrastructure (AMI): Implements a cost share program with water retailers to install AMI throughout their service area. AMI would alert customers of leaks and provide real-time water use data that allows users to adjust water use.	\$20 million	4,000	\$100
Graywater Rebate Program Expansion: Expand Valley Water's existing rebate program for laundry-to-landscape graywater systems to include a direct installation program and/or rebates for graywater systems that reuse shower and sink water. A pilot direct installation program was initiated in 2019 to underserved County residents.	\$1 million	< 1,000	\$3,100

¹ Lifecycle Cost (Present Value, 2019\$) includes capital, operations, maintenance, rehabilitation, and replacement costs, as applicable, for a 100-year period, discounted to 2019 dollars. Only Valley Water costs, after grants and other funding sources, are included. All costs are subject to change pending additional planning and analysis.

² Raw water projects (e.g., imported water projects) costs do not include costs for water treatment or conveyance throughout the county. In comparison, projects like potable reuse to account for conveyance and treatment and have no known unaccounted costs.

³ Yield is calculated by modeling water supplies used assuming 2040 demands and seismic retrofits completed, but no other new projects. The average annual yield of many projects depends on which projects they are combined with and the scenario being analyzed. For example, storage projects such as groundwater banking generally higher yields in portfolios that include additional imported water purchases that can be stored.

TABLE 1. MASTER PLAN RECOMMENDED PROJECTS

Project	Lifecycle Cost (Present Value, rounded 2019\$) ^{1,2}	Average Usable Supply (AFY) ³	Cost/AF
Leak Repair Incentive: Provides financial assistance and/or incentives to identify and/or repair leaks, in addition to contractor training. No objective training certification appears to exist for leak detection and repair for both indoor and irrigation services. Valley Water is collaborating with BAWSCA to develop leak detection and repair certification training as a first phase. This type of service helps repair low-volume leaks that would otherwise continue indefinitely and protects customers from potentially higher water rates. The second phase may involve a leak repair incentive and/or leak detection device.	\$1 million	< 1,000	\$9,200
Model Water-Efficient New Development Ordinance: Encourages municipalities to adopt an ordinance enhancing water efficiency standards in developments. Components include submetering multi-family residences, onsite water reuse (rainwater, graywater, black water), and point-of use hot water heaters.	\$2 million	5,000	\$100

¹ Lifecycle Cost (Present Value, 2019\$) includes capital, operations, maintenance, rehabilitation, and replacement costs, as applicable, for a 100-year period, discounted to 2019 dollars. Only Valley Water costs, after grants and other funding sources, are included. All costs are subject to change pending additional planning and analysis.

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Project	Lifecycle Cost (Present Value, rounded 2019\$) ^{1,2}	Average Usable Supply (AFY) ³	Cost/AF
Stormwater - Rain Barrels: Provides rebates for the purchase of rain barrels. In the 18 months since this incentive launched rebates have been provided for 110 barrels at \$3,547.90 total, and 32 cisterns storing 32,745 gallons at \$16,372.50 total. While this program has a water supply benefit, its greatest benefit is in public education and outreach related to water resources.	\$8 million	< 1,000	\$17,900
Stormwater - Rain Gardens: Through Valley Water's Landscape Rebate program, incentivize the construction of rain gardens in residential and commercial landscapes. In 18 months to-date, 21 rain gardens have been installed, diverting 12,389 sq. ft. of roof run-off to rain gardens for \$4,800. New cost-share agreements with water retailers, such as Palo Alto, provides opportunities to encourage more participation in respective service areas. While this program has a water supply benefit, its greatest benefit is in public education and outreach related to water resources.	\$8 million	< 1,000	\$3,200

¹ Lifecycle Cost (Present Value, 2019\$) includes capital, operations, maintenance, rehabilitation, and replacement costs, as applicable, for a 100-year period, discounted to 2019 dollars. Only Valley Water costs, after grants and other funding sources, are included. All costs are subject to change pending additional planning and analysis.

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TABLE 1. MASTER PLAN RECOMMENDED PROJECTS

Project	Lifecycle Cost (Present Value, rounded 2019\$) ^{1,2}	Average Usable Supply (AFY) ³	Cost/AF
<p>Countywide Water Reuse Master Plan: Valley Water is working with local recycled water producers, retailers, regulators, and other stakeholders to develop a Countywide Water Reuse Master Plan (CWRMP) that will: (1) identify volume available for potable and non-potable reuse, (2) evaluate system integration options, (3) identify specific potable and non-potable reuse projects, and (4) develop governance model alternatives. The CWRMP is scheduled to be completed in 2021 and may identify additional reuse opportunities to incorporate into the Water Supply Master Plan. The CWRMP considers seven reuse portfolios. Below is an example project used as a “placeholder” in analysis until the CWRMP is completed.</p>			

¹ Lifecycle Cost (Present Value, 2019\$) includes capital, operations, maintenance, rehabilitation, and replacement costs, as applicable, for a 100-year period, discounted to 2019 dollars. Only Valley Water costs, after grants and other funding sources, are included. All costs are subject to change pending additional planning and analysis.

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TABLE 1. MASTER PLAN RECOMMENDED PROJECTS

Project	Lifecycle Cost (Present Value, rounded 2019\$) ^{1,2}	Average Usable Supply (AFY) ³	Cost/AF
Indirect Potable Reuse (Groundwater Recharge) to Los Gatos Ponds: Uses effluent from the SJ/SC Regional Wastewater Facility to feed a new Advanced Water Purification Facility adjacent to the existing Silicon Valley Advanced Water Purification Center (water from Sunnyvale and Palo Alto is considered in other portfolios). The purified water is then recharged in the existing Los Gatos ponds. Assumes up to 24,000 AFY of advanced treated recycled water would be available for groundwater recharge by FY28. Some of the outstanding issues are agreements with the City of San Jose, environmental consideration of recharging in Los Gatos ponds, and permitting. This is portfolio 1a in the CWRMP.	\$1 billion	14,000	\$3,000

¹ Lifecycle Cost (Present Value, 2019\$) includes capital, operations, maintenance, rehabilitation, and replacement costs, as applicable, for a 100-year period, discounted to 2019 dollars. Only Valley Water costs, after grants and other funding sources, are included. All costs are subject to change pending additional planning and analysis.

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TABLE 1. MASTER PLAN RECOMMENDED PROJECTS

Project	Lifecycle Cost (Present Value, rounded 2019\$) ^{1,2}	Average Usable Supply (AFY) ³	Cost/AF
Delta Conveyance Project: Constructs alternative conveyance capable of diverting up to 6,000 cfs from the Sacramento River north of the Delta and delivering it to the SWP pumps at the southern end of the Delta. The project purpose is to develop new diversion and conveyance facilities to restore and protect the reliability of SWP water deliveries and, potentially, CVP water deliveries south of the Delta, consistent with the State's Water Resilience Portfolio. Project objectives include addressing anticipated sea level rise, minimizing the potential for public health and safety impacts resulting from a major earthquake that causes Delta levee failure, protecting the ability of the SWP to deliver water when hydrologic conditions and regulations allow, and providing operational flexibility to improve aquatic habitat in the Delta. The project has significant implementation complexity and stakeholder opposition. This project is in the early planning phase, so costs and yields have not been determined. Staff will be bringing an update on the Delta Conveyance Project to the Board on November 10, 2020.	TBD	TBD	TBD

¹ Lifecycle Cost (Present Value, 2019\$) includes capital, operations, maintenance, rehabilitation, and replacement costs, as applicable, for a 100-year period, discounted to 2019 dollars. Only Valley Water costs, after grants and other funding sources, are included. All costs are subject to change pending additional planning and analysis.

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TABLE 1. MASTER PLAN RECOMMENDED PROJECTS

Project	Lifecycle Cost (Present Value, rounded 2019\$) ^{1,2}	Average Usable Supply (AFY) ³	Cost/AF
Pacheco Reservoir: Through a partnership with Pacheco Pass Water District, San Benito County Water District (SBCWD), and potentially other partners, Valley Water will enlarge Pacheco Reservoir from about 5,500 AF to about 140,000 AF and connect the reservoir to the San Felipe Division of the CVP. Potential project benefits include water for downstream fisheries, emergency storage, managing water quality impacts from low-point conditions in San Luis Reservoir. The project will also deliver water to up to eight south-of-Delta wildlife refuges in Merced County. The primary water sources to fill the expanded reservoir would be natural creek inflows and CVP supplies. Potentially significant environmental and cultural resource impacts.	\$1 billion	<1000	-
South County Recharge: A project to provide operational flexibility in the use of imported and/or local supplies to meet future demands in the Llagas Subbasin. Costs and yield based on the Butterfield Channel Project, which would extend the Madrone Pipeline from Madrone Channel to Morgan Hill's Butterfield Channel near Main Street. Would help optimize the use of existing imported supplies. Would need to be operated in conjunction with the Morgan Hill's stormwater operations.	\$20 million	<1000	-

¹ Lifecycle Cost (Present Value, 2019\$) includes capital, operations, maintenance, rehabilitation, and replacement costs, as applicable, for a 100-year period, discounted to 2019 dollars. Only Valley Water costs, after grants and other funding sources, are included. All costs are subject to change pending additional planning and analysis.

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TABLE 1. MASTER PLAN RECOMMENDED PROJECTS

Project	Lifecycle Cost (Present Value, rounded 2019\$) ^{1,2}	Average Usable Supply (AFY) ³	Cost/AF
Transfer-Bethany Pipeline: The pipeline would connect Contra Costa Water District's (CCWD's) system to Bethany Reservoir, which serves the South Bay Aqueduct and the California Aqueduct. The pipeline is one element of the larger Los Vaqueros Reservoir Expansion Project. As a stand-alone project it would provide deliveries from regional projects, direct delivery of delta surplus water, and CVP / SWP contract water without storage in Los Vaqueros. Benefits and costs are based on delta surplus supplies that could be used. Project partners have not yet determined whether an agency can participate in Transfer-Bethany without participating in Los Vaqueros Reservoir Expansion storage. The Joint Powers Authority, once formed, will ultimately determine participation parameters.	\$60 million	2,800	\$700

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TABLE 2. OTHER POTENTIAL PROJECTS BUT NOT RECOMMENDED IN THE MASTER PLAN

Project	Project Status ¹	Lifecycle Cost (Present Value, rounded 2019\$) ^{2,3}
Anderson Reservoir Expansion: Increases reservoir storage by 100,000 AF (from 90,000 AF to 190,000 AF), increasing Valley Water’s ability to capture local runoff and store local and imported supplies. Planning for reconstruction of Anderson Reservoir to meet seismic standards is currently underway. Consideration of expanding the reservoir would likely delay the required seismic work.	Inactive	\$1 billion
Bay Area Brackish Water Treatment/Regional Desalination: Through a partnership with other Bay Area agencies, builds a 10-25 MGD brackish water treatment plant in Contra Costa County. Plant capacity will depend primarily on water rights. There are concerns related to permitting and the availability of water rights during dry periods when such a facility would be most needed. Current project partners evaluating feasibility include San Francisco Public Utilities Commission, Zone 7, Valley Water, and Contra Costa Water District.	Active	TBD
Calero Reservoir Expansion: Expands Calero Reservoir storage by 10,000 AF (from 14,000 AF to 24,000 AF). Planning and design for Calero Reservoir Seismic Retrofit project is currently underway. Consideration of expanding the reservoir would likely delay the required seismic work.	Inactive	\$200 million
Church Avenue Pipeline: Constructs a new pipeline to provide water from the Santa Clara Conduit to the Church Avenue Ponds. Other recharge projects provide the same or better yields at a lower cost.	Inactive	\$30 million

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TABLE 2. OTHER POTENTIAL PROJECTS BUT NOT RECOMMENDED IN THE MASTER PLAN

Project	Project Status ¹	Lifecycle Cost (Present Value, rounded 2019\$) ^{2,3}
Conservation Rate Structures: Water pricing can reduce demand by providing an economic incentive for consumers to conserve water. Valley Water does not directly supply water, so would not implement a conservation rate structure. Given recent court rulings on rate structure, retailers are reluctant to add new conservation rate structures at this time. SGMA and AB1668/SB606 may create new opportunities to encourage retailers to implement rate structures tied to landscape water-use budgets that can be generated through Valley Water’s Large Landscape Program currently available to 3,000 properties.	Inactive	-
Dry Year Options / Transfers: Provides 12,000 AF of CVP, SWP, or non-project water transfers during critical dry years through long-term agreements. Annual amounts can be increased or decreased based on conditions. There are uncertainties with both short and long-term costs and availability of transfer supplies in critical dry years. For transfers of non-project water there is uncertainty with potential losses associated with conveyance through the Delta. This project is being considered as a potential project to secure existing supplies and would only become a recommended project if other recommended projects within that strategy element are insufficient to meet the Board’s investment goals.	Inactive	\$50 million

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<p>Groundwater Banking: Provides additional out-of-county banking capacity for CVP and SWP contract water. Does not provide new water. Cost estimate is based on investing in 120,000 AF of storage in the Antelope Valley – East Kern Groundwater Bank (AVEK). AVEK is an example of several banking options under consideration and banking capacity could be increased or decreased. For any bank, Valley Water would send excess contract water to the bank during wet years and times of surplus for use during dry years and times of need. Depending on banking partners and agreements, there are uncertainties with withdrawal capabilities in critical dry years and operational impacts from the Sustainable Groundwater Management Act implementation. This project is being considered as a potential project to optimize the use of existing supplies and infrastructure and would only become a recommended project if other recommended projects within that strategy element are insufficient to meet the Board’s investment goals.</p>	Active	\$100 million
<p>Lexington Pipeline: Constructs a pipeline between Lexington Reservoir (or Vasona Reservoir) and the raw water system to provide greater flexibility in using local water supplies. The pipeline would allow surface water from Lexington Reservoir to be put to beneficial use elsewhere in the county, increasing utilization of existing water rights. In addition, the pipeline will enable Valley Water to capture some wet-weather flows that would otherwise flow to the Bay. Water quality issues would require pre-treatment/management. This project is being considered as a potential project to optimize the use of existing supplies and infrastructure and would only become a recommended project if other recommended projects within that strategy element are insufficient to meet the Board’s investment goals.</p>	Inactive	\$80 million

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Lexington – Montevina Water Treatment Plant: Water from Lexington Reservoir would be sent to the San Jose Water Company (SJWC)-owned Montevina Water Treatment Plant (MWTP). This would allow the beneficial use of Lexington water in the SJWC service area. The Project would require construction of a pump station and intake pipe from Lexington Reservoir to the Montevina WTP. This project would be in lieu of the Lexington Pipeline Project. SJWC would need Public Utility Commission approval to undertake a planning study report (PSR) as part of its rate case proposal. The PSR would assess all aspects of the proposed project and the potential yield of the project. This project is being considered as a potential project to optimize the use of existing supplies and infrastructure and would only become a recommended project if other recommended projects within that strategy element are insufficient to meet the Board's investment goals.	Active	TBD
Local Land Fallowing: Launches program to pay growers not to plant row crops in droughts. This would primarily save water in the South County. Agriculture land fallowing may be combined with on-farm efficiency conservation programs. Valley Water is conducting an Agricultural Water Use Study that will inform potential conservation programs to support growers. This study can be used to inform the potential for land fallowing during droughts.	Active	TBD

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TABLE 2. OTHER POTENTIAL PROJECTS BUT NOT RECOMMENDED IN THE MASTER PLAN

Project	Project Status ¹	Lifecycle Cost (Present Value, rounded 2019\$) ^{2,3}
Los Vaqueros Reservoir: Secures an agreement with Contra Costa Water District and other partners to expand the off-stream reservoir by 115,000 AF (from 160,000 AF to 275,000 AF) and construct a new pipeline (Transfer-Bethany) connecting the reservoir to the South Bay Aqueduct. Costs shown assume 30,000 AF of dedicated storage and average deliveries of 16,000 AFY of delta surplus supplies. Valley Water is still considering an appropriate participation level which may result in less storage and/or deliveries of delta surplus water. Would require funding and operating agreements with multiple parties, including formation of a Joint Powers Authority. The storage component of this project is being considered as a potential project to optimize the use of existing supplies and infrastructure.	Active	\$500 million
Refinery Recycled Water Exchange: A regional recycled water project between Valley Water, Central Contra Costa Sanitary District (Central San), and Contra Costa Water District (CCWD). The project will allow Central San to provide recycled water to two oil refineries in Contra Costa County in lieu of CCWD's CVP water. CCWD will then provide its freed-up CVP supply to Valley Water. The project may make available up to 11,000 AFY of water on average. Regulatory uncertainties and operational constraints could impact the reliability of Valley Water receiving the project water.	Active	\$1 billion
San Pedro Ponds: Implements a physical or institutional alternative to enable the ponds to be operated at full capacity without interfering with existing septic systems in the vicinity.	Active	\$10 million

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TABLE 2. OTHER POTENTIAL PROJECTS BUT NOT RECOMMENDED IN THE MASTER PLAN

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Santa Clara Basin Percolation Pond: Constructs a new percolation pond in the Santa Clara Basin. Assumes 5 acres of ponds. Would be sited near a raw water pipeline for supplies. The cost-effectiveness is low due to the land purchase requirement.	Inactive	\$50 million
Shallow Groundwater Reuse: A feasibility study for the recovery and beneficial use of shallow groundwater was completed in 2009. Although potential sites for shallow groundwater reuse were identified, challenges noted include water quality, inconsistent yields, environmental impacts (since flows often go to creeks), and lack of infrastructure for storage and conveyance. Valley Water is working to improve our understanding of dewatering sites with more consistent yield that could support potential reuse.	Inactive	TBD
Shasta Reservoir Expansion: The United States Bureau of Reclamation concluded the project is technically feasible and has conducted preliminary investigations. State law prohibits state funding for the project. Since 50 percent of project funding must come from non-federal partners, Reclamation would need non-federal and non-state agencies to share in project costs. Reclamation is not currently considering participation from Valley Water. Staff will continue to monitor opportunities related to Shasta Reservoir Expansion.	Inactive	-

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Project	Project Status ¹	Lifecycle Cost (Present Value, rounded 2019\$) ^{2,3}
Sites Reservoir: Partnering with agencies to build an off-stream water supply reservoir (up to 1,500 TAF) north of the Delta that would collect flood flows from the Sacramento River. Potential to provide dry year yield and storage benefits. The project would be operated in coordination with the SWP and CVP, which could improve flexibility of the statewide water system but would likely be subject to operational complexity. This project is being considered as a potential project to secure existing supplies and would only become a recommended project if other recommended projects within that strategy element are insufficient to meet the Board's investment goals.	Active	
	3.2% Participation	\$100 million
	6.6% Participation	\$200 million
South County Water Treatment Plant: Provides in-lieu groundwater recharge by delivering treated water to the Cities of Morgan Hill and Gilroy. Would require a connection to the Santa Clara Conduit or another raw water pipeline and require pipelines from the plant to the cities' distribution systems. The South County recharge projects provide similar benefits at significantly lower cost.	Active	\$100 million
Uvas Pipeline: Captures excess water (e.g., water that would spill) from Uvas Reservoir and diverts the water to Church Ponds and a 25 acre-foot pond near Highland Avenue. The new pond would be adjacent to and connected by a pipe to West Branch Llagas Creek. The South County recharge projects provide similar or better yields at a lower cost.	Inactive	\$70 million

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TABLE 2. OTHER POTENTIAL PROJECTS BUT NOT RECOMMENDED IN THE MASTER PLAN

Project	Project Status ¹	Lifecycle Cost (Present Value, rounded 2019\$) ^{2,3}
Uvas Reservoir Expansion: Would expand Uvas Reservoir by 5,100 AF (from 9,900 AF to 15,000 AF), reducing reservoir spills. Project would be located on Uvas Creek, which currently provides good steelhead habitat. Other water storage options under consideration provide better yield for the cost.	Inactive	\$300 million
Water Contract Purchase: Purchase 20,000 AF of SWP Table A contract supply from other SWP agencies. Would be subject to willing sellers' availability.	Inactive	-

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Valley Water

Clean Water • Healthy Environment • Flood Protection

Santa Clara Valley Water District
5750 Almaden Expressway, San José, CA 95118-3686
Phone: (408) 265-2600 Fax: (408) 266-0271
www.valleywater.org

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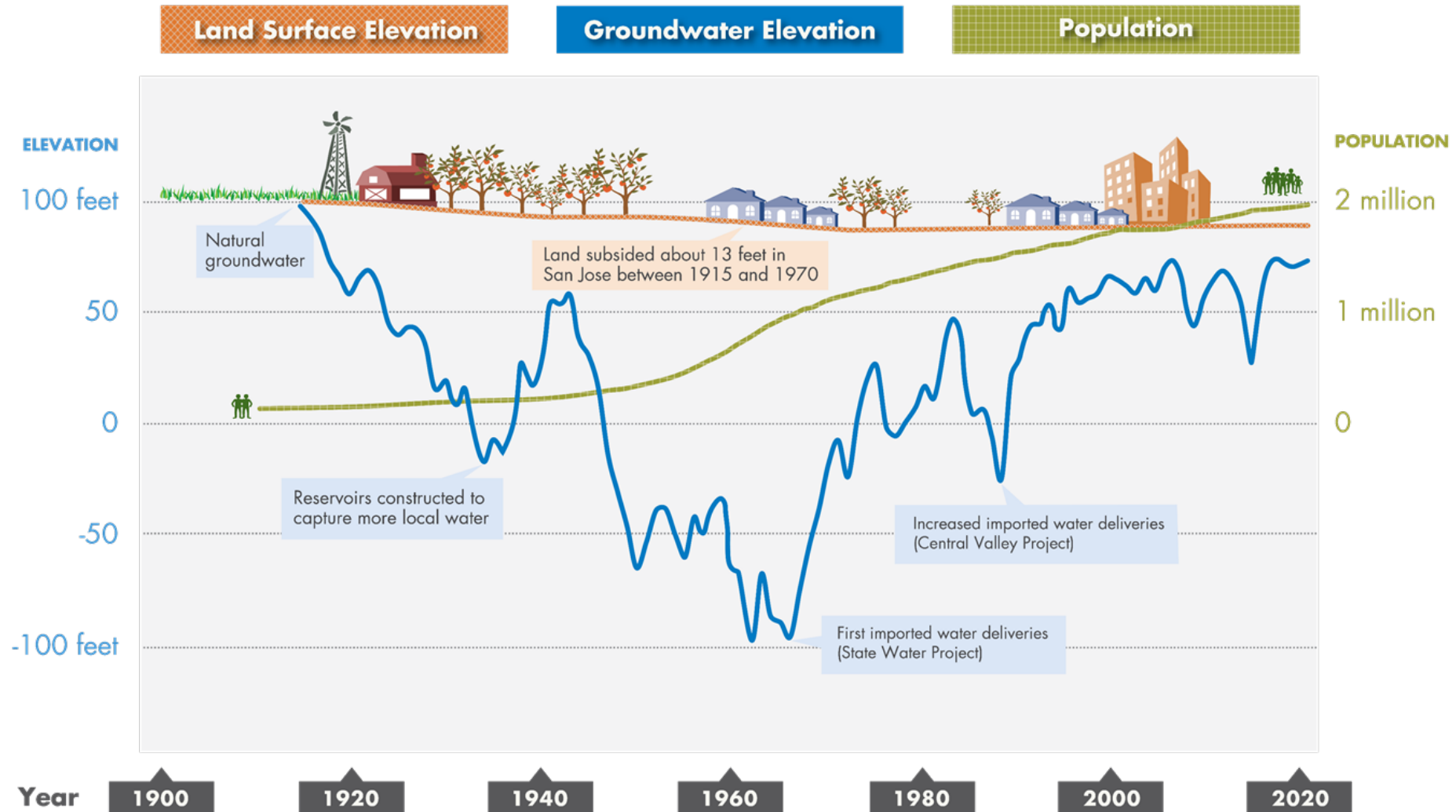
Water Supply Master Plan 2040 Monitoring and Assessment Program Annual Report and Water Demands Update

Presented by: Samantha Greene, Ph.D., Water Supply Planning and Conservation Unit

Investing in Water Supply Reliability

SANTA CLARA COUNTY GROUNDWATER AT-A-GLANCE

a graphic representation not intended as a technical exhibit



Level of Service Goal

Water Use Reductions



Water Supply “Ensure Sustainability” Strategy

4



Secure

- Capital Improvement Program Projects
- Delta Conveyance Project

Expand

- Water Conservation
- Stormwater Capture
- Potable Reuse

Optimize

- Pacheco Reservoir Expansion
- Transfer-Bethany Pipeline
- South County Recharge

