



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

**October 22, 2021**

**Board Policy EL-7 Communication and Support to the Board**  
*The BAOs shall inform and support the Board in its work.*

<b>Page</b>	<b><u>CEO BULLETIN &amp; NEWSLETTERS</u></b>
<b>3</b>	CEO Bulletin: Weeks of October 8 – October 21, 2021
	<b><u>BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</u></b>
<b>8</b>	<b>BMR/IBMR Weekly Reports: 10/21/21</b>
<b>9</b>	Memo from Dave Cahen, Risk Manager, to the Board of Directors, dated 10/13/21, regarding Risk Management Communication.
<b>15</b>	Memo from Rick Callender, CEO, to the Board of Directors, dated 10/08/21, regarding Fiscal Year 2021-2022 (FY22) Quarter 1 (Q1) Quarterly Ends Policy Outcome Measure Status Report.
	<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
	<b>Board Correspondence Weekly Report: None.</b>
<b>17</b>	from Doris Livezey, to the Board of Directors, dated 10/13/21, regarding Homeless Activity along Saratoga Creek (C-21-0162).
<b>21</b>	Email from Natalie Lodewyk, to Director Varela, dated 10/15/21, regarding Wild Pigs in Morgan Hill Neighborhood (C-21-0163).
	<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
<b>23</b>	Email from Director Varela, to Sunil Sharma, dated 10/18/21, regarding Water Conservation (C-21-0161).
<b>25</b>	Email from Director Hsueh, to Doris Livezey, dated 10/18/21, regarding Homeless Activity along Saratoga Creek (C-21-0162).

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/ attachments are available by submitting a public records request to [publicrecords@valleywater.org](mailto:publicrecords@valleywater.org).

# **CEO BULLETIN**



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

## **Weeks of October 8 – October 21, 2021**

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>	<b>Federal WIIN Act Appropriations for California Water Storage Projects</b>
<u>2</u>	<b>Joint Letter of Support submitted to Department of Water Resources for Los Vaqueros Reservoir Expansion Project</b>
<u>3</u>	<b>Proposed Update to California Airborne Toxic Control Regulations</b>
<u>4</u>	<b>Upper Guadalupe River Aquatic Habitat Improvement Project</b>
<u>5</u>	<b>Valley Water Hosts Three Coyote Creek Flood Protection Project Public Meetings</b>

### **1. Federal WIIN Act Appropriations for California Water Storage Projects**

On September 30, 2021, Congress passed a disaster supplemental spending bill that contained appropriations under the Water Infrastructure Improvements for the Nation Act (WIIN Act) for several water storage projects in California. It included \$80 million for the Sites Reservoir Project, \$50 million for the Los Vaqueros Reservoir Phase 2 Expansion Project, and \$15 million for Del Puerto Canyon Reservoir. These appropriations are consistent with the U.S. Bureau of Reclamation's July 23, 2021 letter to Congress, which recommended construction funding for these projects. To be eligible for WIIN Act appropriations, a project must have been deemed feasible by the Secretary of the Interior prior to January 1, 2021.

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

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### **2. Joint Letter of Support submitted to Department of Water Resources for Los Vaqueros Reservoir Expansion Project**

Valley Water continues to evaluate participating in the Los Vaqueros Reservoir Expansion Project (LVE Project) led by Contra Costa Water District. The LVE Project would expand Los Vaqueros Reservoir storage from 160 thousand acre-feet (TAF) to a total of 275 TAF and build the Transfer-Bethany Pipeline to connect the reservoir to the State Water Project's South Bay Aqueduct and California Aqueduct.

Local agency partners submitted a joint Letter of Support for the LVE Project to the Department of Water Resources for the California Water Commission (CWC) feasibility hearing. CWC accepted the Letter of Support with supplemental feasibility materials as meeting the Water Storage Investment Program funding requirements (Water Code §79757) such that the Commission is supported in making a finding that the LVE Project is feasible and eligible for funding. The CWC will hold the feasibility hearing for the LVE Project on October 20, 2021, and the agenda and staff recommendation have been posted on CWC's website.

