



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

May 17, 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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- 44 Reply email from Linda LeZotte, Chair, to John Bianchi, dated 05.09.19, regarding Questions about the Percolation Ponds. (C-19-0125).

CEO BULLETIN/ NEWSLETTERS

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

Chief Executive Officer Bulletin Week of May 10 – 16, 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
<u>1</u>	Fish Death at Calero Reservoir
<u>2</u>	Upper Penitencia Creek public meeting and percolation ponds frequently asked questions

Fish Death at Calero Reservoir

During the last week of April 2019, Santa Clara County Parks rangers observed approximately 100 dead Black Crappie fish in Calero Reservoir and alerted Valley Water. Valley Water evaluated the information and attributed the fish death to low oxygen in the reservoir stressing the fish.

The latest water quality monitoring at Calero Reservoir was done on April 16, 2019. It showed that the reservoir water is stratifying, thus causing low oxygen in the bottom layers, which is typical in the dry months of the year. The next monitoring is scheduled for May 2019. Valley Water has been in close communication with the County Parks rangers.

As part of the collaboration between Valley Water and Santa Clara County, a team is working on a procedure to address fish/wildlife carcass issues, such as this fish death. In this event, the majority of the dead fish were consumed by other wildlife and no further action is planned at this time to address this issue at Calero Reservoir.

For further information, please contact Kurt Arends at (408) 630-2284.

Upper Penitencia Creek public meeting and percolation ponds frequently asked questions

The Upper Penitencia Flood Risk Reduction Project (Project) continues with the Project's planning phase work and held a public meeting on Wednesday, May 15, 2019, at the East Side Union High School District to obtain public input on the feasible alternatives. A facilitator was retained to help guide the meeting and the interactive public input phase, where attendees were given tools to document their comments on each feasible alternative. The public's feedback will be used to develop the preferred alternatives, which will go before the Valley Water Board for review and action, later this year.

A previous public meeting was held in October 2018, to obtain community input on the conceptual

alternatives. The feasible alternatives presented this week reflect the public commentary from that October 2018, meeting.

Based on separate public inquiries Valley Water received regarding the status of Valley Water's percolation ponds, a document detailing our recharge activities and our upcoming efforts north of Upper Penitencia Creek was distributed to meeting attendees. The information was also made available by Director Santos at the Berryessa Citizens Advisory Council public meeting, held on Monday, May 13, 2019.

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



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: May 8, 2019

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

Please find the following attachment:

- 1) May 7, 2019 letter to Mr. Ben Stoddard, on behalf of Anthony McGilvery regarding recommendation to deny claim.

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

A handwritten signature in black ink, appearing to read "David Cahen", written over a horizontal line.

David Cahen
Risk Manager

May 7, 2019

Ben H. Stoddard
Corsiglia McMahon & Allard, LLP
96 North Third Street, Suite 620
San Jose, CA 95112

Re: Claim – L1890017

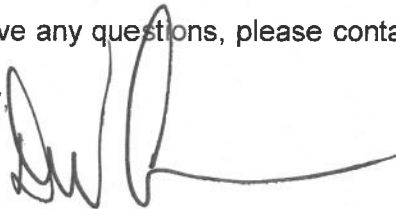
Dear Mr. Stoddard,

We have reviewed the claim on behalf of your client, Mr. Anthony McGilvery and reached the conclusion that the Santa Clara Valley Water District is not responsible for the injuries Mr. McGilvery sustained while bicycling on the Coyote Creek Trail.

We are unable to substantiate this claim for damages and will therefore be recommending to our Board of Directors that the claim be denied. This item is scheduled to be heard at the May 14, 2019 Board meeting which begins at 1:00 pm. In the event of a date change, I will provide you with advance notice. You can also monitor the Board of Directors meeting schedule and associated agenda items at: <https://scvwd.legistar.com/Calendar.aspx>.

If you have any questions, please contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager

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-19-0007	05/13/19	Kremen	Richardson	Nguyen	Good morning water district board members, If you can enlarge the chart below you can see there is a dotted line gap waiting for the water district to do some repairs and flood control. I would appreciate anything you two could do to expedite this project so this portion of the trail can be resurfaced to make a continuous alternative transportation corridor.	06/03/19		
I-19-0008	05/14/19	Varela	Camacho	Noriega	Director Varela requested staff to follow up with JVSV Talent Partnership Program representative regarding the expansion of the existing Internship Program. Director Varela requests that he be kept informed as to outcomes. See attached email.	06/04/19		
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-19-0003	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		

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
R-19-0005	04/23/19	Santos	Hawk	Arends	Staff to provide the Board with an update on the District's recharge ponds.	05/15/19		

Elaine Gonzalez

From: Bob Huenemann <bobgh@razzolink.com>
Sent: Monday, May 13, 2019 11:01 AM
To: Board of Directors
Subject: Agribusiness water rates?

Importance: High

Why is Linda LeZotte the only board member who is concerned about the outrageous subsidies for agribusiness water?

Robert Gilchrist Huenemann
120 Harbern Way
Hollister, CA 95023-9708
831-635-0786
bobgh@razzolink.com

Elaine Gonzalez

From: George Cook
Sent: Thursday, May 09, 2019 4:15 PM
To: Board of Directors
Cc: Vanessa De La Piedra
Subject: FW: Potential Well Water related changes

The e-mail below was sent to Director Hsueh and I. We are working on a response.

GEORGE COOK
SENIOR WATER RESOURCES SPECIALIST
Groundwater Management Unit
Tel. (408) 630-2964

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

From: Amar Gupta <amargupta2000@gmail.com>
Sent: Tuesday, May 07, 2019 3:50 PM
To: George Cook <GCook@valleywater.org>; Nai Hsueh <NHsueh@valleywater.org>
Subject: Potential Well Water related changes

Dear Mr. Cook,

I have a well in my house that was originally planned for potable use. The water however had a very bad odor to it. Someone even commented that the water may even be contaminated from occasional septic tank seepage from neighboring areas. As a result, we decided NOT to use the well water and instead invest in pumping City water up about 400+ feet to our house. We have been pumping city water up through an intermediate Booster pump and paying for city water (San Jose Water) supply.