Water Supply Planning

5

1. ASSESS NEEDS & GOALS



3. PLAN, INVEST & MONITOR

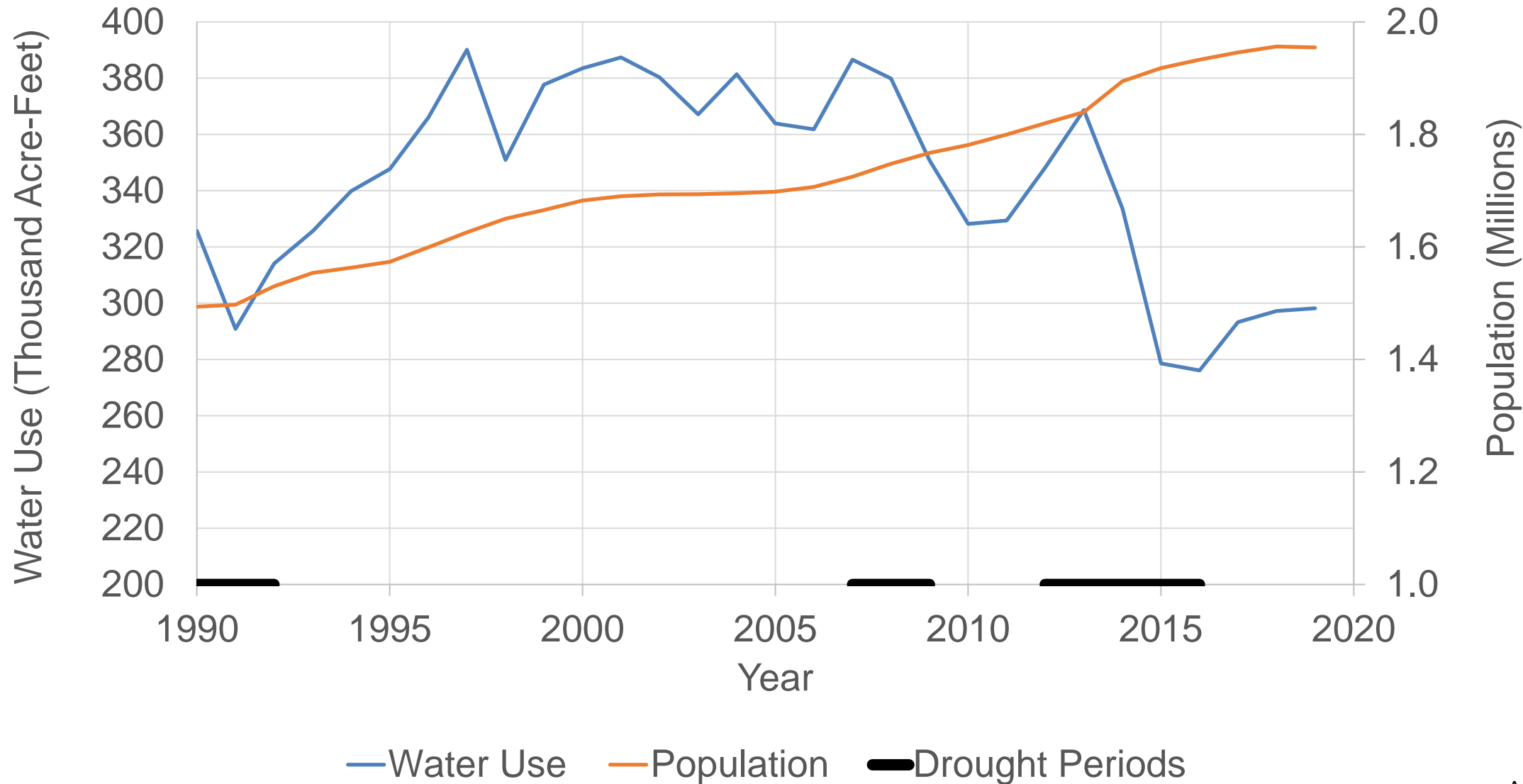


2. DEVELOP SCENARIOS



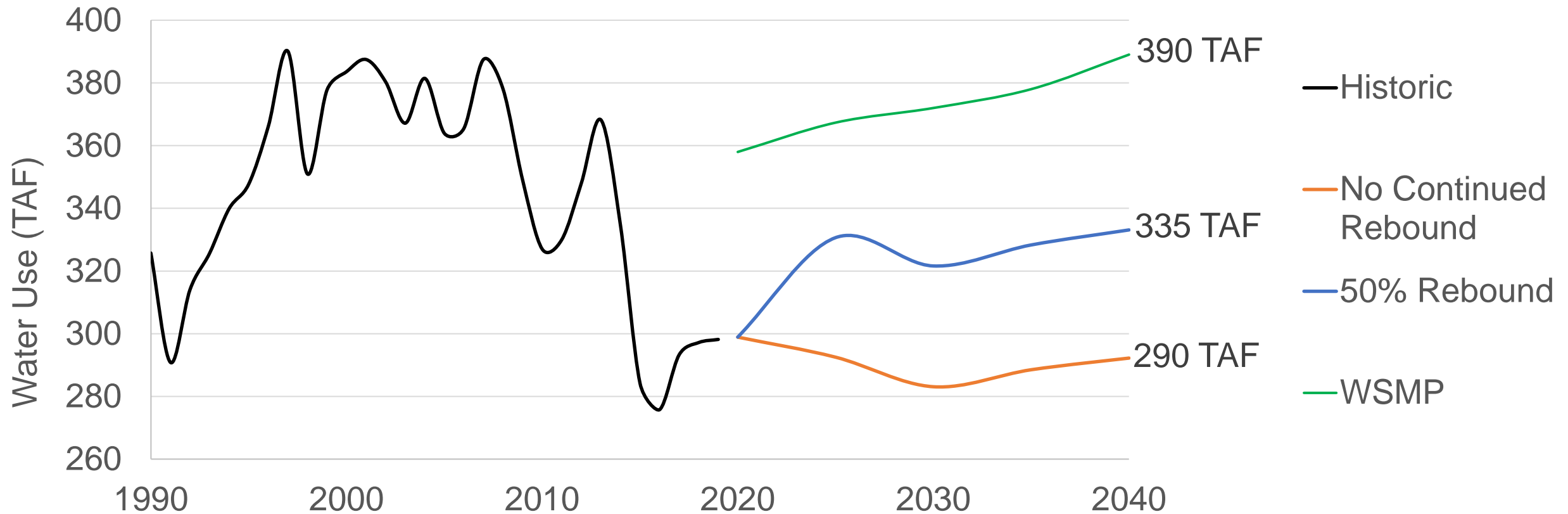
Historic Water Use and Population

6



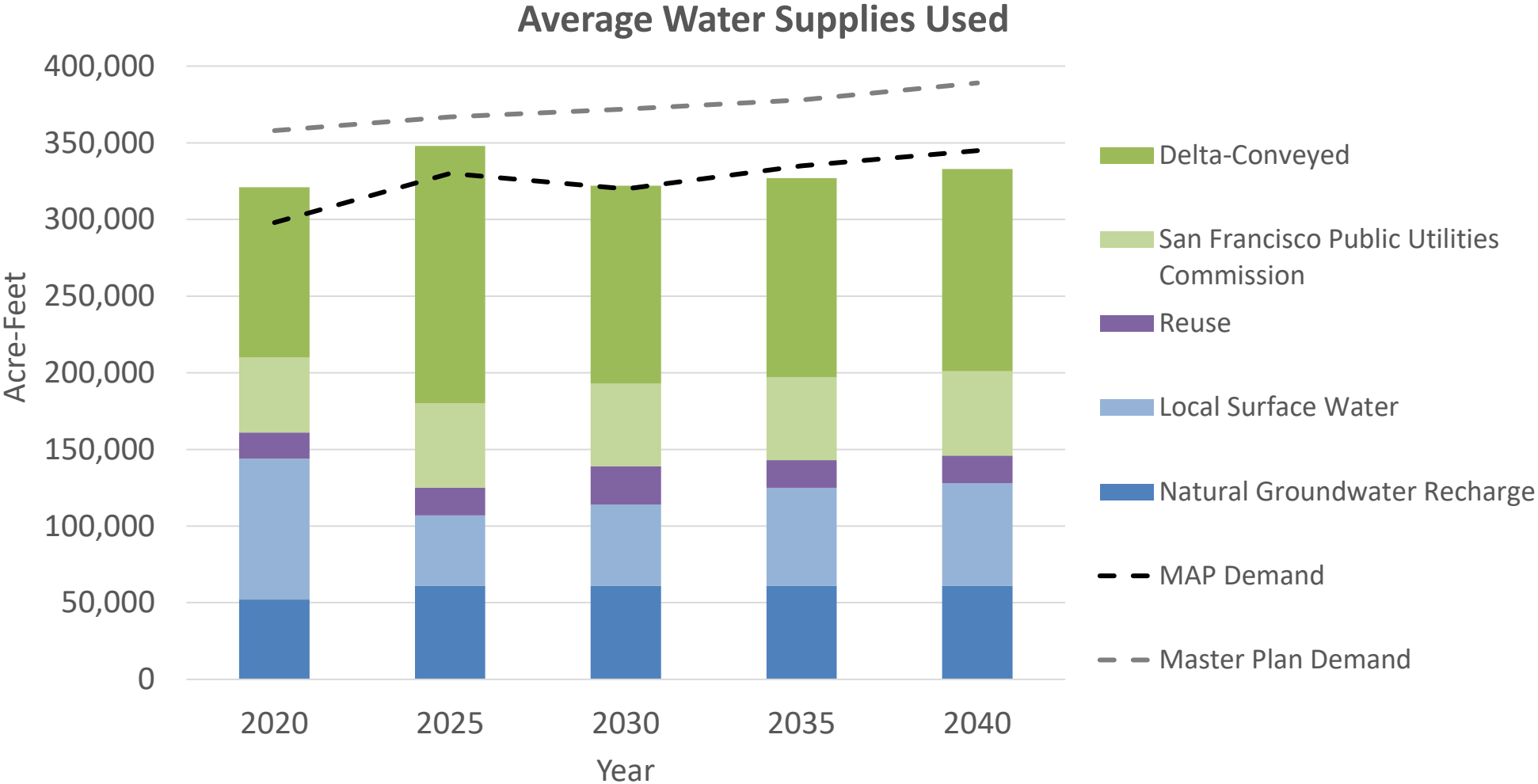
Historic and Projected Water Use (Including Water Conservation)

7



Water Supply Reliability

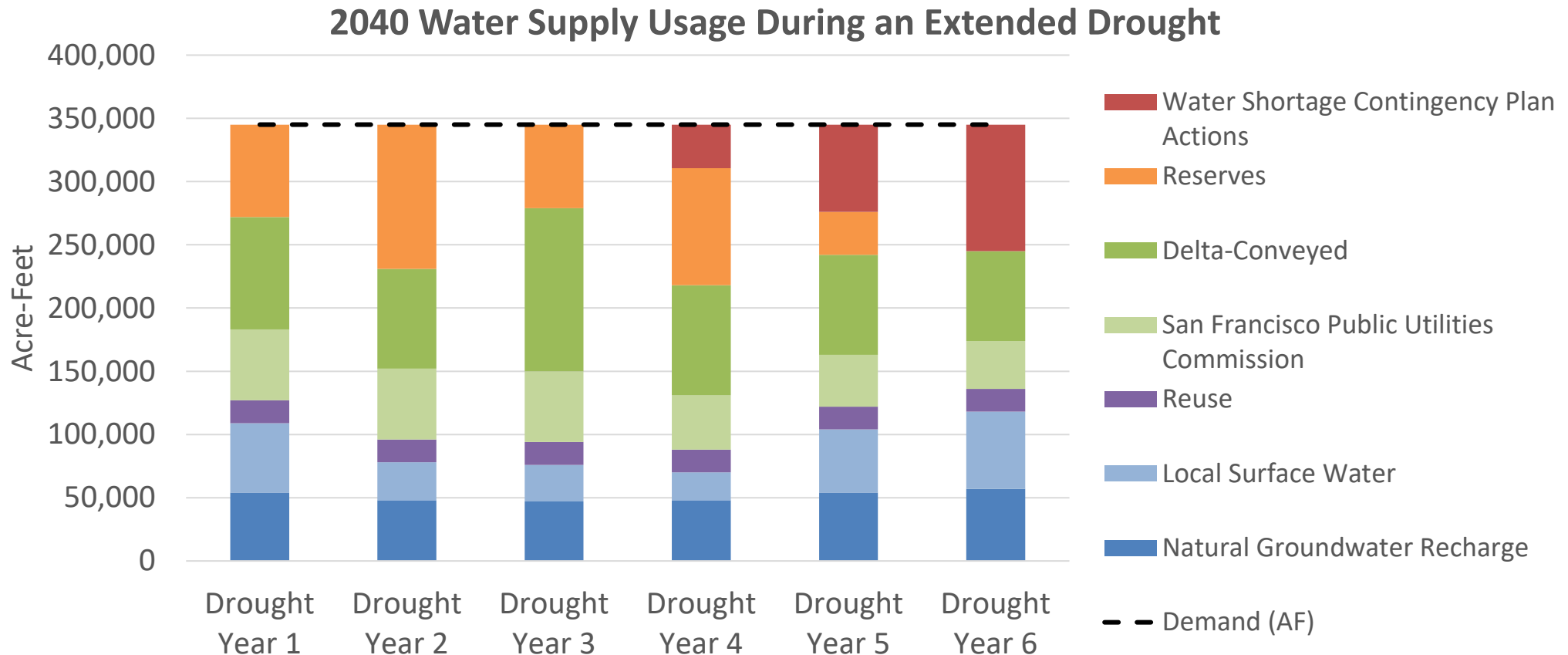
Baseline Investments with New Demands



Note: 2020 is actuals for 2019 from the FY21 Protection and Augmentation of Water Supplies report

Water Supply Reliability: Baseline Investments with New Demands

9



Does not achieve level of service goal

Projects Evaluated to Meet Forecasted Demands¹

Does NOT Achieve Level of Service Goal

- Groundwater banking
- Pacheco Reservoir Expansion Project
- Transfer Bethany Pipeline
- Los Vaqueros Storage
- Sites Reservoir – 3.2% share
- Additional Centralized In-county Groundwater Recharge²

Achieves Level of Service Goal

- 10 MGD Potable Reuse
- Sites Reservoir – 6.6% share
- Lexington Pipeline
- Refinery Recycled Water

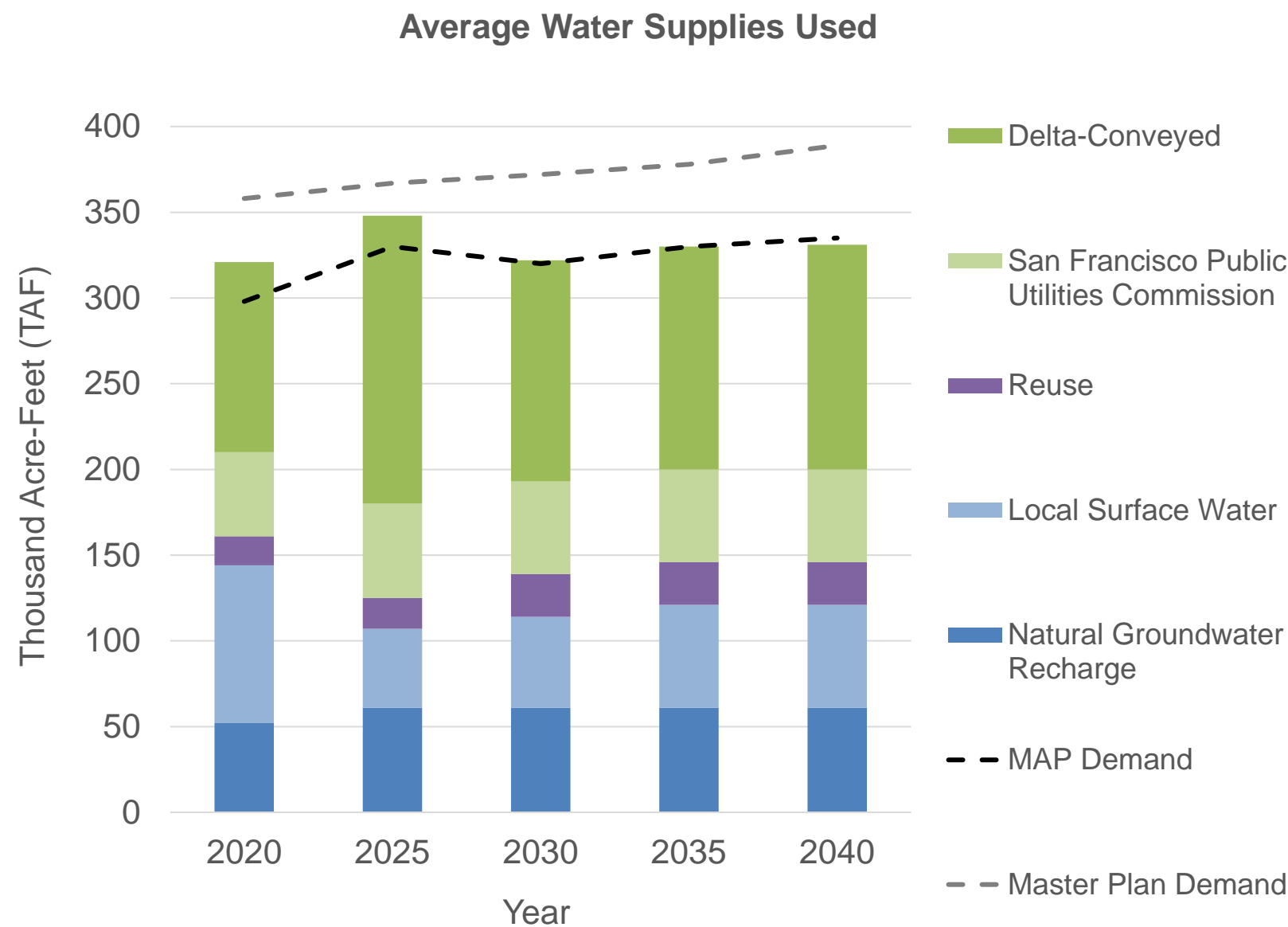
¹Projects evaluated assuming baseline projects and an additional 11 TAF of water conservation, bringing total water conservation to 110 TAF by 2040

²Per the Master Plan, staff completing a thorough analysis of groundwater in the Llagas sub-basin to ensure adequate groundwater storage is maintained throughout the entire sub-basin through 2040

Reduced Level of Investment Meets Level of Service Goal

Example:

- 11 TAF additional water conservation by 2040
- 10 MGD potable reuse project

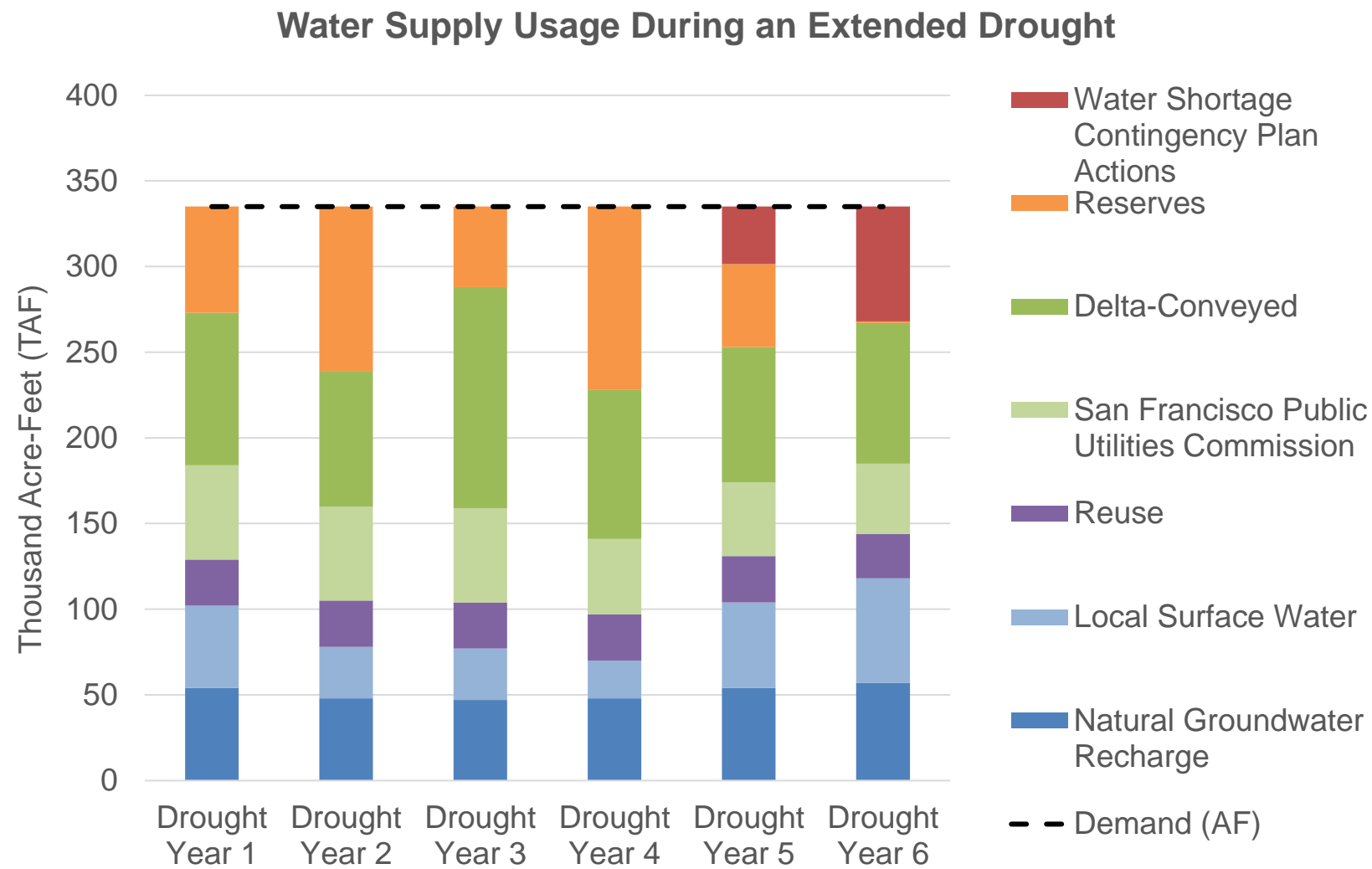


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Other Considerations

13

- Diversification
- Reduce Reliance on the Delta
- Resilient to future uncertainties (e.g., climate change)
- Groundwater quality
- Drinking water quality regulations
- Cost
- Operational flexibility
- Valley Water influence over supplies and operations (e.g., local supply)
- Implementation complexities and barriers
- Environmental impacts and benefits
- Community benefits (e.g., flood protection)



Next Steps

15

- Continue to track demands and update modeling as needed
- Continue to evaluate future uncertainties (e.g., climate change)
- Continue to participate in projects that the Board approves for planning
- Return to the Board each fall with an annual update, and earlier as needed

Voluntary Call for Water Use Reduction

16

- At the July 15th, 2020 Retailer Meeting, staff received informal direction from Chair Hsueh to discuss the 20% voluntary water use reduction call with the Board
- Since the last drought, Valley Water has requested a voluntary 20% water use reduction
- Highlights the importance of ending water waste
- May impact messaging for the next drought when water use reductions are required

QUESTIONS





Valley Water

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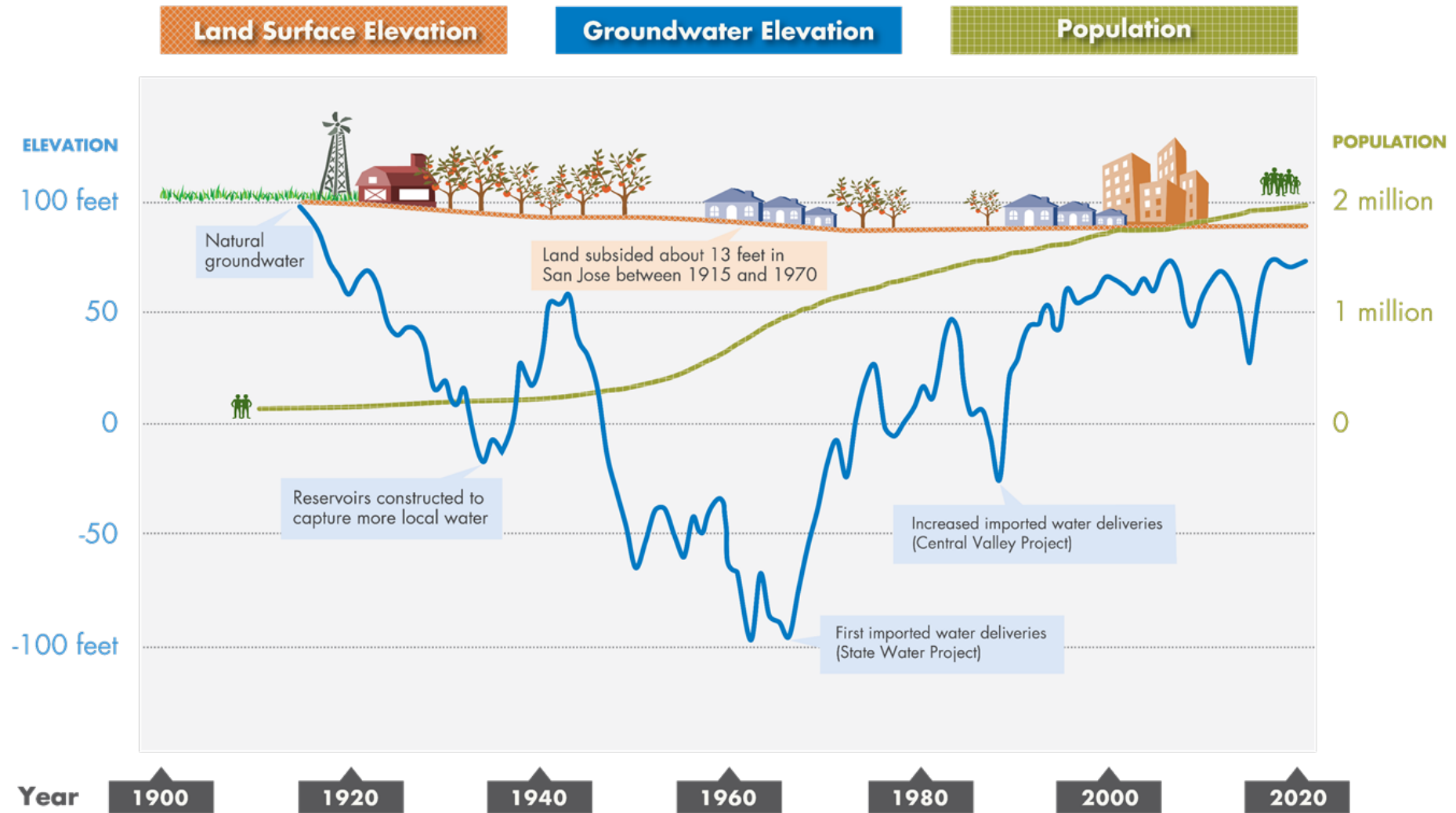
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Water Use Reductions



