

To: Board of Directors
From: Norma J. Camacho, Interim CEO

Chief Executive Officer Bulletin Week of June 9 –15, 2017

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.

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Status of Wolfe Road Recycled Water Facilities Project

On February 9, 2016, the board awarded the Wolfe Road Recycled Water Facilities Project (Project) construction contract to JMB Construction, Inc. (JMB) in the amount of \$\$8,868,584, with a \$1,330,000 contingency fund.

JMB began work on the project in March of 2016, and substantially completed construction of the project's 2.5 miles of 24-inch diameter recycled water piping and pump station.

JMB is currently completing work identified on the Project's deficiency list. One item is the relocation of an air valve assembly and enclosure from the sidewalk into a public utility easement. The City of Sunnyvale requested this work to improve sidewalk clearance and meet required Americans with Disabilities Act (ADA) guidelines.

The owner of the property, on which the public utility easement exists, has objected to the proposed relocation of the air valve assembly and enclosure onto the easement, stating that the City of Sunnyvale and the water district do not have the proper authority to perform the relocation.

A property line survey and title report evaluation have been conducted and confirmed the limits and availability of the public utility easement for the relocation. Additionally, both the City of Sunnyvale and water district's legal counsel have reviewed the easement language and determined that sufficient rights exist to perform the relocation.

With concurrence from the City of Sunnyvale, the water district notified the property owner of the plans to utilize the easement on April 21, 2017. Since that time, the water district and City of Sunnyvale have worked together to provide the property owner with additional information and both have met directly with the property owner and responded to their inquiries. Nonetheless, the property owner remains resolute in their position.

To avoid further delay and enable completion of the construction work, the water district provided an additional notice to the property owner on May 26, 2017, indicating that relocation of the air valve will proceed the week of June 5, 2017. The City of Sunnyvale concurs with, and supports, the decision to proceed with the relocation work during the week of June 5, 2017, as noticed.

For further information, please contact Christopher Hakes at (408) 630-3796.

South Bay Salt Pond Restoration Project Update – All Gates at Pond A8 Notch Fully Open for First Time on June 2, 2017

The South Bay Salt Pond Restoration Project (SBSPRP) is the largest wetland restoration project on the West Coast in the United States. The water district has been a major partner in the restoration effort since it was initiated in the early 2000's.

As a part of SBSPRP, the water district started construction of a water control structure (an 8-bay weir that is referred to as the 'notch') to connect Pond A8 to Alviso Slough in January 2010. The gradual opening of this former salt pond to tidal action is a major part of the restoration effort.

In June 2011, the first of eight gates of the notch was intermittently opened. The SBSPRP includes an adaptive management approach where additional gates continue to be opened as analysis from ongoing monitoring and scientific investigation reduced the uncertainties related to possible spread of mercury contaminated sediments to the environment, including fish and bird populations. The mercury contaminated sediments in Pond A8 and Alviso Slough are the result of historic mining activities in the New Almaden Quicksilver mines.

Opening the additional gates not only contributes toward the restoration goal of converting Pond A8 to tidal inputs, it also may help scour Alviso Slough, creating a deeper and wider channel that would enhance the recreational opportunities for both the Alviso community and Santa Clara County.

For the past three years, the water district has made significant financial contributions toward monitoring and research efforts to study mercury and fish stranding issues related to gate openings. With the water district's assistance, the SBSPRP was able to achieve opening all the gates on June 2, 2017.

Through monitoring and research efforts, the water district will continue to study the impacts of fully opening all the gates with the goal of making the entire A8 pond complex fully tidal. Additional detailed project updates will be provided to the board during its August 22, 2017, meeting.

Further information is available on the SBSPRP Facebook page:
<https://www.facebook.com/southbayrestoration/posts/1537213572970229>

For further information, please contact Afshin Rouhani at (408) 630-2616.

**Chair Varela has requested that staff provide the Board with a map and list of the primary creeks within the county prone to flooding identifying ownership of areas of each creek, i.e. city, county, private
I-17-0009**

The maps showing property ownership along creeks that are prone to flooding are included in the June 16, 2017, Non-Agenda packet.

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