



# NON-AGENDA

March 29, 2019

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

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**BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS**

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10             Memo from Nina Hawk, COO/WUE to the Board, dated 03/19/19, regarding an update on Lake Oroville Spillway costs.

16             Memo from Nina Hawk, COO/WUE to the Board, dated 03/27/19, regarding an update on Lake Oroville operations.

**INCOMING BOARD CORRESPONDENCE**

19             **Board Correspondence Weekly Report:** 03/28/19

20             Email from Rick Robinson to the Board, dated 03/22/19, regarding a homeless encampment near his neighborhood along Coyote Creek (C-19-0089).

25             Email from Mike Wade to the Board, dated 03/21/19, regarding an article on agricultural water pricing and the importance of open space (C-19-0090).

27             Letter from Shawn Dewane, President/Mesa Water Board, to Director Varela, dated 03/14/19, regarding ACWA/JPIA elections (C-19-0091).

29             Email from Patrick Ferraro to the Board, dated 03/22/19, regarding Anderson Dam (C-19-0092).

31             Email from Dave Matthews to Director Varela, dated 03/11/19, regarding a levee project in Gilroy (C-19-0093).

32             Postcard from Jan Benstachagi to Director Varela, dated 03/21/19, requesting support of Hope Village (C-19-0094).

33             Postcard from Brenda Cherami to Director Varela, dated 03/25/19, requesting support for Hope Village (C-19-0095).

34             Email from Bob Siegfried to the Board, dated 03/25/19, regarding groundwater contamination (C-19-0096).

35             Letter from Bruce Rupp, Secretary/Treasurer, Humboldt Bay Municipal Water District, to the Board, dated 03/26/19, regarding ACWA/JPIA Executive Committee elections (C-19-0097).

37             Email from Connie Ludewig to the Board, dated 03/28/19, regarding the Trash Bash cleanup efforts in San Martin (C-19-0098).

- 39 Postcard from Susan Guist to Director Varela, dated 03/28/19, regarding Hope Village (C-19-0099).
- 40 Email from George Fohner to Director Varela, dated 03/26/19, regarding estimates of ecosystem services from Ag lands (C-19-0100).
- 42 Email from Connie Halbach, Robinson Oil Corp. to the Board, dated 03/28/19, regarding dumping problems in front of a District access gate (C-19-0101).

#### OUTGOING BOARD CORRESPONDENCE

- 46 Reply letter from Chair LeZotte to Eric Filseth, Mayor of Palo Alto, dated 03/25/19, regarding the State Water Board lawsuit (C-19-0065).
- 48 Reply email from Chair LeZotte to Carol Valentine, dated 03/27/19, regarding concerns with Hope Village (C-19-0088).
- 49 Reply email from Director Estremera to Reid Lerner, dated 03/28/18, regarding an inventory list of available District properties (C-19-0099).

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/ NEWSLETTERS**

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

## Chief Executive Officer Bulletin Week of March 22 - 28, 2019

### 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
<a href="#"><u>1</u></a>	<b>3M™ Inspection &amp; Asset Management Software for Safety Equipment Management</b>
<a href="#"><u>2</u></a>	<b>Faster Internet for Silicon Valley Advanced Purification Center</b>
<a href="#"><u>3</u></a>	<b>Water 101 Academy Ambassador Program Recap</b>
<a href="#"><u>4</u></a>	<b>Tax Defaulted Property Acquisitions Completed in Alviso</b>
<a href="#"><u>5</u></a>	<b>Update on Public Sale of Excess Valley Water Property Located at 110 Sunset Avenue in San Jose</b>

### **3M™ Inspection & Asset Management Software for Safety Equipment Management**

Valley Water recently began utilizing new software, 3M-Inspect. The software is a safety equipment management and inspection system that allows Valley Water to track the issuance of safety gear and the ability to quickly document inspections for a variety of assets, e.g., automatic external defibrillators, fire extinguishers, ladders, and personal fall protection gear.

The program allows Valley Water to use a Radio Frequency Identification (RFID) reader device, along with a cell phone application, to scan, record and track issued gear/equipment, record which employees were issued the gear/equipment, record dates and times of inspections, document completed required inspections, and the software notifies staff of upcoming required inspections.

This program will assist Valley Water in their compliance efforts associated with gear/equipment regulatory inspection requirements by maintaining easily retrievable digital records of each inspection. The software is cloud-based for simplified deployment and can be accessed anywhere there is a network connection. To improve flexibility for areas with limited Wi-Fi or cellular data coverage, inspectors can use the mobile application while disconnected and then upload the inspection information once a network connection is established. This software also gives Valley Water the capability to quickly report on data across multiple locations, giving new levels of insight for safety equipment management in multi-site operations.