Water Supply “Ensure Sustainability” Strategy

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Water Supply Planning

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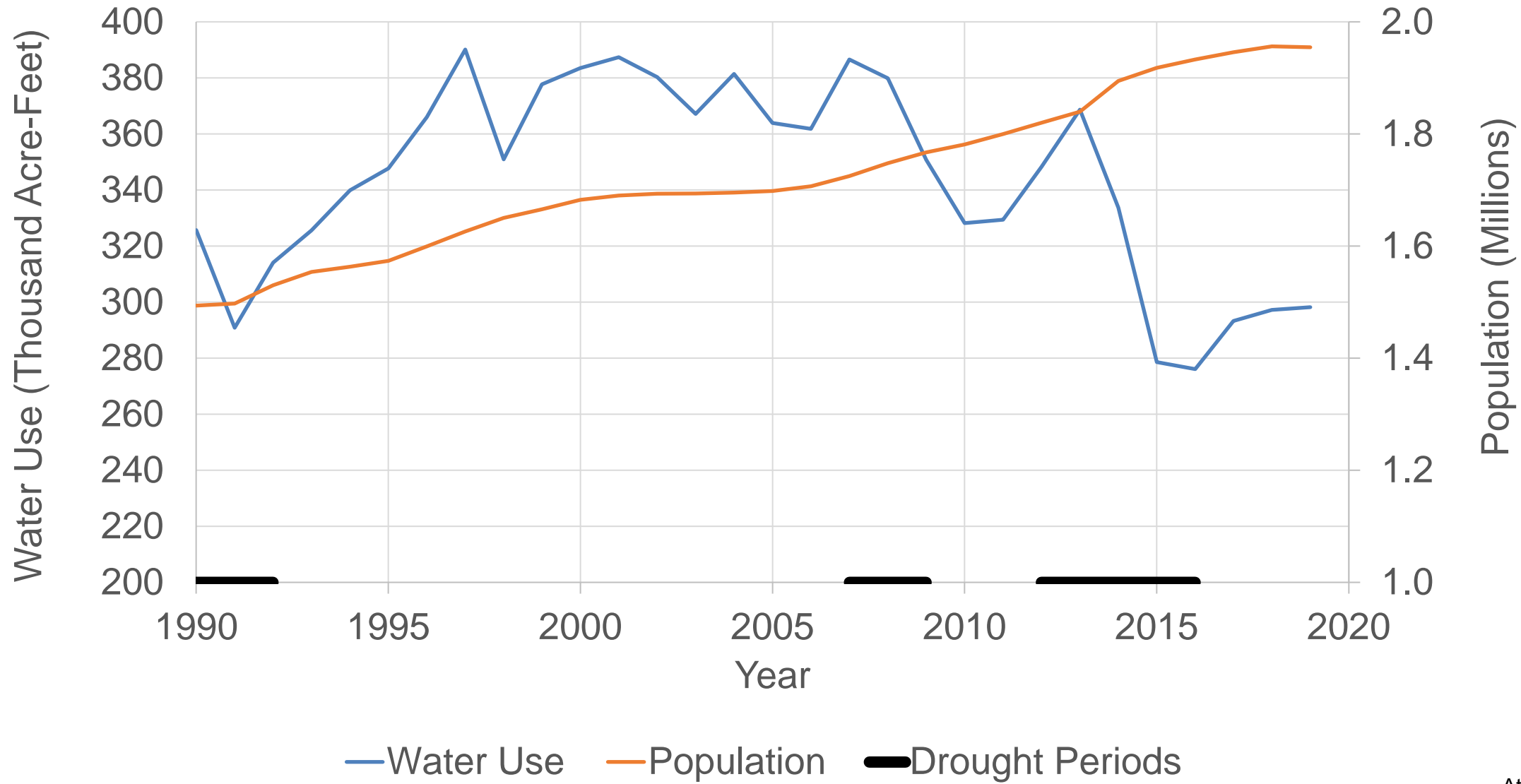
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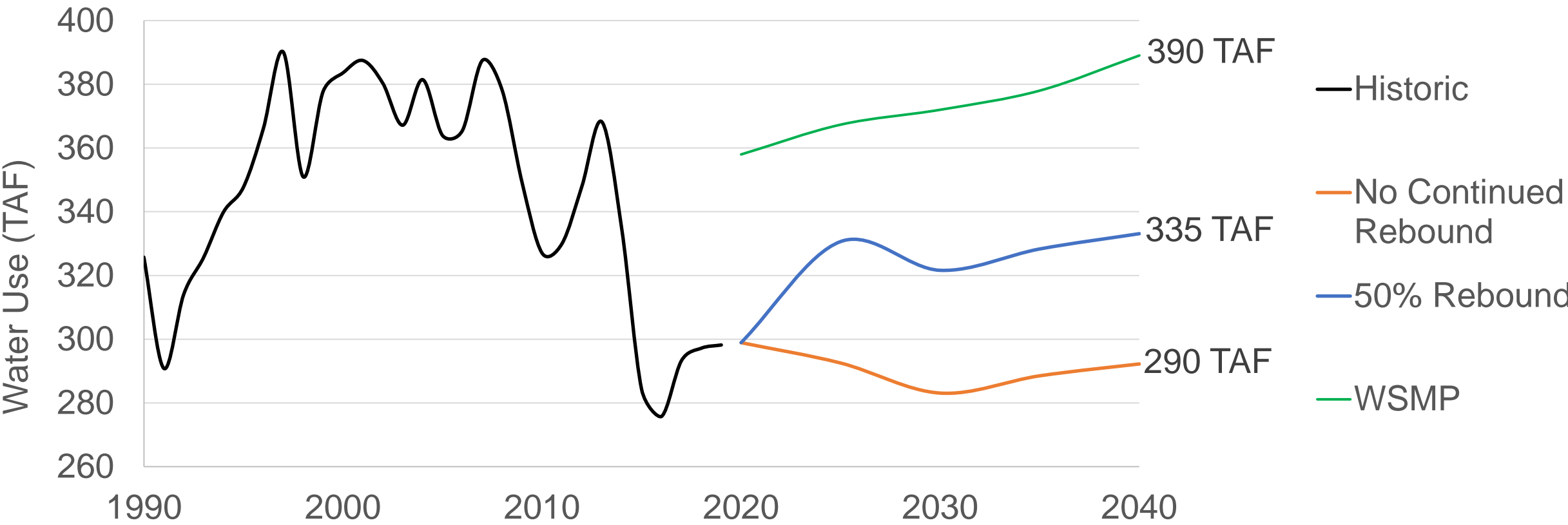
2. DEVELOP SCENARIOS



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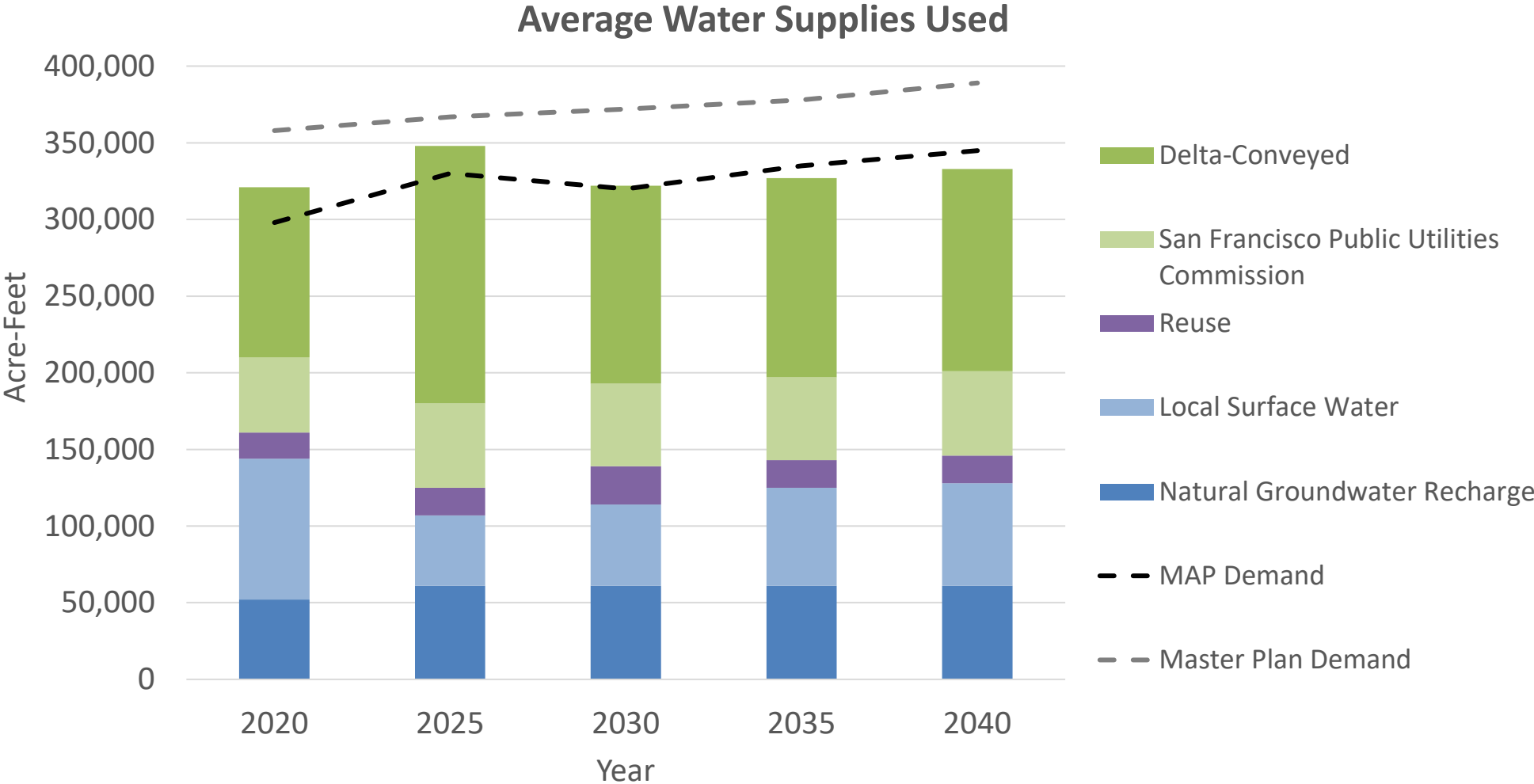


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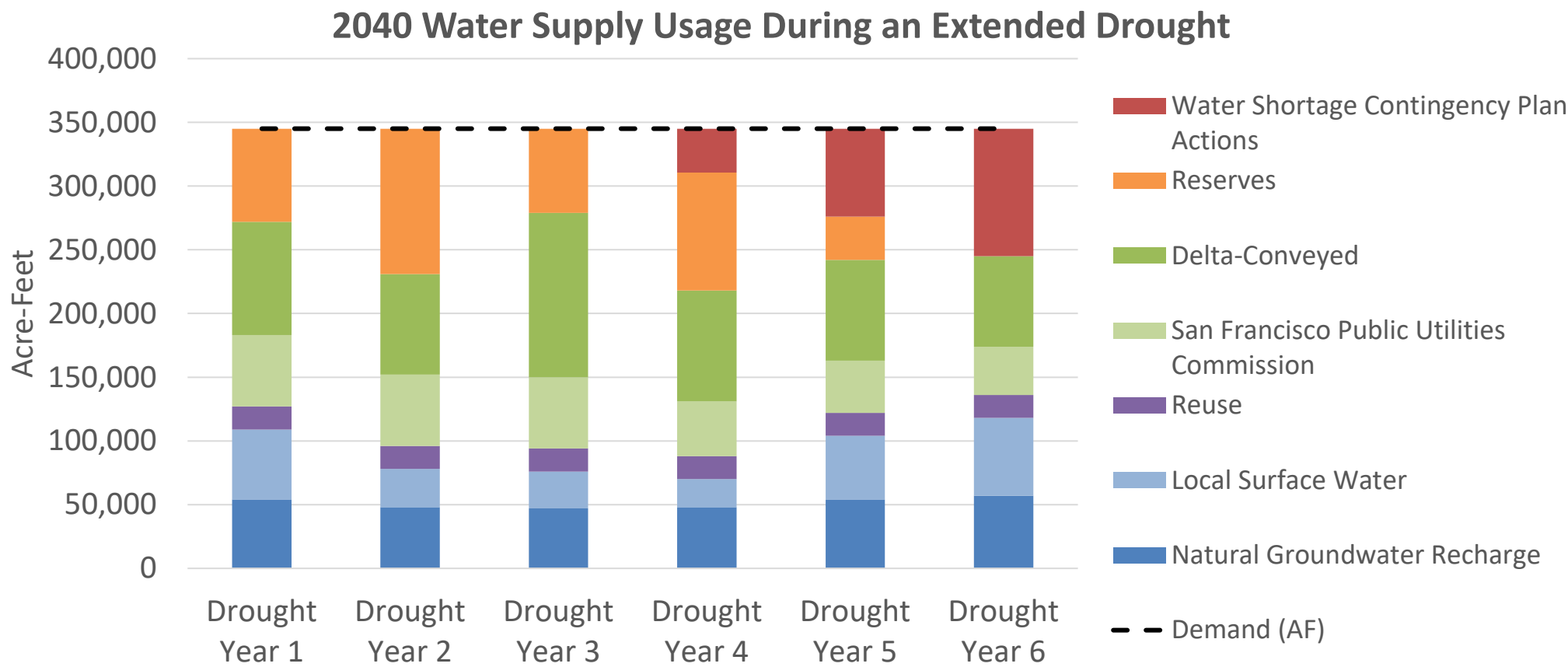


Water Supply Reliability

Baseline Investments with New Demands



Water Supply Reliability: Baseline Investments with New Demands



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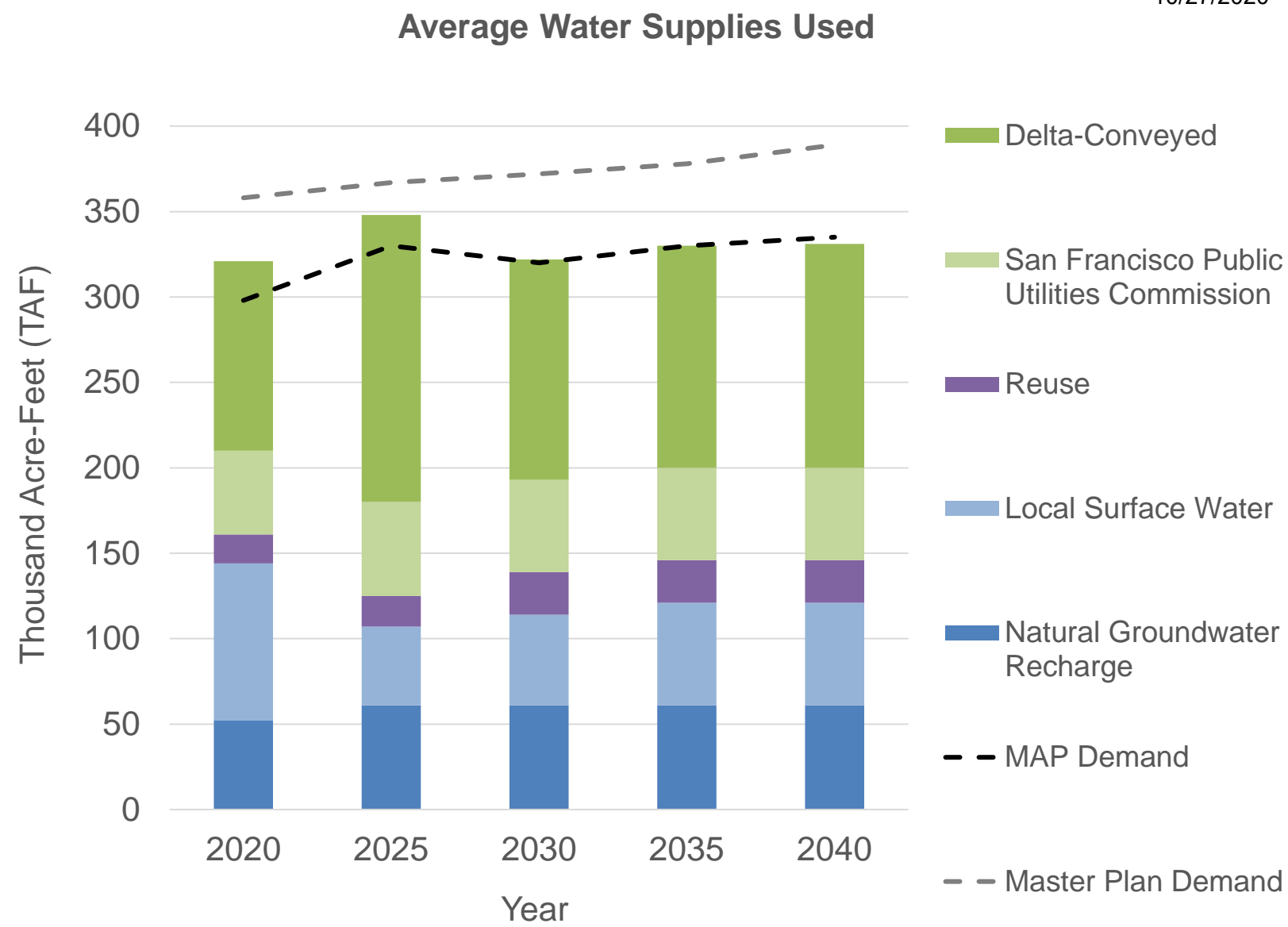
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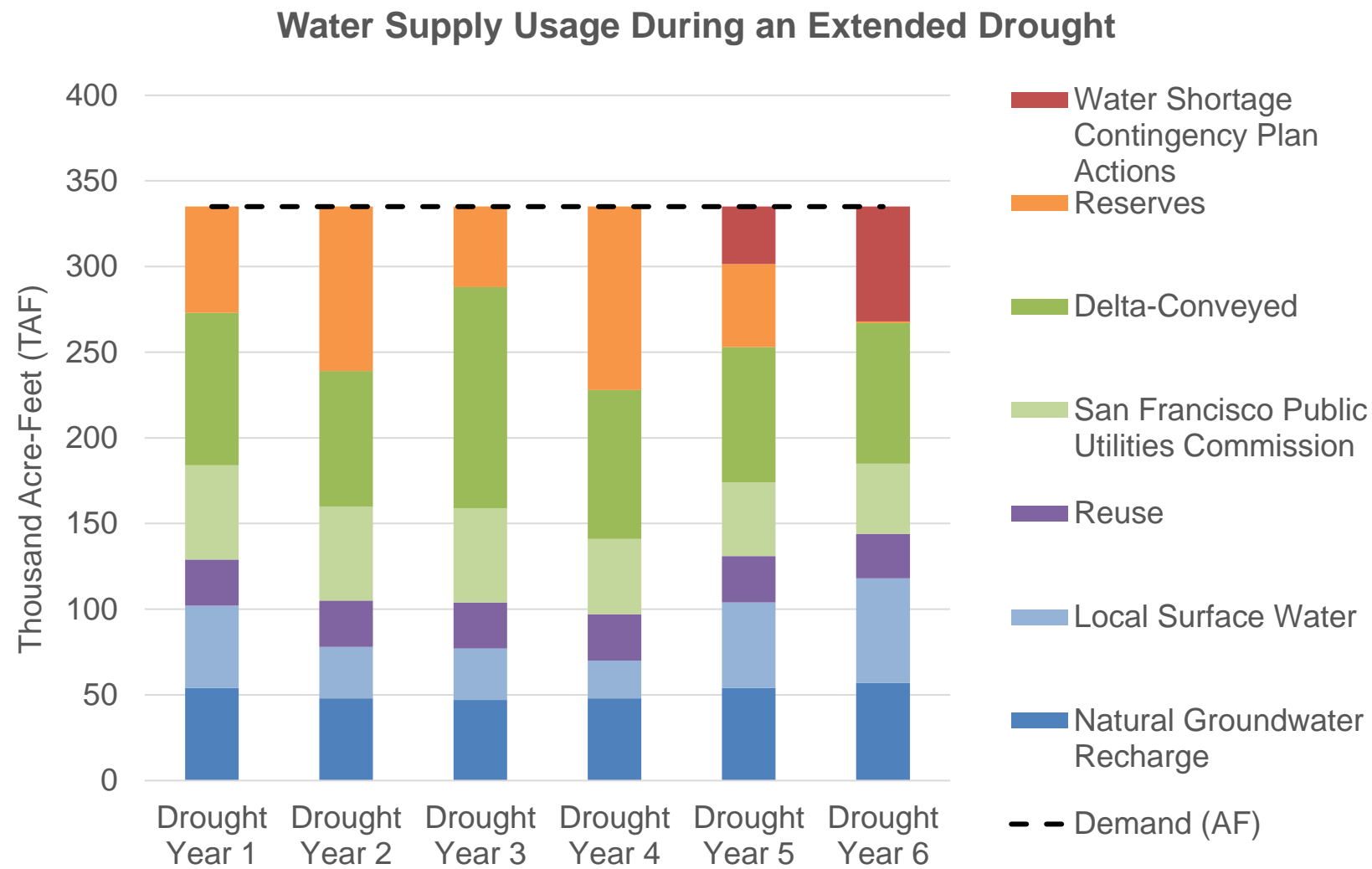
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Santa Clara Valley Water District

File No.: 20-0983

Agenda Date: 10/27/2020
Item No.: *4.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Board Committee Reports.

ATTACHMENTS:

- *Handout 4.3-A: 100520 AWAC Summary
- *Handout 4.3-B: 100820 FAHCE Summary
- *Handout 4.3-C: 101420 WSEC Summary
- *Handout 4.3-D: 102820 Water Commission Agenda
- *Handout 4.3-E: 103020 WSEC Agenda
- *Handout 4.3-F: 101520 DCA Summary
- *Handout 4.3-G: 101920 CIP Summary

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MEMORANDUM
FC 14 (01-02-07)

TO: Board of Directors

FRO Agricultural Water
Advisory Committee

SUBJECT: Agricultural Water Advisory Committee
Meeting Summary for October 5, 2020

DATE October 27, 2020

This memorandum summarizes agenda items from the regular meeting of the Agricultural Water Advisory Committee held on October 5, 2020.

Attendees:

Committee members in attendance were: Mitchell Mariani, James Provenzano, William Cilker, David Vanni, Jan Garrod, Tim Chiala, Robert Long, and George Fohner.

Board members in attendance were: Director Nai Hsueh, Board Alternate, Director Richard P. Santos, and Director John L. Varela, Board Representatives.

Staff members in attendance were: Glenna Brambill, Keila Cisneros, Enrique De Anda, Vanessa De La Piedra, Vincent Gin, and Carmen Narayanan.

Guests in attendance were: Marcus Buchanan, Ph.D. (Buchanan Associates), Lena Eyen (SCVOSA), and Hon. John McKay (City of Morgan Hill Council Member).

2.

PUBLIC COMMENT: Mr. Marcus Buchanan spoke on Valley Water's Agricultural Water Use Baseline Study his firm is conducting in conjunction with Sherwood Design Engineers. He wanted to make sure the Agricultural Water Advisory Committee is engaged in the process.

AGENDA ITEM:

**4.1 FY20020-21 GROUNDWATER PRODUCTION CHARGES AND VALLEY WATER
BUGET UPDATE**

Ms. Carmen Naravayan gave an overview of the following:

Summary from Meeting Agenda Memo:

On May 26, 2020, the Board adopted groundwater production and other water charges for Fiscal Year 2020-21. In response to the ongoing pandemic the Board adopted no increase in the groundwater production charge for Groundwater Benefit Zones W-2 (encompassing the area north of Metcalf Road often referred to as North County), and W-7 (overlying the Coyote Valley south of Metcalf Road). The Board adopted decreases in the groundwater production charge for Groundwater Benefit Zones W-5 (overlying Gilroy, San Martin and most of Morgan Hill) and W-8 (includes areas below Uvas and Chesbro Reservoirs). Note that the Board approved a staff proposal to parse the original Zone W-5 in the South County into the three zones mentioned above to ensure that ratepayers are grouped in a way that reflects the most recent and relevant

data regarding the services and benefits received by well users. The Board adopted no increase to the agricultural groundwater production charge, maintaining it at \$28.86/AF for all zones.

The Board requested that staff bring back information on the financial impacts of the COVID-19 Pandemic on the community and on Valley Water so that the Board could consider whether or not a mid-year rate increase for FY 2020-21 should be pursued for Zones W-2 and W-7, and whether or not any adjustments should be made to the FY 2020-21 budget. As of the writing of this memo, staff is planning to go to the Board on September 22, with a recommendation from the Budget Review Working Group (an ad hoc working group made up of three Board members) to not pursue a mid-year rate increase. This recommendation will result in the need for higher water rate increases in future years in the absence of offsetting cost cutting actions.

Also, on May 26, 2020 the Board adopted a \$610 million budget for FY 2020-21, as shown in the attached Budget in Brief document (Attachment 1). As of the writing of this memo, staff is not planning to recommend any changes to the budget to the Board on September 22.

The Agricultural Water Advisory Committee (Mr. George Fohner) discussed the following: cost of providing healthy water-flood protection mitigation, developmental impacts,

Director Huseh explained the broader picture and the Financial Sustainability Working Group that addresses the potential of development impact fees.

Ms. Vanessa De La Piedra and Mr. Vincent Gin were available to answer questions.

Director Varela gave the historical perspective of City of Morgan Hill's Planning Commission working with City Council.

The Agricultural Water Advisory Committee took no action.

4.2 REVIEW FY2020-21 BOARD WORK PLAN

Ms. Glenna Brambill gave an overview of the following.

Summary from Meeting Agenda Memo:

The attached Work Plan outlines the Board-approved topics for discussion to be able to prepare policy alternatives and implications for Board deliberation.

As part of the Board's annual strategic planning process, board members and the Chair identify specific areas that they will monitor closely and engage as necessary. The specific areas identified during the strategic planning process are outlined in the FY21 Board Work Plan. In FY21 the Board will focus on new water storage opportunities as well as advancing major water supply facilities such as Anderson Dam and leading efforts in recycled and purified water. We will prioritize funding to protect and maintain our flood protection assets. In all focus areas we will continue to engage the community and not lose sight of our environmental stewardship goals such as a net positive impact on the environment. They will also address impacts of climate change on their work. As policy makers for Valley Water the Board will engage through board committees and full board discussion to monitor progress in the focus areas highlighted in this plan.

10/27/2020

Early 2020 has brought about unprecedented and challenging times for everyone. The Board wants to assure the community that all board members remain committed through policymaking to ensuring Valley Water remains a high performing organization.

The Agricultural Water Advisory Committee (Mr. Jan Garrod and Mr. Tim Chiala) discussed the following: developmental concerns/cost of services, Anderson Dam materials reusable, Climate change and riparian repairs.

Director Hsueh was available to answer questions.

The Agricultural Water Advisory Committee took no action.

The next regularly scheduled meeting is Monday, January 4, 2021, 1:30 p.m.

If you have any questions or concerns, you may contact me at, gbrambill@valleywater.org or 1.408.630.2408.

Thank you.

Glenna Brambill, Management Analyst II,
Board Committee Liaison
Office of the Clerk of the Board

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MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Director Barbara Keegan,
FAHCE Ad Hoc Committee
Chair

SUBJECT: October 8, 2020 Fish and Aquatic Habitat
Collaborative Effort (FAHCE) Meeting
Summary

DATE: 10/16/20

Proposed Conversion of Santa Clara Valley Water District (Valley Water) Fish and Aquatic Habitat Collaborative Effort (FAHCE) Ad Hoc Committee to a Standing Board Committee.

The FAHCE Ad Hoc Committee (Committee) reviewed information and received public comments on the potential broadening of the Committee's purpose/scope, conversion to a standing board committee, and new committee name.

The Committee received background information on:

- A. the Anderson Dam Seismic Retrofit Project - How FAHCE elements were interrogated into the project to ensure fish are in good condition, the Federal Energy Regulatory Commission's order to reduce the reservoir level and to expedite construction of the low level outlet tunnel, and the process for draining the reservoir.
- B. The proposed broadening of the Committee's scope to include "Identify and track progress of district and outside activities that may affect the FAHCE settle agreement and implementation." This would allow flood protection elements to be reviewed by the Committee.
- C. How converting to a standing committee would allow for the public to engage in most elements of FAHCE and what the first public committee meeting could include.
- D. How staff and the Committee arrived on the proposed new standing committee name of Stream Planning and Operations Committee.

The committee voted to support staff's recommendation to recommend to the full Board converting the ad hoc committee to a standing board committee, adding proposed committee purposes as stated above, and propose naming the standing board committee the Stream Planning and Operations Committee. Staff will be presenting these recommendations to the full Board in November.

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MEMORANDUM

FC 14 (01-02-07)

TO: Board of Directors

FROM: Water Storage Exploratory Committee

SUBJECT: Water Storage Exploratory Committee Meeting Summary for October 14, 2020

DATE: October 27, 2020

This memorandum summarizes agenda items from the regular meeting of the Water Storage Exploratory Committee held on October 14, 2020.

Attendees:

Valley Water Board Members in attendance were: Director Gary Kremen-District 7, Director Richard P. Santos-District 3, and Director John L. Varela-District 1.

Valley Water Staff in attendance were: Emmanuel Aryee, Aaron Baker, Erin Baker, Glenna Brambill, Debra Butler, Keila Cisneros, Andrew Garcia, Vincent Gin, Christopher Hakes, Brian Hopper, Cindy Kao, Michele King, Kathleen Low, Michael Martin, Ryan McCarter, Heath McMahon, Metra Richert, Donald Rocha, Eli Serrano, Ranithri Slayton, Charlene Sun and Beckie Zisser.