This is a single family dwelling and there is no farming activity. May I hence request that you exempt my well from the proposed ground water charge?

respectfully,

Amar Gupta
22975 Balboa Road
Cupertino, CA 95014
+1.408.718.1949

Noted
C-19-0132

Elaine Gonzalez

From: Pat Blevins <seaglass103@sbcglobal.net>
Sent: Friday, May 10, 2019 8:56 PM
To: Board of Directors
Subject: Water flow to Ross Creek and the loss of water fowl.....why?????????

I received a post from Nextdoor this evening which I find quite upsetting. Why is SCVWD or whatever you are calling yourselves these days, stopping the water flow to Ross Creek? Why are you "OK" with allowing these ducklings to die?

How does biodiversity work against restoration of water systems in this drought prone City???? How can you sit in your office and make a decision about which water fowl lives and which dies when Nature would not decide to see creatures die for human decisions and human errors. Haven't we seen enough of the devastation human decision making creates to opt for Nature every time? this decision is unacceptable and I want to see the decision reversed before it is too late.

"Ross Creek runs from Los Gatos to somewhere past the Robertsville car wash. It is home for several water fowls such as ducks, cranes as well as other little frogs, etc. The Valley Water District has decided NOT to allow water to flow through due to some lame excuse that the north county aquifers are full. So due to that decision several maybe hundreds of newly hatched ducklings are going to die off. I used to see ducks and their ducklings enjoying the water in Ross Creek. I have emailed the water district and their response is similar to "who cares."

Patricia Blevins

District 4
San Jose

Refer to staff
C-19-0133



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
701 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207-8915

Planning and Policy Division
Environmental Branch

MAY 10 2019

To Whom It May Concern:

Pursuant to the National Environmental Policy Act (NEPA) and the U.S. Army Corps of Engineers (Corps) Regulation 33 CFR 230.11, this letter constitutes the Notice of Availability of the Draft General Reevaluation Report (GRR) and Environmental Impact Statement (EIS) for the San Francisco Bay to Stockton Navigation Improvement Project. The study area is a 13.2 mile length of navigation channel which spans from Central San Francisco Bay to Avon (just east of the Benicia-Martinez Bridge) including the Pinole Shoal Channel and the Bulls Head Reach portion of the Suisun Bay Channel. The proposed project includes deepening the existing maintained channel depth of the Pinole Shoal Channel and Bulls Head Reach (Suisun Bay) from -35 feet to -38 feet Mean Lower Low Water (MLLW), dredging a 2,600 foot sediment trap at Bulls Head Reach with a depth of -42 feet MLLW, plus two feet of overdepth, leveling the rock outcrop located to the west of Pinole Shoal from a peak of -39.7 feet MLLW to -43 feet MLLW, and using the dredged material at permitted beneficial reuse sites.

Public meetings will be held to take comments on the draft GRR/EIS at the Contra Costa County Conservation and Development offices in Martinez, at 30 Muir Road, Martinez, California 94553 from 6pm to 8pm on June 11, 2019.

The Draft GRR/EIS is available for your review on the Corps environmental planning website (from the link, go to "Other Locations", then "SF Bay to Stockton"):

<http://www.saj.usace.army.mil/About/DivisionsOffices/Planning/EnvironmentalBranch/EnvironmentalDocuments.aspx>

Hard copies of the Draft GRR/EIS are available at the following libraries:

Cesar Chavez Central Library 605 N El Dorado St, Stockton, CA 95202
Contra Costa County Library – Martinez Branch 740 Court St, Martinez, CA 94553

Any comments you may have must be submitted in writing to the letterhead address or by email to SFBaytoStockton@usace.army.mil within 45 days of the date of this letter (May 11, 2019 – June 24, 2019). Questions concerning the Draft GRR/EIS can be submitted to Mrs. Stacie Auvenshine at the letterhead address or via email to SFBaytoStockton@usace.army.mil.

Sincerely,

Angela E. Dunn
Chief, Environmental Branch

Elaine Gonzalez

From: Prashant Kondawar <prashant.kondawar@gmail.com>
Sent: Monday, May 13, 2019 10:15 PM
To: Melissa Stone
Cc: Board of Directors
Subject: Re: Cinnabar Hills Road Bridge over Almaden Calero Canal (Almaden-Calero Canal)

Dear Mr. Gary Kremen,

Thanks for your email. As I mentioned in my previous email, even after multiple back and forth emails, our basic question asked 8 month back was originally incorrectly answered and today remain unanswered. We are getting very sloppy response with incorrect information leading to tremendous delay in our project. Whole episode raises various question about the way your department work and we are really shocked to observe many irregularities. We need your help in order to address this issue. Could you please personally look into this and give us direction.

If you cannot help us or do not agree with our point of view mentioned in various email so far, could you please share agency/department which regulate your agency and we will have to reach out to them for guidance and help.

Thanks,
Prashant

On Fri, May 3, 2019 at 9:57 AM Melissa Stone <mstone@valleywater.org> wrote:

Sent on behalf of Director Kremen

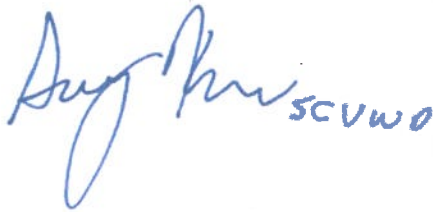
Dear Mr. Kondawar,

Thank you for your recent emails dated April 11 and April 23, 2019. Santa Clara Valley Water District (Valley Water) staff responded to the first email in a letter dated April 18, 2019 (attached). Valley Water staff is currently evaluating the questions and concerns raised in your second email, and will respond as soon as they have completed their evaluation.

