



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

December 18, 2020

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

Page		<u>CEO BULLETIN & NEWSLETTERS</u>
3		CEO Bulletin: Weeks of December 4 – December 17, 2020
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
10		BMR/IBMR Weekly Reports: 12/17/20
11		Memo from David Cahen, Risk Manager, to the Board of Directors, dated 12/9/20, regarding Risk Management Communication.
		<u>INCOMING BOARD CORRESPONDENCE</u>
		Board Correspondence Weekly Report: None
18		Email from Carol Peck, to Director Varela, dated 12/13/20, regarding L. Miller Slough in Gilroy (C-20-0191).
20		Letter from Ron Atkins and Ananya Kaewphokha, dated 12/9/20, addressed to Lonita Nishijima, copied to the Board, regarding elevating their home at 180 Arroyo Way, San Jose (C-20-0192).
		<u>OUTGOING BOARD CORRESPONDENCE</u>
22		Email from Chair Hsueh, to Andre Costa, dated 12/11/20, regarding the Safe, Clean Water and Natural Flood Protection Program (C-20-0188)
24		Email from Chair Hsueh, to Ken Fredrickson, dated 12/14/20, regarding the Board Agenda Item 5.1 at the December 8, 2020 Board Meeting (C-20-1090).

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.

CEO BULLETIN

CEO BULLETIN



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

Weeks of December 4 – December 17, 2020

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>	Annual Meeting with State Water Resources Control Board, Division of Drinking Water
<u>2</u>	BAYWORK 2020 Virtual Training Buffet
<u>3</u>	Metropolitan Water District’s Board Approves Funding for Delta Conveyance Project Planning and Pre-construction
<u>4</u>	Safe, Clean Water FY16 D3 Grant Closeout: Save the Bay’s Palo Alto Baylands Tidal Lagoon Transition Zone Habitat Restoration Project
<u>5</u>	Safe, Clean Water FY18 B7 Grant Closeout: Save the Bay’s Zero Trash Campaign
<u>6</u>	Safe, Clean Water FY18 B7 Grant Closeout: South Bay Clean Creeks Coalition's Los Gatos Creek TEAM 222
<u>7</u>	Valley Water Obtained \$250k in Grants for the Completion of Reverse Osmosis Concentrate Treatment Study
<u>8</u>	Valley Water Re-Key Project
<u>9</u>	<p><u>Santos & Kremen</u> Director Kremen requested staff to take a look at the potential of hiring private fire fighting organization to protect the Penitencia WTP. In addition, Director Santos requested information on whether any consideration has been given to installing fire suppression sprinklers on the perimeter or other effective location on WTPs. I-20-0014</p>

1. Annual Meeting with State Water Resources Control Board, Division of Drinking Water

On December 15, 2020, Valley Water held its annual meeting with the State Water Resources Control Board, Division of Drinking Water (DDW). DDW regulates public drinking water systems in California. Valley Water is required to provide compliance data and reports to DDW on a regular basis.

During the meeting, Valley Water provided staffing updates, updates on Anderson Dam, described efforts undertaken to ready our distribution system in anticipation of Anderson Reservoir being unavailable as a source of supply, and discussed water treatment operations, including operations during COVID-19, the evacuation of Penitencia Water Treatment Plant this past summer, upcoming planned shutdowns, and the Rinconada Water Treatment Plant Reliability Improvement Project. In addition, Valley Water reviewed key water quality data, and led a discussion related to wildfire impacts to source water quality.

DDW provided staffing and regulatory updates and expressed interest in how Valley Water plans to operate with Anderson Reservoir being offline. Valley Water has sent its "Water Supply Operations Reliability Plan during Anderson Reservoir Construction Outage" document to DDW. DDW expressed appreciation for the information provided by Valley Water during this annual meeting.

For further information, please contact Bhavani Yerrapotu at (408) 630-2735.

2. BAYWORK 2020 Virtual Training Buffet

BAYWORK, a consortium of Water and Wastewater Utilities focused on workforce sustainability, and an organization that Valley Water is a charter member of, hosted its first virtual Training Buffet November 17-19, 2020.

The Training Buffet is a knowledge sharing event that is offered for free to employees of all water and wastewater utilities in the Bay Area. This year, because it was offered virtually over a three-day period, more people were able to participate and attend more sessions. This flexibility resulted in record attendance for the event with over 200 individual attendees participating in approximately 450 total sessions.

Four employees from Valley Water were either a presenter or panelist in workshops on Capital Planning, Electrical Safety/Contact Release, and Racial Equity in Our Industry, as well as provided workshop moderation.

For more information, please contact Ingrid Bella at (408) 630-3171.