Guests in attendance were: John Weed (Alameda County Water District-ACWD), Maureen Martin, Ph.D., and Marguerite Patil (Contra Costa Water District-CCWD), Steve Jordan and Danielle McPherson (BAWSCA), Laura Reeves (Tanner Pacific, Inc.).

Public in attendance were: Director Tony Estremera and Director Linda J. LeZotte (Valley Water), Renee Crawford, Phil Gregory, Chuck Hammerstad, Doug Muirhead, and CM Tompkinson.

ACTION ITEMS:

4.1 SEMITROPIC GROUNDWATER BANK UPDATE

Ms. Cindy Kao and Mr. Andrew Garcia reported on the following information:

Summary from Agenda Memo:

On December 11, 2019, the Santa Clara Valley Water District (Valley Water) Water Storage Exploratory Committee was provided an update regarding the Semitropic Groundwater Bank (Semitropic). This memorandum provides additional information following further staff analysis of Semitropic Water Storage District's (SWSD) Groundwater Sustainability Plan (GSP) and the *1997 Agreement Between Santa Clara Valley Water District and Semitropic Water Storage District and Its Improvement Districts for a Santa Clara-Semitropic Water Banking and Exchange Program* (Agreement).

Staff had previously reported on challenges associated with withdrawing water from Semitropic in dry years due to limited exchange capacity with the State Water Project, potential water quality concerns due to arsenic concentrations identified in SWSD's groundwater wells, and general concerns regarding operational uncertainties associated with SGMA implementation. Additional, more specific, concerns related to the SWSD GSP are described below.

Concerns related to Semitropic GSP

- The SWSD GSP projects an average annual deficit of 166,000 acre-feet per year and corresponding depletion in groundwater storage. Semitropic predicts GSP implementation will effectively bring the deficit to 0 AFY by 2040. Historically, long term overdraft in the subbasin has been observed even with the offsetting effects of imported contract and banked supplies. Between

Spring 2006 and Spring 2020, measured water levels declined an average of 7.6 feet per year in SWSD.

- No Sustainable Management Criteria were set specifically for water quality or land subsidence in the SWSD GSP, instead water levels are used as a proxy. The SWSD GSP proposes to continue allowing groundwater level decline past historic lows which could increase pumping energy costs and diminish groundwater quality, as discussed further below. No determination has been made as to the potential for continued subsidence.
- The SWSD GSP restricts water allocations to landowners and requires fallowing of land, but it also proposes to allow continued projected water level declines into 2030 and 2040, in some instances 160 to 260 feet below 2015 historic low water levels. A depth to water hydrograph is provided in **Attachment 1**. These measures could have operational implications on recovery of water by pump-back by local landowners on behalf of banking partners.
- For successful GSP implementation, Valley Water staff anticipates SWSD will need to navigate development, implementation, and enforcement of groundwater extraction fees and individual landowner water budgets as well as successfully secure at least 70,000 AF per year of supplemental supplies. SWSD is targeting appropriating this water from the Kings River.

California State Determination of Plan Adequacy

The Department of Water Resources (DWR) has two years to review submitted GSPs to determine whether the plan satisfies the SGMA requirements. Depending on DWR's review and final determination, several potential outcomes may unfold:

- a) DWR may approve SWSD's GSP as presented,
- b) DWR may deem the SWSD GSP's targeted water levels and action triggers not acceptable, in which case SWSD may need to apply more stringent measures or secure additional supplemental supplies to meet acceptable targets and avoid impact to the Semitropic banking operations,
- c) The State Water Resources Control Board may intervene and identify actions needed to correct undesirable results, which could include adjudication.

It is unclear how these outcomes may impact SWSD's groundwater banking operations. However, Valley Water legal counsel's assessment is that the agreement between Valley Water and SWSD has several protective provisions for recovery of Valley Water's stored water, and that Valley Water should expect the SWSD to fully comply with the Agreement, even with the implementation of the GSP. For example:

- the trust relationship provision(s) are for the benefit of Valley Water and protecting the ability to recover stored water,
- SWSD cannot enter into other agreements that interfere with the rights of Valley Water under the Agreement, and
- Semitropic must defend and indemnify Valley Water against claims concerning (a) the distribution of water; (b) any contest by a landowner concerning the allocation of benefits; and (c) SWSD's facilities or operations. Semitropic's obligation to defend and indemnify Valley Water could be interpreted as including claims related to SGMA operations or any water rights adjudication in the basin.
- If SWSD is unable to return stored water, SWSD is required to purchase the stored water that it is unable to return under the Agreement, but at a price that may be lower than the actual value of the water.

Detections of 1,2,3, TCP in groundwater wells

SWSD has reported elevated concentrations of 1,2,3 trichloropropane (TCP) in some of its groundwater wells. TCP is a chemical that was included in a nematode fumigant made by Shell Oil and Dow Chemical companies and applied liberally to the Central Valley's vast farmland from the 1950s through the 1980s. It is a persistent pollutant in groundwater and has been classified as "likely to be carcinogenic to humans" by the EPA. There is currently insufficient information to conclude whether the detections in the SWSD wells could impact banking operations over the long term. Staff is seeking additional information to better understand potential implications.

Background

The Semitropic Groundwater Bank provides storage for Valley Water's wetter year supplies and is a primary source of supplemental dry year supplies. Valley Water has rights to 350,000 acre-feet (AF) of storage capacity (a 35 percent share of the total capacity) within the Semitropic bank. Since 1997, Valley Water has spent approximately \$116 million towards storage and recovery operations, storing nearly 600 thousand acre-feet (TAF) and recovering 260 TAF of supplies, primarily in wet and dry years, respectively. By the end of 2020, 340 TAF of SWP and CVP supplies will be held in Valley Water's storage account for withdrawal during future dry years.

Valley Water relied on the Semitropic Groundwater Bank for a majority of its supplemental water supplies during the critically dry years of 2014 and 2015 and may need to rely on Semitropic to provide supplemental supplies during the pending drawdown of Anderson Reservoir and the resulting limited access to local surface supplies and emergency supplies.

Next Steps

Semitropic has proven to be a cost-effective way to regulate wet year supplies to provide critical dry year water, but there are several risks associated with its continued operation. Valley Water would benefit from diversifying its storage programs to invest in other banking programs that may have fewer or different risks to increase its overall supply reliability.

- Valley Water should continue to utilize the Semitropic Groundwater Bank in the near term and potentially long-term, as development and implementation of the SWSD GSP and evolution of water quality issues are closely followed.
- Considering increased risks, Valley Water should explore additional new banking programs that are cost-effective and have reliable dry-year delivery mechanisms

The Committee (Directors Kremen, Santos and Varela) discussed the following: interplay between the GSA-Water Storage District, Kern County Water Authority and regulatory/political structure of the bank and who owns what, GSP, contract expiration 2035, 123-TCP's/PFAS/water quality, need a closed session to discuss the legal issues/concerns, balance sheets/purchases, contaminants/canal standards, Semitropic's obligation to share that the water is viable, additional cost effective water banking programs, meetings with user groups/participants/partnerships, SGMA, and potentially going on a visit or meeting with Semitropic-building relationships (zoom meeting).

Mr. John Weed noted DWR's work around process with zero allocation events, semitropic water delivered (drought years), and credit for water pumped and being able to take credit from San Luis. Secondly, water from Semitropic is not going to local consumers but rather it is going south.

Ms. Cindy Kao, Mr. Vincent Gin and Mr. Brian Hopper were available to answer questions.

The Committee took no action.

4.2 POTENTIAL GROUNDWATER BANKING PROJECTS (COMPARISON MATRIX)

Mr. Andrew Garcia reported on the following information:

Summary from Agenda Memo:

Santa Clara Valley Water District (Valley Water) staff have been exploring different groundwater banking opportunities as well as surface storage projects to diversify and potentially expand its storage capabilities. This effort is relevant given that implementation of the Sustainable Groundwater Management Act (SGMA) and water quality issues may affect

Long term operations of the Semitropic groundwater bank, while projections of climate change impacts detailed in California's Fourth Climate Change Assessment Technical Reports indicate that future water supplies will likely come in concentrated and shorter wet periods that will result in large surpluses of water that may require additional storage facilities to capture. At the same time, sea level rise will likely increase salinity intrusion into the Delta, which may reduce the availability of SWP and CVP supplies during drier years, increasing Valley Water's reliance on stored supplies.

At the January 15, 2020 meeting of the Water Storage Exploratory Committee, a draft concept for a groundwater bank "comparison matrix" was presented, to help guide Valley Water's discussions and banking project review in a consistent format. Attachment 1 is an updated version of this comparison matrix incorporating information on four prospective projects that are currently under investigation:

- AVEK 'High Desert' Groundwater Bank
- Buena Vista WSD Groundwater Bank
- Pleasant Valley WD Groundwater Bank
- Mid-Valley Groundwater Bank

Each of these projects have been tentatively rated against one another based on the best available information using the evaluation criteria in Attachment 2. These ratings will be updated when better information becomes available and as Imported Water Unit staff work to refine banking project terms and the evaluation criteria.

The Committee (Directors Kremen, Santos and Varela) discussed the following: ratings/water quality, criteria, contractual controls/political/regulatory, reservoir projects participation/transferability, costly decisions to make, updating the matrix as much as possible (evaluate wider range of investments of the portfolio, expand framework and criteria) for the next meeting, and commended staff for these presentations.

Mr. John Weed encouraged the Committee to contact Irvine Ranch WD, which bailed on Semi-Tropic and purchased land for a fully controlled (owned) Water Bank. He suggested modeling this approach.

Ms. Cindy Kao, Mr. Vincent Gin, and Mr. Aaron Baker were available to answer questions.

The Committee took no action.

The next Water Storage Exploratory Committee meeting is Friday, October 30, 2020, at 12:00 p.m.

If you have any questions or concerns, you may contact me at, gbrambill@valleywater.org or 1.408.630.2408.

Thank you.

Glenna Brambill, Management Analyst II,
Board Committee Liaison
Office of the Clerk of the Board

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Santa Clara Valley Water District Santa Clara Valley Water Commission Meeting

Teleconferencing Zoom

Zoom Link

<https://valleywater.zoom.us/j/99730527995>

REGULAR MEETING AGENDA

Wednesday, October 28, 2020
12:00 PM

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

Hon. Rich Constantine, Chair
Hon. Pam Foley, Vice Chair

Director Tony Estremera
Director Nai Hsueh
Director Linda J. LeZotte

All public records relating to an 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 for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, 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 attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

Ms. Norma J. Camacho
(Staff Liaison)

Ms. Glenna Brambill
(Commission Liaison)
Management Analyst II
gbrambill@valleywater.org
1-408-630-2408

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
Santa Clara Valley Water Commission
REGULAR MEETING
AGENDA**

Wednesday, October 28, 2020

12:00 PM

Teleconferencing Zoom

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-29-20 issued on March 17, 2020 that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Committee during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in the order requests are received and granted speaking access to address the Committee.

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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 <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

1. Roll Call.

2. 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 Commission any item not listed on the agenda should access the "Raise Hand" or "Chat" tools located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Commission Chair in order requests are received and granted speaking access to address the Commission. Speakers comments should be limited to two minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Commission 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 Commission may take action on any item of business appearing on the posted agenda.

3. APPROVAL OF MINUTES:

3.1. Approval of Minutes.

[20-0856](#)

Recommendation: Approve the January 22, 2020, Meeting Minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 012220020 Water Comm Draft Mins](#)

Est. Staff Time: 5 Minutes

4. ACTION ITEMS:

4.1. FY 2020-21 Groundwater Production Charges and Valley Water Budget Update.

[20-0857](#)

Recommendation: This is an information only item, no action is required.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Budget in Brief FY20-21](#)

Est. Staff Time: 20 Minutes

4.2. Review FY2020-21 Board Work Plan.

[20-0858](#)

Recommendation: Review the Board's work plan to guide the committee's discussions regarding policy alternatives and implications for Board deliberation.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: FY2020-21 Board Work Plan](#)

Est. Staff Time: 20 Minutes

- 4.3. Review Santa Clara Valley Water Commission Work Plan, the Outcomes of Board Action of Commission Requests; and the Commission's Next Meeting Agenda. [20-0859](#)

Recommendation: Review the Commission work plan to guide the commission's discussions regarding policy alternatives and implications for Board deliberation.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 2020 Water Comm Work Plan](#)
[Attachment 2: 012720021 Water Comm Draft Agenda](#)

Est. Staff Time: 5 Minutes

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

6. REPORTS;

- 6.1. Director's Report
- 6.2. Manager's Report
- 6.3. Commission Member Report
- 6.4. Links to Informational Reports

7. ADJOURN:

- 7.1. Adjourn to Regular Meeting at 12:00 p.m., on January 27, 2021.



Santa Clara Valley Water District Water Storage Exploratory Committee Meeting

Via Zoom

Join Zoom Meeting

<https://valleywater.zoom.us/j/96324042161>

REGULAR MEETING AGENDA

Friday, October 30, 2020
12:00 PM

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

**WATER STORAGE EXPLORATORY
COMMITTEE**

Gary Kremen, Chair, District 7
Richard P. Santos, District 3
John L. Varela, District 1

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JERRY DE LA PIEDRA
Committee Liaison

GLENNA BRAMBILL
Management Analyst II
Office/Clerk of the Board
(408) 630-2408
gbrambill@valleywater.org
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
Water Storage Exploratory Committee
REGULAR MEETING
AGENDA

Friday, October 30, 2020

12:00 PM

Via Zoom

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-29-20 issued on March 17, 2020 that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

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1. Roll Call.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

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3. APPROVAL OF MINUTES:

3.1. Approval of Minutes.

[20-0962](#)

Recommendation: Approve the October 14, 2020, Meeting Minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 10142020 WSEC DRAFT Mins](#)

Est. Staff Time: 5 Minutes

4. ACTION ITEMS:

4.1. Update on Sites Reservoir Project: Second Amendment to 2019 Reservoir Project Agreement for Continued Participation.

[20-0838](#)

Recommendation:

- A. Receive update and report on the Sites Reservoir Project,
- B. Recommend to Board to authorize the Chief Executive Officer to execute the Second Amendment to 2019 Reservoir Project Agreement with Sites Project Authority and the Project Agreement Members for a minimum participation level of 3.2 percent of the total project and a minimum funding commitment of up to \$0.78 Million, and,
- C. Recommend to Board to direct Valley Water staff to continue engagement in Sites Reservoir Committee and negotiate future parameters for participation.

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: Second Amendment to 2019 Agreement](#)
[Attachment 2: WSEC Q-A 0192020](#)
[Attachment 3: Risk Mitigation Table](#)
[Attachment 4: Project Participation Summary](#)
[Attachment 5: Powerpoint](#)

Est. Staff Time: 15 Minutes

- 4.2. Update on Los Vaqueros Reservoir Expansion Project: Joint Powers Authority, Usage Fees, and South Bay Aqueduct. [20-0963](#)
- Recommendation: Receive and discuss information regarding the creation of a Joint Powers Authority for the construction and operation of the Los Vaqueros Reservoir Expansion Project, proposed usage fees charged by Contra Costa Water District for the use of their facilities, and the South Bay Aqueduct.
- Manager: Jerry De La Piedra, 408-630-2257
- Attachments: [Attachment 1: Draft JPA Agreement](#)
[Attachment 2: CCWD Usage Fees Presentation](#)
[Attachment 3: Staff Presentation](#)
- Est. Staff Time: 15 Minutes
- 4.3. Pacheco Reservoir Expansion/San Luis Low Point Improvement Projects Update [20-0964](#)
- Recommendation: Receive and discuss information regarding status of the Pacheco Reservoir Expansion/San Luis Low Point Improvement Projects. This is an information-only item and no action is required.
- Manager: Christopher Hakes, 408-630-3796
- Attachments: [Attachment 1: PowerPoint](#)
- Est. Staff Time: 15 Minutes
- 4.4. Potential Water Storage Projects (Comparison Matrix). [20-0979](#)
- Recommendation: Receive and discuss draft comparison matrix of potential storage projects to diversify from Semitropic groundwater bank.
- Manager: Vincent Gin, 408-630-2633
- Attachments: [Attachment 1: Matrix Comparison of Storage Projects-2](#)
[Attachment 2: Storage Projects Objectives and Evaluation Criteria](#)
- Est. Staff Time: 15 Minutes

4.5. Standing Items Information.

[20-0965](#)

Recommendation: A. This agenda item allows the Committee to receive verbal or written updates and discuss the following subjects. These items are generally informational; however, the Committee may request additional information from staff:

B. This is informational only and no action is required.

Staff may provide a verbal update at the 10-30-2020, meeting if there is reportable/updated information.

1. Update on Los Vaqueros Reservoir Expansion Project (LVE) Transfer Bethany Pipeline (TBP) and Update on Management of South Bay Aqueduct (SBA) Facilities (10-30-2020, agenda item)
2. Lake Del Valle
3. Del Puerto
4. Water Banking Opportunities including but not limited to Pleasant Valley Water District (10-30-2020, agenda item)
5. Pacheco/San Luis Reservoir Low Point (discuss Pacheco Authority and Proposition 1 Water Storage Investment Program Update) (10-30-2020, agenda item)
6. Semitropic
7. Sites (10-30-2020, agenda item)
8. B.F. Sisk Dam Raise Project
9. Shasta

Manager: Michele King, 408-630-2711

Est. Staff Time: 10 Minutes

4.6. Review Water Storage Exploratory Committee Work Plan and the Committee's Next Meeting Agenda.

[20-0966](#)

Recommendation: Review the Committee's Work Plan to guide the Committee's discussions regarding policy alternatives and implications for Board deliberation.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: WSEC 2020 Work Plan](#)

Est. Staff Time: 5 Minutes

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

6. CLOSED SESSION:

- 6.1. EXISTING LITIGATION – Government Code Section 54956.9(d)(1) SCVWD v. Edmund Jin, et al., Santa Clara Co. Superior Court, No. 19CV352227
- 6.2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION Pursuant to Government Code Section 54956.9(d)(4) – Two Potential Cases
- 6.3. District Counsel Report on Closed Session.

7. ADJOURN:

- 7.1. Adjourn.

Board of Directors Meeting
Report out for Director Estremera

Regular Meeting, Thursday, October 15, 2020, 2:00 p.m.

7. DISCUSSION ITEMS

(a) Consider Passing Resolution to Approve Amendment #4 to the Joint Exercise of Powers Agreement and Determine Approval is Exempt from the California Environmental Quality Act

Recommended Action: Adopt Resolution

Staff recommends that the Board adopt the enclosed Resolution to Authorize the President to Execute an Amendment No. 4 to the Joint Exercise of Powers Agreement, and to Adopt the CEQA Determination for Such Action.

Detailed Report:

At its September 17, 2020 meeting, the Board of Directors approved Amendment No. 4 to the Joint Exercise of Powers Agreement (JEPA) with the Department of Water Resources (DWR). As explained in more detail in the attached Board Memo for that item, Amendment No. 4 increased the amount of the maximum initial contribution provided by DWR to the DCA from \$33.8 million to \$48.8 million.

After approval of the amendment, DWR and DCA staff determined that the \$48.8 million amount included a clerical error, and the correct amount was \$43.2 million. This item is being brought back to the Board to approve executing the revised JEPA Amendment No. 4, reflecting the corrected amount. As noted in the attached resolution, approval of the Amendment is exempt from CEQA. If approved, the attached resolution would supersede the Board's September 17, 2020 Resolution 20-08.

Action: Resolution Adopted

(b) Fiscal Year 19/20 Closeout Report – Kathryn Mallon, Executive Director

The approved budget for Fiscal Year 2019/2020 was \$82M and included launch of a comprehensive geotechnical exploration program in the Delta, production of up to four Project Engineering Reports to support the DWR Planning process, and other budgetary allocations for program oversight, stakeholder engagement, controls and administrative functions. The planning phase experienced significant delays in release of the Notice of Preparation and unanticipated litigation against the geotechnical program.

A written report was provided in the Board packet.

Recommended Action: Information Only

(c) DCA Planning Phase Update - Kathryn Mallon, Executive Director

Ms. Mallon presented the DCA Planning Phase Update on the following:

1. Update DWR Planning Schedule
2. DCA Key Activities in Planning Period
3. DCA Budget in Planning Period

She stated that the DCA was asked to tighten their belt for this fiscal year and they were able to reduce the budget by \$7M.

A PowerPoint presentation was provided in the Board packet.

Recommended Action: Information Only

(d) October DCA Monthly Report

A detailed written report was provided in the Board packet.

Recommended Action: Information Only

(e) DCA Leadership Spotlight – Nazli Parvizi, Community Engagement Manager

Ms. Parvizi presented her DCA Leadership as the Spotlight for this month's series.

Handout 4.3-F
10/27/20

A PowerPoint presentation was provided in the Board packet.

Recommended Action: Information Only

(f) Stakeholder Engagement Committee Update - Nazli Parvizi, Community Engagement Manager
Meeting Overview: The 12th meeting of the Stakeholder Engagement Committee (SEC) was held via video conference September 23. The meeting video, agenda, presentation and supplemental materials are available for review on the www.dcdca.org website.

A detailed written report was provided in the Board packet.

Recommended Action: Information Only

(g) Stakeholder Engagement Report Out

Barbara Barrigan-Parrilla presented on her experience with the SEC.

Recommended Action: Information Only

8. STAFF REPORTS AND ANNOUNCEMENTS – INFORMATION ONLY

(a) General Counsel's Report – Josh Nelson, General Counsel

The General Counsel continues to assist the DCA on legal matters as requested. Of note, our office assisted with revising and developing the Joint of Exercise Powers Agreement (JEPA) amendment item on the agenda.

A written report was provided in the Board packet.

(b) Treasurer's Report – Katano Kasaine, Treasurer

The beginning cash balance for the Delta Conveyance Design and Construction Joint Powers Authority (Authority) on September 1, 2020, was \$557,606. During September 2020, receipts totaled \$1,044,900 representing contributions from the Department of Water Resources, Delta Conveyance Office for payment of the Authority's obligations. Total disbursements for the month were \$306,817. The ending cash balance on September 30, 2020 was \$1,295,689.

A detailed written report was provided in the Board packet.

(c) DWR Environmental Manager's Report – Carolyn Buckman, DWR Environmental Manager

The Department of Water Resources is progressing through the California Environmental Quality Act process to analyze a single-tunnel solution to modernizing and rehabilitating the State Water Project infrastructure in the Delta.

The U.S. Army Corps of Engineers (USACE) initiated compliance with the National Environmental Policy Act (NEPA) by issuing a Notice of Intent (NOI) to develop an Environmental Impact Statement (EIS). The NOI has started a scoping period for the public to submit comments under NEPA until October 20, 2020.

DWR has released a survey to collect information on how low-income, minority, and other underserved communities rely on resources in the Delta. This information will help assess potential impacts and benefits to these communities. The survey is available in English, Spanish and Chinese at www.YourDeltaYourVoice.org. The survey will be open for a minimum of 8 weeks.

A written report was provided in the Board packet.

PUBLIC COMMENT:

Ms. Osha Meserve, Local Agencies of the North Delta, commented that local agencies are concerned that the alternative analysis on the two intakes in the tunnel is not going to be presented for a full review. She stated that the DCA said it would be different this time around and they were expecting a full review of all project alternatives. However, DWR said the only alternative going forward for a full review is the Bethany Alternative.

(d) Verbal Reports, if any

None.



MEMORANDUM
FC 14 (01-02-07)

TO: Board of Directors

FROM: Capital Improvement
Program Committee

SUBJECT: October 19, 2020 Capital Improvement
Program Meeting Summary

DATE: October 27, 2020

This memorandum summarizes the Capital Improvement Program Committee (Committee) meeting held October 19, 2020, where the following workplan items were discussed:

1. Capital Project Monitoring – Design

The Committee received an update on capital projects in the design phase. Majority of the projects are progressing according to planned schedules and budgets. The Committee identified two issues for staff.

Issue 1. South County Recycled Water Pipeline Project

The project design is nearing 100% complete and ready for advertisement in 2021. The Committee advised staff of the Board's long term concern of continued investments in South County recycled water program. Likely the Board would not approve advertisement until agreements are reached with Morgan Hill/Gilroy on governance issue.

Issue 2. Construction management resources

In addition to FOCP, many of the projects currently under design are ready to be advertised in 2021. The demand on staff resources to manage construction projects needs to be planned out early and comprehensively.

Staff is already on top of the issues identified by the Committee.

2. Review Capital Project Delivery Process.

The Committee received an update on the capital project delivery process which intends to improve Board's engagement on "critical" capital projects, for example, board's feedbacks on selected project alternative.

The Committee supports the proposed improvement and will work with staff to finalize the process for the Board's information.

3. Overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule for Capital Projects, and Review of Fiscal Year 2021-22 Currently Unfunded Projects.

The Committee received an overview of the Annual Capital Improvement Program (CIP) Process and Integrated Financial Planning Schedule. Staff noted there were no new projects added to the CIP and that they would be presenting CIP Funding Scenarios to the Board in January 2021.

4. Receive Information on Upcoming Consultant Agreement Amendments for Capital Projects.

The Committee received an update on proposed amendments to the Consultant Services Agreement with AECOM Technology Services, Inc., for Planning Services for the Stevens Creek Fish Passage Analysis for the Watersheds Habitat Enhancements Project. Staff recommends extending the consultant agreement from its current expiration date of December 31, 2020 to June 30, 2021 to allow the consultant to support preparation of the prioritization memorandum and prepare conceptual designs for remediation of the highest priority sites.

Board member comments and suggestions can be forwarded to Natalie Dominguez, Assistant Deputy Clerk II, by email to ndominguez@valleywater.org.

Thank you.

Nai Hsueh

Director, District 5
Capital Improvement Program Committee Chairperson



Santa Clara Valley Water District

File No.: 20-1016

Agenda Date: 10/27/2020

Item No.: *7.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule for Capital Projects, and Review of the Fiscal Year 2021-22 (FY22) Currently Unfunded Projects.

RECOMMENDATION:

- A. Receive an overview of the Annual Capital Improvement Program Process and Integrated Financial Planning Schedule; and
- B. Review list of Currently Unfunded Capital Projects.

SUMMARY:

The annual update of the 5-year Capital Improvement Program (CIP) includes project plan updates for all existing capital projects and a Validation Process to review and evaluate potential new capital projects for inclusion in the CIP, along with review points for the CIP Committee and decision Points for the Board. A PowerPoint that shows the steps in detail, along with an integrated financial planning schedule, is included in the Annual CIP Process PowerPoint (Attachment 1).

Annual CIP Process Overview:

Each year, Valley Water staff can submit new projects for consideration for inclusion into Valley Water's 5-Year CIP. For each potential new project, staff develops a business case to compare capital, non-capital, and non-asset alternative solutions; evaluates the lifecycle costs of these solutions; and identifies a recommended solution that minimizes lifecycle cost while balancing service levels and risk.

In May through September, staff submits the business case for review by their respective Deputy Operating Officer (DOO) or Deputy Administrative Officer (DAO). If staff's respective DOO/DAO approves the project, it is submitted to the CIP coordinator. Simultaneously, project managers update their existing capital projects to reflect changes to scope, schedule, and budget, which must also be approved by the respective DOO/DAO.

