



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

February 08, 202

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>
4		CEO Bulletin: 02/08/24
12		Water Tracker – February 2024
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
		BMR/IBMR Weekly Reports: None.
14		Memo from Lilian Dennis, Risk Management, to the board, dated 02/05/24, providing Risk Management Communication.
43		Memo from Darin Taylor, Chief Financial Officer, to the board, dated 02/09/24, providing a response to BMR-24-0002 – Director Eisenberg requesting a breakdown of how recycled water costs are calculated, including comparing to Orange County and Los Angeles.
46		Memo from Patrice McElroy, Deputy Administrative Officer, to the board, dated 01/29/24, responding to IBMR-23-0033, Director Beall's request to receive Valley Water's policies on reasonable accommodations.
		<u>INCOMING BOARD CORRESPONDENCE</u>
63		Board Correspondence Weekly Report: 02/08/24
69		Email from Brigitte Rince, to the board, dated 02/01/24, expressing appreciation for providing a letter for their Real Estate Agent and report that an unsheltered individual illegally entered their home. C-24-0022
73		Email from Albert Colas Prunera, to the City of San Jose Mayor, copied to the board, dated 02/02/24, regarding hazards from Willow Street and Lelong Street unsheltered encampments. C-24-0023
77		Email from Dave Poeschel to Santa Clara County Deputy Policy Director Christian, copied to the board, dated 02/04/24, regarding the Boulder Ridge Golf Club excessive sediment runoff. C-24-0024
83		Emails from Rev. Jethroe Moore II, President, SJ/SV NAACP, and Director Eisenberg, to the board, dated 02/03/24 through 02/05/24, regarding Director Eisenberg's conduct. C-24-0025
88		Email from Danny Garza to the board, dated 02/04/24, expressing appreciation for crews clearing potential blockages in Lower Silver Creek . C-24-0026
95		Email from Brigitte Rence, to the board, dated 02/05/24, regarding unsheltered individuals illegally entering their home on Chynoweth Avenue. C-24-0027

98		Email from Mark Petersen Perez, Palo Alto Free Press, to Director Eisenberg, dated 02/05/24, regarding Director Eisenberg's Conduct. C-24-0028
104		Email from Mark Turner, Morgan Hill Mayor, to the board, dated 02/07/24, expressing appreciation for following up on his request for staff to have a conversation with Assemblymember Pellerin's staff regarding AB 3005. C-24-0029
107		Email from Danny Garza, to the board, dated 02/07/24, regarding potential future blockages on Lower Silver Creek. C-24-0030
		<u>OUTGOING BOARD CORRESPONDENCE</u>
113		Email from Director Beall to Brigitte Rince, dated 02/01/24 responding to request for information for the completed construction along Reach 12 of the Upper Guadalupe River Flood Protection Project.
116		Email from Director Keegan to Albert Colas Prunera, dated 02/02/24, regarding frustrations shared about to the encampments of unsheltered people located along Willow Street and Lelong Street.
119		Email from Director Santos to Perry Mistry, dated 02/05/24, regarding request for information on wastewater to drinking water.
121		Email from Director Varela to Morgan Hill Mayor Turner, dated 02/06/24, regarding reintroducing AB 3005.

CEO BULLETIN

CEO BULLETIN



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

Week of January 19 – February 8, 2024

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>	Canal Maintenance Program Scoping Meeting
<u>2</u>	Landscape Design Assistance Program Launched
<u>3</u>	Permit Extensions for Stream Maintenance Program (SMP-2) Through Dec 31, 2026
<u>4</u>	Recurring Report on Personnel Vacancies
<u>5</u>	Safe, Clean Water Grant Closeout: PS Creations, L.L.C.'s PlateScape Project
<u>6</u>	Safe, Clean Water Mini-Grant Closeout: Bay Area Older Adults' Watershed Waste Reduction Program Project
<u>7</u>	Safe, Clean Water Mini-Grant Closeout: Keep Coyote Creek Beautiful's William Street Bridge Mural Project
<u>8</u>	Water Management Agreements Executed December 2023 - January 2024
<u>9</u>	Water Rights Reports Submitted in Compliance with State Water Resources Control Board Deadline
<u>10</u>	<u>Eisenberg</u> Provide breakdown on how water recycling costs are calculated, including comparing with Orange County and Los Angeles R-24-0002
<u>11</u>	<u>Keegan</u> "Do wild pigs pose any difficulties or challenges to Valley Water watersheds?" R-24-0004
<u>12</u>	<u>Beall</u> Director Beall requests that future significant financial board agenda items be published in a manner that allows the board and the public extensive time to review. R-24-0005
<u>13</u>	<u>Eisenberg</u> Staff is to Provide Director Eisenberg with a cash flow report in excel format. I-24-0001

1. Canal Maintenance Program Scoping Meeting

Valley Water published a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Canal Maintenance Program on January 10, 2024. On January 25, 2024, Valley Water hosted a public scoping meeting for the Canal Maintenance Program. The hybrid event was held at Valley Water Headquarters and attracted a total of 10 public participants, with 2 people attending in-person and 8 people joining via Zoom. Among the online audience was Director Rebecca Eisenberg and staff from the offices of Congressman Jimmy Panetta and Assemblymember Gail Pellerin.

Valley Water Board Chair Nai Hsueh provided opening remarks. The presentation included a project overview, information on how to submit formal comments and was followed by a Question-and-Answer session, where Valley Water engaged with community members.

A link to the recording of the public meeting is available on the project website and Valley Water's YouTube channel.

For further information, please contact Donald Rocha at (408) 630-2338.

2. Landscape Design Assistance Program Launched

Valley Water's Landscape Rebate Program offers residents and businesses in Santa Clara County incentives for saving water within their landscapes. One of the program's most popular rebates, the Landscape Conversion Rebate, reimburses customers for converting existing lawns and pools to low water use landscapes comprised of qualified plants and materials. One of the main barriers of customer participation in this program is developing ideas for landscape design and plant selection.

To address this barrier, Valley Water's Conservation team has developed the Landscape Design Assistance Program based on benchmarking with other agencies' programs. This program, launched in January 2024, will provide residential Landscape Conversion Rebate applicants with input from a professional Valley Water-approved landscape designer during a one to two hour on-site consultation for proposed front yard lawn conversion projects. Applicants will pay the designers a \$200 fee at the time of service and will be reimbursed by Valley Water when their Landscape Conversion Rebate project is successfully completed according to the rebate's requirements. The designer will help applicants explore sustainable landscape ideas and make recommendations on layout, plants, and other features. While the consultation will not provide enough time for the designer to draw a detailed landscape plan, it will be enough time to discuss site conditions and customer needs and to develop general ideas for landscape layout and plant choices. It is anticipated that this program will increase participation in the Landscape Rebate Program.

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

3. Permit Extensions for Stream Maintenance Program (SMP-2) Through Dec 31, 2026

Development of the third iteration of the Stream Maintenance Program (SMP-3) is currently under way and planned for finalization by Calendar Year 2027 and will last for 10-year period through 2036.

To maintain O&M responsibilities and level of service, Stream Maintenance Program (SMP-2) permits have been extended through December 31, 2026. This includes time extension or amendments for the following:

- 401 certification for Central Coast Regional Water Quality Control Board (CCRWQCB)
 - CERTIFICATION (WDID) NO. 34319WQ06
- Regional General Permit (RGP) 17 from US Army Corp of Engineers (USACE)
 - Permit Number SPN-1996-225250
- Biological Opinion (BO) for National Marine Fisheries Service (NMFS)
 - Corps File Number SPN-1996-225250
- Lake and Streambed Alteration Agreement (LSAA) from California Department of Fish and Wildlife (CDFW)
 - 1600-2011-036-R3

Permits for San Francisco Regional Water Quality Control Board (SFRWQCB) do not have an expiration and are valid for the remaining length of the Program. (WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY CERTIFICATION and RESCISSION OF ORDER No. R2-2014-0015)

The Stream Maintenance Program is Valley Water's main program for permitting, mitigating, and implementation of watershed's maintenance work for 294 miles of Santa Clara County waterways below the 1000' elevation contour. This includes sediment removal, bank repairs, animal damage improvement, vegetation maintenance, and minor maintenance activities.

For further information, please contact Jennifer Codianne at (408) 630-3876.

4. Recurring Report on Personnel Vacancies

Valley Water strives to attract, develop, and retain a talented and diverse workforce. Our employees come from diverse cultural and professional backgrounds. Valley Water promotes high performance, diversity, and equal employment opportunities.

Human Resources provides a monthly report on staffing levels and vacancies per the Board's request. The following is information through January 31, 2024.

Valley Water Staffing Levels:

- 921 - Total Positions
- 846 - Number of Positions Filled
- 75 - Total Vacant Positions
- 8% - Vacancy Factor
- 2 - Separations in January 2024

For further information, please contact Patrice McElroy at (408) 630-3159.

5. Safe, Clean Water Grant Closeout: PS Creations, L.L.C.'s PlateScape Project

In Fiscal Year 2018, Valley Water awarded PS Creations, L.L.C. (PS Creations) a \$30,192 Safe, Clean Water Program A2 Grant for their PlateScape Project (Project). PS Creations completed the Project on June 30, 2023 and submitted the final invoice items on December 1, 2023, allowing for grant closeout.

PS Creations, L.L.C. is a California limited liability company committed to water conservation. The grant funds allowed PS Creations to conduct a pilot test of their newest water-saving technology called PLATESCRAPE. The product involved the use of a bucket with detachable scrub brushes that offered an alternative method to using a spray nozzle to wash dishes. PS Creations worked with Frontier Energy, formerly known as the Food Service Technology Center (FSTC), to determine the water, energy, and labor savings of PLATESCRAPE across six different commercial kitchens in Santa Clara County by analyzing the data on water and energy use before and after the product was installed. Major grant activities included manufacturing 12 PLATESCRAPES, selecting six commercial kitchen sites, testing and data analysis, and producing a final report that presented the methodology and communicated the results of the experiment.

Key Outcomes:

- Supplied six commercial kitchens in Santa Clara County with PLATESCRAPES.
- Measured and analyzed water, energy, and labor data at all six locations.
- Reported a 35% average reduction in dishwashing water use.

For further information, please contact Donald Rocha at (408) 630-2338.

6. Safe, Clean Water Mini-Grant Closeout: Bay Area Older Adults' Watershed Waste Reduction Program Project

In Fiscal Year 2023, Valley Water retroactively awarded Bay Area Older Adults (BAOA) a \$5,000 Safe, Clean Water Program F9 Mini-Grant for their Watershed Waste Reduction Program (Project). BAOA completed the Project on August 16, 2022 and submitted the final invoice items on June 23, 2023, allowing for grant closeout.

Bay Area Older Adults is a 501(c)(3) organization incorporated in the State of California. The mini-grant provided funding to support the Project, which entailed reducing pharmaceutical contaminants in Santa Clara County's waterways and groundwater by partnering with MED-Project to provide Safe Medicine Disposal materials to seniors and low-income communities.

Key Outcomes:

- Created and printed 10,000 copies of Safe Medicine Disposal Brochures in English, Spanish, Chinese, and Vietnamese.
- Created Safe Medicine Disposal Webpage <https://www.bayareaolderadults.org/safe-med>.
- Distributed 1,400 Watershed Waste Reduction Educational Packages directly and indirectly via partners, such as The Health Trust, and 16 tabling events at senior and community centers, and libraries.
- Created promotional flyers and posters to advertise and use at the tabling events.
- Collected 150 pounds of unwanted and expired drugs in a one-year time period.

