

# NON-AGENDA

## January 25, 2019

**Board Policy: EL-7 Communication and Support to the Board**

The BAOs shall inform and support the Board in its work.

**Page #**      **CEO BULLETIN / NEWSLETTERS**

3              **CEO Bulletin:** 01/18/18 – 01/24/19

**BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS**

7              **BMR/IBMR Weekly Reports:** 01/24/19

8              Memo from Nina Hawk, COO/WUE, to the Board, dated 01/17/19, regarding the First Amendment to the Memorandum of Agreement to participate in the Bay Area Regional Reliability Partnership.

9              Memo from David Cahen, Risk Manager, to the Board, dated 01/22/19, regarding communications to individuals who have filed claims against the District.

**INCOMING BOARD CORRESPONDENCE**

13             **Board Correspondence Weekly Report:** 01/24/19

14             Email from anonymous sender to Director Varela, dated 01/18/19, regarding water waste at Chiala Farms (C-19-0016).

15             Email from John Kolski to the Board, dated 01/22/19, regarding groundwater charges, zones, and forms (C-19-0017).

16             Email from Richard McMurtry to the Board, dated 01/22/19, regarding access to Singleton Road fish migration barrier draft documents (C-19-0018).

17             Memo from Michele King, Clerk, to the Board, dated 01/24/19, transmitting numerous emails received regarding the State Water Board lawsuit.

**OUTGOING BOARD CORRESPONDENCE**

--             None.

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 January 18 - 24, 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="#">1</a>	Reservoir Storage and Releases
<a href="#">2</a>	Administration Annex Warehouse Fall Protection Project
<a href="#">3</a>	Quarterly Water Retailer Meeting Held January 16, 2019
<a href="#">4</a>	Anderson Dam Seismic Retrofit Project - Conveyor System

### Reservoir Storage and Releases

Following the storms the week of January 14, 2019, storage in the district's ten (10) surface reservoirs increased by approximately 18,000 acre-feet. Although this is only about 40 percent of total storage capacity, several of the reservoirs reached or are approaching their seismic restriction levels or flood risk reduction rule curves. As of Friday, January 18, 2019, flood releases were being made from Almaden and Coyote Reservoirs. Depending on inflows into the reservoir, Anderson, Stevens Creek, and Guadalupe Reservoirs may begin making releases.

Following the board's direction, the Anderson Reservoir System (Anderson and Coyote Reservoirs) is being operated to the 40% exceedance rule curve. As of Friday, January 18, 2019, their combined storage was approximately 1,700 acre-feet below the rule curve. The district will continue to monitor reservoir levels and weather forecasts throughout the winter.

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

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### Administration Annex Warehouse Fall Protection Project

Exposing personnel to fall hazards is an issue routinely faced by district personnel working at height. Statistics from the Census of Occupational Injuries published by the California Department of Occupational Safety and Health, reveals that falls were the third major cause of occupational fatalities occurring between 2013-2017.

As a result, the district performed risk assessments and hazard analyses of maintenance work on district facilities. During these assessments, potential fall hazards were identified on the

Administration Annex Warehouse rooftop. Once the risks were identified, interim safety measures were put in place to protect personnel. The district then designed and engineered a guardrail system to mitigate the potential fall hazards.

The guardrails are currently being installed per the engineering design criteria. Guardrails provide a passive form of fall protection which relieves personnel from having to wear personal fall arrest systems or the need for specialized training. Guardrails are an effective means to provide a safe working environment for district personnel, contractors, vendors, and anyone else who has the need to access rooftops buildings.

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

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### **Quarterly Water Retailer Meeting Held January 16, 2019**

The first quarterly Water Retailer Meeting of 2019 was held on January 16, 2019, and was attended by representatives from various water retailers and stakeholders such as Bay Area Water Supply & Conservation Agency, Division of Drinking Water, and Stanford University.

Written reports on regular operations of the Water Utility were provided under each area of interest as well as verbal updates on key upcoming items and any unusual activity in the last quarter. The district presented the results of the 2018 Water Retailer Survey and alerted the group to meeting invites to be sent out for in-person check in meetings in February 2019 by the Chief Operating Officer of Water Utility Enterprise and Water Utility Enterprise Deputy Operating Officers. The district also presented on the Water Supply Master Plan, Open Space Credit Policy, Water Utility Capital Improvement Program, as well as the Groundwater (GW) Production Charges.