Please feel free to contact Usha Chatwani at uchatwani@valleywater.org or 408-630-2731, or Colleen Haggerty at chaggerty@valleywater.org or 408-630-2322 if you have any questions in the meanwhile.

Sincerely,

Refer to staff
C-19-0136
(Ref, C-9-0122)



Gary Kremen

Director, District 7

C-19-0108/0122.

From: Prashant Kondawar [mailto:prashant.kondawar@gmail.com]

Sent: Tuesday, April 23, 2019 12:56 PM

To: Rita Khosla <RKhosla@valleywater.org>; Colleen Haggerty <CHaggerty@valleywater.org>; Board of Directors <board@valleywater.org>

Cc: Usha Chatwani <uchatwani@valleywater.org>; Ryan Littell <RLittell@valleywater.org>; Anant Uttarwar <a Uttarwar@yahoo.com>

Subject: Re: Cinnabar Hills Road Bridge over Almaden Calero Canal (Almaden-Calero Canal)

+Board of Directors of Santa clara water district

Dear Board of Directors,

We are including you in this email as we have not received satisfactory response from your agency staff. Unfortunately, our basic question asked in Sep 2018 are still open and incorrect ownership information provided by your agency is leading to extraordinary delay in processing our planning application with Santa clara county and additional cost to us. In our view, your agency should be held responsible for such cost. In order to avoid further delay and additional cost to us, we request you to look into this matter and clarify your stand for following points within 2 weeks of receipts of this email.

Dear Colleen/Ryan,

Everyone using the bridge has assumed that the bridge has no weight limits as owner of the bridge has failed in posting weight limit. During meeting on 14th March, I raised the question about liability clause in case something bad happens because of not providing important information regarding bridge to commuters. You mentioned that you will address that question in your return response, but I do not see any comment on liability clause. So, I am reiterating our view in this regard-

1. In our view, SCWD will be fully and solely responsible for any loss that occur to anyone for not posting weight limits for the bridge owned by your agency. This opinion is based on conversation with Caltrans public relationship office. We asked caltrans if they will take full responsibility of the bridge owned by them and constructed in 70-80 years back. They confirmed that they take full responsibility to make sure that all bridges owned by them are fully complied with current laws including posting weight limits irrespective of the year of build and laws exist when they were build. If you do not agree with our opinion and opinion shared by caltrans, please clarify who according to you would be legally responsible for any liability arising for any loss as a result of non posting weight limits of the bridge.

2. It is very evident that for many years, SCWD has completely neglected precious assets in public use which is owned and supposed to be maintained by agency. We were provided misleading and incorrect information about the ownership. Who should be held responsible?

Question raised by us are basic questions as an owner of the property in the neighborhood which uses this bridge and goes beyond our planning application with Santa Clara county. I hope your agency will appreciate the fact that our questioning has helped you to realize many lapse in

- 1) Keeping proper record of inventory of bridges owned by your agency
- 2) Your agency's commitment and public responsibility for maintenance of owned assets especially assets in public use and making sure it doesn't endangered public
- 3) Realizing the liability clause for public use of assets owned by your agency.

Thanks and regards,

Prashant Kondawar

On Thu, Apr 18, 2019 at 5:45 PM Rita Khosla <RKhosla@valleywater.org> wrote:

Original to follow by mail.

Rita Khosla

Staff Analyst

Community Projects Review Unit

Tel. (408) 630-2072

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

From: Prashant Kondawar [mailto:prashant.kondawar@gmail.com]
Sent: Thursday, April 11, 2019 12:34 PM
To: Robin Navarrete <rnavarrete@valleywater.org>; Board of Directors <board@valleywater.org>
Cc: alex.goff@sccfd.org; Usha Chatwani <uchatwani@valleywater.org>; Yvonne Arroyo <varroyo@valleywater.org>; Colleen Haggerty <CHaggerty@valleywater.org>; Mark Bilski <MBilski@valleywater.org>; Ryan Littell <RLittell@valleywater.org>; Campbell, Rob <Rob.Campbell@pln.sccgov.org>; Anant Uttarwar <a Uttarwar@yahoo.com>
Subject: Re: Engineering Drawings Request Follow-Up Questions - Almaden Calero Canal (LETTER)

+Board of Directors of SCWD.

Dear Board of Director,

We have been following up on few questions with your staff from Sep 2018 and recently from March 18, 2019. I have send follow up emails, left voicemails but have not heard back from any of them. Appreciate if someone could take a moment to respond as our planning application with Santa Clara County is held up waiting for some basic information about the bridge owned by SCWD.

Appreciate all your help!

Thanks and regards,

Prashant

On Mon, Apr 1, 2019 at 2:31 PM Prashant Kondawar <prashant.kondawar@gmail.com> wrote:

Hello Robin and Colleen,

Following up again on my previous email. What is the expected timeline for your response?

Thanks,

Prashant

On Thu, Mar 28, 2019 at 11:30 AM Prashant Kondawar <prashant.kondawar@gmail.com> wrote:

Dear Robin and Colleen,

Following up on my last email. When can we expect to hear from you?

Thank you,

Prashant

On Mon, Mar 18, 2019 at 11:28 PM Prashant Kondawar <prashant.kondawar@gmail.com> wrote:

Dear Ryan,

After carrying out detail analysis of your 2 letters (dated Oct 15, 2018 Dec 4, 2018) along with enclosed document and legal opinion provided by attorney, our understanding is that the bridge is still owned by SCWD. Based on our discussion with you on 14th March, we are under impression that you agree to ownership of bridge. Please let us know if you still think otherwise.