For further information, please contact Donald Rocha at (408) 630-2338.

7. Safe, Clean Water Mini-Grant Closeout: Keep Coyote Creek Beautiful's William Street Bridge Mural Project

In Fiscal Year 2023, Valley Water awarded Keep Coyote Creek Beautiful (KCCB) a \$5,000 Safe, Clean Water Program F9 Mini-Grant for their William Street Bridge Mural Project (Project). KCCB completed the Project on June 23, 2023 and submitted the final invoice items on December 27, 2023, allowing for grant closeout.

Keep Coyote Creek Beautiful is a 501(c)(3) organization incorporated in the State of California. The mini-grant provided funding to support the Project, which entailed installing a mural on the William Street Bridge that crosses over Coyote Creek and is adjacent to the Coyote Creek Trail in San Jose. KCCB collected input from the nearby community for the mural design and hosted a community paint day. The completed mural features the flora and fauna of the Coyote Creek watershed and highlights a healthy creek and environment. The mural educates neighboring residents and the community about the valuable natural resources of their local stream while also deterring graffiti.

Key Outcomes:

- Held two community mural input opportunity events with 25 attendees.
- 82 participants completed one mural approximately 187 feet long by 3 feet high along each of two sides of the William Street Bridge.
- Created social media posts with over 600 interactions.
- Surveyed the participants on what they learned about the importance of Coyote Creek and its diverse habitat.

For further information, please contact Donald Rocha at (408) 630-2338.

8. Water Management Agreements Executed December 2023 - January 2024

Pursuant to EL-5.1.6 and EL-5.3.3, Valley Water's CEO is required to inform the Board on a timely basis when imported water management agreements are executed. The imported water management agreements executed in December 2023 and January 2024 are listed below:

- December 18, 2023 - Amendment (#A4928Wa) to Agreement for Water Transfer of Central Valley Project allocation between Valley Water (VW) and Kern-Tulare Water District (KTWD): Modifies two paragraphs in the original agreement relating to cost provisions. Changes do not impact the net revenue for VW resulting from this agreement.
- January 16, 2024 - Agreement (A4986W) for Exercise of Option for Purchase of Available Transfer Water between Butte Water District (Butte) and Valley Water (VW): Provides VW an option to exercise an exclusive right of first refusal or match for water that Butte makes available for purchase, transfer, or exchange in each calendar year from 2024 to 2026.

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

9. Water Rights Reports Submitted in Compliance with State Water Resources Control Board Deadline

As outlined in Title 23 of the California Code of Regulations, the State Water Resources Control Board requires annual reports for water rights permits, licenses, registrations, and stockpond certificates. With the passage of SB 155, the deadline for submittal is now February 1 and the reporting period reflects the prior water year. Valley Water complied with the deadline and submitted reports for 20 licenses, 10 certificates, and one permit covering water year 2022-23, which spans from October 1, 2022 to September 30, 2023.

Valley Water worked collaboratively and prepared the data to finalize the water rights reports for the 17 licenses and one permit at Valley Water's surface water reservoirs and stream diversions, which allow for diverting up to 227,339 acre-feet (AF) of water yearly, if available. During the wet water year 2022-23, Valley Water put 140,208 AF of local water to beneficial use. Valley Water submitted all 18 reports for reservoirs and diversions on January 31, 2024.

Additionally, Valley Water acquired mitigation property at Upper Penitencia Creek and Rancho Cañada de Pala in December 2014 and December 2015, respectively. These properties, collectively, contain a total of 14 stockponds. On December 29, 2023, Valley Water submitted water rights reports for the three licenses and 10 certificates that cover all 14 stockponds. These stockponds had been allotted water rights totaling nearly 55 AF. The beneficial use in water year 2022-23 amounted to 46 AF.

For further information, please contact Greg Williams at (408) 630-2867.

10. Eisenberg

**Provide breakdown on how water recycling costs are calculated, including comparing with Orange County and Los Angeles
R-24-0002**

Valley Water submitted a memo to the Board of Directors in the February 9, 2024 non-agenda packet that provides a breakdown of the estimated costs for the Palo Alto Purified Water Project and how those costs compare to the Groundwater Replenishment System (GWRS) of Orange County Water District (OCWD), which is the world's largest water purification system for indirect potable reuse.

For further information, please contact Darin Taylor at (408) 630-3068.

11. Keegan

**"Do wild pigs pose any difficulties or challenges to Valley Water watersheds?"
R-24-0004**

The feral pigs found in California are hybrids of European wild boar and escaped domestic pigs. Domestic pigs were brought to California by the Spanish in 1769 as a food source and to clear land in San Benito County. Allowed to roam free, these domesticated pigs inhabited and spread to neighboring counties. In the 1920's European wild boar was imported into Monterey County by George G. Moore for sport hunting on his property. Subsequently these European wild boars successfully interbred with escaped domestic pigs. This resulted in the spread of feral pigs throughout California including Santa Clara County. There are well-documented sightings of feral pigs in the Diablo Range, Santa Cruz Mountains, Coyote Valley floor, and numerous areas at the urban wildlands interface.

In California, feral pigs can be found in a wide variety of habitats and move within their range according to resource availability and weather. Feral pigs require a nearby water source and dense vegetation for shelter to protect and conceal themselves from predators. Feral pigs are opportunist omnivores, will readily eat whatever is available, and will generally follow food sources. Feral pigs are prolific breeders. Females may become sexually mature at less than one year of age and may produce up to four litters per year, including up to eighteen piglets per litter. Once a feral pig population has been established, it is extremely difficult to eradicate. Research has shown that up to 80 percent of a feral pig population would need to be eliminated annually to result in a substantial reduction in population.

Feral pigs have been estimated to cause greater than \$1.5 billion in damages per year in the United States. Their destructive rooting behavior when searching for food causes damage to property (e.g., lawns, yards, parks, and sports fields), agriculture, and natural resources. Property at the wildland-urban interface or near open space, foothills, or water is particularly vulnerable to damage.

In addition to their destructive foraging habits, feral pigs can also cause damage through the spread of disease. Feral pigs can carry several viral and bacterial diseases, as well as parasites, and transmit them to other wildlife, livestock, and humans. They can also contaminate agricultural crops that are grown for livestock or human consumption, and can contaminate and degrade water quality in ponds, streams, and lakes.

In recent years, there has been an increase in feral pig numbers and activity in Santa Clara County, throughout the greater San Francisco Bay Area region, and in the whole State of California. There is strong evidence through recent documentation, online sources, and agency coordination that the feral pig presence has been and continues to increase over time. Locally, pleas of residents and businesses for relief from feral pig damage spurred the City of San Jose to take action and explore possible ordinance changes to facilitate the management of pigs within City boundaries. In addition, the state's passage of SB 856 in 2022, relaxing restrictions on feral pig hunting, reflects the statewide growing feral pig population and the need for better management of feral pigs.

Valley Water and external consultants have observed feral pigs and feral pig signs (scat, rooting, wallows, etc.) at Valley Water owned mitigation properties including the Coyote Parkway Freshwater Wetland, Coyote Ridge Preserve, and Rancho Canada de Pala Preserve every year since their acquisition over a decade ago. In addition, there is a December 2021 five-year (2016-2020) update of Valley Water's Watershed Sanitary Survey for Anderson, Coyote, Calero, and Almaden reservoir watersheds that was prepared by consultants for Valley Water. This report documents the presence of feral pigs in those four Valley Water watersheds and acknowledges that wild animal populations (including feral pigs) are a potential threat to water quality because they contribute pathogenic organisms such as parasites, bacteria, and viruses to the water supply.

To address feral pig concerns, Valley Water has conferred with several local and regional agencies to investigate the potential to participate in regional pig management efforts. Currently no regional pig management efforts with the ability to accept funding from Valley Water have been identified. Valley Water has also considered the option of directly undertaking trapping and depredation on Valley Water-owned property. However, this option would not be effective because the feral pig issue is a regional problem that would not be resolved by just temporarily removing pigs from Valley Water property; feral pigs would likely travel into other surrounding areas not owned by Valley Water. In addition, at this time, Valley Water has a workplace violence policy prohibiting the carrying or use of firearms by Valley Water staff at any time.

Valley Water will continue to work with other agencies and to research and consider options for region-wide solutions to address the feral pig issue. These options could include Valley Water contributing funding to future regional trapping and depredation programs once they are established.

For further information, please contact John Bourgeois at (408) 630-2990.

12. Beall

Director Beall requests that future significant financial board agenda items be published in a manner that allows the board and the public extensive time to review.

R-24-0005

Valley Water staff appreciates the concern about the need for adequate review time for significant board agenda items. While staff does not recommend a change to the Board's policy of posting meeting materials 10 days in advance of the Board meeting, staff will offer briefings to interested Directors in advance of the Board meeting for debt financing related items or other significant items with lengthy attachments.

For further information, please contact Darin Taylor at (408) 630-3068.

13. Eisenberg

Staff is to Provide Director Eisenberg with a cash flow report in excel format.

I-24-0001

On January 26, 2024, Valley Water provided Director Eisenberg a copy of the Proprietary Funds cash flow from the FY23 Annual Comprehensive Financial Report (ACFR) in Excel format. A copy of the file can be obtained by contacting the Clerk of the Board.

For further information, please contact Darin Taylor at (408) 630-3068.

Outlook as of February 1, 2024

On December 1, 2023, the California Department of Water Resources (DWR) announced an initial State Water Project (SWP) allocation of 10% of contract amount for 2024. An initial Central Valley Project (CVP) allocation of water for 2024 has not yet been released. Valley Water received 100% allocations from the SWP and CVP for calendar year 2023. On April 11, 2023, the Board of Directors replaced the mandatory call to reduce water use with a voluntary call for 15% water conservation compared to 2019. On June 13, 2023, the Board adopted a resolution to support water conservation as a way of life and an ordinance with a set of permanent water waste prohibitions for Santa Clara County.