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

### **Faster Internet for Silicon Valley Advanced Purification Center**

Ensuring that Valley Water has the technology to efficiently complete its work is a top priority of the Information Technology Division. The Internet connection at the Silicon Valley Advanced Purification Center is now 10x faster, addressing previous reports of jittery telephone communications, slow video streaming during educational tours, and poor connection to the main campus.

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

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### **Water 101 Academy Ambassador Program Recap**

The Water 101 Academy Ambassador Program culminated on Tuesday, March 26, 2019, and ambassadors were presented with a Resolution of Appreciation at the Board meeting.

The academy held its final educational session on Saturday, March 23, 2019, which was composed of an all-day bus field trip to various Valley Water facilities and projects. The ambassadors visited San Luis Reservoir to learn about role of imported water as both a State Water Project and Central Valley Water Project Contractor and need to engage with WaterFix and expand nearby Pacheco Reservoir for additional storage and improved reliability of our imported water supplies. The group then headed to Anderson Dam to learn about the Seismic Retrofit Project and Dam Safety program, as well as discussed flood protection work in South County on Upper Llagas Creek. Afterwards, the group was welcomed by Director Santos at the Silicon Valley Advanced Water Purification Center where they stopped for a tour and lunchtime presentation of watersheds and fisheries. The rest of the afternoon focused on several key flood protection projects such as San Francisquito Creek, Coyote Creek and downtown Guadalupe River Park flood protection projects.

The intent of the program is to educate and train community leaders on local water issues who would then serve as neighborhood liaisons/leaders in engaging their communities on water issues and sharing information. Ambassadors were encouraged to get involved as volunteers, by attending Valley Water Board meetings, writing letters of support, and/or by serving on a Board committee or commission. Post-event and program survey results are being gathered and compiled to evaluate program effectiveness and to seek input on ways to further engage with the cohort moving forward.

The next application period for the next cohort will open up later this fall for next year's Water 2-2 Academy Ambassador Program.

For further information, please contact Rick Callender at (408) 630-2017.

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### **Tax Defaulted Property Acquisitions Completed in Alviso**

Valley Water has been coordinating with the County of Santa Clara and other agencies for final permission (City and State) to acquire two (2) parcels of land along the Guadalupe River area in Alviso through the tax-default process. This land was formerly owned by Blue Whale Sailing School and this additional ownership will provide the necessary right of way for Valley Water's maintenance access road, levee and the public trail. The land transactions are complete and recorded deeds have now been received by Valley Water.

For further information, please contact Ngoc Nguyen at (408) 630-2632.

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**Update on Public Sale of Excess Valley Water Property Located at 110 Sunset Avenue in San Jose**

On February 26, 2019, the Board approved the sale of an excess land parcel with a house at 110 Sunset Avenue in San Jose, California, to the second highest bidder after the first bidder had terminated his contract.

As provided in the Purchase and Sale Agreement, the new potential buyer conducted structural and electrical inspections and determined there would be a significant cost to bring the property up to a desired level. On March 26, 2019, the buyer withdrew and terminated the contract as per the due diligence provision of the contract. The return of the deposit to the potential buyer is being processed.

Valley Water is exploring possible next steps for an upcoming public auction, including the potential costs of demolition first, and then selling it as a bare land piece.

For further information, please contact Ngoc Nguyen at (408) 630-2632.

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# **BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS**

**Report Name: Board Member Requests**

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-19-0004	02/21/19	Kremen	Hawk	Hall Arnold	<p>Recalling that in 2014 / 2015 as the drought caused us to enter into more water transfer/purchase agreements than usual, I asked staff for reference information on market reference prices at the time. Now in 2019, I would like to expand the question as follows:</p> <ul style="list-style-type: none"> <li>• What are current reference prices for water South of Delta distinguished by term, point of delivery, limits on delivery period (e.g., subject or not subject to the transfer window July-Sept) and degree of reliability (for example available vs. not available in critically dry years)?</li> <li>• How much more does non interruptible supplies cost?</li> <li>• Are their charges tacked on for transportation?</li> <li>• How are losses handled?</li> <li>• Where is the measurement?</li> <li>• Do we assume the water will be delivered to San Luis Reservoir?</li> <li>• How do we assure we are getting the best prices?                             <ul style="list-style-type: none"> <li>o Do we use any third parties to check for best prices?</li> </ul> </li> <li>• Do other water districts go through contacting and purchasing for purchases of water?</li> </ul>	03/14/19		
I-19-0005	03/18/19	Kremen	Richardson	Nguyen	Provide Director Kremen with a list	04/07/19		