Between September and October each year these newly-proposed, initially validated projects will be presented to the CIP Committee and Board, along with a list of currently unfunded projects, which have been validated during prior years, for review and comment. Staff will address the Board's

feedback/comments when preparing the funding scenarios, which will include considering those unfunded projects for inclusion into the CIP.

In the fall of every year (October-November), an overview of the significant project plan updates from the prior year's adopted CIP are presented to the CIP Committee for information and feedback. During this same time, CIP and Finance staff compile the data from existing CIP project plans, collect the operational forecast information, and run the financial models.

The CIP Evaluation Team (DOOs/DAOs of the divisions initiating, delivering, implementing, and operating capital projects) meets in November of each year to review the financial models and determine which, if any, unfunded projects should be recommended for inclusion in the CIP. To ensure Valley Water's high priority business needs are met in adherence to Board policy, the CIP Evaluation team reviews the projects based upon:

- Board Priorities
- Asset's remaining lifespan
- Available funding
- Urgency of investment

Based upon the outcome of its review, the CIP Evaluation Team provides recommendations to the Chiefs and CEO regarding whether the new proposed capital projects should be included in the upcoming Preliminary 5-year CIP or remain on the unfunded list. These funding scenarios will be presented to the CIP Committee for review and feedback in November.

Each winter (December- January), CIP and Finance staff update the funding scenarios to include staff and CIP Committee recommendations, which will be presented to the full Board during a Funding Scenario Workshop in January, as deemed necessary. If a workshop is deemed necessary, the Board's direction from the workshop will be incorporated into the Preliminary CIP and presented to the Board at a subsequent meeting in January. Funding decisions will be made by the Board through its approval of the Preliminary CIP.

The full CIP Financial Planning Schedule is included in Attachment 1.

No new projects have been approved through the above referenced Validation Process for incorporation into the FY22-26 CIP.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: PowerPoint

*Handout 7.1-A: Revised PowerPoint

UNCLASSIFIED MANAGER:

Melanie Richardson, 408-630-2035

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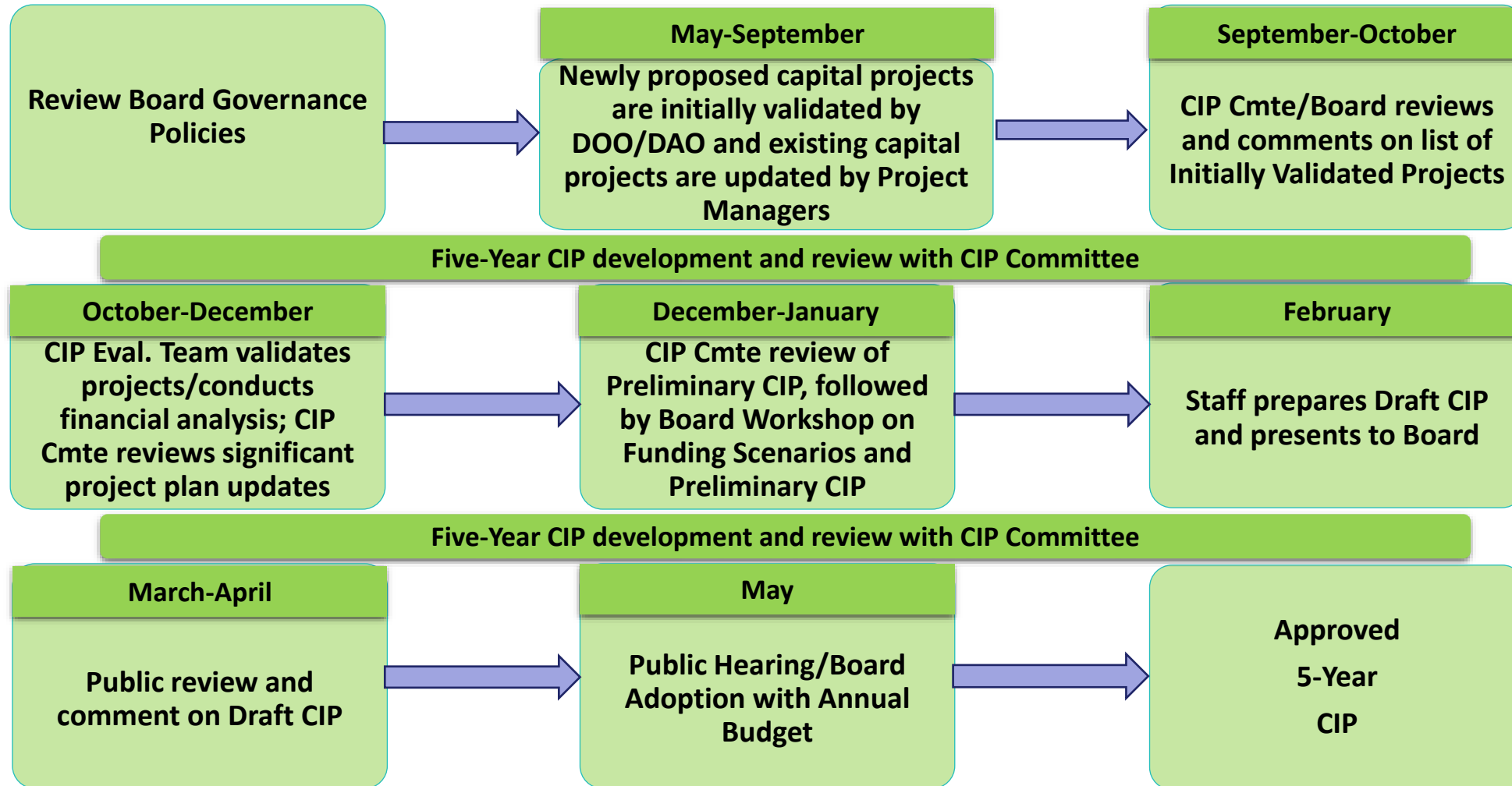
Valley Water

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Capital Improvement Program (CIP) Annual Validation Process Overview

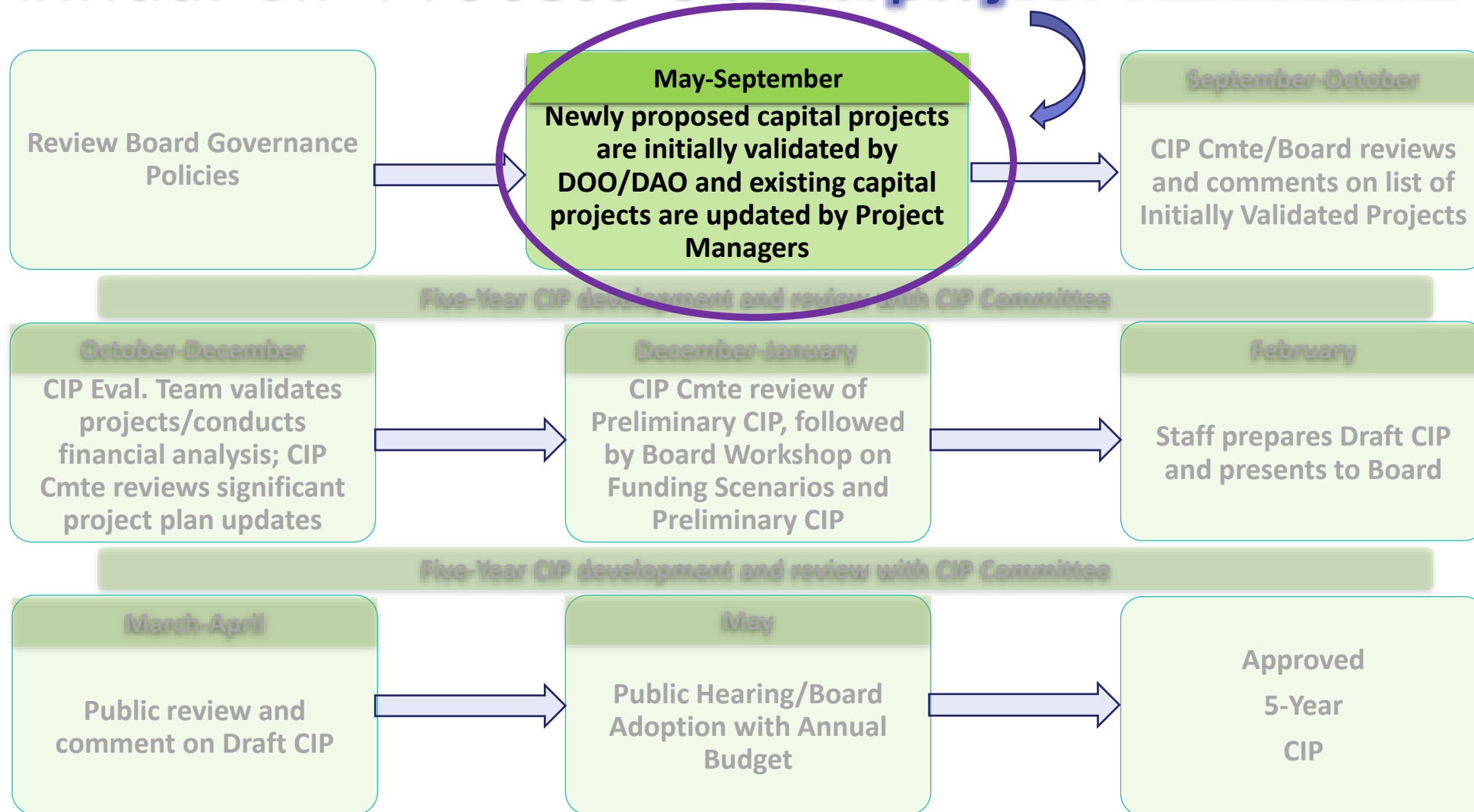
Annual CIP Process Overview

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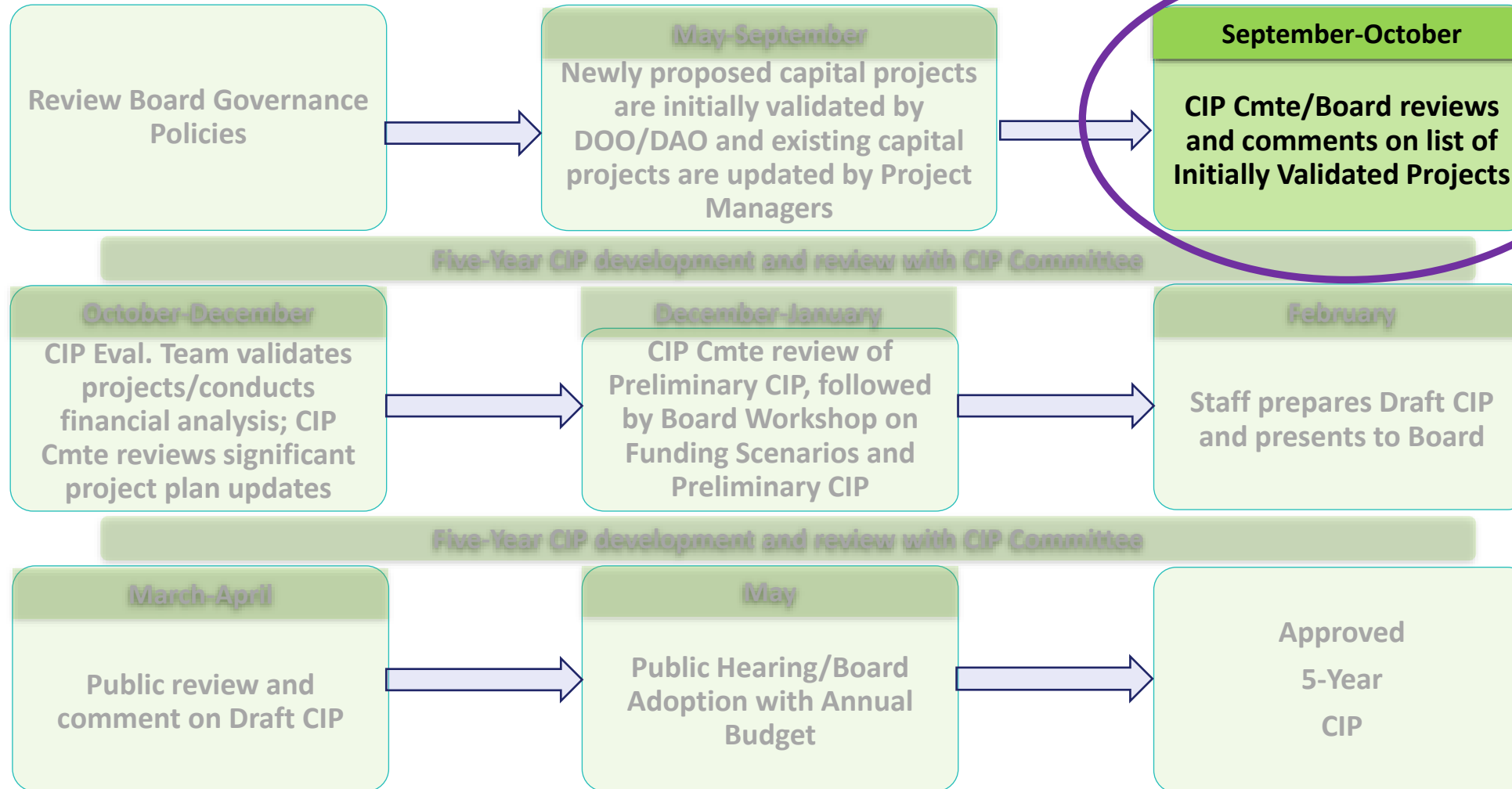
Annual CIP Process Overview Initial project Validation...

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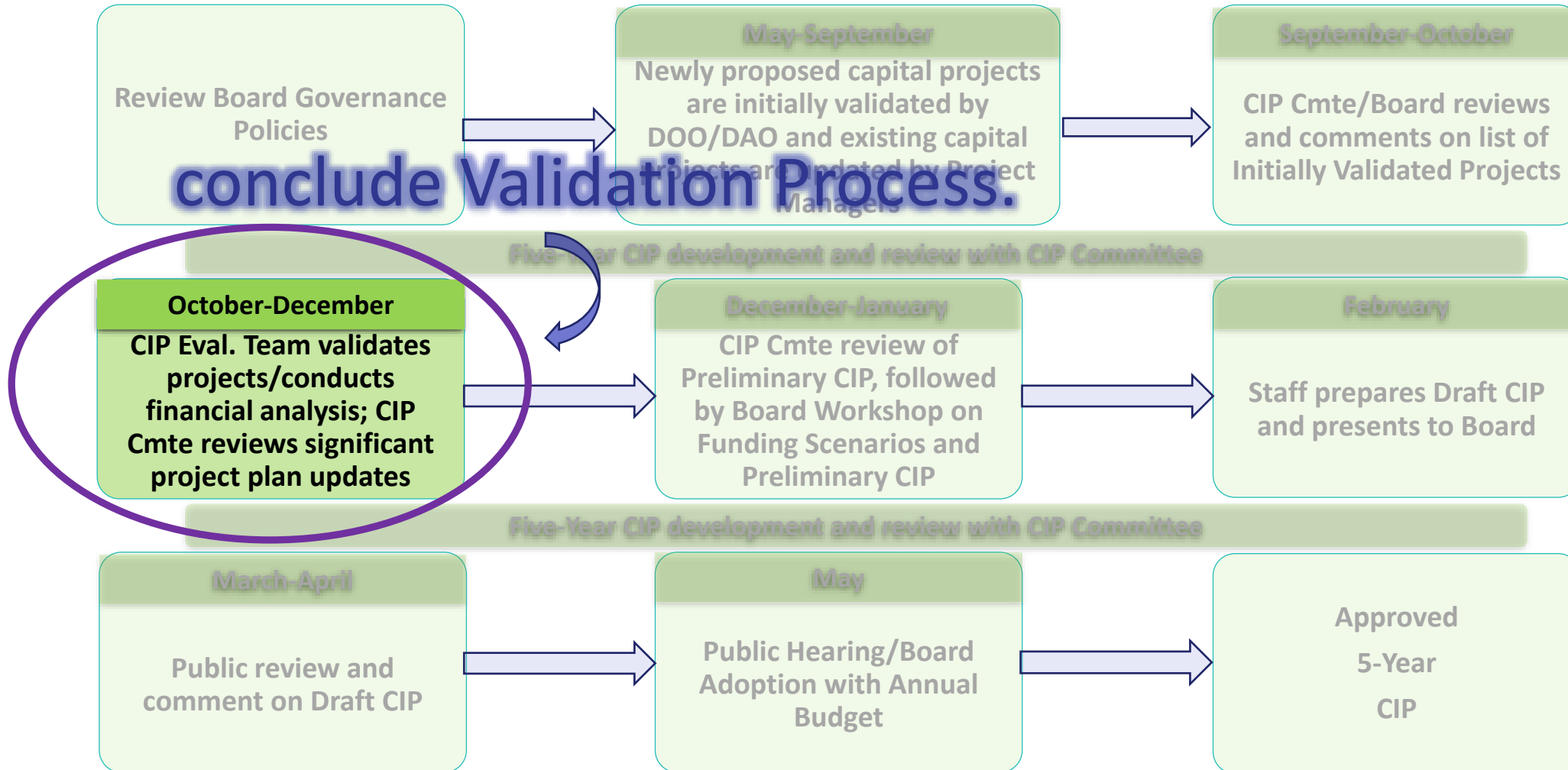
Annual CIP Process Overview

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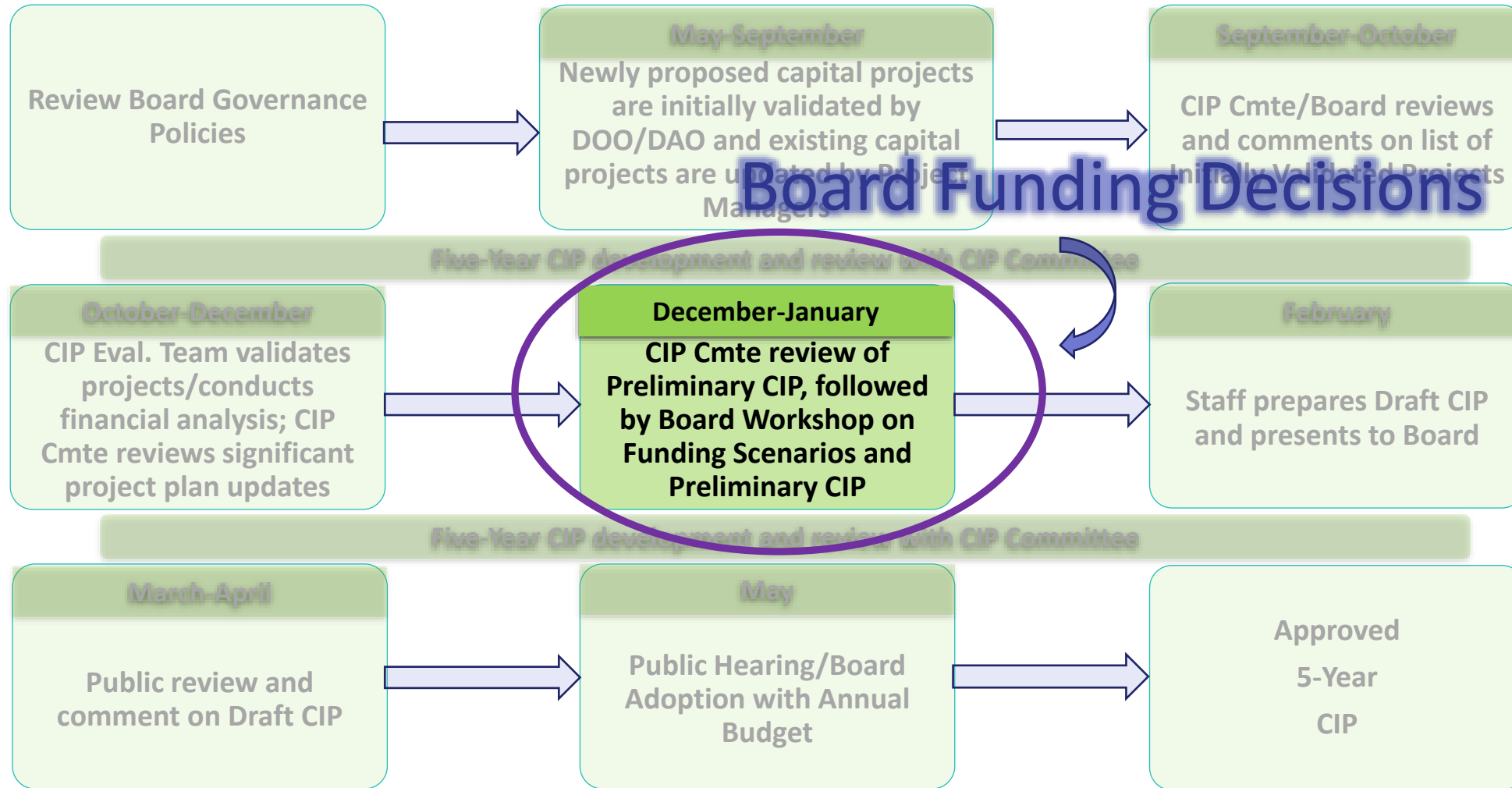
Annual CIP Process Overview

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Annual CIP Process Overview


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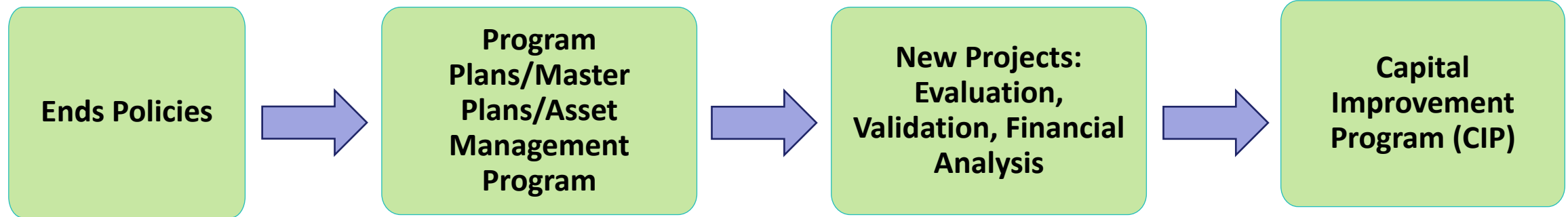
Integrated Financial Planning Schedule

Budget
Water Rates
CIP

SCW/WS O&M
All Other/Combined

Ref	CIP Cmte Date	Brd Mtg Date	Milestone
1	10/19/20		Review Capital Project Delivery Process for capital projects with unusually complex fiscal, jurisdictional, environmental, or community considerations Overview of Annual CIP Process and Integrated Financial Planning Schedule, and Review list of Newly Validated, Unfunded Capital Projects
2		10/27/20	Overview of Annual CIP Process and Integrated Financial Planning Schedule, and Review list of Newly Validated, Unfunded Capital Projects
3	11/9/10		CIP Committee Presentation on Significant Project Plan Updates
4		11/24/20	Water Rate Planning Board Discussion
5		12/8/20	Budget Process Planning Overview
6	12/14		CIP Committee Presentation: Preliminary CIP funding discussion w/ financial modeling & major changes vs FY 21 CIP and discuss need for Board Workshop prior to presentation of Prelim CIP
7		1/4-1/8/21	TENTATIVE Special Brd Mtg: Workshop on CIP Funding Scenarios based upon significant changes to prior CIP (Review scenarios and CIP Committee Recommendations)
8		1/12/21	Proposed: E. Baker to present 5-Year WS and WU O&M Plans to Brd (for information only) Watersheds prelim 10 year financial analysis BAM (show prelim WSS and SCW fund graphs and discuss funding issues) Prelim Water Rate Analysis BAM (Prelim water rate scenarios) Prelim CIP BAM (Approve Project List and Prelim CIP)
			} Combined Presentation like prior year
9		2/9/21	1st pass budget update BAM
10		2/23/21	Draft CIP BAM (Authorize to distribute for public review)
11		3/23/21	2nd pass budget update BAM
12		4/13/21	GW charge public hearings begin
13		4/13/21	CIP Public hearing begin (or this could happen on 4/27)
14		4/15/21	GW charge public hearing in South County (Gilroy)
15		4/27/21	GW charge public hearings close
16		4/28/21	Budget Workstudy session
17		5/11/21	Board adoption of Water Rates, CIP, Budget, Investment and Debt Resolutions (w/Final CIP and Budget Reports completed by 6/30/2021)
18		6/30/21	FY22 rate notifications: website and mailers (retailers and all customers)

Drivers for New Capital Projects:



FY22 Initially Validated and Currently Unfunded Projects

10

Project Name	Total Project Value (in millions)	Remaining Cost (in millions) (FY21 to Completion)	Phase
FY22 Initially Validated Projects			
N/A	N/A	N/A	N/A
Currently Unfunded Projects			
Dam Seismic Retrofit at 2 Dams (Chesbro & Uvas)	\$89,500	\$89,500	N/A
Long-Term Purified Water Program Elements	\$207,152	\$207,152	N/A
So. County Recycled Water New Storage Tank	\$7,000	\$7,000	N/A
Alamitos Diversion Dam Improvements	\$3,183	\$2,345	N/A
Coyote Diversion Dam Improvements	\$2,461	\$2,138	N/A
RWTP Ammonia Storage and Metering Facility Upgrade	\$5,851	\$5,851	N/A
Fleet and Facility Annex Improvements	\$4,719	\$4,719	N/A
Total	\$319,866	\$318,705	N/A