Weather

- Rainfall in San José:
 - » Month of January, City of San José = 3.9 inches
- Rainfall year total = 6.93 inches or 90% of average to date (rainfall year is July 1 to June 30)
- February 1 Northern Sierra snowpack was 65% of normal for this date

Local Reservoirs

- Total February 1 storage = 37,702 acre-feet

Reservoir Storage	All Ten Valley Water Reservoirs	All Reservoirs Except Anderson
Storage as % of unrestricted capacity	23%	45%
Storage as % of restricted capacity (1)	60%	57%
Storage as % of the 20-year average for February 1	47%	90%

(1) Per the Federal Energy Regulatory Commission's order, the capacity of Anderson Reservoir was restricted to the deadpool storage as of October 1, 2020

- No imported water delivered into Calero Reservoir during January 2024
- Total estimated releases to streams (local and imported water) during January were 8,670 acre-feet (based on preliminary hydrologic data)

Treated Water

- Below average demands of 3,638 acre-feet were delivered in January
- This total is 68% of the five-year average for the month of January

Groundwater

- Groundwater conditions remain healthy throughout the county. Groundwater levels in about half of the regional monitoring wells are higher than last month. All water levels except one are higher relative to January 2023 and all except two are higher than the prior five-year average for January. The end of 2024 groundwater storage is projected to be in Stage 1 (Normal) of the Water Shortage Contingency Plan

	Santa Clara Subbasin		Llagas Subbasin
	Santa Clara Plain	Coyote Valley	
January 2024 managed recharge estimate	6,500	900	1,200
January 2024 managed recharge as % of five-year average	128%	96%	83%
December 2023 pumping estimate	6,100	1,200	2,800
January to December 2023 pumping estimate	56,600	14,200	42,000
January to December 2023 pumping as % of five-year average	81%	118%	100%
Current index well groundwater levels compared to January 2023	10 Feet Higher	2 Feet Lower	22 Feet Higher

All volumes are in acre-feet

Imported Water

- In January, the SWP operated Banks pumping plant with an average daily export of 3,732 acre-feet, resulting in a total export of 108,228 acre-feet from the Sacramento-San Joaquin Delta for the month
- In January, the CVP operated Jones pumping plant with an average daily export of 6,488 acre-feet, resulting in a total export of 194,650 acre-feet from the Sacramento-San Joaquin Delta for the month
- On January 23rd, Integrated Early Winter Pulse Protection (first flush) measures were triggered in the Sacramento-San Joaquin Delta and will limit exports for both the SWP and CVP for 14 days

WY 2024 Imported Water Allocations	Allocation	Allocation (acre-feet)	Details
SWP	10%	10,000	Initial Allocation
CVP	TBD	TBD	Announcement of initial allocation expected late February
State-wide Reservoir Storage	Capacity	Current Storage (acre-feet)	Average for Date (as of 1/30/24)
Shasta Reservoir	79%	3,617,206	122%
Oroville Reservoir	76%	2,704,562	132%
San Luis Reservoir	61%	1,239,583	82%
Semitropic Groundwater Bank	Capacity	Current Storage (acre-feet)	Date of Data
	82%	286,084	12/31/23
Estimated SFPUC Deliveries	December 2023 (acre-feet)	2023 Total to Date (acre-feet)	Five-Year Annual Average (acre-feet)
	2,900	43,617	47,000

Conserved Water

- Saved 80,078 acre-feet in FY22 through Valley Water's long-term conservation program (baseline year is 1992)
- Long-term program goal is to save nearly 100,000 acre-feet by 2030 and 110,000 acre-feet by 2040
- On June 13, 2023, the Board adopted a resolution to support water conservation as a way of life in Santa Clara County and an ordinance with a set of permanent water waste prohibitions

Recycled Water

- Estimated January 2024 production = 730 acre-feet
- Estimated year-to-date through January = 730 acre-feet or 100% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.5 billion gallons (4,493 acre-feet) of purified water in 2023. Since the beginning of 2024, about 217 acre-feet of purified water has been produced. The purified water is blended with existing tertiary recycled water for South Bay Water Recycling Program customers

CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, email info@valleywater.org or use our **Access Valley Water** customer request system at <https://deliver.com/2yukx>.



FOLLOW US





MEMORANDUM

FC 14 (01-25-23)

TO: Board of Directors

FROM: Lilian Dennis

SUBJECT: Risk Management Communication

DATE: February 5, 2024


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

Please find the following:

- 1) January 18, 2024 - Letter acknowledging receipt of claim to Hussein Saffouri, Esq., Ramsey Law Group attorney for Outdoor Solutions Landscape and Paver Supply LLC (District 1).
- 2) February 2, 2024 - Claim Settlement letter to Robyn and Travis Stewart (District 4).
- 3) February 5, 2024 - Letter acknowledging receipt of claim to Marsey Kahn (District 4).
- 4) February 5, 2024 - Letter acknowledging receipt of claims to Brigitte Rince (District 4).

For additional information, please contact me at 408-630-2652.

DocuSigned by:


A16A1D4E4675476...

Lilian Dennis
Management Analyst II
Risk Management Unit



Clean Water • Healthy Environment • Flood Protection

January 18, 2024

Hussein Saffouri, Esq.
Ramsey Law Group
3736 Mt. Diablo Blvd., Ste. 300
Lafayette, CA 94549

Re: Receipt of Claim – L2340006

Dear Mr. Saffouri:

We are in receipt of the claim filed on behalf of your client, Outdoor Solutions Landscape and Paver Supply LLC.

We are currently investigating the claim and will notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2652 or at ldennis@valleywater.org

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Lilian Dennis".

A16A1D1E4675476...

Lilian Dennis
Management Analyst II
Risk Management Unit





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT

California Government Code Sections 900 and following

Page 1 of 2

The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to: Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118 Or submit the completed form electronically to: scvwd@ramseylawgroup.com	Clerk of the Board's Date Stamp	
	For SCVWD Use Only	
	Date Received: 1/18/24	ROUTING
	<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO
	<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel
	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management
	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB
		<input checked="" type="checkbox"/> BOD (District #): 1

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: Outdoor Solutions Landscape and Paver Supply LLC		Email Address: hussein@ramseylawgroup.com	
Address of Claimant: 6300 Monterey Road		City: Gilroy	State: CA
Address to which Notices should be sent, if different from above: Ramsey Law Group, 3736 Mt. Diablo Blvd., Ste 300		City: Lafayette	State: CA
Home Phone Number:	Cell Phone Number: (510) 708-1122	Work Phone Number: (925) 284-2002	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: Repeatedly since about October 2022 to the current date	Location of incident or loss (address): 6300 Monterrey Road Gilroy, CA 95020	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: <input checked="" type="checkbox"/> No	

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

SEE ATTACHMENT A.



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):

Loss of sales and profits due to interference with business operations.

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

Nicholas Bawdon; all employees of Outdoor Solutions Landscape and Paver Supply LLC, 6300 Monterrey Road Gilroy, CA 95020; Phone (408) 842-7400; and several customers of Outdoor Solutions Landscape and Paver Supply LLC. All witnesses can be contacted through Outdoor Solutions' counsel, Hussein Saffouri, Esq., Ramsey Law Group, 3736 Mt. Diablo Blvd., Ste. 300, Lafayette, CA 94549; Phone (925) 284-2002 or (510) 708-1122.

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

Is the amount of the claim under \$10,000?

☐ Yes

☒ No

Court Jurisdiction: (Check One)

☐ Limited Civil

☒ Unlimited Civil

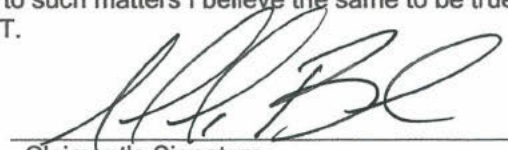
ITEMS	CLAIM AMOUNT
1. Lost sales and profits	\$ 460,000 (at least)
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT \$ 460,000 (at least)	

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

16 day of January, 20 24


Claimant's Signature

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

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

ATTACHMENT A

During the past several months, and continuing to the date of this claim, the Santa Clara Valley Water District (“District”) repeatedly has been blocking access to the Outdoor Solutions Landscaping and Paver Supply LLC’s (“Outdoor Solutions”) store and facility. The District has been in the process of installing a new waste water pipeline and the District’s work, vehicles and equipment have been blocking the entrances to Outdoor Solutions’ store and facility. The District is conducting this work through its contractor, Steve P. Rados, Inc., Engineering Contractors, and the contractor’s paving subcontractor Interstate Grading and Paving, Inc. Photos of examples of the blockage of Outdoor Solutions’ store and facility are attached.

The District never has provided notice of when it would be working at the location and blocking the entrances to Outdoor Solutions’ store and facility nor has it made any efforts to avoid blocking access. As a result, customers were unable to access the Outdoor Solutions facility, resulting in lost sales. Nicholas Bawdon, the owner of Outdoor Solutions, reached out to the District, the City of Gilroy, the Mayor of Gilroy and council members about this ongoing problem and nothing has been done to remedy the situation. In addition, the District’s work has resulted in flooding of Outdoor Solutions’ facility, and on at least one occasion Outdoor Solutions had to shut down its store and facility because of failed drainage due to the District’s work. The flooding is expected to continue, as neither the District nor the City of Gilroy have done anything to remedy the problem, and will likely cause additional claims.

As a result, Outdoor Solutions has suffered and continues to suffer lost sales and profits because customers cannot access its store and facility and the misconduct interferes with Outdoor Solutions deliveries. Outdoor Solutions estimates that its damages to date are at least \$460,000.





























February 2, 2024

Travis and Robyn Stewart
610 Belhaven Court
El Dorado Hills, CA 95762

Re: Settlement – L2230015

Dear Mr. and Mrs. Stewart:

Enclosed is the final check in the amount of \$4,121.42 settling the above-mentioned claim. The total amount of the settlement is \$15,621.42 of which \$11,500.00 was previously advanced, leaving a net payment of \$4,121.42.

On behalf of Valley Water, I apologize for any inconvenience this incident caused and thank you for your cooperation.

Sincerely,



Lilian Dennis
Management Analyst II
Risk Management Unit

Enc: Settlement Check #509329





Clean Water • Healthy Environment • Flood Protection

February 5, 2024

Marsey Khan
3885 Wellington Square
San Jose, CA 95136

Re: Receipt of Claim – L2340007

Dear Ms. Khan:

We received your claim regarding property damage resulting from the tree branch that fell on your property on January 27, 2023.

We are currently investigating the claim and will notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2652 or at ldennis@valleywater.org

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Lilian Dennis".

A16A1D1E4675476...

Lilian Dennis
Management Analyst II
Risk Management Unit





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT

California Government Code Sections 900 and following

Page 1 of 2

<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>	Clerk of the Board's Date Stamp	
	For SCVWD Use Only	
	Date Received: 02/02/24 COB	ROUTING
	<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO
	<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel
	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management
	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB
	<input checked="" type="checkbox"/> BOD (District #): 4	

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: Marsey Kahn		Email Address: ozmakahn@comcast.net	
Address of Claimant: 3885 Wellington Square		City: San Jose	State: CA
		Zip: 95136	
Address to which Notices should be sent, if different from above:		City:	State:
		Zip:	
Home Phone Number: 408-568-2125	Cell Phone Number: 408-568-2125	Work Phone Number:	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: January 27, 2024, 6:30pm	Location of incident or loss (address): 3885 Wellington Square San Jose, CA 95136	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: <input checked="" type="checkbox"/> No	

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

A mature eucalyptus tree, located on Valley Water property, dropped a large limb destroying one section and severely damaging a second section of the fence shared with 3885 Wellington Square. See previously submitted photos.



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*):

One section of redwood fence was completely destroyed; the top half of a second section was destroyed, and its base structure irreparably damaged. Both sections need to be replaced. (see photos)

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

Marsey Kahn 408-568-2125
Laurie Kahn 408-839-8558
3885 Wellington Square
San Jose CA 95136

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

Is the amount of the claim under \$10,000?

