



MEMORANDUM

FC 14 (01-02-07)

TO: Board of Directors

FROM: Safe, Clean Water
Independent Monitoring
Committee (SCW IMC)

SUBJECT: Safe, Clean Water Independent Monitoring
Committee (SCW IMC) Meeting Summary for
December 2, 2020

DATE: January 12, 2021

This memorandum summarizes agenda items from the Zoom meeting of the Safe, Clean Water Independent Monitoring Committee (SCW IMC) held on December 2, 2020.

Attendees:

SCW IMC Members in attendance were: Rosalinda Zepeda (District 2), Rolane Santos/Huy Tran (District 3), Jason Baker/Hon. Joe Head (District 4), Bill Hoeft/George Fohner (District 5), Hon. Patrick S. Kwok (District 6), Tess Byler/Kit Gordon (District 7).

Board Member in attendance was: Director Nai Hsueh-District 5.

Staff members in attendance were: Aaron Baker, Lisa Bankosh, Wade Blackard, Rechelle Blank, John Bourgeois, Glenna Brambill, Jennifer Codianne, Jessica Collins, Enrique De Anda, James Downing, Amy Fonseca, Meenakshi Ganjoo, Alexander Gordon, Roxanne Grillo, Andrew Gschwind, Christopher Hakes, Cody Houston, Sunshine Julian, Juan Ledesma, Larry Lopez, Marta Lugo, Heath McMahon, Judy Nam, Karl Neuman, Alec Nicholas, Lotina Nishijima, Julianne O'Brien, Valerie Onuoha, Melanie Richardson, Afshin Rouhani, Elizabeth Sanchez, Kirsten Struve, Ashley Taylor, Madhu Thummaluru, Paul Thomas, Sue Tippetts, Doug Titus, Sherilyn Tran, Damaris Villalobos, Jack Xu, Liang Xu, Kristen Yasukawa, and Emily Zedler.

Guests in attendance were: Katja Irvin, Director Linda J. LeZotte (Valley Water-District 4) and Director Richard P. Santos (Valley Water-District 3).

3. PUBLIC COMMENT

Outgoing IMC Chair Kit Gordon made the following comments/suggestions: IMC Chair review agendas, lead time for emergency meetings be reduced and improvement on staff response time to Committee letter on report concerns.

4. ELECTION OF CHAIR AND VICE CHAIR

The Committee elected Ms. Kathleen (Kathy) Sutherland as Chair and Mr. Bill Hoeft as Vice Chair.

ACTION ITEMS

6. INDEPENDENT MONITORING COMMITTEE (IMC) REQUESTED PRESENTATIONS AND INFORMATION.

Ms. Meenakshi Ganjoo introduced the following agenda item:

Summary from Meeting Agenda Memo.

Through tours and presentations, IMC members gain a greater understanding of Safe, Clean Water projects. The IMC had requested site tours of three project sites, namely Anderson dam Seismic Retrofit, Coyote Creek Flood Protection and the San Francisco Bay Shoreline Protection projects. Ordinarily,

during September, Valley Water provides the IMC project site tours. However, this year site tours were canceled because of the impacts of the COVID-19 pandemic. Instead, Valley Water staff will make presentations to provide project specific updates. These are in addition to the project presentations requested by the IMC. Below is the list of project presentations:

- A. Anderson Dam Seismic Retrofit (C1)
- B. Coyote Creek Flood Protection Project (Other Projects)
- C. San Francisco Bay Shoreline Protection (E7)
- D. Integration between San Francisco Bay Shoreline Protection (E7) and Salt Ponds Restoration Partnership (D8)
- E. Grants administration audit
- F. Safe, Clean Water Ballot Measure update

Regarding the Grants administration audit, at the July 21, 2020, Board meeting, the Valley Water Board of Directors received information on the grant management desk review that was conducted in February 2020. They also received and approved the Board Audit Committee's recommendation from July 15, 2020, meeting for a performance audit of the grants management program. An external auditor was hired in August 2020 to complete that audit. Once the audit process is finalized, staff will present the results to the Independent Monitoring Committee.

The Committee (Hon. Patrick S. Kwok, Ms. Kit Gordon, Ms. Tess Byler, Mr. Huy Tran, Ms. Rosalinda Zepeda, Mr. George Fohner) discussed:

- KPI's,

Anderson Dam (Christopher Hakes):

- costs, water supply reservoirs, level of communication to the community, wildlife/species impacts, what is done with water being drained, funding costs, imported water, condition of watershed, vegetation management variables

Coyote Creek (Alec Nicholas):

- level of storm for Coyote Creek, 2,000 measures (data) used, Reach 7

Shoreline/Virtual Tour (Sunshine Julian):

- NEPA/CEQA schedule, contractor costs, SLR question 2.95 feet, 50-year plan

South Bay Salt Ponds (Judy Nam):

- challenges

Grants (Kristen Yasukawa):

- question use of same Auditor

Measure S Update (Marta Lugo):

- staff thanked for the success on this measure

The Independent Monitoring Committee took no action.

7. SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM INDEPENDENT MONITORING COMMITTEE REVIEW PROCESS AND SCHEDULE FOR FISCAL YEAR 2020 ANNUAL REPORT

Ms. Meenakshi Ganjoo reviewed the following:

Summary from Meeting Agenda Memo.

Valley Water staff will be presenting a brief overview of the Safe, Clean Water Annual Report cycle. Staff will be reviewing last year's subcommittee assignments for the purpose of setting a schedule for review of the FY20 Annual Report.

During the review of the FY19 Safe, Clean Water Annual Report, IMC also decided to set up a Finance Subcommittee, a decision that was also captured in the IMC report to the Board. In its letter to the Board presenting the FY19 IMC Report on February 12, 2020, the IMC said "There are many financial

issues, documented only in Appendix A: Financial Information, that are typically not covered during each Priority review. For next year's review, the IMC will establish a separate subcommittee to thoroughly review the financial aspect of each line item in Appendix A with finance Staff."

The Independent Monitoring Committee took no action.

8. ANNUAL REPORT FINALIZATION AND NEXT STEPS

Ms. Meenakshi Ganjoo reviewed the following:

Summary from Meeting Agenda Memo.

Valley Water staff will propose the schedule to the IMC for its approval. The schedule will include proposed dates for sub-committee and full committee meetings for the completion of the IMC Annual Report and its presentation to the Board of Directors by the IMC Chair.

The Independent Monitoring Committee took the following action:

The Committee by roll call and unanimous vote approved using the same subcommittee process with adding the new financial subcommittee.

9. OUTCOME OF PUBLIC HEARING ON THE PROPOSED MODIFICATIONS TO PROJECT E6: UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT

Ms. Meenakshi Ganjoo reviewed the following:

Summary from Meeting Agenda Memo.

Project E6: Upper Llagas Creek Flood Protection Project

The project's primary objective is to plan, design, and construct improvements along 13.9 miles of Upper Llagas Creek from Buena Vista Avenue in Gilroy to Llagas Road in Morgan Hill, including West Little Llagas Creek in downtown Morgan Hill.

In September 2019, Valley Water's construction contractor commenced building Phase 1 of the Upper Llagas Creek Flood Protection Project. While Phase I construction is underway and fully funded, completing the entire 13.9 mile-long two-phased project requires additional external funding. Valley Water is pursuing external funding, including a grant from the United States Department of Agriculture, Natural Resources Conservation Service, to address approximately \$70-\$80 million Project funding shortfall.

Meanwhile, to maximize the efficacy of the available secured funds, Valley Water proposed changing the reaches to be constructed with local dollars to include building the high-flow underground bypass tunnel and a section of underground, reinforced concrete box culverts.

Constructing the tunnel and portions of the proposed box culverts would fully utilize the remaining local funding, thus impacting the ability to fully build Reach 7 (7a and 7b), the local-funding only Key Performance Indicator (KPI). Furthermore, Reach 7b could not be constructed until the completion of the downstream Reaches 4, 5, 6, and 7a to prevent induced flooding in lower reaches.

As a result, Valley Water proposed modifying the local-funding only KPI #2 that increases the length of the project to be built by the available local funds from approximately 2.9 miles to approximately 4.9 miles. This modified KPI entailed constructing Reaches 4 and 5 (portion), 7a and 8 (portion), and the onsite compensatory mitigation at Lake Silveira.

The remaining project elements, namely Reaches 5 (portion), 6, 7b, 8 (portion) and 14, would be built later once external or other funding was available. In addition to being able to build as much of the project as possible utilizing available local dollars, this approach would keep the project construction

moving forward without inducing flooding downstream, and maximizing the potential for external funding opportunities.

The City of Morgan Hill supported advancing the construction of the tunnel and box culverts. In a December 16, 2019 letter to the Valley Water Board, Mayor Rich Constantine stated, "For the City of Morgan Hill, completing the tunnel work sooner is highly important as this work will require staging on a section of the future Hale Avenue roadway in Morgan Hill. The City is on a tight timetable to complete this roadway improvement, and once completed, the tunnel work will become much more complicated and expensive."

Proposed modification to the Key Performance Indicator #2:

"With local funding only: Construct flood protection improvements along Llagas Creek from Buena Vista Avenue to Highway 101 in San Martin (Reaches 4 and 5 (portion), Monterey Road to Watsonville Road in Morgan Hill (Reach 7a), approximately W. Dunne Avenue to W. Main Avenue (portion of Reach 8), and onsite compensatory mitigation at Lake Silveira."

The original project text from the Safe, Clean Water Program showing all proposed modifications in strike-through text is included as Attachment 1.

Public Hearing Outcome:

On January 14, 2020, in the Board's review of Agenda Item 2.9, the Board approved the modification to KPI #2 of Project E6: Upper Llagas Creek Flood Protection Project.

The Independent Monitoring Committee took no action.

NOTE: Any attachments noted in the agenda summaries can be supplied upon request as they are contained in the actual Safe, Clean Water Independent Monitoring Committee 12/2/2020, meeting packet.

The next regular meeting is scheduled at 4:30 p.m., on Wednesday, January 27, 2021.

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