1. In your view, who should be responsible for posting weight limit information of the bridge to everyone who is using it and has legal rights to use it TODAY? We are asking this question on behalf of all people who has legal right to use this bridge and in our view, SCWD is responsible for posting weight limit.
2. We have been waiting to get weight limit question answered since Sep 2018 (**almost 7 months**) as it is required for processing our planning application with count of Santa Clara county. To avoid any further delay in answering questions raised by Santa Clara county, we are planning to go ahead to hire a licensed engineer to investigate weight limit based on available information and provide his assessment. We will like you to bear the full cost of such investigation or reimburse us for such cost after we pay it to investigating engineer or its company. If you do not agree to pay or reimburse, please explain in detail your reasoning for such stand.

To speed up the process, we appreciate if you could respond **within a week** to this email.

Thanks and regards,

Prashant Kondawar

On Tue, Dec 4, 2018 at 4:17 PM Robin Navarrete <rnavarrete@valleywater.org> wrote:

Original to follow by mail

Elaine Gonzalez

From: Ricky Matthews <rmatthews@scu.edu>
Sent: Tuesday, May 14, 2019 10:27 AM
To: Board of Directors
Subject: STOP THE SUBSIDIES

Dear Board,

I demand that the Board stop wasting tax dollars on subsidies that have no ability to preserve land in open space. Open space must be preserved in perpetuity through purchase of conservation easements. The District can re-direct these funds for that purpose when they stop giving nearly free water to commercial farmers. This needs to stop.

Elaine Gonzalez

From: Dhruv Khanna <dhruvkhanna2002@yahoo.com>
Sent: Wednesday, May 15, 2019 7:15 AM
To: Board of Directors; Darin Taylor; Dave Cortese; Mike Wasserman; Cindy Chavez; Joe Simitian; Joseph Deviney; supervisor.ellenberg@bos.sccgov.org; Jane Howard; George Guglielmo; Gino Fortino; Steve Dorcich; Nick Dorcich; Jan Garrod; Bill Murphy; Sue and Bill James; Bill Cooper; Rob Eastwood
Cc: Jess Brown; Paul Mirassou; Tim Chiala; Pete Aiello; Janet Burback; Erin Gil; Chris Borello; Russ Bonino; Sherrie Kennedy; Jan Garrod; Dave Vanni; Norma J. Camacho; Nina Hawk; Rick Callender
Subject: Re: Uncollected fees/charges/taxes

Honorable Government Officials and Farming Friends,

Here we have Mr. Taylor engaging in a bunch of **inter-government-agency finger-pointing and blame-shifting** to explain why in the **wealthiest nook of our planet -- namely, Santa Clara County -- we are unable to address excessive traffic, outlandish increases in property values and rent prices within city limits, excessive homelessness, excessive litter, excessive run off, outrageous water rate increases, and our inability to fund the needed seismic retrofit of a local water reservoir.**

1. **Our water district staff has proposed 24% and 19% minimum increases in our Ag water rates during the past two years.** These proposals have been a part of our water district's staff's multiyear agenda to terrorize our farmers with punitive rate increases and to variously nip-tuck-and-axe the **\$8 Million Open Space Credit** by derisively referring to the Open Space Credit as a "subsidy," and targeting it as a **plump source of potential funding for the merely \$500 Million Anderson Dam/Reservoir seismic retrofit project.** Makes sense?

2. We have our **County Planning Department** that, through its war of attrition in the permit approval process, effectively denies property owners in rural Santa Clara County, including farmers, their rights to actually exercise their very limited development rights, while the owners of city lands receive and daily benefit and profit from (the subsidy of) lavish development rights. In the ordinary course of its obstructionist practices to wrongfully constrain property owners in rural Santa Clara County from exercising their limited development rights, the County Planning Department has also **violated federal law, RLUIPA (Religious Land Use and Institutionalized Persons Act), since its inception in 2000.** Makes sense?

3. We have an **Agricultural Commissioner's Office staff overtly aiding and abetting a fraud being perpetrated by the personal injury plaintiff industry** on one or more of our local farming operations. Makes sense?

No, none of this makes sense.

Mr. Taylor's gallant defense of his staff's annual and brutal attacks on our water rates is nothing more than blame-shifting to other government agencies which points out simply the overall failure of our local County government as a whole -- which means all of our various local government agencies including cities, county, and our water district. **Our Santa Clara Government as a whole should end its pretensions and its assaults on farming. This is a problem for all of our various government**

agencies within the county. So please solve it – this grotesque failure of government taxation, fee collection, traffic management, and their expenditures. We farmers are victims of all of the Santa Clara governmental bungling, illegal conduct and fraud-facilitation. We know who the beneficiaries are: the CEOs, Vice Presidents, Directors, shareholders and employees of Apple, Google, Netflix, Intel etc. plus our government employees who enjoy lavish salaries, benefits and a comfortable work environment while performing as they have.

Mr. Taylor's finger-pointing at other government agencies serves no purpose. We respectfully ask all of you to fix our county's government problems in a collective and comprehensive way and quit attacking us. We have been victimized enough. Thank you.

Dhruv Khanna for himself and Kirigin Cellars.

On Tuesday, May 7, 2019, 10:26:49 AM PDT, Darin Taylor <DTaylor@valleywater.org> wrote:

Hi Mr. Khanna,

I wanted to get back to you on the ideas that you put forth below. Thank you for patiently waiting for a response and thank you for the ideas. We have been working with a consultant recently on ways to generate new revenues, and so I asked for an evaluation as to whether your ideas would be viable for Valley Water.

Here are the results:

Traffic impact fees: The assumption is that you are referring to a development impact fee, which is a commonly used tool by cities and counties for mitigating the impact of new facilities required to meet the needs of new development. Government Code Section 66000 describes detailed procedures for developing and collecting impact fees. Under these procedures, setting development impact fees requires careful analysis of the facilities needed to serve development, their cost and relationship to various land uses ("nexus"). Accordingly, there are key caveats. A development impact fee cannot be used for ongoing services: they can only be used to fund specific capital improvements, and there must be a clear "nexus" between the improvement and the new development. While traffic mitigation fees may be an appropriate funding source to address the concerns you have raised, Valley Water is not a transportation agency, and is therefore not the authorized agency to address traffic mitigation issues.