The Joint Exercise of Powers Agreement to establish a Joint Powers Authority (JPA) was approved by all the local agency partners and filed with the State on October 6, 2021. A joint press release was issued announcing the milestone. The JPA will have a Board of Directors with a representative from each JPA member agency. The JPA Board will be responsible for project planning, construction, and post-construction activities including operating the facilities, ensuring adequate funding, facility maintenance and repair, and delivering project water. The first meeting of the JPA Board will be held in mid-November 2021. Valley Water's Director LeZotte was appointed to represent Valley Water on the JPA Board with Director Varela as the alternate.

For more information, please contact Kirsten Struve at (408) 630-3138.

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### **3. Proposed Update to California Airborne Toxic Control Regulations**

The California Air Resources Control Board (CARB) serves as the lead agency for the administration of air emission standards and oversees all air pollution control efforts in California to attain and maintain health-based air quality standards. Back in the early 2000s, CARB initiated the Airborne Toxic Control Measures (ATCM) program which aimed to reduce toxic emissions from both stationary and mobile equipment exhaust. Over the years, ATCM reduction efforts have been phased in, as advancements have improved in emission control technology. Under the ATCM standards, engines above 50 horsepower are assigned a designated tier level. Tier 1 consists of older, more polluting engines, while Tier 4 engines are cleaner burning engines that incorporate the latest emission control technology.

CARB is currently evaluating the feasibility of creating a new, Tier 5, level of emission control, applicable to off-road and construction vehicles. CARB has tentatively identified 2024 as the year for adopting the new regulation with a subsequent implementation target of 2028. It should be noted that it is not uncommon for CARB regulations to have a multi-year gap between adoption and implementation, given that the adopted technology needs to be incorporated into manufacturing of these newer, cleaner burning engines.

Valley Water does operate a small fleet of off-road vehicles such as backhoes, excavators, and bulldozers that are used in support of watershed stream maintenance activities. Depending on the final language of the proposed change in regulation, and the current air emission control technology of our off-road vehicles, Valley Water may be required to upgrade some, or all, of its off-road vehicle's emission control equipment at a future date. Valley Water's Environmental, Health & Safety staff are following the development of this new regulation and will be attending an applicable regulatory workshop, sponsored by CARB, on November 3, 2021.

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

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#### **4. Upper Guadalupe River Aquatic Habitat Improvement Project**

In 2001, Valley Water approved the Upper Guadalupe River Flood Protection Project (Upper Guadalupe Project) to provide 100-year flood protection along about 6.4 miles of the Guadalupe River, extending from Interstate 280 to Blossom Hill Road, which forms the upstream limit of the river. The U.S. Army Corps of Engineers (USACE) is leading the Upper Guadalupe Project and Valley Water is the non-federal or local sponsor. Due to limited federal funding, Valley Water constructed improvements at Reach 6 in 2010 and 2011 to provide capacity to convey the 100-year flow without over topping of the banks. The Reach 6 improvements were implemented in conformance with approvals issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB), National Marine Fisheries Service (NMFS), USACE Regulatory Division, California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), and City of San Jose.

The RWQCB issued waste discharge requirements and water quality certification (Order R2-2003-0115) for the Upper Guadalupe Project in December 2003. Order R2-2003-0115 requires Valley Water to conduct several design improvement studies, including a “Gravel Augmentation Program Study.” The purpose of the gravel augmentation study was to identify reaches that are scouring due to lack of sediment supply, define the reasons for gravel reduction in the system, and develop protocols for improving existing conditions. As part of the study, Valley Water was required to produce a gravel augmentation plan to address gravel shortages, improve aquatic habitats, and improve channel stability in the Upper Guadalupe Project reaches. Valley Water completed the study in September 2013 and worked with the regulatory agencies on the final design to account for the changing channel conditions from winter flows and completed the design for two gravel augmentation sites along Reach 6 by December 2019. Construction was scheduled for the summer of 2020, but the Project was deferred to the summer of 2021 due to the Covid-19 pandemic and the ensuing shelter in place restrictions.

Construction for the gravel augmentation sites along Reach 6 started in July 2021 with site preparation work being conducted by the end of September 2021. About 350 cubic yards of gravels were placed at low points along the main channel of Upper Guadalupe River and this work was completed by October 8, 2021. The gravel installation work will be followed by replanting of willow cuttings to mitigate vegetation that was removed for access to the two gravel augmentation sites. Valley Water biologists painted gravel at the project site in order to monitor their movement along the river channel over the next five years. This monitoring data will be used for the design of future gravel augmentation sites along Upper Guadalupe River.