3. Metropolitan Water District's Board Approves Funding for Delta Conveyance Project Planning and Pre-construction

On December 8, 2020, the Metropolitan Water District's (MWD) Board of Directors (Board) unanimously voted to fund their portion of the planning and pre-construction costs for the Delta Conveyance Project. This vote came after three and a half hours of public comment on the topic and was passed as part of a consent calendar item with no discussion from the MWD Board. The MWD Board followed the recommendation of the Metropolitan Bay-Delta Committee to fund their share of Table A water plus an additional percentage of North of Delta Table A water, totaling a 47.2% share of the cost, which is 3% above their Table A share. Their total commitment is to contribute \$160.8 million over a four-year period (2021-2024). During the four years, the Delta Conveyance Project will undergo environmental processes such as the preparation of an Environmental Impact Report/Environmental Impact Statement.

Eighteen water agencies, including Valley Water, have voted on funding the Delta Conveyance Project planning and pre-construction and all have approved. The majority of agencies approved funding at a level 14% or more beyond their Table A share. Total project support is currently up to roughly 88% of the funding needed. The California Department of Water Resources stated in a letter to the State Water Contractors that the State intends to cover the remainder of the planning costs over the next four years. MWD previously recommended that its Board approve a larger funding amount of 60.2% in order to cover the non-participating portion of Kern County Water Agency. Upon reassurances from the State made in their December 3, 2020 letter, MWD modified their recommendation to the lower amount of 47.2%.

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

4. Safe, Clean Water FY16 D3 Grant Closeout: Save the Bay's Palo Alto Baylands Tidal Lagoon Transition Zone Habitat Restoration Project

In Fiscal Year (FY) 2016, Valley Water awarded Save the Bay a \$95,868 Safe, Clean Water Program D3 Grant for their Palo Alto Baylands Tidal Lagoon Transition Zone Habitat Restoration Project (Project). Save the Bay completed the Project on September 30, 2019 and submitted the final invoice items in October 2020, allowing for grant closeout.

The Project helped restore and enhance 1.25 acres of high-value tidal marsh transition zone habitat at the site immediately adjacent to existing tidal salt marsh in the Palo Alto Baylands Nature Preserve. The Project improved crucial habitat that provides connectivity and refugia for waterfowl, shorebirds, and other species such as the federally endangered Ridgway's Rail, a marshland, ground-living bird, and salt marsh harvest mouse.

Key Outcomes:

- Restored and enhanced approximately 1.25 acres of tidal marsh transition zone native coverage to help provide habitat and food source for sensitive wildlife species, including native birds, small mammals, and federally endangered species.
- Collected site-specific seeds, propagated, and planted over 8,000 native wetland plants from Save The Bay's native plant nurseries.
- Increased structural integrity and complexity to the transition zone and connectivity to the adjacent marsh by installing a suitable assemblage of plants that also contribute to the native seedbank.
- Involved approximately 1,000 volunteers, including local students and community members.
- Educated community groups, local businesses, and schools about the importance of critical wetland habitat for fish and bird species and engage them in habitat restoration and monitoring.

For further information, please contact Marta Lugo at (408) 630-2237.

5. Safe, Clean Water FY18 B7 Grant Closeout: Save the Bay's Zero Trash Campaign

In Fiscal Year (FY) 2018, Valley Water awarded Save the Bay a \$15,000 Safe, Clean Water Program B7 Grant for their Zero Trash Campaign Project (Project). Save the Bay completed the Project June 30, 2019.

The Project helped support the Bay Area's compliance with the San Francisco Bay Regional Water Quality Control Board's (Water Board) Municipal Regional Stormwater Permit. The Project evaluated annual trash reduction reports from cities to provide analysis to the Water Board regarding the state of compliance with the permit's trash reduction requirements. The Project also implemented an effective outreach and communications strategy to increase the communities' understanding of stormwater pollution threats and opportunities.

The Project helped support a strong path forward in eliminating trash from local municipal stormwater systems, which is essential for the bay's long-term health and sustainability. The Project engaged over 4,000 adults, teens, and children throughout the Bay Area, including 800 in Santa Clara County, and educated the community about the relationship between water quality and riparian area health through wetland habitat restoration and trash cleanup. Save the Bay leveraged the grant funding for this Bay Area-wide effort that provided benefits to Santa Clara County.

Key Outcomes:

- Educated the community about non-municipal sources of pollution, emphasizing the importance of controlling trash generated on the highways, for meeting zero trash goals and protecting watersheds across the Bay.
- Provided the City of San Jose with feedback and guidance to support their adoption of a citywide, cross-departmental urban greening program, which will integrate trash flow and water quality infrastructure concerns across multiple ongoing projects.
- Hosted 1,123 student and adult volunteers at Adobe Creek Trail and the native plant nursery at the Palo Alto Baylands habitat restoration site and completed 3,186 total hours of environmental stewardship activities. The program was designed to increase awareness of the about the impact of toxic pollutants on local Santa Clara County watersheds.
- Shared four blog posts on their website about trash prevention with a total of 1,622 page views.
- Evaluated progress on each of the Project's objectives and evaluated the success of the outreach campaigns by collecting and analyzing engagement data.