Homelessness population impact fees: Again the assumption is that you are referring to a development impact fee. Given the nexus requirements mentioned above, it is difficult to conceive of any situation where impact fees would be appropriate in addressing homelessness. Any such fee could only be used to fund capital improvements. Accordingly, while such funds could conceptually be used to build homeless facilities, they could not be used to operate them or provide other ongoing services. More importantly, establishing a nexus between homelessness and new development would be very difficult. For example, it is not difficult to establish the “nexus” that new homes will need wastewater treatment, and as such, new development should pay its fair share of the cost of facilities needed to service them. A similar clear relationship between new development and homelessness is not likely.

Lastly, even in the unlikely circumstance that such a relationship could be empirically established, Valley Water is not the authorized agency for doing so.

Trash Mitigation and Collection Fees: Again, Valley Water is not the authorized agency for addressing trash mitigation concerns.

Enhanced public safety/security fees for flood risk mitigation fees: Flood protection is an appropriate area for Valley Water services, facilities and related funding sources. Accordingly, the likely candidates for funding sources are:

- Benefit assessments (the SCVWD already has these for flood protection improvements in four areas of the district): requires majority property owner approval.
- Special Parcel taxes (SCVWD already has this for the Safe Clean Water measure that was passed by the voters in 2012): require two-thirds voter approval.
- Development impact fees (can only be used for capital improvements benefitting new development): board can approve, but establishing a collection method is contingent in significant part on the cooperation of land use planning agencies.

Valley Water will be taking a very close look at these options over the next year.

On a related note, the idea of Valley Water asking other agencies to collect fees related to traffic, homelessness or trash, and remitting those monies to the District without getting something tangible in return would not be a viable solution. In other words, it would be very difficult for another agency to pass a ballot measure or pass a majority protest process to raise revenue that would then be given to another agency.

However, on April 23, 2019, the Board voted to continue the Open Space Credit policy as is for two years, during which time Valley Water would work to form a coalition of stakeholders to pursue other feasible revenue sources for the Open Space Credit.

Thank you again for your ideas.

DARIN TAYLOR
CHIEF FINANCIAL OFFICER

Office of the Chief Executive Officer

Tel. (408) 630-3068

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

From: Dhruv Khanna [mailto:dhruvkhanna2002@yahoo.com]
Sent: Tuesday, January 08, 2019 7:55 AM

To: Darin Taylor <DTaylor@valleywater.org>; Board of Directors <board@valleywater.org>
Cc: Jess Brown <jessbrown@sbcglobal.net>; Paul Mirassou <btffarms08@gmail.com>; Tim Chiala <tim.chiala@gcfarms.com>; Pete Aiello <pete@uesugifarms.com>; Janet Burbach <tiltonranch@verizon.net>; Erin Gil <erin@grassfarminc.com>; Chris Borello <chris.borello@me.com>; Russ Bonino <ljbffarms@gmail.com>; Sherrie Kennedy <shersfarm@hughes.net>; Jan Garrod <jan@garrodffarms.com>; Dave Vanni <davevanni@gmail.com>
Subject: Uncollected fees/charges/taxes

Mr. Taylor,

I have discussed in your presence numerous times over the past 12 months **the enormous negative ecosystem impacts of development in our County: traffic, litter-garbage-trash, fossil fuel burn, high rents-homelessness, increased and accelerated run off, increased vulnerability of homes to and life-safety from flood risks and seismic threats to our water reservoirs, pipes etc etc.**

It is clear that the numerous efforts of the SCVWD to shore up its water infrastructure, clean up creeks, deal with homeless populations, mitigate flood risks etc have to do with the SCVWD's expanded charter – all of which costs a lot of money – and involve public safety, and general welfare considerations that are additional noble objectives to providing water.

The cities within the County, the County itself and the State of California also should pay for these negative ecosystem impacts that directly impact the work of the SCVWD. Accordingly, here is a **starting point list** of fees, charges, assessments and taxes that the SCVWD should please discuss with and obtain from its other sibling governmental agencies or otherwise from the public:

*Traffic impact fees

*Homelessness population impact fees

*Trash mitigation and collection fees

*Enhanced public safety/security fees for flood risk mitigation fees

As many of us have emphasized, the Googles, Apples, Intels, Applied Materials and other corporations and their employees who primarily live within city limits, enjoy lavish development rights, pave over permeable surfaces with concrete and asphalt, have seen their property values and incomes soar **have not and do not pay for their fair share for the impacts they cause and costs they inflict on the SCVWD and its ratepayers.** Garbage from fast food places - coffee shops, burger and pizza establishments etc etc litter our roadsides and our countryside; more people stuck in traffic eat in their cars; homelessness is increasing not abating etc etc.

It is high time for our SCVWD Staff to get out of its comfort zone and start exploring the right deep pockets who should be fairly assessed for the SCVWD's work and plans. It's time for the various local and state government agencies to get together in a rational way to solve these problems and to get off our farmers' collective backs. Thank you,