☒ Yes

☐ No

Court Jurisdiction: (Check One)

☐ Limited Civil

☐ Unlimited Civil

ITEMS	CLAIM AMOUNT
1. 20 feet of board on board redwood fence with lattice (see attached estimate)	\$ 1640.00
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$ 1640.00

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

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

Signed this 31st day of January, 20 24

DocuSigned by:

Marsey Kahn

2/2/2024

Claimant's Signature

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

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

Cuevas Lumber & Fence Inc

558 Kings Cross Way
San Jose, CA 95136 US
+1 4082245660
admin@cuevasfence.com
www.cuevasfence.com



Estimate

ADDRESS
Marsey Kahn
3885 Wellington Square
San Jose, CA 95136 USA

ESTIMATE 4310
DATE 01/31/2024

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
	Services	20' of a 5' tall board on board fence with 24" of lattice.	1	1,640.00	1,640.00
TOTAL					\$1,640.00

Accepted By

Accepted Date



Clean Water • Healthy Environment • Flood Protection

February 5, 2024

Brigitte Rince
6411 El Pato Court
Carlsbad, CA 92009

Re: Receipt of Claims – L2340008 and L2340009

Dear Ms. Rince:

We received your claims regarding the property damage that occurred at 967 Chynoweth Ave. in San Jose.

We are currently investigating the claim and will notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2652 or at ldennis@valleywater.org

Sincerely,

DocuSigned by:

A18A1D1E4675476...
Lilian Dennis
Management Analyst II
Risk Management Unit





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT

California Government Code Sections 900 and following

Page 1 of 2

<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>	Clerk of the Board's Date Stamp	
	For SCVWD Use Only	
	Date Received: 02/05/24	ROUTING
	<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO
	<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel
	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management
	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB
	<input checked="" type="checkbox"/> BOD (District #): 4	

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: Brigitte Rince		Email Address: brigmauikitty@gmail.com	
Address of Claimant: 967 Chynoweth Avenue		City: San Jose	State: CA
		Zip: 95136	
Address to which Notices should be sent, if different from above: 6411 El Pato Court		City: Carlsbad	State: CA
		Zip: 92009	
Home Phone Number:	Cell Phone Number: 408-623-9097	Work Phone Number:	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: 1/31/2023 10pm to 2/1/2024 8am	Location of incident or loss (address): 967 Chynoweth Ave, SJ CA 95136	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: 2403300308 <input type="checkbox"/> No	

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

We have requested for 4 years that the Water District remove the unhoused residing on their property adjacent to our home at 967 Chynoweth Ave SJ CA 95136. We have sent several letters indicating that the homeless scope out the Erikson neighborhood for any opportunity to gain access to homes or steal. We have also asked that they remove any unhoused residents who violate the rules set forth by the water district including but not limited to criminal activity. The two people who entered and stayed in our unoccupied at the time home, told the person who found them that they live on the water district property and wanted to get out of the rain.



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*):

Our front door was damaged so that the individuals could gain access to the home. 74 in. x 81.625 in. Sapphire Patina 1/2 Lite Unfinished Smooth Left-Hand Inswing Fiberglass Double Prehung Front Door \$1818.00

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

Johnny Garza 408-417-1275

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

Is the amount of the claim under \$10,000?

☒ Yes

☐ No

Court Jurisdiction: (Check One)

☐ Limited Civil

☐ Unlimited Civil

ITEMS	CLAIM AMOUNT
1. 74 in. x 81.625 in. Sapphire Patina 1/2 Lite Unfinished Smooth Left-Hand Inswing Fiberglass Double Prehung Front Door	\$1818.00
2. Install labor, trim, casing, paint and dump quote from John Garza	\$1000.00
3. Tax for door	\$168.00
4.	\$
TOTAL AMOUNT	\$2986.00

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

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

Signed this 3 day of February, 20 24


Claimant's Signature

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

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

Page 1 of 2

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	For SCVWD Use Only	
	Date Received: 2/5/24	ROUTING
	<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO
	<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel
	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management
<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> COB	
	<input checked="" type="checkbox"/> BOD (District #): 4	

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: Brigitte Rince		Email Address: Brigmaukitty@gmail.com	
Address of Claimant:		City:	State:
967 chynoweth ave sj 95136		San Jose	Ca
Address to which Notices should be sent, if different from above:		City:	State:
Brigmaukitty@gmail.com		Carlsbad	Ca
Home Phone Number:	Cell Phone Number:	Work Phone Number:	
(408) 623-9097	(408) 623-9097		
Is this claim being filed on behalf of a minor?		If so, please indicate minor's date of birth:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Relationship to the minor:	
Date and time of incident or loss:	Location of incident or loss (address):	Is there a police report?	
2/4/24	967 chynoweth ave sj 95136	<input type="checkbox"/> Yes If Yes, Police Report Case #:	
		<input type="checkbox"/> No	

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

Ofc Dutra #5092 with SJPD. I have attached the photos per our conversation. I will write up a report and link it to the prior incident. Your case number is 24-036-0159.

Please text/call if you have any questions. Thank you!
Gate broken



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):

This is the second time that another pair of Homeless that are living on the Water District property broke into our home. This time they broke the door even further after it was repaired and broke the side gate to gain entry. This was done, even after the solar device was put on the trail adjacent to our home by the Water District to help deter their homeless from coming into our property. They are checking the footage from the cameras on the system to see if they can identify them and will provide that information to SJPD. □

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

Rod jensen (831) 601-0955 found the homeless in our house and ran out gate that they broke
Officer Dutra
Captain Stephen Donohue
Paul and johnny from JNE

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

Is the amount of the claim under \$10,000?

☐ Yes

☐ No

Court Jurisdiction: (Check One)

☐ Limited Civil

☐ Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Gate broken by homeless	\$1000.00
2.	\$
3.	\$
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 5 day of February, 2024


Claimant's Signature

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

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

TO: Board of Directors

FROM: Darin Taylor

SUBJECT: Response to BMR 24-0002 from Director Eisenberg requesting the breakdown of how recycled water costs are calculated, including comparing to Orange County and Los Angeles

DATE: February 9, 2024

On January 9, 2024, Director Eisenberg requested that staff provide a breakdown of how water recycling costs are calculated, including comparing with Orange County and Los Angeles. The purpose of this memo is to respond to this request, which was captured as BMR 24-0002.

Palo Alto Purified Water Project

The Palo Alto Purified Water Project (PWP) consists of treatment facilities, pump stations and a 20-mile pipeline that would convey purified water to the Los Gatos Recharge Complex. It would produce roughly 8,400 acre-feet of drought proof water supply per year. In contrast to the normal process of delivering the project via design-bid-build with Valley Water financing and operating-maintaining the facility, the plan has been to utilize a Design-Build-Finance-Operate-Maintain (DBFOM) as directed by the Board. This is also known as a Public-Private-Partnership (P3). As such, costs will not be incurred by Valley Water until the start of operations through what is known as an Availability Payment. The Availability Payment will be comprised of an operations expense component and an annualized capital expense/debt service component.

The 8,400 AF of purified water can help Valley Water meet water demands, especially during drought conditions, which can offset the needs to secure water from other sources, such as groundwater basins, imported water, storages, or emergency purchase and transfer.

Projected Expenditures and Financial Analysis

Expense Component	FY 29	FY 30 and Beyond
Operation Expense	\$18.1 million	Escalates by 3% annually
Debt Service	\$91.6 million	\$105.5 million per year (From FY 30 onward)

Capital Cost Estimate:

The Capital Cost estimate was prepared using standard engineering estimating practice by Valley Water's Project Management Consultant for the Purified Water Project.

- Inflated Estimates: \$1.146 billion (Based on FY 24-28 CIP)
- Assumed Adjustments:
 - Cost Reduction: \$100 million (reduced contingency)
 - Successful Grant Receipt: \$183 million
- Net Inflated Capital Cost: \$863 million

Debt Service Component Breakdown:

- WIFIA Loan (EPA to P3 Entity):
 - Amount: 49% of Capital Cost
 - Interest Rate: 5.25%

- Term: 30 years
- Senior Debt (P3 Entity Issued):
 - Amount: 39% of Total Capital Cost
 - Interest Rate: 7.65%
- Return on Equity:
 - Amount: 12% of Capital Cost
 - Rate: 14%
- WIFIA Loan repayment assumed over 30 years due to a 30-year qualified management contract.

Note: The actual Availability Payment determined through competitive procurement and prevailing market rates at financial close will supersede the cost estimate.

Project Cost Comparative Analysis

While benchmarking with others is a good practice, there are many factors impacting the costs of Valley Water's Purified Water Project in Palo Alto, including current market conditions, land acquisition costs, a highly urbanized area through which a pipeline must be constructed, regulatory requirements to protect the sensitive South San Francisco Bay environment, contractual agreements recognizing that Palo Alto is not a direct beneficiary of the purified water, etc.

For example, the Groundwater Replenishment System (GWRS) of Orange County Water District (OCWD) is the world's largest water purification system for indirect potable reuse. Built in phases and operational since 2008, GWRS can produce up to 145,600 acre-feet per year of purified recycled water and the final expansion began operation on December 12, 2022. According to the Orange County Water District website, the total cost of the project for all phases was over \$900 million in actual costs. The system, which is a joint partnership between the OCWD and the Orange County Sanitation District (OC San), takes highly treated wastewater that would have previously been discharged into the Pacific Ocean and purifies it using a three-step advanced treatment process consisting of microfiltration, reverse osmosis and ultraviolet light with hydrogen peroxide.

Certain factors impacting the estimated cost of the Palo Alto PWP project that may not be applicable to GWRS include the following:

Economy of Scale

While there are flat costs associated with design and construction of water treatment facilities, the size could be a major variable. GWRS is a 145,600 AFY facility compared to Palo Alto which is sized at about 8,400 AFY. Due to the Economy of Scale the cost of the delivered water per unit would be at a lower level for GWRS versus the Palo Alto PWP.

Feedwater Source Considerations

GWRS is part of the OC San and co-located in the vicinity of the wastewater treatment facility where the feedwater is sourced from. This eliminates the need for pumping, conveyance pipeline, and other associated expenses for transfer of the treated wastewater to the purification site. In addition, there's no cost associated with the treated wastewater and GWRS receives it for free. Also, the Palo Alto PWP purification facility estimate includes additional treatment steps that maximize the production yield from the limited feedwater available from Palo Alto, which are not required for the GWRS.

Land and Environmental Mitigation Cost

The cost of Land Lease for the Palo Alto PWP project is factored into the cost analysis. GWRS, to our knowledge, is not paying lease costs. In addition, the site available for the Palo Alto PWP project

purification facility is a former wastewater treatment plant and would require substantial improvements (e.g., earthwork, flood protection, stormwater management, wastewater management, utility connections) to accommodate the new facility, including costly environmental mitigation.

Reverse Osmosis (RO) Concentrate Management

Palo Alto project is located in the environmentally unique and sensitive area of the South Bay. Management of RO Concentrate which includes long conveyance pipelines, pumping, etc. is much higher in comparison with GWRS where access to deep ocean outfall is available.

Purified Water Conveyance Pipeline

The conveyance of the product water to the groundwater recharge location requires a much shorter pipeline in Orange County compared to Palo Alto IPR project where the purified water needs to be transferred to Los Gatos Recharge System (LGRS) roughly 20 miles away, which accounts for approximately half the cost of the project.

Please let me or Kirsten Struve know if there are any further questions.

Darin Taylor
Chief Financial Officer
Office of the Chief Executive Officer

Cc: Rick Callender, Kirsten Struve

TO: Board of Directors**FROM:** Patrice McElroy**SUBJECT:** IBMR-23-0033**DATE:** January 29, 2024

In response to Director Beall's request to receive Valley Water's policies on reasonable accommodation, attached is Valley Water's Work Instruction on Reasonable Accommodation.