For further information, please contact Rechelle Blank at (408) 630-2615.

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#### **5. Valley Water Hosts Three Coyote Creek Flood Protection Project Public Meetings**

On October 7, 13, and 14, 2021, Valley Water hosted public meetings at three parks in San Jose to update community members and gather their feedback on the park elements of the proposed preferred alternatives for the Coyote Creek Flood Protection Project.

Valley Water Board of Directors Chair Estremera provided opening remarks at the first meeting, held at Rocksprings Park/Coyote Meadows. Valley Water Director Keegan provided opening remarks at the Selma Olinder/William Street Park and the Watson Park meetings. The public meeting series attracted a total of 88 in-person attendees and 26 participants joining via Facebook Live.

During the Questions and Answers portion of these meetings, Valley Water responded to questions related to berm heights and locations, creek maintenance, property ownership, preservation of existing trees, and future maintenance of the completed project. The City of San Jose's Parks, Recreation, and Neighborhood Services also attended each of the meetings and responded to inquiries related to city efforts.

Community members were encouraged to contact the project's neighborhood liaison or project manager with additional questions or concerns. Another public meeting series will be scheduled in Winter 2022.

Recordings of the public meeting series are now available on the project's webpage [www.valleywater.org/project-updates/creek-river-projects/E1-coyote-creek-flood-protection](http://www.valleywater.org/project-updates/creek-river-projects/E1-coyote-creek-flood-protection).

For further information, please contact Rachael Gibson at (408) 781-4739.

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# **BOARD MEMBER REQUESTS and Informational Items**

**Report Name: Board Member Requests**

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
R-21-0004	10/12/21	Hsueh	Baker	Gin Bijoor	Staff to work with the Water Conservation and Demand Management Committee on the perspective timeline to incorporate water wise requirements into new developments, i.e., Cambrian Park, Valco, and Google San Jose projects.	11/01/21		
R-21-0005	10/12/21	Keegan	Gibson	Lugo	Staff to look at opportunities to allow others (outside the organization) to participate in District REDI sponsored speaker programs.	11/01/21		





# MEMORANDUM

FC 14 (02-08-19)

**TO:** Board of Directors

**FROM:** David Cahen  
Risk Manager

**SUBJECT:** Risk Management Communication

**DATE:** October 13, 2021

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The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with parties/individuals that have filed a claim against the District.

Please find the following:

- 1) October 13, 2021, claim confirmation letter to Alie Hussein Saad (District 1).

For additional information, please contact me at 408-630-2213.

DocuSigned by:

*David Cahen*

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David Cahen  
Risk Manager



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT  
California Government Code Sections 900 and following**

<p><b>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</b></p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: <a href="mailto:clerkoftheboard@valleywater.org">clerkoftheboard@valleywater.org</a></p>	<p>Clerk of the Board's Date Stamp <b>10/13/21 8:09am</b></p> <p align="center"><b>For SCVWD Use Only</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Date Received:</td> <td style="width:50%;"><b>ROUTING</b></td> </tr> <tr> <td><input type="checkbox"/> Via U.S. Mail:</td> <td><input checked="" type="checkbox"/> CEO:</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered:</td> <td><input checked="" type="checkbox"/> District Counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> E-mail:</td> <td><input checked="" type="checkbox"/> Risk Management <b>Org</b></td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input checked="" type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/> BOD (District #): <u>  1  </u></td> </tr> </table>	Date Received:	<b>ROUTING</b>	<input type="checkbox"/> Via U.S. Mail:	<input checked="" type="checkbox"/> CEO:	<input type="checkbox"/> Hand Delivered:	<input checked="" type="checkbox"/> District Counsel	<input checked="" type="checkbox"/> E-mail:	<input checked="" type="checkbox"/> Risk Management <b>Org</b>	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB		<input checked="" type="checkbox"/> BOD (District #): <u>  1  </u>
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***With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.***

Name of Claimant: <b>Alie Hussein Saad</b>			
Address of Claimant: 3441 Oak Lane	City: Morgan Hill	State: CA	Zip: 95037
Mailing Address to Which Notices Should be Sent if Different From Above:	City:	State:	Zip:
Home Phone Number: N/A	Cell Phone Number: 4089217729	Work Phone Number: N/A	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: _____ Relationship to the minor: _____	
Date and time of incident or loss:  During the months of September and October 2021	Location of incident or loss (address):  3441 Oak Lane, Morgan Hill, CA 95037	Is there a police report? <input type="checkbox"/> Yes    If Yes, Police Report #:  <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (*Please attach additional sheets if necessary*):

My newly replaced lawn at the back of the house facing the lake and to the west side of the house have been destroyed by two herds of Boars. I paid 5500 dollars for the lawn and sod.