**Report Name: Board Member Requests**

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
					of the addresses and owners for all the potential, suspected and actual encroachments.			
I-19-0006	03/25/19	Kremen	Hawk	Hall	Please provide Director Kremen with the request for information in the attached email.	04/16/19		
R-19-0001	03/26/19	Hsueh	Hawk	Hakes	Notify former Uvas/Llagas Flood Protection Advisory Committee members of the 404 permit signing with the Army Corps of Engineers for the Upper Llagas Flood Protection Project.	04/16/19		
R-19-0002	03/26/19	Santos	Camacho	Taylor	The Board requested staff to provide the Board with a list of banks/agencies currently being used for debt financing and investments.	04/16/19		
R-19-0003	03/26/19	Keegan	Callender	Gibson	Director Keegan requested that External Affairs (GRU) assist the Homeless Encampment Ad Hoc Committee with the logistics, topic, participants, etc. for the proposed Homeless Summit.	04/16/19		

**TO:** Board of Directors**FROM:** Nina Hawk**SUBJECT:** Update on Oroville Spillways Costs**DATE:** March 19, 2019

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On September 5, 2018, the Department of Water Resources (DWR) issued a press release (Attachment 1) providing an updated cost estimate of \$1.1 billion for the Oroville Spillways Emergency Recovery Project (Project). DWR has issued approximately \$40 million in bond debt and will issue an additional \$235 million to cover 25 percent of total Project costs, which will be repaid by State Water Project contractors through each agency's annual Statement of Charges. The estimated impact to Valley Water's Statement of Charges for the total emergency response and recovery debt issuance of \$275M will be approximately \$633,000 per year through 2035, which is the existing term of the State Water Project water supply contract.

The \$1.1 billion in total estimated costs covers two phases described below: 1) the Emergency Response Phase, and 2) the Emergency Recovery Phase. FEMA's Public Assistance program allows for the reimbursement of up to 75 percent of eligible costs for federally declared disasters.

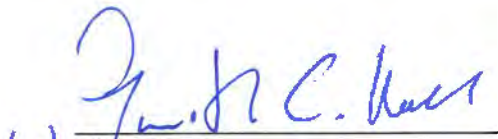
#### 1) Emergency Response Phase

The Emergency Response Phase, which concluded in May of 2017, is estimated to cost \$160 million with FEMA expected to provide a maximum reimbursement of approximately \$120 million. Response activities included erosion mitigation for both spillways during the incident, sediment removal, installation of temporary transmission lines, staff time, technical consultants, and inter-agency support. The approximately \$40 million in bond debt issued by DWR for this phase covers the emergency response phase costs not being reimbursed by FEMA, which will be repaid by State Water Project contractors through each agency's annual Statement of Charges beginning in 2019. The estimated impact to Valley Water's Statement of Charges for the emergency response debt issuance will be approximately \$89,000 per year through 2035.

#### 2) Emergency Recovery Phase

The Emergency Recovery Phase, which is expected to be completed in 2019, is estimated to cost \$940 million. This includes \$630 million for the main and emergency spillways work and \$310 million related to debris and sediment removal, powerline replacement, permitting and development of access roads, and DWR labor and consultant costs, in addition to site restoration work that will occur after construction of the spillways is complete. The \$235 million bond issuance planned by DWR covers the 25% of these costs that will definitely not be reimbursed by FEMA. The estimated impact of this issuance to Valley Water's Statement of Charges will be approximately \$544,000 per year through 2035.

DWR has applied to FEMA for reimbursement of \$511 million in recovery costs to date, and on March 7, 2019, DWR issued a press release (Attachment 2) stating that it received notification that FEMA has approved \$205 million in reimbursements for the Emergency Recovery Phase. FEMA also notified DWR that it does not consider some spillway reconstruction activities to be eligible for reimbursement based on information submitted by DWR to date. DWR intends to appeal this determination in an effort to secure maximum reimbursement.

  
Nina Hawk  
Chief Operating Officer  
Water Utility Enterprise

Attachment 1: DWR News Release Sep. 5, 2018  
Attachment 2: DWR News Release Mar. 7, 2019



## NEWS FOR IMMEDIATE RELEASE

September 5, 2018

Contact:

Erin Mellon, Assistant Director, Public Affairs, Department of Water Resources

(916) 651-2440 | [erin.mellon@water.ca.gov](mailto:erin.mellon@water.ca.gov)

### **Oroville Spillways Construction and Cost Estimate Update**

**SACRAMENTO** – The Department of Water Resources (DWR) today provided an update on construction activities and estimated costs for the Oroville Spillways Emergency Recovery Project.