Patrice McElroy
Deputy Administrative Officer
Human Resources & Labor Relations

Enc: Reasonable Accommodation Work Instructions

	REASONABLE ACCOMMODATION	PROCESS OWNER: Anna Noriega DOCUMENT NO.: W-621-179 REVISION: A EFFECTIVE DATE: 12/20/19 Page 1 of 15
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Downloaded or printed copies are for reference only. Verify this is the current version prior to use. See the District website for released version.

1. PURPOSE

The purpose of this Work Instruction is to set forth procedures by which Valley Water will determine if a Reasonable Accommodation is necessary and, if so, provide Reasonable Accommodations to Applicants and Employees as required by the California Fair Employment and Housing Act (FEHA - Government Code § 12940, et seq.) and Title I of the Americans with Disabilities Act (ADA - 42 U.S.C. § 12101, et seq.).

Valley Water is committed to complying with FEHA and the ADA. In support of this commitment, Valley Water has created this Work Instruction to provide guidance to employees and applicants on how to address Reasonable Accommodation requests and needs.

2. SCOPE

The scope of work is Valley Water will keep confidential all information gathered pursuant to this Work Instruction. This information will only be disclosed to those with a need to know, and will be used only to make decisions in regards to the provisions of this Work Instruction. Documentation related to a Reasonable Accommodation will be maintained in a separate confidential file.

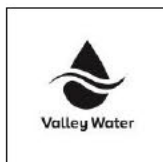
The three typical ways that the Valley Water is triggered to initiate a timely good-faith interactive process are:

1. **Formal Request for Accommodation**
An applicant or employee requests an accommodation
2. **Perception of Disability Impacting Work**
(e.g., Performance changes,
Attendance problems/changes)
3. **Employer's Knowledge of Work Restrictions**
Functional limitations that negatively impact work

Reasonable Accommodations are determined by Valley Water based on the work restrictions provided by the employee's Health Care Provider. The Reasonable Accommodation process will be initiated when the employee is no longer able to perform the essential functions of his/her position and deemed to be disabled by the employee's Health Care Provider. This work instruction provides a high level overview of the Reasonable Accommodation process, and every Reasonable Accommodation is handled on a case-by-case basis. Because every disability case is unique to the individual's disability, the Reasonable Accommodation process is fluid and may not follow the exact steps in this Work Instruction.

3. REFERENCE DOCUMENTS

EXTERNAL REFERENCE DOCUMENT TITLE	DOCUMENT LOCATION(S)
Americans with Disabilities Act (ADA)	https://www.ada.gov/
Americans with Disabilities Amendment Act (ADAAA)	https://www.ada.gov/
Fair Employment and Housing Act (FEHA)	https://www.dfeh.ca.gov/



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EXTERNAL REFERENCE DOCUMENT TITLE	DOCUMENT LOCATION(s)
Equal Employment Opportunities Commission (EEOC)	https://www.eeoc.gov/laws/statutes/ada.cfm
Title 2, California Code of Regulations, Div. 4.1, Ch. 5, Subchapter 2, Article 9 (Disability Discrimination)	https://www.dfeh.ca.gov/legal-records-and-reports/laws-and-regulations/

INTERNAL REFERENCE DOCUMENT TITLE	DOCUMENT LOCATION(s)
Q621D01 – Human Resources Management System Framework	Valley Water QEMS
W621D36 - FAMILY & MEDICAL LEAVE ACT (FMLA) CALIFORNIA FAMILY RIGHTS ACT (CFRA) PREGNANCY DISABILITY LEAVE (PDL) WORK INSTRUCTION	Valley Water QEMS
W621D06 - FITNESS FOR DUTY	Valley Water QEMS
W640D41 - WORKERS COMPENSATION RETURN TO WORK	Valley Water QEMS
W640D56 WORKERS COMPENSATION	Valley Water QEMS

4. DEFINITIONS

Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amendments Act (ADAA): Federal laws that prohibit discrimination based on disability (42 U.S.C. §§ 12101, et seq.).

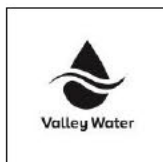
Alternative Work Search: If an employee is unable to be reasonably accommodated to return / continue in their current position, an Alternative Work Search process will be conducted as applicable. The Alternative Work Search process requires that: 1) there is a vacancy within Valley Water approved to be filled; 2) the disabled employee meets all qualifications for the position; 3) the disabled employee is able to perform the work fully and safely with or without Reasonable Accommodation; 4) the salary for the Alternative Work Search is the same or less than the disabled employee's current classification's maximum salary step; and 5) the assignment to the Alternative Work Search does not contravene a Memorandum of Understanding between Valley Water and any impacted bargaining unit.

Applicant: A person applying for any position with Valley Water who has not yet been selected.

Appointing Authority: A person designated in writing by the Chief Executive Officer (CEO) to make appointments or to remove persons from an organizational unit of Valley Water. Appointing Authorities currently include the Chief Operating Officers (COO), Chief of External Affairs and Board Appointed Officers. This designation may be changed by the CEO in writing. The Board designates the CEO as Appointing Authority.

Board Appointed Officers (BAOs): The Board's sole official connection to the operational organization, its achievements and conduct will be through Board Appointed Officers (BAOs). The Board Appointed Officers are: The Chief Executive Officer (CEO), the District Counsel, and the Clerk of the Board.

CalPERS: The California Public Employees' Retirement System.



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Direct Threat: A significant risk of substantial harm to the health or safety of self or others that cannot be eliminated or reduced through Reasonable Accommodation (42 U.S.C. § 12113(b); see 29 CFR §1630 app. §1630.2(r)).

Disability: Any disability or condition that meets the definition of physical disability, mental disability, or medical condition contained in FEHA or the ADA. (Government Code §§ 12926.1; 2 Cal. Code Regulations §11065); 42 U.S.C. § 12102)

Eligible Person: Any Applicant or Employee with a FEHA/ADA covered Disability.

Employee: Any person employed at Valley Water, whether probationary, regular, or at-will.

Essential Functions: Essential functions are the basic job duties that an Employee must be able to perform, with or without reasonable accommodation. Factors to consider in determining if a function is essential include: whether the reason the position exists is to perform that function, the number of other employees available to perform the function or among whom the performance of the function can be distributed, and the degree of expertise or skill required to perform the function.

Valley Water's judgment as to which functions are essential and a written classification specification prepared before advertising or interviewing for a job will be considered as evidence of essential functions. Other kinds of evidence that will be considered include: An Essential Functions Job Analysis; the actual work experience of present or past employees in the job; the time spent performing a function; the consequences of not requiring that an employee perform a function; and the terms of a collective bargaining agreement (2 Cal. Code Regulations §11065).

Essential Functions Job Analysis: An Essential Functions Job Analysis objectively identifies the core physical, mental and environmental requirements of a position. The document is used to assist with determining how an employee's work restrictions may impact the core physical/mental/environmental demands of a position.

FEHA: The California Fair Employment and Housing Act (Government Code §§ 12900, et seq.). Family and Medical Leave Act (FMLA) of 1993, as amended: A Federal law that is administered by the U.S. Department of Labor (DOL), Employment Standards Administration, and Wage and Hour Division.

Fitness for Duty (FFD): For purposes of this policy, a tool typically used when an: (1) employee is not providing medical/disability information needed, (2) employee's Health Care Provider (HCP) is unable to give medical/disability information needed, (3) employee's HCP gives information that is not sufficiently clear or contradicting, (4) employee's HCP gives information that is unreliable, inconsistent, or not logical, based on past information, or (5) employee has involved multiple HCPs. An FFD shall be conducted when Valley Water determines that the need is job related and consistent with business necessity (42 U.S.C. § 12112(d)(4)(A), 42 U.S.C. § 12101 et seq.; Govt. Code § 12940(f)(2).) and there are objective facts suggesting that the employee is not able to be working fully and safely. For purposes of this section, **Safely means:** the employee may have a medical or psychological condition that could result in a direct physical threat or other liability to themselves, co-worker or the public and **Fully means:** the employee may have a medical condition or injury that impacts their ability to perform the essential functions of their classification fully and it is unclear as to what type of reasonable accommodation is necessary. The employee may be sent for an FFD examination at any time during the Reasonable Accommodation process.



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Health Care Provider (HCP): Any person or entity defined as a Health Care Provider by the FEHA or the ADA, or any regulations adopted pursuant to FEHA (Govt. Code § 12945.2(c)(6)(B)) or the ADA (29 C.F.R. § 825.125).

Interactive Process: The good-faith process between Valley Water and an eligible person with a known disability, which includes, but not limited to: consulting with the employee to ascertain the precise job-related limitations and how the limitations could be reasonably accommodated, and identifying potential accommodations and assessing their reasonableness and effectiveness. The Interactive Process is used throughout the Reasonable Accommodation process and includes obtaining input from the employee and his/her management to brainstorm accommodation options, and exploring possible outcomes.

Intermittent Leave: Leave taken in separate periods of time due to a single illness or injury, rather than one continuous period of time, and may include leave of periods for as little as one hour. Intermittent leave can also include a reduced work schedule.

Leave of Absence: A Leave of Absence may be provided as a Reasonable Accommodation option as a tool to support the employee to return to work.

Light Duty: Temporary change in job assignment to accommodate work restrictions while an employee is healing due to a work-related injury. May or may not pay at the same rate as the employee's normal work assignment. Lost wages may be partially made up by Temporary Partial Disability (TPD) payments.

LWOP: Leave Without Pay.

Medical Clarification Questionnaire: An employee may be provided with a Medical Clarification Questionnaire for the employee's HCP. The employee must return the completed questionnaire or a written communication from the HCP answering the questions on the Medical Clarification Questionnaire form certifying that the employee has a disability and listing the type and duration of any work restriction(s) associated with the disability.

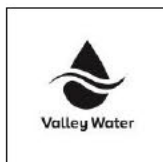
MOU: Memorandum of Understanding.

Regular Employee: An employee who has passed the probationary period required of the classification.

Permanent or Long-Term Disability: A disability that a Health Care Provider expects to continue for an indeterminate amount of time or for the life of the employee.

Probationary Employee: An employee appointed to a regular position serving a set period of time (probation period) to allow an assessment of their ability to perform the duties and responsibilities of the position for which they were appointed.

Reasonable Accommodation (RA): Any appropriate measure that would enable an eligible person to perform the essential functions of his or her job classification. Examples of Reasonable Accommodations include, but are not limited to, the following: making facilities accessible to individuals with disabilities; restructuring jobs (reallocating/redistributing non-essential job functions); modifying work schedules; buying new or modifying existing equipment; permitting an alteration of when or how



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an essential job function is performed; modifying supervisory methods; providing additional training; telecommuting; providing reassignment to a vacant position for which the employee is qualified; or modifying examinations and policies.

Reasonable Accommodation Coordinator (RAC): The position designated to administer the Good-Faith Interactive Process and acts as the Valley Water representative for Reasonable Accommodation cases.

Reasonable Accommodation Plan: A signed document that details approved accommodation(s) allowing the employee to perform the essential functions of his/her job. The Reasonable Accommodation Plan may also document approved leaves of absence beyond legally mandated timeframes.

Temporary Disability: A disability that a Health Care Provider expects to be twelve (12) months or less. It is anticipated that leave and restrictions will resolve themselves and the employee will return to full duty within the twelve (12) months.