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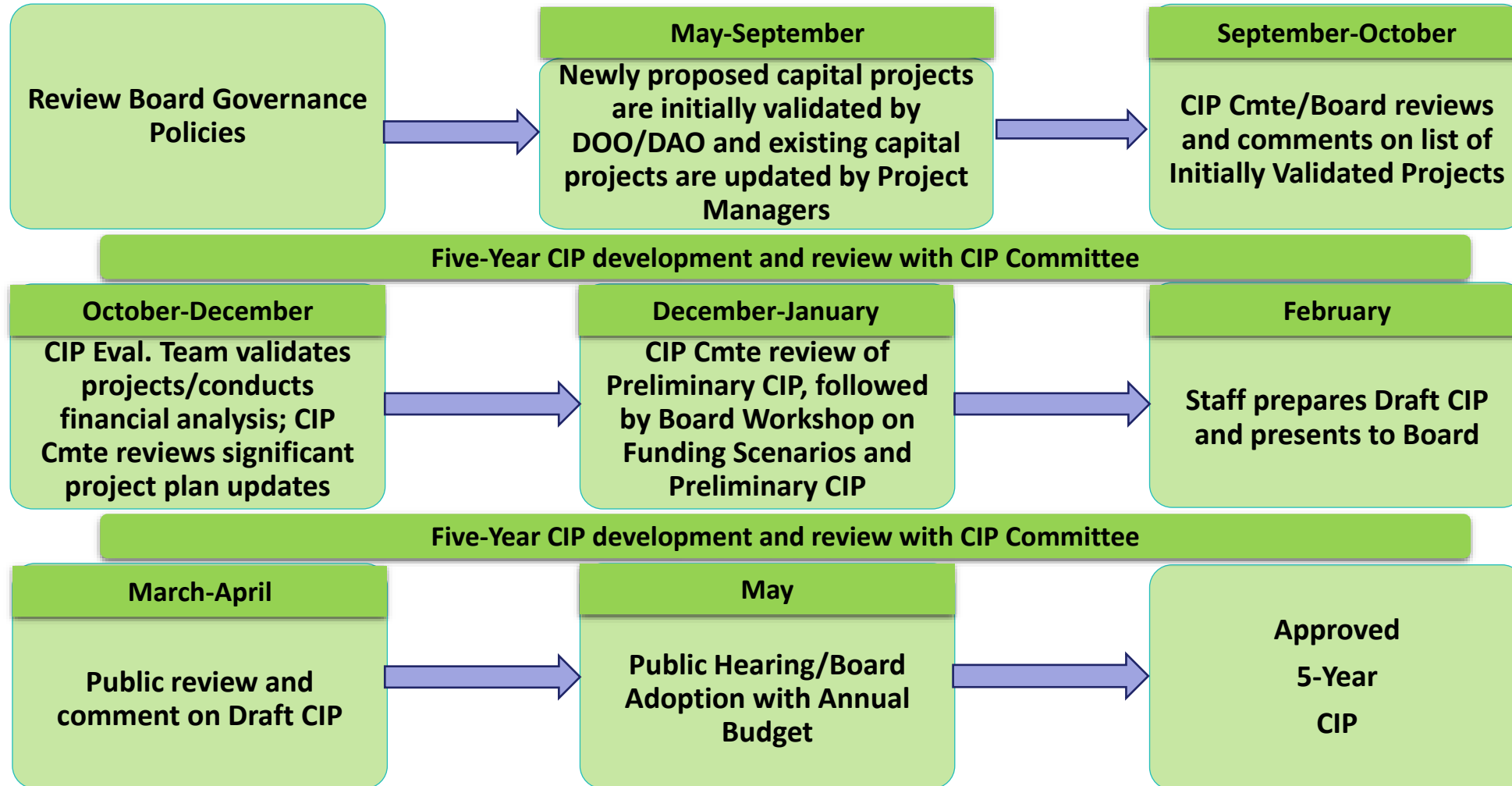
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Capital Improvement Program (CIP) Annual Process Overview

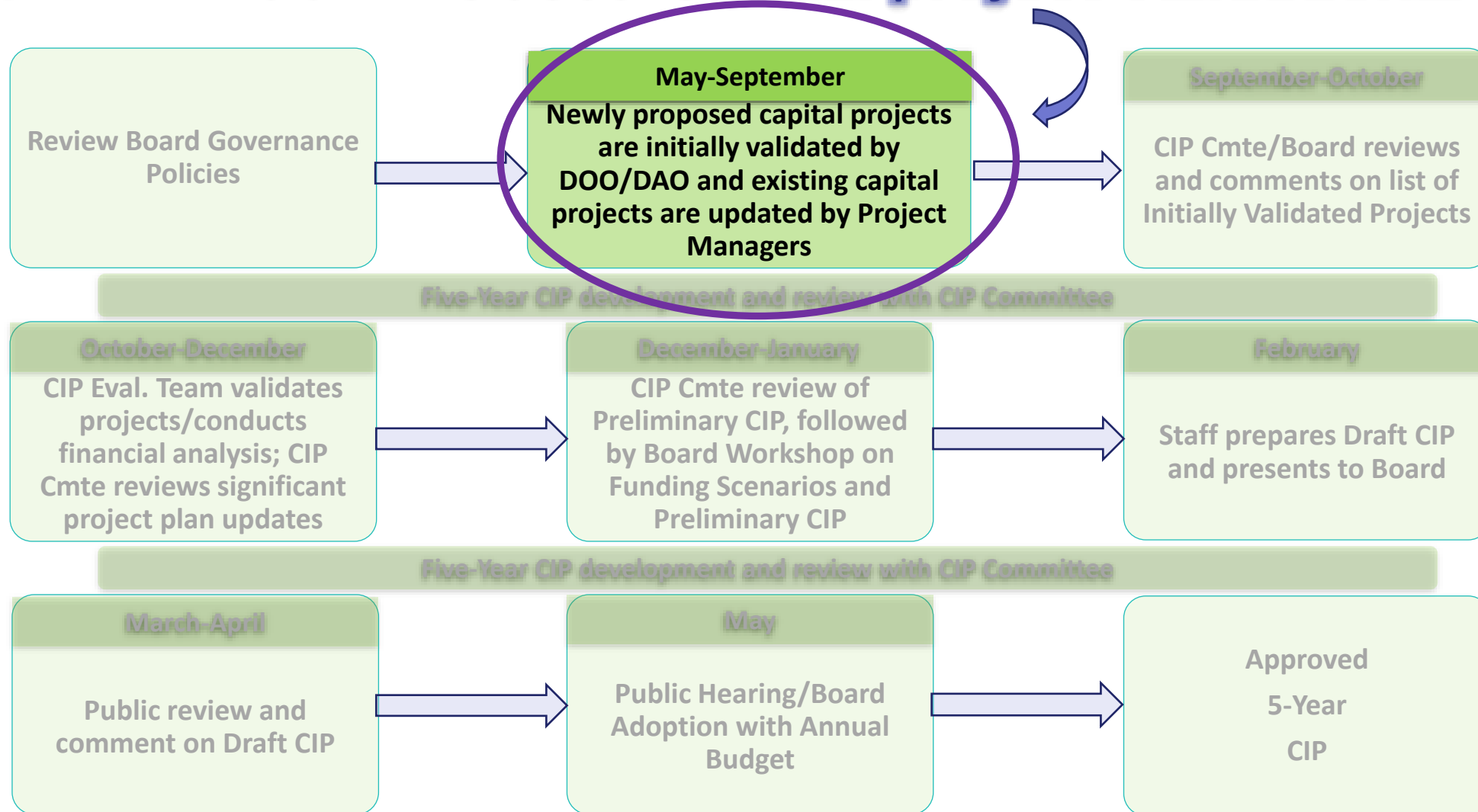
CIP Annual Process Overview

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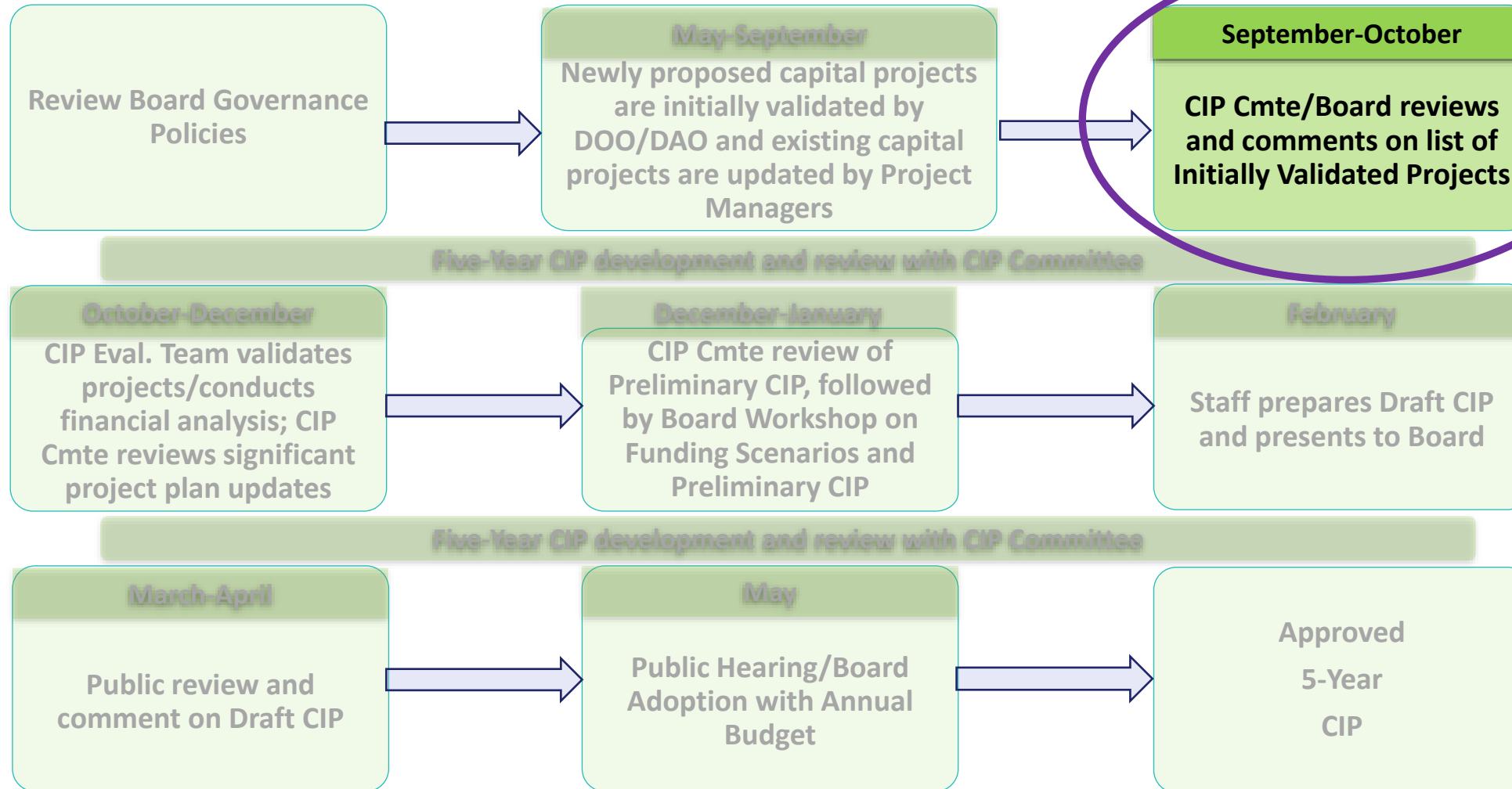
CIP Annual Process Overview Initial project Validation...

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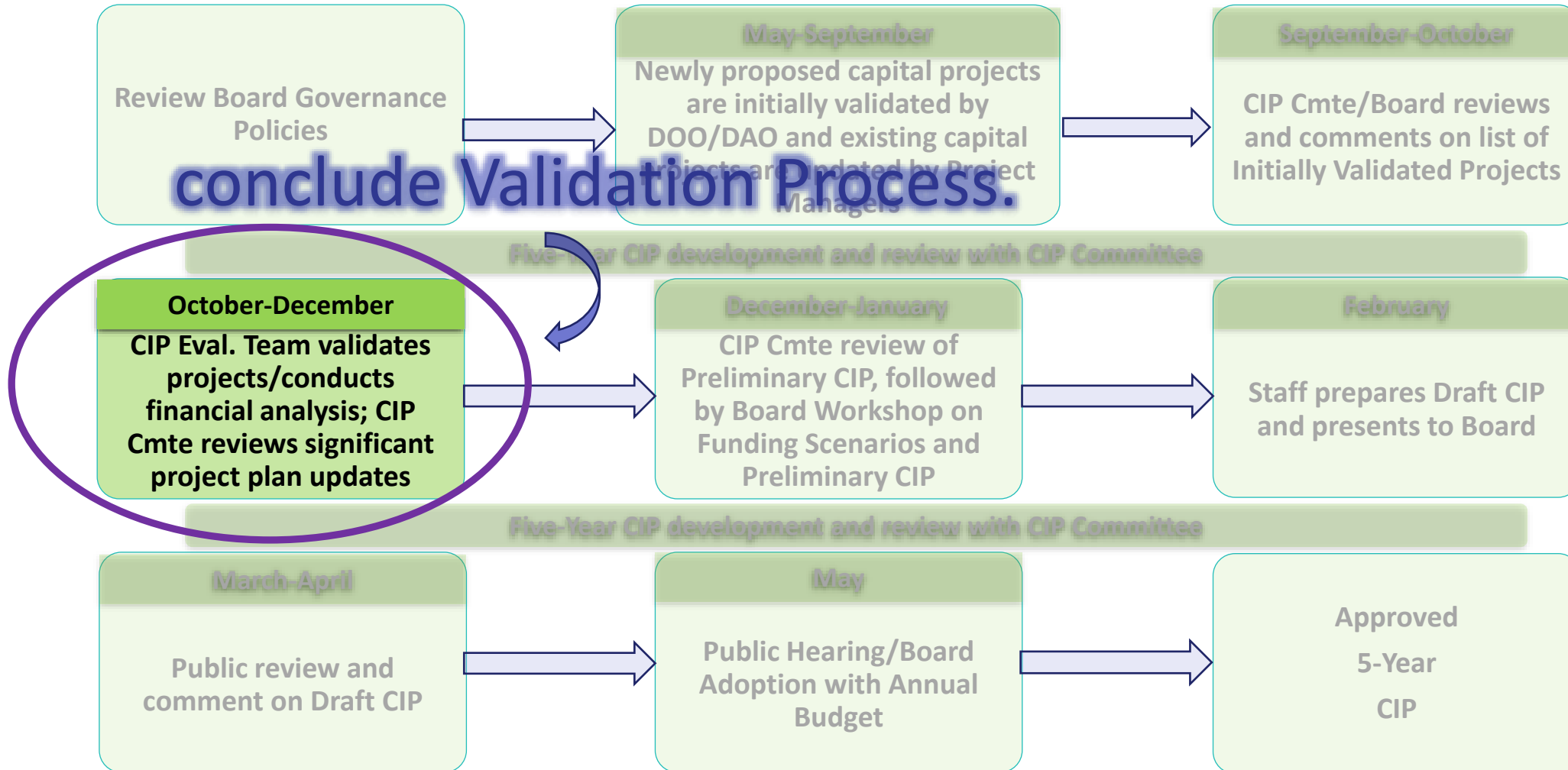
CIP Annual Process Overview

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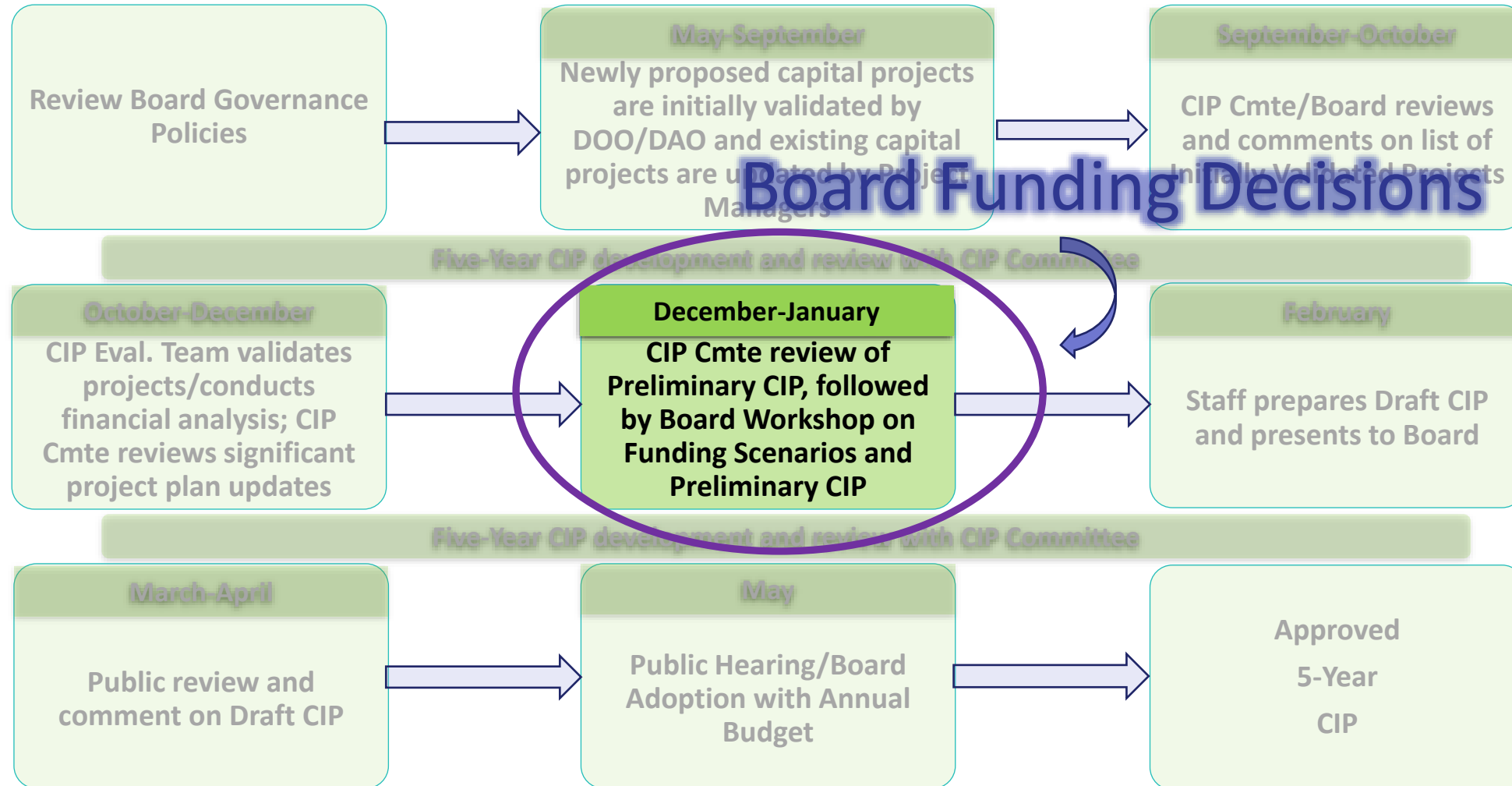
CIP Annual Process Overview

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CIP Annual Process Overview

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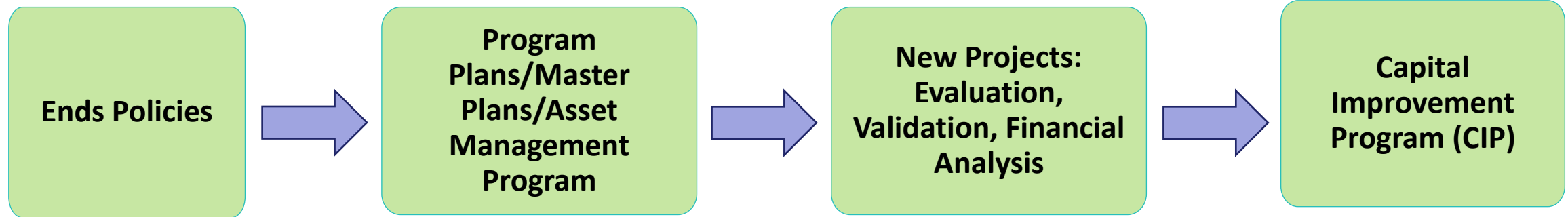


Integrated Financial Planning Schedule

HANDOUT 7.1-A
10/27/2020

Ref	CIP Cmte Date	Brd Mtg Date	Milestone	
1	10/19/20		Review Capital Project Delivery Process for capital projects with unusually complex fiscal, jurisdictional, environmental, or community considerations Overview of Annual CIP Process and Integrated Financial Planning Schedule, and Review list of Unfunded Capital Projects	Budget Water Rates CIP
2		10/27/20	Overview of Annual CIP Process and Integrated Financial Planning Schedule, and Review list of Unfunded Capital Projects	SCW/WS O&M All Other/Combined
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8		1/12/21	Proposed: E. Baker to present 5-Year WS and WU O&M Plans to Brd (for information only) Watersheds prelim 10 year financial analysis (show prelim WSS and SCW fund graphs and discuss funding issues) Prelim Water Rate Analysis (Prelim water rate scenarios) Prelim CIP (Approve Project List and Prelim CIP)	Combined Presentation like prior year
8		2/9/21	1st pass budget update	
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Drivers for New Capital Projects:



FY22 Initially Validated and Currently Unfunded Projects

Project Name	Total Project Value (in thousands)	Remaining Cost (in thousands) (FY21 to Completion)	Phase
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RWTP Ammonia Storage and Metering Facility Upgrade	\$5,851	\$5,851	N/A
Fleet and Facility Annex Improvements	\$4,719	\$4,719	N/A
Total	\$319,866	\$318,705	N/A



Valley Water

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Santa Clara Valley Water District

File No.: 20-0734

Agenda Date: 10/27/2020

Item No.: 8.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Recommended 2021 Legislative Policy Proposals and Legislative Guiding Principles.

RECOMMENDATION:

Approve Recommended 2021 Legislative Policy Proposals and Legislative Guiding Principles for the first year of the two-year legislative session in the Legislature, and the first year of the two-year session in the 117th Congress; and for local and regional legislative efforts.

SUMMARY:

Annually, the Board reviews and adopts legislative policy proposals and legislative guiding principles that form the framework for advocacy efforts at the local, regional, state, and federal levels. Based on these Board-adopted policy proposals and guiding principles, the Office of Government Relations (OGR) develops strategies to achieve the outcomes outlined in the proposals. These strategies may include advancing Valley Water's interests through legislative, administrative, or regulatory means. OGR uses the guiding principles as the foundation that drives Valley Water efforts in influencing the outcome of numerous legislative and budgetary items that affect Valley Water or its interests.

Process for Development of Legislative Proposals and Priorities and Guiding Principles

OGR solicited legislative proposals and guiding principles from Valley Water staff and the Leadership Team through an interview process in June and July 2020. OGR reviewed the submissions and conducted a planning meeting on September 10, 2020, with the Management Leadership Team and staff who submitted proposals, to review and make recommendations on the submitted proposals as well as the existing proposals and principles. Following the planning session, the recommendations were presented to the Chiefs on September 25, 2020, for discussion, review, and direction. The final recommendations are hereby presented to the Board of Directors for review and approval.

The recommendations are included in summary below and in detail in **Attachment 1**.

2021 LEGISLATIVE PROPOSALS AND PRIORITIES

While OGR received several proposals through the annual policy proposal development process, staff determined that no new proposal rose to the level of state or federal sponsored legislation that could proceed in the current legislative and political environment. However, due to the recent veto of the Board's sponsored state bill, AB 3005, (Rivas), staff is recommending the Board approve new

sponsored legislation to authorize best value contracting for the Anderson Dam Seismic Retrofit Project, and carry over 13 proposals from 2020 into 2021, listed below.

New State Proposal

1. Authorize Best Value Contracting to Ensure Expert Construction of the Anderson Dam Seismic Retrofit Project

Local, State, and Federal Proposals and Priorities to Be Carried Over

1. Seek Permit and Fee Exemptions from Local Jurisdictions to Remove Hazardous Trees from Valley Water Property (Local)
2. Extended Delays in Issuing Permits: Agencies Have Not Been Able to Issue permits in a Timely Fashion Due to Understaffing and Other Staffing Issues (State/Federal)
3. Better Coordination of Mitigation Requirements Among Regulatory Agencies is Needed (State/Federal)
4. Create a Balanced Approach to Watershed-Based Regulatory Permitting and Financing for Public Agencies (State/Federal)
5. Public Entities Need Flexibility in Financial Assurance Mechanisms for Long-Term Management of Compensatory Mitigation Sites (State/Federal)
6. Streamline Water Rights Change Petition Process (State)
7. Recycled Water Indirect/Direct Potable Use Proposal (State/Federal)
8. Funding the Upper Llagas Creek Flood Protection Project through the Water Resources Development Act or Other Appropriations (Federal)
9. U.S. Army Corps of Engineers Levee Vegetation Policy (Federal)
10. U.S. Army Corps of Engineers Section 104/221 Authority (Federal)
11. Dam Evaluation, Rehabilitation, and Repair Legislation (Federal)
12. Improved Water Efficiency Labeling Program (Federal)
13. Pursue a Lower Class Level Under the National Flood Insurance Program's Community Rating System (Federal)

Of the 2020 proposals, there are two proposals being recommended for deletion.

1. Allow Mitigation Credit for Homeless Encampment Cleanup (State)

Staff recommends deleting this proposal as this issue was successfully addressed in the most recent Stream Maintenance Permit.

2. Expedite U.S. Fish and Wildlife Service Permit Processing (Federal)

Staff recommends deleting this proposal as the U.S. Fish and Wildlife Service (Service) is not currently presenting any issues related to timely permitting of our projects. The Watersheds Division has made some changes in its reporting and has worked with the U.S. Army Corps of Engineers to refine its consultation process with the Service.

2021 LEGISLATIVE GUIDING PRINCIPLES

There are six new guiding principles being recommended.

1. Support funding for the characterization, monitoring, and treatment of per- and polyfluoroalkyl substances (PFAS). Where a source of contamination can easily be identified, support the “polluter pays” principle.
2. Support the financing of recycled water facilities through tax-exempt bonds issued directly by a public agency, or on behalf of a public agency-approved public-private partnership, that may own, operate, and/or finance the facilities.
3. Support funding for Valley Water projects and operations during declared local, state, or national emergencies.
4. Support changes to federal law that would allow Valley Water to pay out the entirety of an employee’s accrued vacation.
5. Remove barriers to attracting, recruiting, and retaining a diverse workforce that reflects the community that Valley Water represents.
6. Support legislation, regulations, and policy initiatives that promote a well-trained and fairly compensated workforce.

There are eight modifications being recommended to the 2020 guiding principles.

1. ~~Support~~ ~~Oppose~~ measures that ~~reduce~~ increase or sustain the reliability or quality of Valley Water’s imported water supplies.
2. Support efforts to aggressively protect water quality from contamination in watersheds and the quality of our groundwater basin ~~basins~~ ~~from contaminants~~.

3. Support funding and partnerships to ensure sustainable long-term water supplies, including recycled water and groundwater storage projects.
4. Support legislation, bond measures, or appropriations that fund or could fund efforts in Valley Water's interests, including ~~Valley Water~~ infrastructure projects.
5. Support legislative efforts that ~~better integrate~~ improve integration of water agencies ~~resources~~ in the land use and decision-making processes.
6. Support timely and more appropriate permitting of capital and operations and maintenance (O&M) projects. ~~in order to provide or maintain capacity within river and stream systems.~~
7. Support legislation and funding that facilitates the cleanup of unlawful encampments and reduces or prevents homelessness.
8. ~~Oppose efforts to eliminate~~ Remove barriers to local agencies' ability to issue tax-exempt bonds and Certificates and Participation.

There are 79 guiding principles recommended to carry forward into 2021, which are listed in Attachment 1 beginning on page 19.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: Legislative Policy Proposals/Guiding Principles

UNCLASSIFIED MANAGER:

Don Rocha, 408-630-2338

Recommended 2021 Legislative Policy Proposals and Priorities

Local Policy Proposals and Priorities

(Note: New Proposals are Underlined; Deleted Proposals are ~~Stricken Through~~)

REGULATORY ISSUES

1. Seek Permit and Fee Exemptions from Local Jurisdictions to Remove Hazardous Trees from Valley Water Property

Summary of Legislative and Regulatory Needs:

Ten local jurisdictions currently require Valley Water to obtain permits and pay fees to remove hazardous trees on Valley Water property. Five jurisdictions, including the County and the City of San José exempt Valley Water from the requirement. Because Valley Water complies with CEQA; provides mitigation, as necessary; and notifies neighbors of the tree removal, complying with local permitting requirements is redundant and adds time and costs to the removal of trees declared a hazard.

Valley Water's Approach to Address Legislative and Regulatory Needs:

Pursue exemptions from the remaining jurisdictions.