#### **Main Spillway**

- November 1, 2018 is a public safety construction milestone to complete placement of all concrete on the main spillway. Dry finishing, concrete curing, joint sealing, completing sidewall backfill and site clean-up on the main spillway will continue after November 1.
- The upper chute is 63 percent complete. Crews have placed 50 of 150 erosion-resistant concrete (ERC) structural slabs and two of 50 ERC structural walls on the uppermost 730 feet of upper chute.
- The middle chute is 77 percent complete. Crews continue to place ERC structural slabs and walls on the middle chute. To date, crews have placed 175 of 228 slabs and 51 of 76 walls.
- Repair work on the dentates is 45 percent complete. Placement of reinforcing steel and ERC slabs on the energy dissipaters, or dentates, at the base of the main spillway is ongoing.

#### **Emergency Spillway**

- Placement of roller-compacted concrete (RCC) on the southern half of the emergency spillway splashpad is 72 percent complete. Crews have temporarily stopped RCC placement for scheduled maintenance on the RCC batch plant. RCC placement will resume on Monday, Sept. 10.
- The RCC buttress at the base of the emergency spillway will be built later this year. Drilling of steel dowels into the emergency spillway monolith structure that will support the buttress is complete.
- Work at the emergency spillway site is not dependent on the public safety construction milestone and will continue past November 1, 2018.

#### **Other Updates**

- Work continues on an underground transmission line project along Oro Dam Boulevard East between Glen Drive and Canyon Drive. One-way traffic controls are in place from 6 a.m. to 6 p.m. and will continue until the project is complete in mid-October.

- The speed limit has been reduced to 25 mph on this stretch of Oro Dam Boulevard East and cars will not be allowed to stop on the road. There are several designated turn outs for cars to pull over to get a view of the Oroville spillways construction site.
- September 6 and 7 are the next free access dates at the Lake Oroville State Recreation Area, which completes DWR's [free access program](#).
- DWR will meet with the independent Board of Consultants for the 20<sup>th</sup> time on September 5 and September 6.

**Cost Estimate Update:** As work continues to meet the November 1, 2018 public safety construction milestone to fully reconstruct the main spillway, DWR has updated its cost estimates. The current estimate for emergency response and reconstruction of the main and emergency spillways is \$1.1 billion. Cost estimates are based on actual and projected work and may be adjusted further as work continues through completion of the project in 2019.

DWR will continue to submit expenditures to the Federal Emergency Management Agency (FEMA) for reimbursement. To date, FEMA has approved reimbursement of \$87.4 million of the \$116.5 million submitted by DWR.

**Emergency Recovery:** The current estimated cost of the Oroville Spillways Emergency Recovery Project through 2019 is \$940 million, with major components including:

- \$630 million for main and emergency spillways work through the contract with Kiewit Infrastructure West.
  - The updated estimate reflects additional excavation on the emergency spillway hillside to reach competent rock, additional material for construction of the splashpad, and additional crews and equipment necessary to meet the November 1 public safety construction milestone.
- \$310 million for related recovery work including debris and sediment removal, powerline replacement, permitting and development of access roads, DWR staff time, technical consultants and inter-agency support.
  - The updated estimate reflects additional staff time, technical consultants and inter-agency support to meet the November 1 public safety construction milestone, and an estimate for site restoration that will occur after construction of the spillways is complete.

**Emergency Response:** The estimated cost for emergency response, which ended in May of 2017, remains unchanged at \$160 million. Response activities included erosion mitigation for both spillways during the incident, sediment removal, installation of temporary transmission lines, staff time, technical consultants and inter-agency support.

DWR awarded an initial \$275 million contract in April 2017 to Kiewit to immediately plan and mobilize crews and equipment to begin construction in May 2017. This budget allowed Kiewit to begin necessary work while the project design was completed, and was not an estimate of the total project cost. Final plans for the main spillway were completed in July 2017 and final design plans for the emergency spillway were completed and approved in August 2018. As with any project of considerable magnitude, cost estimates are affected by conditions onsite and direction from regulatory bodies throughout design and construction.

To view photos and video of the Oroville Spillways construction, visit DWR's [Oroville Spillway photo gallery](#) and [YouTube channel](#).

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For more information, follow us on [Twitter](#) or [Facebook](#), read our [news releases](#) or visit our [Oroville Spillway Incident webpage](#).