Temporary Modified Alternate Duties (TMAD) Assignments: Though not considered a Reasonable Accommodation under ADA/FEHA, TMAD assignments may be provided to employees with temporary work restrictions when possible. These assignments typically support an employee to perform most of the essential functions of their usual and customary position. Employees work in their current classification, but have a temporary work restriction. TMAD assignments are typically provided for a period of up to 90 calendar days in set periods at a time. The assignment may be cancelled at any time during the Reasonable Accommodation process.

Undue Hardship: A significant difficulty or expense required to grant the requested accommodation, including but not limited to (2 Cal. Code Regulations §11065):


1. Nature and cost of the accommodation needed;
2. Overall financial resources of the facility making the Reasonable Accommodation;
3. Effect on expenses and resources of the facility;
4. Impact of the accommodation on the operation of the facility involved in the provision of Reasonable Accommodation;
5. Impact of the accommodation on other employees to perform their duties; and
6. Impact of the accommodation on the public service.

Vacancy Report: A report that includes all funded positions approved for recruitment and upcoming vacancies.

5. ROLES AND RESPONSIBILITIES

Bargaining Unit Representatives may represent the employee in the Reasonable Accommodation process and may attend Interactive Process discussions as requested by the employee. Any meeting with the employee is to determine facts, and all factual responses should come from the employee. If representation is requested, the Bargaining Unit Representative's role is to ask for clarification during the process or to call for a caucus when in discussions. The time for the Bargaining Unit Representative to make any arguments about any issue that arises from a meeting would come later.

External Applicants/Employees with disabilities are required to engage in good-faith in a timely manner with Valley Water during the disability interactive process; external applicants completing and

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forwarding a request for reasonable accommodation to the Recruitment & Examination Program and Reasonable Accommodation Coordinator; and providing reasonable medical documentation with verification of their disability or impairment from their Health Care Provider in a timely manner (2 Cal. Code Regs., tit 2 § 11069(d)). Employees on an approved Reasonable Accommodation Plan or TMAD are required to adhere to the approved accommodations. If the accommodations are not working or medical conditions change, the employee is to notify the RAC and his/her manager immediately.

Benefits Staff is responsible for informing the RAC of medical leaves of absences and processing CalPERS retirement paperwork.

Human Resources Manager provides management oversight of the Reasonable Accommodation in adherence with ADA/FEHA laws.


Recruitment Staff is responsible for informing the RAC of requests for Reasonable Accommodation in applications, testing and interviews.

Reasonable Accommodation Coordinator (RAC) is responsible for facilitating and coordinating the disability good-faith Interactive Process and supporting Reasonable Accommodation decisions to be made and implemented for all Reasonable Accommodation requests. The RAC is the facilitator of discussions with the employee/applicant, supervisor/manager, unclassified staff and appropriate parties. The RAC is not the decision maker on Reasonable Accommodations.

Supervisors and Unit Mangers are responsible for immediately notifying the RAC when triggered for a potential Reasonable Accommodation by the employee/applicant or his/her advocate. The typical triggers include a specific request for accommodation from an applicant or employee, perception of a medical disability impacting work resulting in performance changes/attendance problems, or knowledge of work restrictions that impact the employee in performing the essential functions of his/her job. Responsibilities also include actively participating in the disability Interactive Process and supporting the successful implementation of short-term and long-term Reasonable Accommodations; ensuring that the employee is adhering to approved accommodations; and notifying the RAC when accommodations are not working or knowledge that medical conditions have changed.

Unclassified Staff is responsible for participating in Reasonable Accommodations Meetings as requested by the Reasonable Accommodation Coordinator. Unclassified staff are the final decision makers on Reasonable Accommodations.

Workers' Compensation Staff is responsible for coordinating the activities of the Light Duty/ Transitional Duty and Return-to-Work Programs for employees with accepted occupational illnesses or injuries.

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6. PROCESS STEPS

PROCESS STEP TITLE	ROLE	STEP-BY-STEP INSTRUCTIONS	QUALITY RECORDS (OUTPUT(S) FROM PROCESS STEP)
(1) External Applicants Requesting an Accommodation	Applicant Reasonable Accommodation Coordinator (RAC) Human Resources Manager Recruitment Staff	<ul style="list-style-type: none"> An applicant may request a Reasonable Accommodation related to Valley Water's recruitment and examination process by submitting a completed Applicant Request for Reasonable Accommodation Applicant Testing Form which includes a Certification of Disability from a Health Care Provider (HCP) to the Recruitment Staff at least five (5) working days prior to the examination and/or interview. The Applicant must specifically identify the accommodation that he/she requests for the recruitment process. The Applicant must provide requested medical information from their HCP at the Applicant's own expense. Once the completed forms are received, the request will be evaluated by the Recruitment Supervisor and RAC. If the HCP certifies that an applicant has a disability as deemed under ADA/FEHA, the Recruitment Supervisor and RAC will decide if the requested accommodation is reasonable. If it is determined that the requested accommodation is reasonable, the Recruitment Staff will provide the applicant with the Reasonable Accommodation at or prior to the time of the examination and/or interview. If the applicant fails to submit all of the required forms by the due date or if the Recruitment Supervisor and RAC determine that the requested accommodation is not reasonable, the RAC will inform the applicant in writing of the decision denying the requested accommodation prior to the examination and/or interview time. If an applicant disagrees with the determination, he/she may request a review of the determination by the Human Resources Manager and his/her designee within five (5) calendar days of the date of the determination. The Human Resources Manager's decision regarding a requested accommodation is final. 	Applicant Testing Form




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<p>(2) Temporary Disability</p> <p>Long-Term/Permanent Disability</p>	<p>Employee</p> <p>Reasonable Accommodation Coordinator (RAC)</p> <p>Human Resources Manager</p> <p>Supervisor/Manager</p> <p>Unclassified Officer</p>	<ul style="list-style-type: none"> For an employee, who believes there is a medical need for Reasonable Accommodation, he/she may notify their direct supervisor/manager or the RAC of the request for Reasonable Accommodation verbally or in writing. If the supervisor/manager is notified, upon receiving such verbal or written notice, the employee's supervisor/manager shall immediately notify the RAC. The employee will be invited to participate in a good-faith Interactive Process meeting with the RAC as necessary. The employee may include a union representative and/or personal advocate of their choice in the Interactive Process. The employee must notify the RAC of who will attend the meetings. The employee will be required to provide medical information certified by his/her HCP. This documentation may include completion of a Medical Clarification Questionnaire by the employee's HCP, as determined by the RAC. To qualify for a Reasonable Accommodation, the employee must be deemed medically disabled under ADA/FEHA making it not possible for the employee to perform the essential functions of his/her position with or without Reasonable Accommodations. The RAC will facilitate Reasonable Accommodations Meetings to obtain input from the employee, his/her management or relevant parties to brainstorm potential accommodation options. The RAC shall explain possible outcomes of the Interactive Process that may include accommodations in the employee's job that may be available. Additional options include, but not limited to, placing the employee into a different position through an Alternate Work Search Process, additional leave, or as a last resort a medical retirement/separation from Valley Water employment. Reasonable Accommodation approval or denial decisions will be communicated to the employee by the RAC. If Reasonable Accommodations were identified and agreed to by all parties, the approved accommodations are implemented. The supervisor/manager will notify the RAC if the accommodation is not working as a supportive tool to the employee. Accommodation denials will be documented in writing to the employee from the RAC. 	<p>Reasonable Accommodation Plan (confidential record)</p> <p>TMAD Agreement (confidential record)</p> <p>Accommodation Meeting Notes (confidential record)</p>
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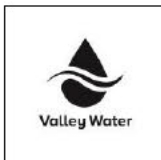
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PROCESS STEP TITLE	ROLE	STEP-BY-STEP INSTRUCTIONS	QUALITY RECORDS (OUTPUT(S) FROM PROCESS STEP)
		<ul style="list-style-type: none"> • For Temporary Disabilities: Approved accommodations will be documented on a Reasonable Accommodation Plan or TMAD Agreement by the RAC. • For Long-Term/Permanent Disabilities: Approved accommodations will be documented in writing to the employee from the RAC. • If Reasonable Accommodations are not available to allow the employee to perform the essential functions of his/her existing job fully and safely, the employee may be placed in an Alternate Work Search Process, may be offered leave, or may be offered a different Reasonable Accommodation as appropriate. • If Reasonable Accommodations were identified and agreed to by all parties, the approved accommodations are implemented. The supervisor/manager will monitor the effectiveness of the accommodation and notify the RAC if the accommodation is not working. • The RAC will provide ongoing assistance during the Reasonable Accommodation process as necessary. 	
(3) Employees Returning to Work with Temporary Work Restrictions	Employee Reasonable Accommodation Coordinator (RAC) Supervisor/Manager Benefits Staff	<ul style="list-style-type: none"> • When an employee on a leave of absence is released from his/her HCP to return to work with temporary work restrictions and he/she is unable to perform the essential functions of his/her job with or without accommodations, the employee will be required to participate in good-faith in the Reasonable Accommodation process. • Medical Clarification Questionnaires may be required to be completed by the employee's HCP. • If the temporary restriction is able to be accommodated, the RAC will prepare a Reasonable Accommodation Plan. • When a temporary restriction cannot be accommodated, the employee may be placed on leave (paid or unpaid) as a tool to support the employee to return to work or another Reasonable Accommodation process. 	Return to Work Notice (FC 1751) Reasonable Accommodation Plan (confidential record)

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(4) Temporary Alternate Work Up To 90 Days (Temporary Modified Alternate Duty Assignments)	Employee Reasonable Accommodation Coordinator (RAC) Supervisor/ Manager	<ul style="list-style-type: none"> Valley Water may choose to offer Temporary Alternate Work on a case-by-case basis. Employees performing temporary alternative work will remain in their classification with their regular pay and benefits. Medical documentation is required to be submitted by the employee prior to returning to work. This documentation may include, but is not limited to an HCP's medical letter, completion of a Medical Clarification Questionnaire, etc. as determined by the RAC. If Temporary Modified Alternate Duty (TMAD) can be accommodated, a TMAD Agreement will be prepared. The employee must sign the TMAD Agreement prior to returning to work or before the renewal date. An employee's failure to sign the TMAD Agreement before the due date, constitutes a refusal of the work, and will result in the employee remaining off work in a paid or unpaid leave of absence. Following consultation with the RAC, if the employee's manager determines that temporary alternate work cannot be accommodated or if an accommodation request is not reasonable or would cause an Undue Hardship, the RAC will notify the employee in writing. The employee may be placed on a leave of absence (paid or unpaid) or another Reasonable Accommodation process. Employees with approved Light Duty as a result of a workplace occupational illness will be administered through the Workers' Compensation Program. 	Temporary Modified Alternate Duty (TMAD) Agreement (confidential record)