Recommended 2021 Legislative Policy Proposals and Priorities

State Policy Proposals and Priorities

(Note: New Proposals are Underlined)

~~SUPPORT TIMELY PERMITTING AND DELIVERY OF CAPITAL PROJECTS~~

~~1. Expedited Permitting and Best Value Contracting for the Anderson Dam Seismic Retrofit Project~~

~~Summary of Administrative Needs:~~

~~A one-year permitting delay of a large public infrastructure project like Anderson Dam can cost tens of millions of dollars in scarce public funding. The Federal Energy Regulatory Commission's independent Board of Consultants recommends "best value" procurement for the Anderson Dam project due to its complex design, delivery, and installation. Timely completion of the Anderson Dam Seismic Retrofit Project will reduce the risks to public safety and the California economy stemming from the flood control and seismic deficiencies of the existing dam.~~

~~Valley Water's Approach to Address Administrative Needs:~~

~~Seek introduction and passage of a bill providing expedited treatment of Anderson Dam permits and state authorization to use "best value" procurement, based on the public safety and economic risks of having a seismically restricted dam located above one of the state's most populous and economically significant regions.~~

~~WATERWAY AND ECOSYSTEM PROTECTION~~

~~2. Allow Mitigation Credit for Homeless Encampment Cleanup~~

~~Summary of Administrative Needs:~~

~~This proposal would create a system for a public entity such as Valley Water to receive mitigation credit for our efforts to clean up homeless encampments along Valley Water waterways to protect water quality.~~

~~Valley Water's Approach to Address Administrative Needs:~~

~~Securing mitigation credit for homeless encampment cleanup may be accomplished through a rulemaking or regulatory approach. Consequently, staff recommends meeting with State and Regional Water Boards to discuss the proposal and determine if adoption of a regulation or statutory authorization is needed, or if the state agency may implement by administrative fiat.~~

Recommended 2021 Legislative Policy Proposals and Priorities

SUPPORT EXPERT CONSTRUCTION OF CAPITAL PROJECTS

1. Authorize Best Value Contracting for the Anderson Dam Seismic Retrofit Project

Summary of Administrative Needs:

The Federal Energy Regulatory Commission's independent Board of Consultants recommends "best value" procurement for the Anderson Dam project due to its complex design, delivery, and installation. The expert construction of the Anderson Dam Seismic Retrofit Project will reduce the risks to public safety and the California economy stemming from the flood protection and seismic deficiencies of the existing dam.

Valley Water's Approach to Address Administrative Needs:

Seek introduction and passage of a state bill providing authorization to use "best value" procurement, based on the public safety and economic risks of having a seismically restricted dam located above one of the state's most populous and economically significant regions.

REGULATORY ISSUES

2. Extended Delays in Issuing Permits: Agencies Have Not Been Able to Issue Permits in a Timely Fashion due to Understaffing and Other Staffing Issues

Summary of Administrative Needs:

Regulatory agencies appear to lack adequate staff to process permits in a timely and predictable manner. Engaging staff from agencies early in a project is increasingly difficult due to the lack of staff resources. Streamlining of state and federal permits is essential to getting local agency projects out in a timely and cost-effective manner.

Valley Water's Approach to Address Administrative Needs:

Request and support adequate funding for regulatory agencies and collaborate with regulatory agencies at all levels to address issues and improve the overall permit process leading to public infrastructure projects not being delayed. Where feasible, support standardizing regulatory agency internal processes and procedures to optimize the permitting application process.

3. Better Coordination of Mitigation Requirements Among Regulatory Agencies is Needed

Summary of Administrative Needs:

Complying with multiple and often conflicting mitigation requirements of state and federal agencies has become increasingly common, often driving up the price tag on projects and delaying projects which often are responsible for the protection of the health and safety of the community. It has become increasingly difficult to comply with

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conflicting regulations that govern day-to-day operations and the building of infrastructure projects.

Federal compensatory mitigation for impacts to wetlands and Waters of the United States should comply with the hierarchy established by the Mitigation Rule (Compensatory Mitigation for Losses of Aquatic Resources; Final Rule [33 CFR parts 325 and 332] and Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for the U.S. Army Corps of Engineers South Pacific Division) which stipulates in descending order of preference 1) mitigation banks, 2) in-lieu fee programs, and 3) permittee-responsible mitigation in consideration of a watershed approach.

The best mitigation option for Valley Water may be the establishment of an in-lieu fee program. However, state and federal agencies have not been supportive of in-lieu fee programs despite their priority level in the Federal Mitigation Rule and their strong recommendation that in-lieu fee is an effective and useful approach to satisfy compensatory mitigation requirements.

Valley Water's Approach to Address Administrative Needs:

A forum or process should be created which allows for agencies to understand the requirements being placed on permittees, which will decrease the conflicts which are often present. Federal and state agencies should agree to and accept the same mitigation for the same project impacts to reduce the financial burden on Valley Water. This will allow for more efficient permitting and responsible spending of public funds. In-lieu fee programs should be an allowable mitigation option for Valley Water.

4. Create a Balanced Approach to Watershed-Based Regulatory Permitting and Financing for Public Agencies

Summary of Legislative, Regulatory, and Administrative Needs:

Valley Water wants to ensure that it can work effectively and efficiently with regulatory agencies to ensure that permits are obtained in a timely and predictable manner and that our financial resources are appropriately utilized.

To that end, in situations where it can be determined that routine maintenance would not cause additional environmental impacts than which were originally mitigated for, there should not be a need for permitting the maintenance. Removing this permitting requirement would both simplify the process and expedite the overall timeline for conducting routine maintenance.

Furthermore, environmental restoration projects, by their very nature, are intended to protect, restore, and enhance the environment, and should be exempt from mitigation.

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Valley Water's Approach to Address Legislative, Regulatory, and Administrative Needs:

Seek legislative, regulatory, and administrative paths in conjunction with interested stakeholder groups to: 1) pursue efforts that will allow for public agencies, which are performing routine maintenance, to bring flood protection projects back to their original capacity to be exempt from needing to obtain a permit, as long as the maintenance would not cause any additional environment impacts which were not originally mitigated; 2) pursue efforts that will allow for true environmental restoration projects to be exempt from requiring mitigation, and 3) pursue efforts which will provide agencies alternatives and exemptions to endowments if the agency has adopted the local or regional watershed management plan.

5. Public Entities Need Flexibility in Financial Assurance Mechanisms for Long-Term Management of Compensatory Mitigation Sites

Summary of Legislative and Administrative Needs:

Permitting agencies are requiring financial assurances for long-term management of compensatory mitigation sites as a condition of permit issuance. Federal and state agencies have recently been insistent that endowments are the only avenue to ensure the long-term sustainability of a compensatory mitigation site.

The U.S. Army Corps of Engineers (USACE), through its district engineer, determines the compensatory mitigation for a specific project. As part of this compensatory mitigation, the district engineer requires financial assurances for the completion of the mitigation project, as well as financing mechanisms for the long-term management of the mitigation property.

Financing of long-term sustainability of a mitigation project after its completed, PP 19649 Final Rule, Supplemental Information re 33 CFR 332.7 (USACE) and 40 CFR 230.97 Management (d) (U.S. Environmental Protection Agency) states "In cases where compensatory mitigation project sites are owned by public entities, it may not be necessary to include provisions for the financing of any required long-term management if, for example, a formal, documented commitment from a government agency is provided (i.e., stewardship commitment). For public agencies identifying adequate financing at the time of permit issuance may be problematic since agency funding can vary from year-to-year with budget cycles, thus underscoring the need for a formal, documented commitment.

The State Government Codes 65966 (b) and 65967 (a) & (b) indicate there is flexibility in methods of funding for the long-term stewardship of mitigation property, and that an endowment is not the only option.

Valley Water's Approach to Address Legislative and Administrative Needs:

Valley Water seeks to engage with applicable state and federal agency senior officials to ensure flexibility in long-term financial assurances is available to public entities

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including exemption from endowments, and to clarify changes in agency policy if necessary.

WATER SUPPLY

6. Streamline the Water Rights Change Petition Process for Valley Water Projects

Summary of Administrative Needs:

According to the State Water Resources Control Board (State Water Board) Water Rights Petitions Program webpage, the water rights change petition process takes five to seven years to complete, and if there are significant protests filed, the process can take even longer. While these issues are complex, the time to obtain water rights permits could be reduced if the State Water Board allocated more staff the Water Rights Petitions Program. ~~The Pacheco Reservoir Expansion Project~~ The implementation of the Fish and Aquatic Habitat Collaborative Effort (FAHCE) settlement agreement and the Anderson Dam Seismic Retrofit Project both require the petitioning of the State Water Board to change existing water rights and could be delayed by a backlog of water rights change petitions.

Valley Water's Approach to Address Administrative Needs:

~~A. Collaborate with other water agencies in efforts to establish a separate track for water rights change petitions for Proposition 1 Water Storage Investment Program-approved projects, including the Pacheco Reservoir Expansion Project.~~

Seek a contractual agreement with the State Water Board through which Valley Water would pay for additional State Water Board staff to work on Valley Water petitions, including the Anderson Dam Seismic Retrofit Project, FAHCE, and other projects as needed.

7. Recycled Water Indirect/Direct Potable Use Proposal

Summary of Legislative and Regulatory Needs:

To ensure an adequate and reliable supply of high quality water, Valley Water has partnered with cities and water retailers in the county to develop recycled water supplies. Recycled water use is expected to expand in the coming years. In 2014, Valley Water completed the Silicon Valley Advanced Water Purification Center, an advanced water treatment facility that produces up to eight million gallons per day of highly purified recycled water that is blended into existing recycled water supplies, thereby improving overall recycled water quality so that the water can be used for a wider variety of irrigation and industrial purposes. Longer term, Valley Water is investigating using highly purified recycled water for replenishment of groundwater basins, similar to the successful groundwater replenishment system operated by the Orange County Water District, and potentially direct potable reuse.

Valley Water has been involved in the development of indirect potable reuse in Silicon Valley and in direct potable reuse research. In 2010 and 2013, the California State

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Legislature mandated that the state Department of Public Health (now Division of Drinking Water), in consultation with the State Water Resources Control Board (State Water Board), report on the feasibility of developing uniform water recycling criteria for direct potable reuse by December 31, 2016. The State Water Board released its draft report in September 2016, which suggested that direct potable reuse is feasible but requires additional research. In 2017, AB 574 (Quirk) was signed into law requiring the State Water Board to establish a framework for regulating direct potable reuse by June 1, 2018, and established a deadline for the development of Raw Water Augmentation regulations of 2023. The first draft of the framework was released in April 2018, followed by a second edition in August 2019. The framework was completed in 2019, and the studies identified as required to complete the Raw Water Augmentation regulations are currently underway.

Valley Water's Approach to Address Legislative and Regulatory Needs:

Continue to facilitate the creation of coalitions and efforts to support adequately funding recycled and purified water, and other programs that will allow full integration of stormwater, groundwater recharge, flood water, gray water, and indirect and direct potable reuse. Continue to work with the state and other stakeholders to further the development of regulations for direct potable reuse.

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Federal Policy Proposals and Priorities

(Note: New Proposals are Underlined; Deleted Proposals are ~~Stricken Through~~)

REGULATORY ISSUES

~~8. Expedite U.S. Fish and Wildlife Service (USFWS) Permit Processing~~

~~Summary of Legislative, Regulatory, and Administrative Needs:~~

~~USFWS lacks adequate staff to process permits in a timely and predictable manner. Often permit applications are placed into a queue, and processing of multiple permit requests from a single entity does not appear to be handled concurrently. A solution to this would be to implement a requirement that if the USFWS does not take action within 60 days on a permit, it is deemed approved automatically.~~

~~Valley Water's Approach to Address Legislative, Regulatory, and Administrative Needs:~~

~~Seek legislative, regulatory, and administrative paths toward this outcome.~~

8. Extended Delays in Issuing Permits: Agencies Have Not Been Able to Issue Permits in a Timely Fashion Due to Understaffing and Other Staffing Issues

Summary of Administrative Needs:

Regulatory agencies appear to lack adequate staff to process permits in a timely and predictable manner. Engaging staff from agencies early in a project is increasingly difficult due to the lack of staff resources. Streamlining of state and federal permits is essential to getting local agency projects out in a timely and cost-effective manner.

Valley Water's Approach to Address Administrative Needs:

Request and support adequate funding for regulatory agencies and collaborate with regulatory agencies at all levels to address issues and improve the overall permit process leading to public infrastructure projects not being delayed. Where feasible, support standardizing regulatory agency internal processes and procedures to optimize the permitting application process.

9. Better Coordination of Mitigation Requirements Among Regulatory Agencies is Needed

Summary of Administrative Needs:

Complying with multiple and often conflicting mitigation requirements of state and federal agencies has become increasingly common, often driving up the price tag on projects and delaying projects which often are responsible for the protection of the health and safety of the community. It has become increasingly difficult to comply with conflicting regulations that govern day-to-day operations and the building of infrastructure projects.

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Federal compensatory mitigation for impacts to wetlands and Waters of the United States should comply with the hierarchy established by the Mitigation Rule (Compensatory Mitigation for Losses of Aquatic Resources; Final Rule [33 CFR parts 325 and 332] and Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for the U.S. Army Corps of Engineers South Pacific Division) which stipulates in descending order of preference 1) mitigation banks, 2) in-lieu fee programs, and 3) permittee-responsible mitigation in consideration of a watershed approach.

The best mitigation option for Valley Water may be the establishment of an in-lieu fee program. However, state and federal agencies have not been supportive of in-lieu fee programs despite their priority level in the Federal Mitigation Rule and their strong recommendation that in-lieu fee is an effective and useful approach to satisfy compensatory mitigation requirements.

Valley Water's Approach to Address Administrative Needs:

A forum or process should be created which allows for agencies to understand the requirements being placed on permittees, which will decrease the conflicts which are often present. Federal and state agencies should agree to and accept the same mitigation for the same project impacts to reduce the financial burden on Valley Water. This will allow for more efficient permitting and responsible spending of public funds. In-lieu fee programs should be an allowable mitigation option for Valley Water.

10. Create a Balanced Approach to Watershed-Based Regulatory Permitting and Financing for Public Agencies

Summary of Legislative, Regulatory, and Administrative Needs:

Valley Water wants to ensure that it can work effectively and efficiently with regulatory agencies to ensure that permits are obtained in a timely and predictable manner and that our financial resources are appropriately utilized.

To that end, in situations where it can be determined that routine maintenance would not cause additional environmental impacts than which were originally mitigated for, there should not be a need for permitting the maintenance. Removing this permitting requirement would both simplify the process and expedite the overall timeline for conducting routine maintenance.

Furthermore, environmental restoration projects, by their very nature, are intended to protect, restore, and enhance the environment, and should be exempt from mitigation.

Valley Water's Approach to Address Legislative, Regulatory, and Administrative Needs:

Seek legislative, regulatory and administrative paths in conjunction with interested stakeholder groups to: 1) pursue efforts that will allow for public agencies, which are performing routine maintenance, to bring flood protection projects back to their original

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capacity to be exempt from needing to obtain a permit, as long as the maintenance would not cause any additional environment impacts which were not originally mitigated; 2) pursue efforts that will allow for true environmental restoration projects to be exempt from requiring mitigation, and 3) pursue efforts which will provide agencies alternatives and exemptions to endowments if the agency has adopted the local or regional watershed management plan.

11. Public Entities Need Flexibility in Financial Assurance Mechanisms for Long-Term Management of Compensatory Mitigation Sites

Summary of Legislative and Administrative Needs:

Permitting agencies are requiring financial assurances for long-term management of compensatory mitigation sites as a condition of permit issuance. Federal and state agencies have recently been insistent that endowments are the only avenue to ensure the long-term sustainability of a compensatory mitigation site.

The U.S. Army Corps of Engineers (USACE), through its district engineer, determines the compensatory mitigation for a specific project. As part of this compensatory mitigation, the district engineer requires financial assurances for the completion of the mitigation project, as well as financing mechanisms for the long-term management of the mitigation property.

Financing of long-term sustainability of a mitigation project after its completed, PP 19649 Final Rule, Supplemental Information re 33 CFR 332.7 (USACE) and 40 CFR 230.97 Management (d) (U.S. Environmental Protection Agency) states “In cases where compensatory mitigation project sites are owned by public entities, it may not be necessary to include provisions for the financing of any required long-term management if, for example, a formal, documented commitment from a government agency is provided (i.e., stewardship commitment). For public agencies identifying adequate financing at the time of permit issuance may be problematic since agency funding can vary from year-to-year with budget cycles, thus underscoring the need for a formal, documented commitment.

The State Government Codes 65966 (b) and 65967 (a) & (b) indicate there is flexibility in methods of funding for the long-term stewardship of mitigation property, and that an endowment is not the only option.

Valley Water’s Approach to Address Legislative and Administrative Needs:

Valley Water seeks to engage with applicable state and federal agency senior officials to ensure flexibility in long-term financial assurances is available to public entities including exemption from endowments, and to clarify changes in agency policy if necessary.

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WATER RESOURCES DEVELOPMENT ACT OF 2007 AND WATER RESOURCES DEVELOPMENT ACT OF 2014 IMPLEMENTATION

12. Funding the Upper Llagas Creek Flood Protection Project Through the Water Resources Development Act or Other Appropriations

Summary of Legislative Needs:

Valley Water's Upper Llagas Creek Flood Protection Project authorization language needs to be revised to eliminate an errant paragraph that was included in the Water Resources Development Act of 2007 (WRDA) authorization bill. This language has created confusion in providing direction to the USACE and the Office of Management and Budget. In addition, the project's progress has been severely impacted by lack of appropriations from Congress. One way to address this is to explore reversing WRDA authorization back to the Natural Resources Conservation Service (NRCS), who had it prior to 1999. Since the USACE replaced NRCS for this project as part of WRDA 1999, funding has dwindled significantly, hampering this project's progress. Critical focus needs to be put on securing appropriations for the project going forward. Due to the restrictions on earmarks, Water Resources Reform and Development Act of 2014 (WRRDA) was not a vehicle that was available to fix the errant paragraph.

Valley Water's Approach to Address Legislative Needs:

Continue to seek language clarifying the intent for the Upper Llagas Creek Flood Protection Project in WRDA or seek alternative federal sponsorship through WRDA or other federal legislation. Emphasis will be placed at all levels, both locally and in Washington, D.C., to secure future federal funding for the Upper Llagas Creek Flood Protection Project.

Additional emphasis will be placed on securing alternative funding, including funding from the U.S. Department of Agriculture through the Farm Bill or other agricultural appropriations as appropriate to ultimately allocate funding to NRCS.

13. U.S. Army Corps of Engineers (USACE) Levee Vegetation Policy

Summary of Legislative Needs:

USACE currently requires all vegetation other than grasses to be removed from levees and within a 15-foot buffer zone on either side of USACE-inspected levees, which often provide high quality riparian habitat. If Valley Water doesn't remove the vegetation, USACE may "fail" the levee and remove it from its rehabilitation and inspection program, which would then alert Federal Emergency Management Agency (FEMA) and others that the levee is unacceptable and eliminate the possibility of USACE funding for flood-related work. Consequently, it is in Valley Water's interest to encourage USACE to revise this policy in order to 1) prevent required removal of valuable riparian vegetation, and 2) prevent the consequences associated with USACE "failing" levees that retain this valuable vegetation.

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In the WRRDA of 2014, Congress directed USACE to evaluate the current Levee Vegetation Policy, including preservation of habitat, vegetation impacts during flooding, historic links between vegetation and flood risk, economic and environmental impacts, and factors that promote regional variances in the program.

Valley Water's Approach to Address Legislative Needs:

Work with USACE and Congress to ensure that Valley Water's desires relative to vegetation on levees are addressed through the implementation phase of WRRDA.

14. U.S. Army Corps of Engineers Section 104/221 Authority

Summary of Legislative Needs:

In 2011, the Assistant Secretary of the Army for Civil Works (ASA-CW) decided to no longer approve Section 104 applications. Section 104 crediting (Water Resources Development Act of 1986) allowed non-federal interests to repair design deficiencies and to make levee improvements as quickly as possible, while not impacting the USACE study processes.

Instead of utilizing Section 104, the ASA-CW elected to process credit requests under Section 221 of the Flood Control Act of 1970 (as amended by Section 2003 of the WRDA of 2007). Section 221 as implemented by the ASA-CW does not promote construction by non-federal interests.

Without a reasonable policy, local agencies' ability to move projects along faster with local dollars would be jeopardized.

Valley Water's Approach to Address Legislative Needs:

Work with USACE and Congress to ensure that Valley Water's needs are addressed through the implementation phase of WRRDA 2014. Continue to lobby and create support for the ASA-CW to grant and approve Section 104 credit until a new acceptable policy on crediting is put into place.

INFRASTRUCTURE FUNDING

15. Dam Evaluation, Rehabilitation, and Repair Legislation

Summary of Legislative Needs:

Valley Water operates ten dams in Santa Clara County as part of our reservoir system. Several of these dams are undergoing seismic evaluations to assess their ability to withstand current standards for earthquakes. These evaluations have revealed that gravelly soils that can liquefy were left in the foundations of many of our dams. The Anderson Reservoir dam evaluation concluded that the dam needs to be seismically retrofitted, at an approximate cost of \$600 million. The National Dam Safety Program currently provides financial assistance to states for strengthening their dam safety

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programs, but it does not provide assistance for infrastructure improvements when a dam is found to be deficient. A comprehensive federal assessment of the state of the nation's dams would enable Congress to fully understand what role, if any, Congress should have in the rehabilitation and repairs of non-federally funded dams.

Valley Water's Approach to Address Legislative Needs:

Continue to support the introduction of a Dam Evaluation, Rehabilitation, and Repair Act that will assess the state of the nation's dams and will ultimately provide grants or infrastructure loans for structurally unfit dams.

WATER SUPPLY

16.Improved Water Efficiency Labeling Program

Summary of Legislative Needs:

The Water Efficiency Labeling Scheme (WELS) is an international water efficiency labeling program designed to provide information to consumers, through the use of specific labels, that indicate the level of water efficiency of products that use water. Both Australia and New Zealand have implemented these labels on the following types of products: washing machines, dishwashers, toilets, urinals, showers and faucets. The purpose of the label is to help consumers choose products that use less water while still providing a satisfactory level of quality and performance.

In the United States, the Environmental Protection Agency (EPA) manages the WaterSense partnership program. Under this program, water efficient products are certified independently. For companies to use the WaterSense label, they must sign a partnership agreement. Unlike the WELS program, WaterSense labels do not indicate the level of water efficiency of a specific product. Instead the label indicates that the product is 20 percent more water efficient than the average product in that category (as well as other criteria). Changing the labeling to indicate the level of water efficiency of a product (much like the Energy Star program on appliances) provides consumers with a better understanding of how water efficient a product is that they are considering buying.

Valley Water's Approach to Address Legislative Needs:

Initiate discussions with Congressional members and the EPA on potential changes to the water efficiency labeling program in the WaterSense and other relevant programs at the federal level.

17.Recycled Water Indirect/Direct Potable Use Proposal

Summary of Legislative and Regulatory Needs:

To ensure an adequate and reliable supply of high-quality water, Valley Water has partnered with cities and water retailers in the county to develop recycled water

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supplies. Recycled water use is expected to expand in the coming years. In 2014, Valley Water completed the Silicon Valley Advanced Water Purification Center, an advanced water treatment facility that produces up to 8 million gallons per day of highly purified recycled water that is blended into existing recycled water supplies, thereby improving overall recycled water quality so that the water can be used for a wider variety of irrigation and industrial purposes. Longer term, Valley Water is investigating using highly purified recycled water for replenishment of groundwater basins, similar to the successful groundwater replenishment system operated by the Orange County Water District, and potentially direct potable reuse.

Valley Water has been involved in the development of indirect potable reuse in Silicon Valley and in direct potable reuse research. In 2010 and 2013, the California State Legislature mandated that the state Department of Public Health (now Division of Drinking Water), in consultation with the State Water Resources Control Board (State Water Board), report on the feasibility of developing uniform water recycling criteria for direct potable reuse by December 31, 2016. The State Water Board released its draft report in September 2016, which suggested that direct potable reuse is feasible but requires additional research. In 2017, AB 574 (Quirk) was signed into law requiring the State Water Board to establish a framework for regulating direct potable reuse by June 1, 2018. The first draft of the framework was released in April 2018, followed by a second edition in August 2019.

Valley Water's Approach to Address Legislative and Regulatory Needs:

Continue to facilitate the creation of coalitions and efforts to support adequately funding recycled and purified water, and other programs that will allow full integration of stormwater, groundwater recharge, flood water, gray water, and indirect and direct potable reuse. Continue to work with the state and other stakeholders to further the development of regulations for direct potable reuse.

FLOOD PROTECTION FUNDING

18. Pursue a Lower Class Level Under the National Flood Insurance Program's Community Rating System

Summary of Legislative Needs:

The Community Rating System (CRS) is part of the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). By participating in CRS, flood insurance premiums are discounted to reward community actions that meet flood protection and management goals of the CRS. Valley Water is not eligible to fully participate in the NFIP because it is not a permitting authority and lacks the regulatory mechanisms to implement the minimum requirements of the NFIP. However, in 1998, Valley Water was set up as a "fictitious" CRS community, despite not meeting the minimum requirements. Valley Water is the only "fictitious" community in the nation. Valley Water currently has a rating of "8" on a 1-10 scale, with "1" earning the greatest

Recommended 2021 Legislative Policy Proposals and Priorities

discount. Additionally, Valley Water provides many of the services through which the cities in the county earn their rating, without which they would not have their current CRS class level.

Valley Water's Approach to Address Legislative Needs:

Initiate dialogue with FEMA and others to determine how to structure the CRS program locally so that Valley Water may best position itself to lower its rating and those of our partner cities. Concurrently, and incorporating relevant feedback from conversations with FEMA, initiate dialogue with Santa Clara County cities to create a framework managed by Valley Water that would enable them to achieve lower ratings and higher discounts for their residents.

Recommended 2021 Legislative Guiding Principles

Proposed New 2021 Legislative Guiding Principles

WATER QUALITY

- 1. Support funding for the characterization, monitoring, and treatment of per- and polyfluoroalkyl substances (PFAS). Where a source of contamination can easily be identified, support the ‘polluter pays’ principle.**

Summary of Legislative Need:

The prevalence of per- and polyfluoroalkyl substances (PFAS) in everyday items and the environment around us, and the concern from the scientific community about the effects of these chemicals on humans, has spurred a flurry of legislative and regulatory activity in recent years. Of particular concern is the prevalence of the two most studied of these chemicals, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), in drinking water. As the State and federal government increase their PFAS sampling, monitoring, and notification requirements, and move toward establishing Maximum Contaminant Levels for PFOA and PFAS, Valley Water will need a more cohesive approach to the contaminants. Valley Water has already conducted both voluntary and State-ordered sampling for PFAS and may need to start treating drinking water in the future. In particular, if Valley Water and its retailers are going to be held responsible for treating drinking water, then funding will be needed to assist with implementation. This principle will allow staff to advocate for funding to assist with compliance, supporting the protection and treatment of our groundwater supplies, as well as accountability on the part of polluters.