## DWR Responds to FEMA Reimbursement for Oroville Spillways Work

Published: Mar 07, 2019



A view of the recently completed Lake Oroville main spillway. Backfill operations continue to raise the area around the underdrain piping system outside the sidewalls of the spillway. DWR/2019

**SACRAMENTO, Calif.** – The Department of Water Resources (DWR) today received notification that the Federal Emergency Management Agency (FEMA) has approved \$205 million in federal funds to reimburse the state for spillway reconstruction costs related to the 2017 Oroville Dam spillways incident. These funds are in addition to \$128.4 million FEMA previously approved for reimbursement for emergency response, debris removal, and other costs.

The latest reimbursement is based on cost estimates provided by DWR last summer. DWR will provide updated cost estimates in the coming weeks and anticipates additional reimbursements will be approved.

FEMA also notified DWR that it does not consider some spillway reconstruction to be eligible for reimbursement based on information submitted by DWR to date. DWR will work with FEMA to provide further information to support the department's assertion that all reconstruction work should be eligible for reimbursement.

"We appreciate the hard work and commitment of FEMA staff, however are disappointed in some of their initial interpretations regarding cost eligibility," said Joel Ledesma, DWR Deputy Director of the State Water Project. "Our reconstruction work was necessary to safely operate the main spillway and ensure functionality of the

emergency spillway. DWR plans to appeal FEMA's determination as we believe all costs should be eligible for federal reimbursement."

FEMA's Public Assistance program reimburses applicants at least 75 percent of eligible costs associated with a federally declared disaster.

The reimbursement determination from FEMA is based on its eligibility categories and policies. It is not a statement on the quality of the reconstruction work or whether the work was necessary.

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*For more information, follow us on [Twitter](#) or [Facebook](#) and read our [news releases](#) and [DWR updates](#).*

Contact:

Erin Mellon, Assistant Director, Public Affairs Office, Department of Water Resources

916-704-5529 | [erin.mellon@water.ca.gov](mailto:erin.mellon@water.ca.gov)



## MEMORANDUM

FC 14 (02-08-19)

**TO:** Board of Directors

**FROM:** Nina Hawk

**SUBJECT:** Lake Oroville Operations Update

**DATE:** March 27, 2019

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On March 26, 2019, the California Department of Water Resources (DWR) released a statement announcing preparations for potential use of Lake Oroville's main spillway. The announcement is provided as Attachment 1. Staff will continue to monitor DWR operations for Lake Oroville and related State Water Project facilities.

*Additional info on DWR Oroville Spillways Recovery is available at [water.ca.gov/Oroville-Spillways](http://water.ca.gov/Oroville-Spillways).*

A handwritten signature in black ink, appearing to read "Nina Hawk for", written over a horizontal line.

Nina Hawk  
Chief Operating Officer  
Water Utility Enterprise

Attachment 1: DWR Press Release Notice





## NEWS FOR IMMEDIATE RELEASE

**March 26, 2019**

**Contact:**

Erin Mellon, Assistant Director, Public Affairs Office, Department of Water Resources  
916-704-5529 | [erin.mellon@water.ca.gov](mailto:erin.mellon@water.ca.gov)

### **DWR Prepares for Potential Use of Oroville's Main Spillway**

**SACRAMENTO, Calif.** – The California Department of Water Resources (DWR) is closely monitoring Oroville reservoir levels and current forecasts. Due to storms expected in the Feather River basin, DWR is taking steps to prepare for use of the main spillway potentially as early as the first week of April.

DWR is following its standard process of notifying regulatory agencies, local law enforcement and local elected officials for the anticipated use. The Department will continue to update the public, media and local partners through emails, news releases and social media.

To prepare for potential use of the spillway, DWR is removing construction equipment from the spillway chute. It will also remove a temporary road below the main spillway that has been utilized during construction. The road will be removed to minimize water quality impacts. Some turbidity is expected while the road is being removed.

Downstream monitoring is in place to track water quality. In addition, temporary cameras and lights have been situated alongside the spill way for observational purposes when water begins to flow down the chute. The information below reflects current reservoir level estimates. Forecasts can change quickly and may affect the estimates provided.

- **Current Oroville Reservoir levels: 845 feet**
- **Projected Elevation on April 5 based on 10-day forecast: 850 feet**

The main spillway and the emergency spillway are reconstructed and able to handle flows as needed to manage lake levels and provide flood protection for the surrounding communities. DWR will continue updating the public, media and local partners.

To sign up for community notifications, contact [oroville@water.ca.gov](mailto:oroville@water.ca.gov).  
Media should contact [media@water.ca.gov](mailto:media@water.ca.gov) to be added to DWR's media list.  
View construction [time-lapse video](#), additional construction [videos](#) and [photos](#).

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For more information, follow us on [Twitter](#) or [Facebook](#) and read our [news releases](#) and [DWR updates](#).