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PROCESS STEP TITLE	ROLE	STEP-BY-STEP INSTRUCTIONS	QUALITY RECORDS (OUTPUT(S) FROM PROCESS STEP)
(5) Employees Requesting Medical Leave Extensions After Exhaustion of Legally Mandated Leaves of Absences	Employee Reasonable Accommodation Coordinator (RAC) Human Resources Manager Supervisor/ Manager Benefits Staff	<ul style="list-style-type: none"> • Every extension request is reviewed a case-by-case basis for approval/denial. • Medical documentation is required to be submitted by the employee prior to the exhaustion of any legally mandated approved leaves of absences in order to request a medical leave of absence extension. This documentation may include, but is not limited to an HCP's medical letter, completion of a Medical Clarification Questionnaire, etc. as determined by the RAC. • Medical Clarification Questionnaires may be required of the employee's HCP to place or remain in a temporary extended leave of absence. The employee must return the completed Questionnaires or a response to all of the questions to the RAC by the due date. • As appropriate, the RAC may initiate good-faith Interactive Accommodations Meeting(s) process with the employee and his/her representatives and Valley Water Management. • If a temporary leave of absence (paid or unpaid) extension can be accommodated, the RAC will prepare a Reasonable Accommodation (RA) Plan placing the employee on a leave of absence. • If a temporary leave of absence (paid or unpaid) cannot be accommodated or there is insufficient information from the employee's HCP that medically requires the employee to be placed or remain on a leave of absence, the Reasonable Accommodation will conclude or follow another Reasonable Accommodation process. The employee will be notified in writing by the RAC. 	Reasonable Accommodation Plan (confidential record)

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(6) Supervisor/ Manager has been triggered or has a perception that the employee may be disabled	Employee Reasonable Accommodation Coordinator (RAC) Supervisor/ Manager	<ul style="list-style-type: none"> When the supervisor/manager has been triggered by an employee or has a perception that an employee has a disability that is impacting work performance, he/she shall contact the RAC immediately. If the employee may have a disability impacting the essential functions of the employee's job, the employee will be invited to engage with the RAC for a good-faith Interactive Process discussion. The employee may be required to provide the RAC with medical information, including but not limited to a response to a Medical Clarification Questionnaire provided by the RAC to the employee's HCP. The employee must submit the information and/or response in full to the Medical Clarification Questionnaire to the RAC by the due date to continue the Reasonable Accommodation process. The employee will be informed by the RAC if the Reasonable Accommodation process will continue, conclude or follow another Reasonable Accommodation process. 	Reasonable Accommodation Plan (confidential record) Leave of Absence Notice Eligibility, Rights and Responsibilities (FC 1834) Leave of Absence Notice Designation of Leave Form (FC 1680)



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(7) Alternate Work Search Process	Employee Reasonable Accommodation Coordinator (RAC) Unclassified Officers Recruitment Staff Benefits Staff	<ul style="list-style-type: none">• The Alternate Work Search Process shall continue for three (3) months. The RAC will provide a Vacancy Report to the employee. The employee will have seven (7) calendar days to submit his/her resume and identify up to four selected positions.• Upon the start of this process, the employee will be separated from his/her current position. The employee will remain on a leave of absence during this process.• Benefits staff will submit the employee's CalPERS disability retirement paperwork on his/her behalf. The employee is required to adhere to the timelines and documents to CalPERS.• The employee in the Alternate Work Search Process may apply and compete for any promotional positions.• For positions in which the employee meets the minimum qualifications and a validated test or objective test is required, the Recruitment Staff will invite the employee to take the test. A minimum of 70% is required for the employee to pass the test.• For positions in which the employee meets the minimum qualifications, the RAC will inform the hiring manager and Recruitment Staff that the position is on ADA/FEHA Hold and must remain vacant. The hiring manager may proceed in the recruitment up to and including interviews. An offer of employment must not be made.• Valley Water shall determine if there is a best fit position based on medical information. If an employee is able to perform the essential functions for multiple positions that are similar in pay, hours and benefits, Valley Water will determine which position may be offered.• The employee will be medically separated from Valley Water employment if he/she declines an Alternate Work Search employment offer.• The employee shall be eligible for only one (1) position in the Alternate Work Search. The Alternate Work Search Process concludes when either: 1) employee is made an Alternate Work Search offer, 2) employee declines the Alternate Work Search offer or 3) the Alternate Work Search timeline of three months expires.	
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PROCESS STEP TITLE	ROLE	STEP-BY-STEP INSTRUCTIONS	QUALITY RECORDS (OUTPUT(S) FROM PROCESS STEP)
		<ul style="list-style-type: none"> After the Alternate Work Search Process concludes, if an offer of employment is not available to the employee, the employee is provided with a written "Notice of Intent to Separate because of Inability to Reasonably Accommodate" and the Alternate Work Search process concludes. The employee will be offered 15 business days to submit an appeal to this decision. A Hearing Officer will be assigned for appeal hearings and he/she will make the final decision on the Reasonable Accommodation case in writing within 15 business days of the Hearing. The employee will be medically separated as either retirement or termination if the Hearing Officer denies the employee's appeal. 	
(8) Fitness-For-Duty Examinations	Employees Reasonable Accommodation Coordinator (RAC) Supervisor/ Manager	<ul style="list-style-type: none"> Fitness For Duty (FFD) Examinations may be required of the employee at any time during the Reasonable Accommodation process. Valley Water will pay for the FFD medical examination. It is mandatory for the employee to participate in the FFD Examination. Failure to participate in the FFD Examination will terminate the Reasonable Accommodation process and the employee may be medically separated from Valley Water employment. The employee will be paid his/her regular pay for the time to drive to and from the doctor's office and time spent at the medical appointment. The FFD Examiner medical determinations will override the employee's HCP information. 	

7. QUALITY RECORDS

QUALITY RECORD	LOCATION KEPT	FILING ORDER	RECORDS RETENTION SCHEDULE SERIES NO.
Reasonable Accommodation Plan	Reasonable Accommodation File	Historical	RS-0817 Accommodation Case Files
Temporary Modified Alternate Duty Agreement	Reasonable Accommodation File	Historical	RS-0817 Accommodation Case Files

	REASONABLE ACCOMMODATION	PROCESS OWNER: Anna Noriega
		DOCUMENT NO.: W-621-179
		REVISION A
		EFFECTIVE DATE: 12/20/19
Page 15 of 15		

Downloaded or printed copies are for reference only. Verify this is the current version prior to use. See the District website for released version

QUALITY RECORD	LOCATION KEPT	FILING ORDER	RECORDS RETENTION SCHEDULE SERIES NO.
Applicant Testing Form	Recruitment File	Historical	RS-0817 Accommodation Case Files
Return to Work Notice (FC 1751)	Reasonable Accommodation File	Historical	RS-0861 Personnel File #2
Leave of Absence Notice Eligibility, Rights and Responsibilities (FC 1834)	Reasonable Accommodation File	Historical	RS-0861 Personnel File #2
Leave of Absence Notice Designation of Leave Form (FC 1680)	Reasonable Accommodation File	Historical	RS-0861 Personnel File #2

8. CHANGE HISTORY

DATE	REV	SIGNIFICANT CHANGE?	COMMENTS
12/20/19	A	Initial release. This document supersedes the Reasonable Accommodation portion of Ad 2.8 Equal Opportunity Programs	

9. ADDENDA

INCOMING BOARD CORRESPONDENCE

Board 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-24-0030	02/07/24	02/07/24	All	DANNY GARZA	Email from Danny Garza to the board, dated 02/07/24 regarding concerns about possible future blockages on Lower Silver Creek.	Refer to Staff	Codianne	Mody	02/15/24	-	n/a	02/21/24
C-24-0023	02/02/24	02/02/24	All	ALBERT PRUNERA	Email from Albert Prunera to San Jose Mayor's Office, copied to the Board, dated 02/002/24, regarding next action to expect with the Willow Street and Lelong Street unhoused encampment.	Refer to Staff	Hakes	Mody Codianne	02/10/24	-	n/a	02/16/24
C-24-0020	01/26/24	01/26/24	All	PERRY MISTRY	Email from Perry Mistry to Director Santos and the Board, dated 01/26/24, requesting information on wastewater	Refer to Staff	Baker	Struve Gin	02/03/24	02/02/24	n/a	02/09/24

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
					to drinking water projects completed and in the pipeline.							
C-24-0017	01/25/24	01/26/24	Eisenberg	JOHN GUISLIN	Email from John Guislin to Director Eisenberg, dated 01/25/24, regarding SFCJPA reconsideration of 6 foot cement walls by creek.	Refer to Staff	Hakes	Yerrapotu	02/03/24	02/01/24	n/a	02/09/24
C-24-0014	01/23/24	01/23/24	All	BRIGITTE RINCE	Email from Brigitte Rince to Board on NHD Report	Refer to Staff	Hakes	Yerrapotu	01/31/24	01/30/24	n/a	02/06/24
C-24-0011	01/13/24	01/16/24	All	TIFFANY HOWARD	Email from Tiffany Howard to the board, dated 01/13/04, regarding the unhouse in the creek behind her home.	Refer to Staff	Hakes	Codianne	01/24/24	01/22/24	n/a	01/30/24
C-24-0007	01/11/24	01/11/24	Beall	ROGER CASTILLO	Email from Roger Castillo to Director Beall, dated 1/12/23, conveying a copy of the "12-29-23 101	Refer to Staff	Hakes	Codianne	01/19/24	01/16/24	n/a	01/25/24

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
					Bayshore Chinook killed" document.							
C-23-0293	12/04/23	12/07/23	Beall	AFSHIN ROUHANI	Email from Afshin Rouhani to Director Beall, dated 12/04/23, regarding Anderson Dam options.	Refer to Staff	Richardson	Mccarter	12/15/23	12/18/23	n/a	12/21/23
C-23-0287	11/29/23	11/29/23	Hsueh	DWIGHT NICKERSON	Email from Dwight Nickerson to Director Hsueh, dated 11/29/23, regarding damaged retaining wall on Saratoga Creek.	Refer to Staff	Hakes	Codianne	12/07/23	12/05/23	n/a	12/13/23
C-23-0267	11/03/23	11/03/23	Varela	ROCHELLE BEERLI	Email from Rochelle Beerli to Chair Varela, dated 11/03/23, conveying questions about Pacheco Dam.	Refer to Staff	Richardson	Mccarter	11/11/23	11/16/23	n/a	11/17/23
C-23-0266	10/31/23	10/31/23	All	JOHN GUISLIN	Email from John Guislin to the board, dated 10/31/23, expressing concern for Creek	Refer to Staff	Hakes	Yerrapotu	11/08/23	11/06/23	n/a	11/14/23

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
					Flooding mitigation along San Francisquito Creek.							
C-23-0239	09/24/23	09/25/23	Beall	KATHLEEN O'CONNELL	Email from Kathleen O'Connell to the Director Beall, dated 9/24/23, regarding Water Resource Protection Zone at the upcoming Cherry Avenue EIH project.	Refer to Staff	Hakes	Codianne	10/03/23	09/27/23	n/a	10/09/23
C-23-0235	09/21/23	09/22/23	All	JESSICA CALDERON	Email from Jessica Calderon to the Board, dated 9/21/22 regarding the unhoused at Church st./Howson Creek Monterey Road/Howson Creek, Gilroy.	Refer to Staff	Hakes	Codianne	09/30/23	09/25/23	n/a	10/06/23
C-23-0212	08/24/23	08/24/23	Santos	ERIC HA	Email from Eric Ha to Director Santos, dated 8/24/23, regarding unhoused individual	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23

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
					setting fire behind property.							
C-23-0211	08/24/23	08/24/23	Varela	LUIS RAMIREZ	Email from Luis Ramirez to Chair Varela, dated 8/24/23, regarding homeless in Gilroy on Valley Water property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23
C-23-0101	05/12/23	05/12/23	All	STEVE KELLY	Email from Steve Kelly, to the Board, dated 5/12/23, regarding concern for unhoused that may cause threats to residents living near the creeks in Santa Clara.	Refer to Staff	Blank Yerrapotu	Codianne	05/20/23	05/22/23	n/a	05/26/23
C-23-0076	03/31/23	04/03/23	All	H.K. WILLARD	Email from H.K. Willard to the Board dated 3/31/23 regarding misleading information in March Water News.	Refer to Staff	Gibson	Rocha	04/11/23	04/07/23	n/a	04/17/23
C-23-0045	02/23/23	02/24/23	All	MELISSA MALLORY	EMail from Melissa Mallory regarding unhouse along Los Gatos Creek	Refer to Staff	Blank	Codianne Yerrapotu	03/04/23	03/03/23	n/a	03/10/23

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
					Trail.							