Dhruv Khanna, for Kirigin Cellars and himself

OUTGOING BOARD CORRESPONDENCE

Report Name: Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-19-0133	05/10/19	05/13/19	All	PATRICIA BLEVINS	Email from Patricia Blevins to the Board, dated 05.10.19, regarding Water flow to Ross Creek and the loss of water fowl	Refer to Staff	Richards on	Nguyen	05/21/19	05/13/19	n/a	05/27/19
C-19-0134	05/13/19	05/14/19	All	ANGELA E DUNN Department of the Army, Corps of Engineers, Jacksonville District	Letter from Angela E Dunn, Chief, Environmental Branch to the Board dated May 10, 2019, regarding Draft General Reevaluation Report and Environmental Impact Statement for SF Bay and Stockton Navigation Improvement Project	Noted and Filed			05/22/19		n/a	05/28/19
C-19-0135	05/13/19	05/13/19	All	BOB HUENEMANN	Email from Bob Huenemann, to the board, dated 05.13.19, regarding Agribusiness Water Rates	Refer to Staff	King	Brambill	05/21/19		n/a	05/27/19
C-19-0136	05/13/19	05/13/19	All	PRASHANT KONDAWAR	Email from Prashant Kondawar, sent to the Board dated 05.13.19, regarding Cinnabar Hills Road Bridge over Almaden Calero Canal (Almaden-Calero Canal); see C-19-0122	Refer to Staff	Richards on	Nguyen	05/21/19		n/a	05/27/19
C-19-0137	05/14/19	05/14/19	All	RICKY MATTHEWS	Email from Ricky Matthews to the Board, dated, 05.14.19, regarding Subsidies	Noted and Filed			05/22/19		n/a	05/28/19
C-19-0138	05/15/19	05/15/19	All	DHRUV KHANNA	Email from Dhruv Khanna to the Board, dated 05.15.19, regarding Uncollected fees/changes/taxes	Noted and Filed			05/23/19		n/a	05/29/19

Melissa Stone

From: Board of Directors
Subject: FW: Regnart Trail Setbacks

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Thursday, May 09, 2019 12:35 PM
To: Linda Wyckoff <lwyckoff2@yahoo.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Regnart Trail Setbacks

Sent on behalf of Vice-Chair Hsueh

Dear Ms. Wyckoff;

Thank you for your comments regarding the City of Cupertino's planned Regnart Creek Trail. I understand that the trail is proposed to be located on Santa Clara Valley Water District (Valley Water) property adjacent to your home, and sympathize with your concerns regarding safety, security, and privacy. I assure you that Valley Water's Board of Directors (Board) wishes to address these concerns as thoroughly as possible. I hope my response below clarifies what is under Valley Water's purview, and what is under the jurisdiction of the City of Cupertino.

As a public agency, Valley Water is responsible for the stewardship of its water resources and creekside land, and by policy makes this land available for public use wherever feasible. To regulate this use, Valley Water enters into Joint Use Agreements (JUAs) with other public agencies, in this case the City of Cupertino. Prior to entering into the JUA, staff guides trail design development to ensure compatibility with Valley Water's operational and stewardship objectives. The JUA also defines the City's roles and responsibilities with regard to maintenance of trail features and the public's use of Valley Water's right of way, including legal indemnification, as required by Valley Water policy.

Currently, guidelines included in Valley Water's Water Resource Protection Manual provide a framework for staff to ensure that trails are sensitively designed and avoid environmental and operational impacts. However, the guidelines are open-ended to allow flexibility; each trail design must respond to a unique set of variables.

In the past six months, Valley Water staff have met with the City of Cupertino and its consultants regularly to ensure that the trail design meets required minimum standards for maintenance vehicle access and environmental protection. Staff will continue this compatibility review as the design is developed. Following this, if appropriate, the Board will consider approving the JUA once the City has completed its public input and environmental review process.

However, I understand that you and other neighbors have concerns that go beyond Valley Water's requirements for maintenance access and environmental protection. These concerns include the lack of a minimum setback from your property line, as suggested in the Countywide trail guidelines. Although Valley Water is sympathetic to these concerns, the current setback guidelines are not regulatory, but rather are meant to provide the land use authority (i.e., the City of Cupertino) with a flexible framework to guide trail design. The City, as the land use authority, may choose to adhere to the guidelines, or deem that property safety and security is addressed in other ways, such as, for example, through existing fencing. I encourage you to take up this matter with the Cupertino City Council.

Other concerns raised by you or other neighbors include the high cost of the trail, and liability considerations stemming from user safety, fire risk, trespass, etc. While these concerns are certainly understandable, Valley Water will not incur fiscal impacts from trail construction, as the trail is funded by the City, nor is it liable for litigation related to its use, as

legal indemnification will be provided through the JUA. I hope you will consider raising these concerns to the City Council who is both the project proponent and land use authority for this trail project.

I assure you that Valley Water staff and the Board of Directors understand the difficulties associated with introducing public trail use adjacent to our creeks. The Board is committed to finding the appropriate balance between its policy goal of providing access to trails and open space, its water supply, flood protection, and stewardship missions. To this end, the Valley Water Board Policy and Planning Committee recently reviewed existing policies pertaining to trails and recommended a process for staff to develop a new Trails Policy and Toolkit (see <https://www.valleywater.org/sites/default/files/022519%20BPPC%20Agenda.pdf>). The policy will be developed by a committee of technical experts and will be vetted by the community at several public meetings later this year. I am looking forward to your participation in the Trails Policy process, as we clarify the means to achieve this balance.

Sincerely,

A handwritten signature in blue ink that reads "Nai Hsueh". The signature is written in a cursive, flowing style.

Nai Hsueh
Vice-Chair/Board of Directors
Santa Clara Valley Water District

C-19-0110

Melissa Stone

From: Board of Directors
Subject: FW: Regnart Creek - serious safety concerns for the residents and the potential users

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Thursday, May 09, 2019 12:37 PM
To: benaifer dastoor <bddastoor@yahoo.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Regnart Creek - serious safety concerns for the residents and the potential users

Sent on behalf of Vice-Chair Hsueh

Dear Benaifer;

Thank you for your comments regarding the City of Cupertino's planned Regnart Creek Trail. I understand that the trail is proposed to be located on Santa Clara Valley Water District (Valley Water) property adjacent to your home, and sympathize with your concerns regarding safety, security, and privacy. I assure you that Valley Water's Board of Directors (Board) wishes to address these concerns as thoroughly as possible. I hope my response below clarifies what is under Valley Water's purview, and what is under the jurisdiction of the City of Cupertino.