Discussion on the Water Supply Master Plan Level-of-Service as well as the GW Production Charges will continue in the Finance Sub-Committee meeting to be held on January 30, 2019. Retailers had several questions related to the applicability of the Open Space Credit Policy and the district, along with Chair LeZotte and Director Hsueh responded to them. The next quarterly Water Retailer Meeting is scheduled for March 20, 2019.

For further information, please contact Bhavani Yerrapotu at (408)630-2735 or Aaron Baker at (408)630-2135.

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### **Anderson Dam Seismic Retrofit Project - Conveyor System**

In October 2018, a public meeting was held at the City of Morgan Hill Community Center to provide status on the Anderson Dam Seismic Retrofit Project's (Project) schedule and preliminary environmental impacts to the community. On January 14, 2019, the district received a petition from a group of residents that live along the alignment of a proposed conveyor belt system on Malaguerra Avenue in Morgan Hill.

The petition describes the residents' concerns of placing the conveyor system on Malaguerra Avenue and has requested the district consider relocating the proposed conveyor onto County of Santa Clara (County) property. Prior to receipt of the petition, the district had requested a meeting the County representatives to determine the possibility of relocating the conveyor system. This meeting is slated to occur at the end of January 2019. The district also plans to meet with

the City of Morgan Hill prior to the meeting to brief them of the concerns presented by the residents in the petition. The district had already met with Ms. Lai (petition organizer) in late November 2018, to address her concerns.

The Project construction is scheduled to last five (5) years. Approximately 250,000 cubic yards of imported filter drain material will be stockpiled and transported to the dam via conveyor system. The conveyor belt system will mostly be operational on Malaguerra Avenue only during Construction Year 4 (April through October) and Construction Year 5 (April through October). The traffic in the area will be re-routed and/or controlled during the conveyor belt operations to ensure public safety. The conveyor belt roller assembly will be specified as ultra-quiet, typically constructed of rubber and not steel. Noise levels due to conveyor belt operations are currently being evaluated and are typically about 50-60dB - equivalent to that in an office building. These and other anticipated construction impacts will be discussed in the project Environmental Impact Report.

For further information, please contact Christopher Hakes at (408) 630-3796.

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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-19-0001	01/16/19	Kremen	Hawk	Hall	Our Level of Service objective for water supply is to survive the drought planning scenario (1987-92 followed by 1976-77) with no more than 20% rationing from a total system demand of 265 MGD...We need to plan for each year as if it is the beginning of our drought planning scenario.	02/05/19		01/16/19 Information Only: NOTE TO STAFF: Please read the attached email for complete information regarding this request from Director Kremen.
R-18-0017	11/20/18	Varela	Hawk	Hall	Staff is to schedule an update on CA WaterFix for second meeting in January 2019.	12/16/18		



# MEMORANDUM

FC 14 (01-02-07)

**TO:** Board of Directors

**FROM:** Nina Hawk  
Chief Operating Officer  
Water Utility Enterprise

**SUBJECT:** First Amendment to the Memorandum of Agreement to Participate in the Bay Area Regional Reliability (BARR) Partnership

**DATE:** January 17, 2018

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The purpose of this memorandum is to notify the Board of the First Amendment to extend to the Memorandum of Agreement to participate in the Bay Area Regional Reliability (BARR) Regional Water Market Project.

### **Background**

The September 28, 2015 Memorandum of Agreement (MOA) for the Bay Area Regional Reliability (BARR) Plan laid out the responsibility and cost-sharing commitments for the eight Bay Area agencies participating in the development of the BARR Plan. The eight agencies are the Alameda County Water District, Zone 7, San Francisco Public Utilities Commission, the Bay Area Water Supply and Conservation Agency, Contra Costa Water District, East Bay Municipal Utility District (EBMUD), Marin Municipal Water District, and the Santa Clara Valley Water District, referred collectively as the "Parties".

The Plan, completed in December 2017, recommended a suite of fifteen Drought Mitigation Measures that the Parties could undertake to improve drought resilience and water supply reliability. One of the Drought Mitigation Measures was the implementation of a Regional Water Market Project to help facilitate regional transfers and exchanges.