FUNDING FOR WATER INFRASTRUCTURE

- 2. Support the financing of recycled water facilities by amending the federal tax code to permit the issuance of tax-exempt governmental bonds by a public agency, or on behalf of a public agency-approved public-private partnership (P3), that may design, build, own, operate, and/or finance the facilities.**

Summary of Legislative Need:

Our region is in a unique position to advance innovations in recycled and purified water. To aid in the expansion and availability of this drought-resilient, locally controlled water source, this guiding principle would support amending the tax-exempt bond provisions of the Internal Revenue Code to permit (but not require) the financing of recycled water facilities from the proceeds of tax-exempt governmental bonds issued directly by a government agency or on behalf of a government agency-approved P3 that may design, build, own, operate, and/or finance the facilities. With this principle in place, staff could then further advocate for clarifying that the tax-exempt status of existing and future governmental bonds issued to finance wastewater systems that provide the wastewater supply to water purification facilities would not be adversely affected by the P3.

Recommended 2021 Legislative Guiding Principles

PROTECT REVENUES, ENHANCE REVENUES, AND CONTAIN COSTS

- 3. Support legislation and funding that protects Valley Water projects and operations during declared local, state, or national emergencies.**

Summary of Legislative Need:

The COVID-19 pandemic has highlighted the need for supporting Valley Water's basic operations that allow the agency to function and continue providing its essential services to the people of Santa Clara County. These basic services include things like Information Technology upgrades to support more teleworking, enhanced janitorial services to ensure a safe on-site environment, and support services for employees' mental and physical health. The second COVID stimulus package that Congress enacted in April 2020 (H.R. 6201) contained language that allowed states and local governments to secure payroll tax credits for COVID-related leave, yet special districts were not afforded the same eligibility. This guiding principle would allow staff to advocate for this and other issues during any local, state, or national emergency that could affect Valley Water's ability to function perform basic job functions.

- 4. Support changes to federal law that would allow Valley Water to pay out the entirety of an employee's accrued vacation.**

Summary of Legislative Need:

Current Internal Revenue Service (IRS) rules stipulate that the full amount of an employee's vacation that can be sold back is deemed taxable income, regardless of whether the employee elects to sell it back in a given year. If the employee does not cash out his/her vacation until a later date, this creates a tax liability for the employer. For Valley Water, the only option to reduce the current vacation liability is to allow an increase in the number of hours an employee may elect to cash out in the following year. Currently, Valley Water bargaining units are limited to selling back the greater of 80 hours or 75 percent of the total amount of vacation hours they will accrue the following year, and unclassified employees are limited to selling 168 hours out of the 224 hours accruing for the year. Subject to budget considerations, Valley Water has discretion to increase this amount to 100 percent, and this could reduce the volume of vacation hours on the books if enough employees participated in the more robust program. This guiding principle would allow staff to advocate for changes to the IRS rules while Valley Water leadership works to address the issue with the bargaining units.

Recommended 2021 Legislative Guiding Principles

ENCOURAGE OPPORTUNITIES FOR JOB CREATION, AND THE PROTECTION AND STABILITY OF THE DISTRICT'S WORKFORCE

- 5. Remove barriers to attracting, recruiting, and retaining a diverse workforce that reflects the community that Valley Water represents.**

Summary of Legislative Need:

The current legislative guiding principles do not reflect this important need to promote diversity among Valley Water's workforce. A diverse workforce is not only representative of Valley Water's constituency, but it brings different perspectives and fresh ideas that help improve the delivery of services to our community. While Valley Water's Ends Policies already reflect this value, this legislative guiding principle would grant OGR the authority to advocate for legislation, regulations, or policies that implement the value.

- 6. Support legislation, regulations, and policy initiatives that promote a well-trained and fairly compensated workforce.**

Summary of Legislative Need:

The current legislative guiding principles do not reflect the value of having a well-trained and fairly compensated workforce. Such a workforce is critical to Valley Water's basic functions and delivery of services, OGR recognizes the importance of codifying this value and having the authority to advocate for legislation, regulations, and policies that promote this end.

Recommended 2021 Legislative Guiding Principles

2020 Carryover Legislative Guiding Principles

(Note: New and Edited Guiding Principles are Underlined and ~~Struck Through~~)

I. ENSURE A RELIABLE SUPPLY OF HEALTHY, CLEAN DRINKING WATER

A. Water Supply and Drought

1. Support legislative, administrative, or other efforts that protect/advance Valley Water's interests in California's Modernization of the Delta Conveyance, including efforts to ensure financially prudent project delivery.
2. Support legislative actions that provide for drought relief funding and policies.
3. Support efforts that encourage the use of recycled water for indirect and direct potable use.
4. Support ~~Oppose~~ measures that reduce increase or sustain the reliability or quality of Valley Water's imported water supplies.
5. Support increasing water use efficiency throughout the state, while taking into account previous water use efficiency investments.
6. Support strengthening local agencies' ability to manage and protect groundwater supplies.
7. Support the role of technology in addressing water conservation efforts and encourage government funding for technological advancements.
8. Support tax-exempt status for water conservation rebates.
9. Support legislative efforts that provide public water agencies with first right of refusal to accept wastewater.
10. Support legislation and policies that prioritize municipal and industrial water supplies during shortages.
11. Support enactment of county or city ordinances that would promote compliance with SB 407 by requiring the replacement of non-water-conserving plumbing fixtures upon the transfer of real property, or other enforcement mechanisms.

B. Water Quality

1. Support efforts to place a moratorium on fracking, and all related legislative bills.

Recommended 2021 Legislative Guiding Principles

2. Support efforts to aggressively protect water quality from contamination in watersheds and the quality of our groundwater basin basins from contaminants.
3. Support efforts to amend the Clean Water Act consistent with our mission.
4. Support efforts to address all Delta stressors, including toxics, invasive species, and in-Delta and upstream diversions.
5. Oppose weakening the State Water Resource Control Board's anti-degradation policy.
6. Support legislative efforts and regional initiatives that would provide research funding into understanding and addressing issues around Constituents of Emerging Concern (CECs) in the water supply.
7. Support funding for the characterization, monitoring, and treatment of per- and polyfluoroalkyl substances (PFAS). Where a source of contamination can easily be identified, support the "polluter pays" principle.

C. Funding for Water Infrastructure

1. Support funding and partnerships to ensure sustainable long-term water supplies, including recycled water and groundwater storage projects.
2. Supply funding for boating inspections and other measures to prevent the spread of invasive mussels.
3. Support protection funding for planning and environmental review of new Delta conveyance facilities.
4. Support protection of funding for improving the integrity of Delta levee systems that impact salinity intrusion.
5. Support assessing the state of the nation's dams and providing grants or infrastructure loans for dam retrofit.
6. Support legislation that allows a borrower to pay the credit subsidy on a Water Infrastructure Finance and Innovation Act (WIFIA) loan.
7. Support legislation, bond measures, or appropriations that fund or could fund efforts in Valley Water's interests, including ~~Valley Water~~ infrastructure projects.

Recommended 2021 Legislative Guiding Principles

8. Support the financing of recycled water facilities by amending the federal tax code to permit the issuance of tax-exempt governmental bonds by a public agency, or on behalf of a public agency-approved public-private partnership (P3), that may design, build, own, operate, and/or finance the facilities.

D. General Water Policy and Reliability

1. Support timely permitting of water supply capital and operations and maintenance projects.
2. Support legislative efforts that ~~better integrate~~ improve integration of water agencies ~~resources~~ in the land use and decision-making processes.
3. Support efforts to streamline the permitting of water recycling projects, taking into account the need to protect high quality groundwater basins.
4. Support legislation that provides for the reliability of operations of state and federal water projects.
5. Support regulatory and legislative proposals that reduce impediments for public agencies seeking to use effluent water for recycling purposes.
6. Support and promote the concept of beneficiary pays.
7. Support changes to the definition of disadvantaged community so that affordability factors are considered to address specific communities.
8. Support legislative efforts that amend Proposition 218 and Proposition 26 to allow low-income rate assistance.

II. REDUCE THE POTENTIAL FOR FLOOD DAMAGES

A. Flood Protection Funding

1. Support funding for infrastructure, construction, and repair of flood protection systems.
2. Support funding for the Federal Emergency Management Agency (FEMA) to update tidal and fluvial flood risk maps.
3. Support funding for the implementation of a statewide flood protection needs assessment.
4. Support equitable funding and staffing for the State Flood Control Subventions Program.

Recommended 2021 Legislative Guiding Principles

5. Support reimbursement of local funds used for the Upper Llagas Creek Flood Protection Project.
6. Support authorization for Valley Water projects at the federal level, including federal authorization for the South San Francisco Bay Shoreline, San Francisquito Creek, and Upper Llagas Creek Projects.
7. Support funding for research of Atmospheric Rivers and for new technologies that provide improved information for weather forecasts, streamflows, reservoir operations, and flooding.

B. Flood Protection and Regulatory Efforts

1. Support timely and more appropriate permitting of capital and operations and maintenance (O&M) projects. ~~in order to provide or maintain capacity within river and stream systems.~~
2. Ensure participation in the Community Rating System Recertification process through FEMA's National Flood Insurance Program.
3. Support efforts to continue the National Flood Insurance Program with a balanced approach to program reform.
4. Support efforts to modify the U.S. Army Corps of Engineers' levee policy regarding vegetation near levees.

III. ENHANCE THE QUALITY OF LIFE THROUGH THE PROTECTION AND ENHANCEMENT OF WATERSHEDS, STREAMS AND NATURAL RESOURCES

A. Waterway and Ecosystem Protection

1. Support legislative efforts to eliminate or reduce waste entering waterways (e.g., plastic bags, expanded polystyrene, etc.).
2. Support legislation and funding that facilitates the cleanup of unlawful encampments and reduces or prevents homelessness.
3. Support legislation that protects the environment through conservation and the preservation of natural resources, habitat, and improving the health of local watersheds.
4. Support legislative efforts to address abandonment or derelict operation of vessels in navigable waterways and reservoirs.

Recommended 2021 Legislative Guiding Principles

5. Support legislation and policies that address mercury contamination in local waterways.
6. Support ecosystem restoration in the Delta.

B. Regulatory Efforts

1. Support CEQA reform to accelerate projects.
2. Promote a regulatory environment that allows and encourages special districts and municipalities to achieve local, state, and national water conservation and environmental goals.
3. Support adequate funding for regulatory agencies to ensure proper levels of service and reduce the cost of inflation due to regulatory delay.
4. Support changing certification requirements for water treatment operators who work at recycled water facilities.
5. Support legislative efforts that allow an applicant to conduct environmental review only under CEQA when both federal and state approval is required for public projects in California.
6. Support efforts to reduce the impacts of including “the banks” in the definition of “Waters of the State.”

C. Resource Protection Funding

1. Support funding to address climate change impacts on water supply and flood management facilities and infrastructure needs.
2. Support the use of alternative funding instruments to fund maintenance of mitigation sites.

IV. PROTECT REVENUES, ENHANCE REVENUES, AND CONTAIN COSTS

1. Support state and federal funding for key infrastructure efforts, including funding for local projects and a Bay-Delta solution.
2. Support innovative funding proposals that leverage government dollars.
3. Oppose the involuntary realignment of services and revenue.
4. ~~Oppose efforts to eliminate~~ Remove barriers to local agencies’ ability to issue tax-exempt bonds and Certificates and Participation.

Recommended 2021 Legislative Guiding Principles

5. Protect local government revenues by maintaining local authority over the collection of fees and generation of revenues.
6. Oppose efforts to reallocate property taxes among state and local agencies.
7. Support the California Water Commission engaging Congress and the federal government in supporting the completion of projects in Santa Clara County.
8. Support reducing the voting requirement for special taxes.
9. Oppose the imposition of unfunded mandates.
10. Clarify groundwater charges and language.
11. Support exemptions for stormwater and flood protection fees.
12. Support the creation of a \$100,000 threshold when requiring a competitive selection process for the contracting of professional services.
13. Support utilization of drone technology for inspections of Valley Water systems and facilities.
14. Support flexibility in public works construction contracting.
15. Support funding for Valley Water projects and operations during declared local, state, or national emergencies.
16. Support changes to federal law that would allow Valley Water to pay out the entirety of an employee's accrued vacation.

V. ENCOURAGE OPPORTUNITIES FOR JOB CREATION, AND THE PROTECTION AND STABILITY OF VALLEY WATER'S WORKFORCE

1. Support transparency and accountability for local government.
2. Oppose legislation that reduces the authority and/or ability of local government to determine how best and most effectively to operate local programs and provide services.
3. Support workforce training, job creation, and research and development efforts.
4. Support legislative efforts that curb and/or control the escalating cost of employer-provided benefits.

Recommended 2021 Legislative Guiding Principles

5. Promote policies that provide a more sustainable and cost-effective delivery of workers' compensation benefits for injured Valley Water employees.
6. Oppose legislation that interferes with the employer/employee relationship or places employees at risk while performing their duties.
7. Support efforts to develop and implement statewide integrated public safety communication systems.
8. Support creation of a single department to oversee and coordinate emergency preparedness, response, recovery, and homeland security activities.
9. Remove barriers to attracting, recruiting, and retaining a diverse workforce that reflects the community that Valley Water represents.
10. Support legislation, regulations, and policy initiatives that promote a well-trained and fairly compensated workforce.

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Santa Clara Valley Water District

File No.: 20-1003

Agenda Date: 10/27/2020
Item No.: *9.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

CEO and Chiefs' Report.

ATTACHMENTS:

*Handout 9.1-A: Legislative Update

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OCTOBER 27, 2020

Office of Government Relations Legislative Update



FEDERAL ADVOCACY EFFORTS



US Capitol

Valley Water Prepares for Fall Virtual D.C. Advocacy Trip

Staff is preparing for Valley Water's annual fall advocacy trip to Washington, D.C., to be held November 16-18, 2020, and which will be virtual due to the COVID-19 pandemic. Valley Water Directors and senior staff will meet with Members of Congress and staff, as well as Executive Agency officials and staff, to discuss Valley Water projects and priorities for the upcoming federal fiscal year. Key priorities to be discussed will include the Anderson Dam Seismic Retrofit Project, South San Francisco Bay Shoreline Project, Pacheco Reservoir Expansion Project, Upper Llagas Creek Project, and Coyote Creek Project, as well as increased funding for infrastructure that can stimulate our region's economy.

STATE ADVOCACY EFFORTS

Anderson Project Proceeds Despite AB 3005 Veto

Despite the collaborative efforts of Valley Water staff with numerous state agencies, AB 3005 was vetoed by Governor Newsom. The veto message provided an inaccurate assessment of the California Environmental Quality Act provisions of the bill as the rationale, as well as citing the "problematic" precedent of expediting the permitting of a dam safety project.

The veto of AB 3005 means that state permitting for the Anderson Dam Seismic Retrofit Project (ADSRP) will not have the expedited 180-day approval process that the bill would have provided, so permits may take longer. The veto also means that any court challenges to an ADSRP environmental impact report will not receive expedited resolution by state courts. Finally, state law authorization of "best value" contracting will not be available for the FERC Order Compliance Project or ADSRP.

Fortunately, the start of construction on the low-level outlet tunnel is not impacted by the veto of AB 3005 and will begin next spring as planned. While this is a disappointing outcome for AB 3005, planning has already begun on a new bill to authorize the ADSRP to use "best value" contracting when the Legislature returns in 2021.



State Capitol

Governor Orders Conservation of Lands and Coastal Waters

On October 7, Governor Newsom signed an Executive Order that directs the state's Natural Resources Agency to establish the California Biodiversity Collaborative, which will be tasked with developing strategies to meet a goal of conserving 30 percent of lands and coastal waters by the year 2030.

The Executive Order aims to reduce greenhouse emissions from farms, wetlands, forests, and other "working lands" by keeping more carbon in the soil via cover crops and composting; restoring wetlands in order to protect coastal areas from erosion and flooding; managing forests to reduce wildfire

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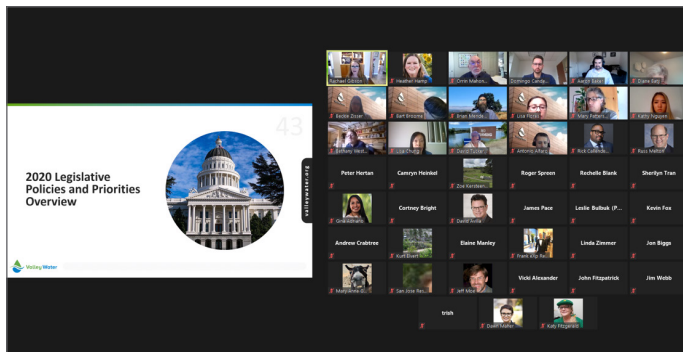
risk; and increasing parks, tree-planting and other “green infrastructure” in urban areas.

The Governor indicated the need for the executive order was evident in the environmental events occurring around the world, including several in California. He cited the hottest summer on record, with August being the hottest ever recorded, and

the record 130 degree temperature experienced in Death Valley.

It's expected that regulatory agencies will need to adopt new approaches to implement the Governor's Executive Order, which may impact future permitting of Valley Water projects.

LOCAL ADVOCACY AND ENGAGEMENT EFFORTS



Staff giving tour participants an overview of Valley Water's legislative policies and priorities.

2020 Water Walk Tour Goes Virtual

On October 9, Chair Hsueh and staff hosted the first-ever Virtual VIP Water Walk Tour. The Chair welcomed over 50 tour attendees that included local, state, and federal officials and their staff along with key stakeholder groups and advocacy organizations representing a wide array of labor, environmental, and chamber interests. The tour covered several Valley Water projects where Valley Water staff briefed tour attendees on the work done to date and what is needed to move them forward. The tour showcased the Safe, Clean Water & Natural Flood Protection Program renewal, the Anderson Dam Seismic Retrofit Project, the San Francisquito Creek Flood Protection Project, the Downtown Guadalupe River Flood Protection Project, and the Advanced Water Purification Center. Staff advocated for continued engagement and support from our key policymakers and advocacy stakeholders to advance both water supply and watershed projects that benefit our communities.

Valley Water Updates Saratoga Creek Residents on Cleanup Efforts

On September 21, Chair Hsueh and staff participated in the Murdock Neighborhood Association meeting coordinated by San Jose Vice Mayor Chappie Jones. Neighborhood residents asked questions as well as heard updates from Valley Water staff related to

coordinated litter removal efforts with the City near Saratoga Creek Trail and other areas throughout the County during the pandemic.

Advanced Water Purification Moves Forward in Santa Clara

On Tuesday October 13, 2020 the Santa Clara City Council unanimously approved to move forward with negotiations with Valley Water and the City of San Jose for an agreement to expand the use of advanced purified water. Chair Hsueh had sent Mayor Gillmor a letter requesting such action after the City of San Jose had adopted a similar action earlier this year. The Office of Government Relations, in coordination with Valley Water staff, remain committed to helping advance the use of expanded recycled water for the residents of Santa Clara County.



Chair Nai Hsueh participating in the Murdock Neighborhood Association hosted by San Jose Vice Mayor Chappie Jones.

UPCOMING EVENTS

Note: due to the Coronavirus (COVID-19) outbreak, staff is not physically participating in any events during the month of October. Staff is participating in virtual events as they are planned, including Silicon Valley Leadership Group's Annual Forum on October 30th, and will assess participation in events in November to follow the most current shelter in place order.

State Legislation Active in October 2020 with Board-Approved Positions

Bill (Author)	Subject	Position	Status
AB 292 (Quirk)	Water Quality: Notification and Response Levels: Procedures	Support	Signed by the Governor
AB 3005 (R. Rivas)	Expedited Dam Safety for Silicon Valley Act	Support	Vetoed by the Governor
SB 1044 (Allen)	Firefighting Equipment and Foam: PFAS Chemicals	Support	Signed by the Governor

Federal Legislation Active in October 2020 with Board-Approved Positions:

Bill (Author)	Subject	Position	Status
H.R. 548 (Calvert)	Federally Integrated Species Health (FISH) Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 357 (Garamendi)	Sacramento-San Joaquin Delta National Heritage Area Act	Support	Signed into law as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9)
S. 40 (Barrasso)	Bureau of Reclamation Transparency Act	Support and Amend	Introduced and referred to the Senate Committee on Energy and Natural Resources
H.R. 1137 (Garamendi)	To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
S. 326 (Udall)	Restrictions Against Illegitimate Declarations for Emergency Re-appropriations (RAIDER) Act of 2019	Support	Introduced and referred to the House Committee on Appropriations
H.R. 1162 (Napolitano)	Water Recycling Improvement and Investment Act	Support	Hearing held in the House Committee on Natural Resources (June 13, 2019)
H.R. 1132 (Speier)	San Francisco Bay Restoration Act of 2019	Support	Passed the House by voice vote (September 19, 2019)
H.R. 1497 (DeFazio)	Water Quality Protection and Job Creation Act	Support	Markup held in House Committee on Transportation and Infrastructure, ordered to be reported favorably (October 29, 2019)
H.R. 658 (DeLauro)	National Infrastructure Development Bank Act of 2019	Support	Introduced and referred to the House Committees on Energy and Commerce; Transportation and Infrastructure; Financial Services; and Ways and Means
H.R. 1417 (Lawrence) / S. 611 (Sanders)	Water Affordability, Transparency, Equity, and Reliability (WATER) Act of 2019	Support	H.R. 1417: Introduced and referred to the House Committees on Transportation and Infrastructure; Energy and Commerce; Ways and Means; and Agriculture; S. 611: Introduced and referred to the Senate Committee on Environment and Public Works
H.R. 1621 (McClintock)	Water Supply Permitting Coordination Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 2313 (Huffman)	Water Conservation Rebate Tax Parity Act	Support	Introduced and referred to the House Committee on Ways and Means
S. 923 (Feinstein)	Fighting Homelessness Through Services and Housing Act	Support	Introduced and referred to the Senate Committee on Health, Education, Labor and Pensions
H.R. 2473 (Harder)	Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act	Support and Amend	Hearing held in the House Committee on Natural Resources (June 13, 2019)

H.R. 363 (Calvert)	Reducing Environmental Barriers to Unified Infrastructure and Land Development (REBUILD) Act of 2019	Support	Introduced and referred to the House Committee on Natural Resources
S. 1932 (Gardner)	Drought Resiliency and Water Supply Infrastructure Act	Support and Amend	Hearing held in the Senate Committee on Energy and Natural Resources (July 18, 2019)
S. 1730 (Harris) / H.R. 3115 (Pallone)	The Living Shorelines Act of 2019	Support	S. 1730: Introduced and referred to the Senate Committee on Commerce, Science, and Transportation; H.R. 3115: Markup held in the House Committee on Natural Resources, ordered to be reported favorably (September 25, 2019)
H.R. 3723 (Levin)	The Desalination Development Act	Support	Hearing held in the House Committee on Natural Resources (July 25, 2019)
H.R. 855 (Peters)	The Strengthening The Resiliency of Our Nation on the Ground (STRONG) Act	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
S. 403 (Whitehouse) / H.R. 1159 (Cicilline)	Innovative Materials for America's Growth and Infrastructure Newly Expanded (IMAGINE) Act of 2019	Support and Amend	S. 403: Introduced and referred to the Senate Committee on Environment and Public Works; H.R. 1159: Introduced and referred to the House Committee on Transportation and Infrastructure; Committee on Science, Space, and Technology; and Committee on Energy and Commerce
H.R. 4033 (Kildee)/ S.2466 (Harris)	Water Justice Act	Support and Amend	Introduced and referred to the House Committees on Energy and Commerce; Budget; Ways and Means; Natural Resources; Agriculture; and Transportation and Infrastructure
S. 1837 (Gillibrand) / H.R. 3254 (Delgado)	Protecting Infrastructure and Promoting the Economy (PIPE) Act	Support and Amend	S. 1837: Introduced and referred to the Senate Committee on Environment and Public Works; H.R. 3254: Introduced and referred to the House Committee on Transportation and Infrastructure and the Committee on Energy and Commerce
H.R. 3091 (Loeb sack)	National Flood Research and Education Center Act	Support	Introduced and referred to the House Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure
S. 2236 (Booker) / H.R. 3923 (Ruiz)	Environmental Justice Act of 2019	Support	Introduced and referred to the Senate Committee on Environment and Public Works.
H.R. 5752 (Costa)	Conveyance Capacity Correction Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 5504 (Brownley)	To amend the National Dam Safety Program Act with respect to the definition of eligible high hazard potential dam, and other purposes	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
H.R. 5302 (McNerney)	Western Water Recycling and Drought Relief Act	Support and Amend	Introduced and referred to the House Committee on Natural Resources
H.R. 5316 (Cox)	Move Water Now Act	Support and Amend	Marked up in the House Committee on Natural Resources and reported favorably
H.R. XXXX (Pelosi)	Coronavirus Stimulus Phase 3 (became the Health and Economic Recovery Omnibus Emergency Solutions Act or the HEROES Act, H.R. 6800)	Support and Amend	Passed the House (May 15, 2020)
H.R. XXXX (Pelosi)	Coronavirus Stimulus Phases 3.5 (became the Paycheck Protection Program Flexibility Act, H.R. 7010) and 4	Support and Amend	H.R. 7010 was signed into law on June 5, 2020 (P.L. 116-142)
H.R. 2 (DeFazio)	Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST in America Act)	Support and Amend	Passed the House (July 1, 2020)
H.R. XXXX (Huffman)	Furthering Underutilized Technologies and Unleashing Responsible Expenditures for Drought Resiliency (FUTURE Drought Resiliency) Act	Support and Amend	Not yet introduced (provisions included as part of H.R. 2)
S. 3591 (Barrasso)	America's Water Infrastructure Act of 2020	Support and Amend	Markup held in the Senate Committee on Environment and Public Works, ordered to be reported favorably (May 11, 2020)

S. 3591 (Barrasso)	Drinking Water Infrastructure Act of 2020	Support	Markup held in the Senate Committee on Environment and Public Works, ordered to be reported favorably (May 11, 2020)
H.R. 7073 (Garamendi)	Special Districts Provide Essential Services Act	Support	Introduced and referred to the House Committee on Oversight and Reform and the Committee on Financial Services
S. 3811 (Feinstein)	Restoration of Essential Conveyance Act	Support	Hearing held in the Senate Energy and Natural Resources Committee (July 22, 2020)
S. 4188 (Harris)	Water for Tomorrow Act	Support and Amend	Hearing held in the Senate Committee on Energy and Natural Resources (July 22)
H.R. 7575 (DeFazio)	Water Resources Development Act	Support and Amend	Passed the House (July 29)
S. 4308 (Sinema)	A bill to amend the Social Security Act to include special districts in the coronavirus relief fund, to direct the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility, and for other purposes.	Support	Introduced and referred to the Senate Committee on Finance
S. 2596 (Duckworth)	Voluntary Water Partnership for Distressed Communities Act of 2019	Support	Introduced and referred to the Senate Committee on Environment and Public Works
S. 4530 (Feinstein) / H.R. 8041 (Harder)	Snow Water Supply Forecasting Program Authorization Act	Support	S. 4530: Introduced and referred to the Senate Committee on Energy and Natural Resources; H.R. 8041: Introduced and referred to the House Committee on Natural Resources

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