As a public agency, Valley Water is responsible for the stewardship of its water resources and creekside land, and by policy makes this land available for public use wherever feasible. To regulate this use, Valley Water enters into Joint Use Agreements (JUAs) with other public agencies, in this case the City of Cupertino. Prior to entering into the JUA, staff guides trail design development to ensure compatibility with Valley Water's operational and stewardship objectives. The JUA also defines the City's roles and responsibilities with regard to maintenance of trail features and the public's use of Valley Water's right of way, including legal indemnification, as required by Valley Water policy.

Currently, guidelines included in Valley Water's Water Resource Protection Manual provide a framework for staff to ensure that trails are sensitively designed and avoid environmental and operational impacts. However, the guidelines are open-ended to allow flexibility; each trail design must respond to a unique set of variables.

In the past six months, Valley Water staff have met with the City of Cupertino and its consultants regularly to ensure that the trail design meets required minimum standards for maintenance vehicle access and environmental protection. Staff will continue this compatibility review as the design is developed. Following this, if appropriate, the Board will consider approving the JUA once the City has completed its public input and environmental review process.

However, I understand that you and other neighbors have concerns that go beyond Valley Water's requirements for maintenance access and environmental protection. These concerns include the lack of a minimum setback from your property line, as suggested in the Countywide trail guidelines. Although Valley Water is sympathetic to these concerns, the current setback guidelines are not regulatory, but rather are meant to provide the land use authority (i.e., the City of Cupertino) with a flexible framework to guide trail design. The City, as the land use authority, may choose to adhere to the guidelines, or deem that property safety and security is addressed in other ways, such as, for example, through existing fencing. I encourage you to take up this matter with the Cupertino City Council.

Other concerns raised by you or other neighbors include the high cost of the trail, and liability considerations stemming from user safety, fire risk, trespass, etc. While these concerns are certainly understandable, Valley Water will not incur fiscal impacts from trail construction, as the trail is funded by the City, nor is it liable for litigation related to its use, as

legal indemnification will be provided through the JUA. I hope you will consider raising these concerns to the City Council who is both the project proponent and land use authority for this trail project.

I assure you that Valley Water staff and the Board of Directors understand the difficulties associated with introducing public trail use adjacent to our creeks. The Board is committed to finding the appropriate balance between its policy goal of providing access to trails and open space, its water supply, flood protection, and stewardship missions. To this end, the Valley Water Board Policy and Planning Committee recently reviewed existing policies pertaining to trails and recommended a process for staff to develop a new Trails Policy and Toolkit (see <https://www.valleywater.org/sites/default/files/022519%20BPPC%20Agenda.pdf>). The policy will be developed by a committee of technical experts and will be vetted by the community at several public meetings later this year. I am looking forward to your participation in the Trails Policy process, as we clarify the means to achieve this balance.

Sincerely,

A handwritten signature in blue ink that reads "Nai Hsueh". The signature is written in a cursive, flowing style.

Nai Hsueh
Vice-Chair/Board of Directors
Santa Clara Valley Water District

C-19-0114

Melissa Stone

From: Board of Directors
Subject: FW: Regnart Creek Trail Issue

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Thursday, May 09, 2019 12:38 PM
To: Tony Fong <tonyfong@sbcglobal.net>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Regnart Creek Trail Issue

Sent on behalf of Vice-Chair Hsueh

Dear Mr. Fong;

Thank you for your comments regarding the City of Cupertino's planned Regnart Creek Trail. I understand that the trail is proposed to be located on Santa Clara Valley Water District (Valley Water) property adjacent to your home, and sympathize with your concerns regarding safety, security, and privacy. I assure you that Valley Water's Board of Directors (Board) wishes to address these concerns as thoroughly as possible. I hope my response below clarifies what is under Valley Water's purview, and what is under the jurisdiction of the City of Cupertino.

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Currently, guidelines included in Valley Water's Water Resource Protection Manual provide a framework for staff to ensure that trails are sensitively designed and avoid environmental and operational impacts. However, the guidelines are open-ended to allow flexibility; each trail design must respond to a unique set of variables.

In the past six months, Valley Water staff have met with the City of Cupertino and its consultants regularly to ensure that the trail design meets required minimum standards for maintenance vehicle access and environmental protection. Staff will continue this compatibility review as the design is developed. Following this, if appropriate, the Board will consider approving the JUA once the City has completed its public input and environmental review process.

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Other concerns raised by you or other neighbors include the high cost of the trail, and liability considerations stemming from user safety, fire risk, trespass, etc. While these concerns are certainly understandable, Valley Water will not incur fiscal impacts from trail construction, as the trail is funded by the City, nor is it liable for litigation related to its use, as

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I assure you that Valley Water staff and the Board of Directors understand the difficulties associated with introducing public trail use adjacent to our creeks. The Board is committed to finding the appropriate balance between its policy goal of providing access to trails and open space, its water supply, flood protection, and stewardship missions. To this end, the Valley Water Board Policy and Planning Committee recently reviewed existing policies pertaining to trails and recommended a process for staff to develop a new Trails Policy and Toolkit (see <https://www.valleywater.org/sites/default/files/022519%20BPPC%20Agenda.pdf>). The policy will be developed by a committee of technical experts and will be vetted by the community at several public meetings later this year. I am looking forward to your participation in the Trails Policy process, as we clarify the means to achieve this balance.

Sincerely,

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Nai Hsueh
Vice-Chair/Board of Directors
Santa Clara Valley Water District

C-19-0115

Melissa Stone

From: Board of Directors
Subject: FW: Proposed Regnart Creek Trail - Safety Concerns

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Thursday, May 09, 2019 12:38 PM
To: Fari Aberg <abergfari@gmail.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Proposed Regnart Creek Trail - Safety Concerns

Sent on behalf of Vice-Chair Hsueh

Dear Fari;

Thank you for your comments regarding the City of Cupertino's planned Regnart Creek Trail. I understand that the trail is proposed to be located on Santa Clara Valley Water District (Valley Water) property adjacent to your home, and sympathize with your concerns regarding safety, security, and privacy. I assure you that Valley Water's Board of Directors (Board) wishes to address these concerns as thoroughly as possible. I hope my response below clarifies what is under Valley Water's purview, and what is under the jurisdiction of the City of Cupertino.