### **Regional Water Market Project**

In April 2017, EBMUD, acting on behalf of the Parties, applied for and received a \$400,000 grant from the Bureau of Reclamation under its "Water Marketing Strategy Grants for Fiscal Year 2017" funding opportunity to support the development of the Regional Water Market Project (Project).

Seven of the original BARR Parties including Alameda County Water District, Zone 7, San Francisco Public Utilities Commission, Bay Area Water Supply & Conservation Agency, Contra Costa Water District, East Bay Municipal Utility District, and the Santa Clara Valley Water District wished to work collaboratively to develop the Project and desired to modify the BARR MOA to extend the term of the MOA through December 31, 2021 and make related changes to the MOA to include the completion of the Project.

The District is responsible for contributing \$25,956.00 in in-kind costs consisting of staff time. Any additional expenditures will go through the appropriate review and approval process consistent with Board policy. As part of the Project, any water exchange or transfer that benefits the District would require a new agreement between the participating parties to cover the cost.

The benefits of this Project include identifying and resolving barriers (water rights, water quality issues, operational issues, etc.) to moving different types of water though the region and developing a framework for regional transfers and exchanges that can be leveraged during droughts and other emergencies. This Project may support securing alternative or supplemental water supplies during construction of the Anderson Dam Seismic retrofit project.





**TO:** Board of Directors

**FROM:** David Cahen  
Risk Manager

**SUBJECT:** Risk Management Communication

**DATE:** January 22, 2019

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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) January 22, 2019 subrogation letter to Frank Wang (District 3)
- 2) January 22, 2019 subrogation letter to Chau Hinh (District 3)

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

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

David Cahen  
Risk Manager

January 22, 2019

Frank Wang  
202 Edgewater Drive  
Milpitas, CA 95035-4431

Re: Claim L1780037

Dear Mr. Wang,

The District has reviewed your claim. The Santa Clara Valley Water District's general contractor, Brosamer & Wall, Inc. ("Brosamer"), is performing the Lower Berryessa Creek Flood Protection Project – Phase 2 in your neighborhood and is the proper party to handle this matter. Brosamer is obligated by contract to receive and handle any claims arising from this Project. Accordingly, we have tendered this claim to Brosamer for further handling.

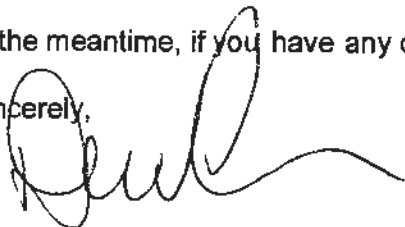
The name and address of the contact person for Brosamer is:

Robert G. Brosamer  
Chief Executive Officer and President  
Brosamer & Wall Inc.  
1777 Oakland Blvd. Suite 300  
Walnut Creek, CA 94596

A representative from Brosamer should contact you soon. If you receive no contact within the next 30 days, please contact my office and we will follow up on the status of your claim.

In the meantime, if you have any questions, please contact me at (408) 630-2213.

Sincerely,



David Cahen  
Risk Manager

#### WARNING

You have two years from the accrual of the cause of action to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

cc: Board of Directors (7), S. Yamamoto

January 22, 2019

Chau Hinh  
210 Edgewater Drive  
Milpitas, CA 95035-4431

Re: Claim L1780029

Dear Mr. Hinh,

The District has reviewed your claim. The Santa Clara Valley Water District's general contractor, Brosamer & Wall, Inc. ("Brosamer"), is performing the Lower Berryessa Creek Flood Protection Project – Phase 2 in your neighborhood and is the proper party to handle this matter. Brosamer is obligated by contract to receive and handle any claims arising from this Project. Accordingly, we have tendered this claim to Brosamer for further handling.

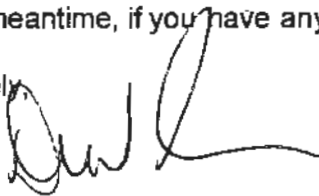
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Chief Executive Officer and President  
Brosamer & Wall Inc.  
1777 Oakland Blvd. Suite 300  
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A representative from Brosamer should contact you soon. If you receive no contact within the next 30 days, please contact my office and we will follow up on the status of your claim.

In the meantime, if you have any questions, please contact me at (408) 630-2213.

Sincerely,



David Cahen  
Risk Manager

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cc: Board of Directors (7), S. Yamamoto