For further information, please contact Marta Lugo at (408) 630-2237.

6. Safe, Clean Water FY18 B7 Grant Closeout: South Bay Clean Creeks Coalition's Los Gatos Creek TEAM 222

In Fiscal Year (FY) 2018, Valley Water awarded South Bay Clean Creeks Coalition a \$15,000 Safe, Clean Water Program B7 Support Volunteer Cleanup Efforts & Education grant for their Los Gatos Creek TEAM 222 project (Project). South Bay Clean Creeks Coalition completed the Project in August 2020. The Project supported creek cleanups along Guadalupe River's tributary in Los Gatos and included community outreach and education on the importance of clean and healthy waterways.

TEAM 222 held a bi-monthly cleanup series on the second Saturday of every other month for two hours at multiple sites. The Los Gatos Creek TEAM 222 began as a sub-project to a prior Valley Water B3 Partnership with the City of San Jose and B3 grant project with the South Bay Clean Creeks Coalition. Since the inception of the TEAM 222 program in 2013, South Bay Clean Creeks Coalition has conducted 151 cleanups and removed 189 tons of trash.

The Project site included an eight-mile stretch from the Los Gatos Creek confluence with Lexington Reservoir. This Project supports and complements efforts by the City of San Jose and Valley Water to reduce trash and promote community engagement through building community stewardship in neighborhoods.

Key Outcomes:

- Participated in two volunteer recruitment events
- Hosted five cleanup events with 276 volunteers
- 583 hours expended by volunteers at cleanups sites
- Collected 9.1 tons of trash
- Shared four social media posts and updated their website about the cleanup program
- Created a recycled art project

For further information, please contact Marta Lugo at (408) 630-2237.

7. Valley Water Obtained \$250k in Grants for the Completion of Reverse Osmosis Concentrate Treatment Study

On November 17, 2020, Valley Water received \$250K in grant funding from the State Water Board Recycled Water Research Program. This program is funded by voter-approved bonds to identify and fill high priority knowledge gaps in recycled water research to promote the sustainable production and use of recycled water in California. The grant defrayed portions of the cost of research on a pilot study for an open-water engineered treatment cells (ETC) system conducted by the Recycled and Purified Water Unit. The purpose of the project was to investigate the efficacy of ozone and engineered open-water treatment in removing contaminants from reverse osmosis concentrate (ROC).

The Countywide Water Reuse Master Plan (CWRMP) initiated in January 2018, evaluated options for countywide potable reuse. One of the challenges for expansion of potable reuse is disposal of ROC resulting from purified water expansion activities. Proper management of ROC is an integral part of the CWRMP and essential for developing any water reuse project in Santa Clara County. Important elements of ROC management include compliance with environmental and regulatory requirements, permitting, and possibly treatment prior to discharge to the bay.

The pilot study for open-water ETC investigated whether this system could effectively reduce various contaminants present in ROC. The project was conducted in partnership with San Francisco Estuary Institute, University of California at Berkeley, and Stanford University. The final technical report was completed for the open-water ETC pilot project in April 2020 and posted for public access per the requirements stated in the grant agreement on Valley Water's website at: https://www.valleywater.org/sites/default/files/ROC_TechMemo_ETC_Research_0.pdf.

The State Water Board's support of this project will advance the use of recycled water in California by assisting utilities in evaluating novel ROC management technologies for new and expanded recycled water projects. Valley Water recognizes and appreciates the collective efforts of the team at State Water Board in securing the grant funding for this project.

For further information, please contact Jerry De La Piedra at (408) 630-2257.

8. Valley Water Re-Key Project

Valley Water has initiated a Re-Key project for all its facilities. Beta testing of the Re-Keying project began the week of December 7, 2020 at the Almaden Campus Administration Building and the Santa Teresa Water Treatment Plant. The goals of this project are to minimize risk to facilities and consolidate key access. These goals will be met by reestablishing control of physical keys, consolidating key access under the Security Office, and establishing a robust access management program. To enhance this effort, employee badge access is also being revised to establish more efficient tracking and control, and by increasing the number of badge readers at facilities.

For further information, please contact Alexander Gordon at 408-630-2637.

9. Santos & Kremen

Director Kremen requested staff to take a look at the potential of hiring private fire fighting organization to protect the Penitencia WTP. In addition, Director Santos requested information on whether any consideration has been given to installing fire suppression sprinklers on the perimeter or other effective location on WTPs.