The dried lake bed has allowed the Boars to cross over seeking water from the pond at the back of my home and eat grubs from the lawn.



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT  
California Government Code Sections 900 and following**

In detail, describe the damage or injury (*Please attach additional sheets if necessary*):

The grass has been completely ripped apart beyond repair. The sod is gone.

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List Name(s) and contact information of any witness(es) or District employee involved (if any):

All the neighbors are witnesses as well as my having posted on Next Door pictures of the Boars.

**DAMAGES CLAIMED:** Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000?       Yes                       No  
 Court Jurisdiction: (Check One)               Limited Civil               Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Sod and Lawn for the back of the house and the side of the house replaced in early 2021	\$ 5,500.00
2.	\$
3.	\$
4.	\$
<b>TOTAL AMOUNT</b>	\$ 5,500.00

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 12th day of October, 2021 Alie H Saad  
 Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.







Clean Water • Healthy Environment • Flood Protection

October 13, 2021

Alie Hussein Saad  
3441 Oak Lane  
Morgan Hill, CA 95037

Re: Receipt of Claim – L2120001

Dear Alie Saad:

We received your claim regarding the two herds of boars that allegedly crossed the dried lakebed to access your property causing damage to your lawn.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at [dcahen@valleywater.org](mailto:dcahen@valleywater.org)

Sincerely,

DocuSigned by:

*David Cahen*

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David Cahen  
Risk Manager





## MEMORANDUM

FC 14 (08-21-19)

**TO:** Board of Directors

**FROM:** Rick L. Callender, Esq.  
Chief Executive Officer

**SUBJECT:** Fiscal Year 2021-2022 (FY 22) Quarter 1  
(Q1) Quarterly Ends Policy Outcome  
Measure Status Report

**DATE:** October 8, 2021

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The quarterly performance report is currently being reformatted and updated based on feedback from the Leadership Team. This report is one of the ways that the Santa Clara Valley Water District Board of Directors (the Board) monitors the degree to which the Board policies are being met by the Chief Executive Officer.

The organization's performance toward accomplishing the Board's Ends policy goals and objectives is the responsibility of the Board Appointed Officers. Through the BAOs' interpretation of these policies, Outcome Measures are derived and implemented through the budget process and guide development of project and individual staff work plans. These plans specify operational activities to be implemented to achieve the Board's direction for the organization.

The BAOs analyze and monitor organizational performance through operational Quarterly Management Reviews and report results to the Board through Quarterly Performance Reports, as required by Board-BAO Linkage Policy 5.4:

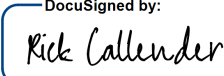
*All policies which instruct the BAOs will be monitored at a frequency and by a method chosen by the Board. The Board can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule. Frequency = Quarterly.*

The performance of the Outcome Measures is regularly monitored to ensure that they are achieved and meet the Board's expectations and are used to monitor the CEO's performance.

The alignment of the Board policies, BAO Interpretations, and the Budget Process supports a cycle of continual improvement. The outcomes from monitoring either reinforce existing Board policy or facilitate recommended policy changes for Board consideration.

Previously, the report summarized the status of 108 Outcome Measures, grouped by each Board Ends Policy Objective. These performance areas were monitored quarterly by Watersheds and Water Utility Enterprise and their status was reported to the CEO. The changes being considered for the new report are intended to enhance the report. Instead of providing a percentage of completion, the new format should provide information that management can use to determine the current status of an effort and redirect that effort as needed based on the current situation and/or anticipated challenges. The new memo and any attachments will be addressed to the full Board of Directors from the CEO, as it was before.

Please contact me if you have comments or questions about this report.

DocuSigned by:  
  
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Rick L. Callender, Esq.  
Chief Executive Officer  
Valley Water