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Sincerely,

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Nai Hsueh
Vice-Chair/Board of Directors
Santa Clara Valley Water District

C-19-0116

Melissa Stone

From: Board of Directors
Subject: FW: Regnart Creek Trail

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Thursday, May 09, 2019 12:39 PM
To: Shekar Pasumarthi <shekarp@pcweb.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Regnart Creek Trail

Sent on behalf of Vice-Chair Hsueh

Dear Shekar;

Thank you for your comments regarding the City of Cupertino's planned Regnart Creek Trail. I understand that the trail is proposed to be located on Santa Clara Valley Water District (Valley Water) property adjacent to your home, and sympathize with your concerns regarding safety, security, and privacy. I assure you that Valley Water's Board of Directors (Board) wishes to address these concerns as thoroughly as possible. I hope my response below clarifies what is under Valley Water's purview, and what is under the jurisdiction of the City of Cupertino.

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Sincerely,

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Nai Hsueh
Vice-Chair/Board of Directors
Santa Clara Valley Water District

C-19-0117

Melissa Stone

From: Board of Directors
Subject: FW: Proposed Regnart Creek Trail - Guidelines and Concerns

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Thursday, May 09, 2019 12:40 PM
To: Ilango <ilangog@yahoo.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Proposed Regnart Creek Trail - Guidelines and Concerns

Sent on behalf of Vice-Chair Hsueh

Dear Mr. Ganga;

Thank you for your comments regarding the City of Cupertino's planned Regnart Creek Trail. I understand that the trail is proposed to be located on Santa Clara Valley Water District (Valley Water) property adjacent to your home, and sympathize with your concerns regarding safety, security, and privacy. I assure you that Valley Water's Board of Directors (Board) wishes to address these concerns as thoroughly as possible. I hope my response below clarifies what is under Valley Water's purview, and what is under the jurisdiction of the City of Cupertino.

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Sincerely,

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Nai Hsueh
Vice-Chair/Board of Directors
Santa Clara Valley Water District

C-19-0118

Melissa Stone

From: Board of Directors
Subject: FW: Railings 3 inches and 6 inches from Regnart Creek Bank ?

From: Melissa Stone **On Behalf Of** Board of Directors
Sent: Thursday, May 09, 2019 12:56 PM
To: Ilango <ilangog@yahoo.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Railings 3 inches and 6 inches from Regnart Creek Bank ?

Sent on behalf of Vice-Chair Hsueh

Dear Mr. Ganga,

Thank you for your second email dated April 28, 2019, regarding the City of Cupertino's proposed Regnart Creek Trail on Santa Clara Valley Water District (Valley Water) property. Valley Water staff reviewed the concept drawings for the trail, including proposed railing footings located near the top of bank, on Tuesday April 23, 2019. The following day, the drawings were presented at the City's community meeting. As you note, the footings for the railing are proposed in very close proximity to the topographic break of the creek bank, and some areas of this bank are subject to ongoing erosion.

Valley Water staff have expressed concerns, both in the past (as you note), and in the meeting with City staff on April 23, that constructing a safety railing at the edge of an actively eroding slope would create a future maintenance burden. Specifically, gradual bank erosion, or catastrophic bank failures during storm flows, could undermine the railing. In light of these concerns, Valley Water staff are continuing to work closely with the City to ensure that the railing footing design address potential bank erosion, and, in addition to this design solution, that the future Joint Use Agreement provides for bank repair by the City, when necessary to maintain the integrity of the railing.

In addition, Valley Water will ensure that best practices for erosion control are incorporated into the trail design, to prevent storm water flows from the trail surface from exacerbating bank erosion.

The Board of Directors appreciates your close attention to this matter. If you have additional comments or concerns regarding the proposed trail, please do not hesitate to contact Lisa Bankosh, Assistant Officer of Watershed Stewardship and Planning, at (408) 630-2618.

Sincerely,



Nai Hsueh
Vice-Chair/Board of Directors
Santa Clara Valley Water District

C-19-0124

Elaine Gonzalez

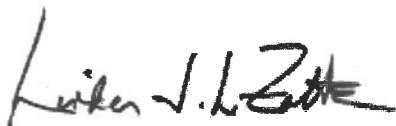
From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, May 09, 2019 1:20 PM
To: jk Bianchi
Cc: Board of Directors
Subject: RE: Questions about the percolation ponds

Sent on behalf of Chair LeZotte

Dear Mr. Bianchi,

Thank you for your email dated April 28, 2019, regarding the ponds along Dell Avenue. The Santa Clara Valley Water District (Valley Water) uses these and other ponds through the county to replenish the groundwater basin. Water is released into the ponds and percolates into the ground. Due to the past couple wet rainy seasons and an aggressive recharge program after the drought, groundwater levels have rebounded and many of Valley Water's ponds have been kept empty this year. However, the three ponds in Campbell near Dell Avenue, referred to as the Camden Ponds, have been receiving water and the current plan is to continue placing some water in these ponds until the groundwater conditions change. These ponds are occasionally dried out for maintenance and repair or during a severe drought, but Valley Water has no established schedule as to when they will be dried out next.

Sincerely,



Linda J. LeZotte
Chair/Board of Directors
Santa Clara Valley Water District

C-19-0125

From: jk Bianchi [mailto:jkbianchifamily@att.net]
Sent: Sunday, April 28, 2019 11:33 AM
To: Board of Directors <board@valleywater.org>
Subject: Questions about the percolation ponds

Hello,

My name is Jon and I live in Campbell.
I'm wondering about the percolation ponds Off of the dell ave area, (Elles, Toris & Kyles ponds)
Not sure who's district this is ? I was hoping to get some information on the scheduling of the water
flow into this area. Thanks for your time. Jon