I-20-0014

A Closed Board Session was conducted on November 24, 2020 regarding Fire Suppression and Security. The report and presentation included updates and discussion regarding private firefighting services as well as the installation of perimeter fire suppression sprinklers at Water Treatment Plants.

For further information, please contact Alexander Gordon at 408-630-2637.

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
I-20-0018	12/16/20	Kremen	Callender	Taylor	Provide Director Kremen with the following information: what has been our accountable payable days outstanding, list of accounts payable over 30 days (vendor and amount) each and every month for the last 12 months?	01/05/21		



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: December 9, 2020

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) December 7, 2020 claim confirmation letter to Roberta and Lawrence Drake (District 2).
- 2) December 8, 2020 claim denial letter to Hacienda Creek Senior Apartments c/o Paul Truong (District 2).

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>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</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: clerkoftheboard@valleywater.org</p>	<p style="text-align: center;">Clerk of the Board's Date Stamp</p> <p style="text-align: center;">For SCVWD Use Only</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date Received:</td> <td style="width: 50%; text-align: center;">ROUTING</td> </tr> <tr> <td>Via U.S. Mail:</td> <td style="text-align: center;">CEO:</td> </tr> <tr> <td>Hand Delivered:</td> <td style="text-align: center;">District Counsel</td> </tr> <tr> <td>E-mail:</td> <td style="text-align: center;">Risk Management</td> </tr> <tr> <td>Other:</td> <td style="text-align: center;">COB</td> </tr> <tr> <td></td> <td style="text-align: center;">BOD (District #):</td> </tr> </table>	Date Received:	ROUTING	Via U.S. Mail:	CEO:	Hand Delivered:	District Counsel	E-mail:	Risk Management	Other:	COB		BOD (District #):
Date Received:	ROUTING												
Via U.S. Mail:	CEO:												
Hand Delivered:	District Counsel												
E-mail:	Risk Management												
Other:	COB												
	BOD (District #):												

3

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: Lawrence Drake, Roberta Drake				
Address of Claimant: 2095 Morrison Avenue		City: Santa Clara	State: CA	Zip: 95051
Mailing Address to Which Notices Should be Sent if Different From Above:		City:	State:	Zip:
Home Phone Number:	Cell Phone Number: 408-401-6568	Work Phone Number:		
Is this claim being filed on behalf of a minor? No		If so, please indicate minor's date of birth: Relationship to the minor:		
Date and time of incident or loss: 10/28/2020	Location of incident or loss (address): 2095 Morrison Avenue, SantaClara, Ca 95051		Is there a police report? 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*):

During the work being done on the West Valley watershed flood protection, Saratoga creek project directly behind my home at 2095 Morrison Avenue in Santa Clara during the month of October 2020, my home would shake like there was an earthquake as the tractors and big trucks did their work. This happened several times while I was home during this month. The consequence of this earth shaking work that was performed has directly affected my home. As of now my front door does not close correctly, My master bathroom door will not close at all, and my pool is leaking water. This seems obvious to me that the earth shaking, the way it did from the work being performed, is the root cause of the newly developed problems with my home.



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

Page 2 of 2

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

Front door doesn't close correctly
 Master bathroom door does not close at all.
 My in ground pool is now leaking water from underground and I have a mud spot in my backyard near the pool

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

Roberta Drake 408-836-6903

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
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1. Front door issues	\$. To be determined
2. . Master bathroom door issues	\$. To be determined
3. Pool leaking	\$. To be determined
4.	\$
TOTAL AMOUNT	\$

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 day of December 3 , 2020

Claimant's signature
Lawrence Drake

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.



December 8, 2020

Property Management Office
c/o Paul Truong
Hacienda Creek Senior Apartments
399 East Court
San Jose, CA 95116

Re: Claim – L2010003

Dear Mr. Truong,

Per your request, we have removed your item from the December 8, 2020 Valley Water Board of Directors meeting. This item is now scheduled to be heard at the January 12, 2021 Board meeting which begins at 1:00 pm.

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 recommendation is based on my site visit on October 21, 2020, my discussion with yourself and the California Government Tort Claims. The Risk Management Unit concludes that there is no negligence on the part of the District therefore there is no liability on the part of the District.

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,

DocuSigned by:

David Cahen
3BB76B205BF4482
David Cahen
Risk Manager





Clean Water • Healthy Environment • Flood Protection

December 7, 2020

Roberta Drake
Lawrence Drake
2095 Morrison Avenue
Santa Clara, CA 95051

Re: Receipt of Claim – L2010008

Dear Mr. and Mrs. Drake,

We received your claim regarding the damage to your property as a result of work being performed by nearby Saratoga Creek.

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.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "David Cohen".

3BB76B20CB5F4482
David Cohen
Risk Manager