Michele King

From: brigitte rince [REDACTED]
Sent: Thursday, February 01, 2024 2:32 PM
To: Board of Directors
Cc: pam.foley@sanjoseca.gov; omar.passons@sanjoseca.gov; mayor@sanjoseca.gov
Subject: Re: Letter for Real Estate agent

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

thank you very much

A homeless couple broke into our home last night and used our shower, broke a piece of the front door, used the washer and dryer, turned up the heater, and took a ladder. We did not feel safe when we lived there and even less so now that the house is empty if there is any way to help us deter the homeless from doing this again in addition to the solar powered blue light that will be on the trail on the side of our home at [REDACTED], San Jose, CA 95136.

we would appreciate it.

We were afraid that it would be difficult to sell the house with the visibility to the homeless, but if they are breaking in and living in our home, it will be impossible.

On Thu, Feb 1, 2024 at 1:15 PM Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Director Beall:

Dear Brigitte Rince,

Thank you for your email on January 23 requesting project information for the completed construction along Reach 12 of the Upper Guadalupe River Flood Protection Project. On January 29, Karl Neuman from our office contacted you to get more information about your request and understood that you would like plan documentation of the constructed Reach 12 project to provide backup information for your home.

First, here is some background about the project. The Upper Guadalupe Flood Protection Project spans from the Union Pacific Railroad Bridge downstream of Hwy 87 upstream to Blossom Hill Rd, including sections of Canoas Creek and Ross Creek, and is separated into Reaches 7 through 12. The project is a partnership between the United States Army Corps of Engineers (USACE) and the Santa Clara Valley Water District (Valley Water). The USACE is responsible for the planning, design and construction of the project and Valley Water is responsible for the right of way acquisitions and utility relocation. Reach 12 spans from Brannan Lane to Blossom Hill Rd with the in-creek work completed in November 2015 and the mitigation planting completed in December 2017.

Since only one of the five reaches has been completed at this time, this section of Upper Guadalupe River will not obtain FEMA certification until all the reaches are constructed. The current status of the project is that construction of the remaining reaches is anticipated to begin in year 2028 and completed by 2032. To help you with your information request, we have included the Reach 12 plans of the constructed project in the following link where you can download the file for your use.

<https://fta.valleywater.org/dl/LL91uEGFua>

If you have any further questions or comments, feel free to call Karl Neuman at 650-730-0312 or by email at kneuman@valleywater.org.

Sincerely,



Jim Beal

Director, District 4

C-24-0014

From: brigitte rince [REDACTED]
Sent: Tuesday, January 23, 2024 6:47 PM
To: Board of Directors <board@valleywater.org>
Cc: [REDACTED]
Subject: Re: Letter for Real Estate agent

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi

On the NHD report that our agent ran shows our home as in a flood zone. A and D

Can you please provide the paperwork for the rack 12 work and the work to raise the levee to migrate the oriented for flooding here?

Thank you

Mark and Brigitte

On Jan 23, 2024, at 9:36 AM, Board of Directors
<board@valleywater.org> wrote:

Sent on Behalf of Director Beall:

Dear Mark Bolger,

Thank you for reaching out to Valley Water. Please see the attached letter which provides details regarding Valley Water's planned Emergency Interim Housing site adjacent to the Guadalupe River at Cherry Avenue. You may contact Assistant Operating Officer Mark Bilski at mbilski@valleywater.org for any follow-up information.

Sincerely,

<image001.png>

Jim Beall

Director, District 4

C-23-0006

From: Mark Bolger [REDACTED]
Sent: Monday, January 8, 2024 4:45:03 PM
To: Jim Beall <JBeall@valleywater.org>
Cc: Brigitte Rince [REDACTED]
Subject: Letter for Real Estate agent

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi Jim,

We are interested in putting our home on the market to sell so that we can move.

As we discussed today, would you please draft a letter for our real estate agent to provide to potential home buyers that will layout the plans that the Valley Water district and the City of San Jose plan to execute to remove the homeless and create the EIH enclosure between Branham Lane and Blossom Hill Road.

We are hoping that your plans will ease their minds about purchasing the property adjacent to percolation pond 3. The camps are very visible from our back yard and could deter potential buyers or lower the price they are willing to pay.

Sincerely,

Mark Bolger and Brigitte Rince

[REDACTED]

<012324_SCVWD Letter on EIH.pdf>

Michele King

From: Albert Colas Prunera [REDACTED]
Sent: Friday, February 02, 2024 2:15 PM
To: City of San Jose Mayor's Office
Cc: Board of Directors; John Varela; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rebecca Eisenberg; homelessconcerns@sanjoseca.gov; beautifysj@sanjoseca.gov
Subject: Re: Unacceptable: Persistent Hazards from Willow St and Lelong St Homeless Encampment

Follow Up Flag: Follow up
Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Thanks for your response.

What are the actions that we can expect as a community from Valley Water and the Mayor?

During our last town hall we were advised to connect you both and this is what we are doing, so we are awaiting for an action plan and timely response to this safety crisis.

Thank you

-Albert

On Fri, Feb 2, 2024 at 12:47 PM City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:

Hi Albert Colas Prunera,

I want to express our sincere gratitude for your email and the attention you bring to the ongoing safety crisis at the homeless encampment on Willow St and Lelong St.

We share your deep frustration and disappointment regarding the escalating issues, including relentless fires, the presence of firearms, and hazardous waste, which pose an intolerable threat to our community, especially our school children.

The safety of our children and residents is our top priority. I completely understand your sentiment, and I want to assure you that we take this matter very seriously.

We are committed to working closely with the appropriate departments to address this matter. Your concerns have been documented, and the attached pictures and video link provide valuable insights into the gravity of the situation.

Thank you for your patience as we work diligently to find a solution. Your advocacy for the well-being of our community is invaluable. Thank you for bringing this matter to our attention.

Best,

On Wed, 24 Jan at 10:18 PM , Albert Colas Prunera [REDACTED] wrote:

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Valley Water team and Mayor,

I write to you today with a mixture of frustration and disappointment regarding the ongoing safety crisis at the homeless encampment on Willow St and Lelong St. The relentless fires, the presence of guns, and the hazardous waste have reached an intolerable level, and it is infuriating to witness the continued threat to our community, especially our school children.

I am beyond fed up with the situation, and the fact that our children have to navigate through these hazards on their way to school is simply unacceptable. It is disheartening to see repeated instances of negligence, and the time for immediate and effective action is long overdue.

I urge you to prioritize the safety of our residents, particularly our children, and take decisive steps to address this crisis without further delay. Our community deserves better, and the frustration among residents is reaching a breaking point.

I expect swift and meaningful action to rectify this situation promptly.

Please see attached pictures as an example and video [link here](#) showing you repeated illegal dumping. Multiple times a day, multiple cars a day dump trash, furniture and dangerous goods illegally.

Sincerely,
Albert

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Michele King

From: City of San Jose Mayor's Office <mayor@sanjoseca.gov>
Sent: Friday, February 02, 2024 12:48 PM
To: albertcp85@gmail.com
Cc: Board of Directors; John Varela; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rebecca Eisenberg; homelessconcerns@sanjoseca.gov; beautifysj@sanjoseca.gov
Subject: Re: Unacceptable: Persistent Hazards from Willow St and Lelong St Homeless Encampment

Follow Up Flag: Follow up
Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi Albert Colas Prunera,

I want to express our sincere gratitude for your email and the attention you bring to the ongoing safety crisis at the homeless encampment on Willow St and Lelong St.

We share your deep frustration and disappointment regarding the escalating issues, including relentless fires, the presence of firearms, and hazardous waste, which pose an intolerable threat to our community, especially our school children.

The safety of our children and residents is our top priority. I completely understand your sentiment, and I want to assure you that we take this matter very seriously.

We are committed to working closely with the appropriate departments to address this matter. Your concerns have been documented, and the attached pictures and video link provide valuable insights into the gravity of the situation.

Thank you for your patience as we work diligently to find a solution. Your advocacy for the well-being of our community is invaluable. Thank you for bringing this matter to our attention.

Best,

On Wed, 24 Jan at 10:18 PM , Albert Colas Prunera [REDACTED] wrote:

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Valley Water team and Mayor,

I write to you today with a mixture of frustration and disappointment regarding the ongoing safety

crisis at the homeless encampment on Willow St and Lelong St. The relentless fires, the presence of guns, and the hazardous waste have reached an intolerable level, and it is infuriating to witness the continued threat to our community, especially our school children.

I am beyond fed up with the situation, and the fact that our children have to navigate through these hazards on their way to school is simply unacceptable. It is disheartening to see repeated instances of negligence, and the time for immediate and effective action is long overdue.

I urge you to prioritize the safety of our residents, particularly our children, and take decisive steps to address this crisis without further delay. Our community deserves better, and the frustration among residents is reaching a breaking point.

I expect swift and meaningful action to rectify this situation promptly.

Please see attached pictures as an example and video [link here](#) showing you repeated illegal dumping. Multiple times a day, multiple cars a day dump trash, furniture and dangerous goods illegally.

Sincerely,
Albert

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Michele King

From: Dave Poesche [REDACTED]
Sent: Sunday, February 04, 2024 12:28 PM
To: danielle.christian@bos.sccgov.org
Cc: George Bettisworth; Daniel Lee; Board of Directors
Subject: Re: Boulder Ridge Golf Club Excessive Sediment Runoff

Follow Up Flag: Follow up
Flag Status: Completed

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Dear Deputy Policy Director Christian,

I should have mentioned in my previous note that there are undoubtedly PG&E (powerlines) and Valley Water (Almaden Valley Water Pipeline) easements right there as well. This access site has been active and there are often various service vehicles working on projects at the site. So I am not sure who made all the mess but I hope your office can track this down with the property owner to address the problem.

Sincerely,
David Poeschel
[REDACTED]

On Sun, Feb 4, 2024 at 8:46 AM Dave Poesche [REDACTED] wrote:
Dear Deputy Policy Director Christian, Supervisor Simitian Staff Member,

Please encourage the Bay Company - Boulder Ridge Golf Club to comply with clean water requirements. Conditions at Boulder Ridge are causing excessive amounts of sediment in runoff. The problem has been ongoing all season but is of course more severe with the current heavy rains. The site needs sandbags and wattle to protect the Guadalupe Watershed. Please see the attached document for the precise location and photographic evidence of the problem.

Thank You,
David Poeschel
[REDACTED]

CC: George Bettisworth, Almaden Hills Estates Homeowners Association President
Daniel Lee, Almaden Hills Estates Homeowners Association Officer
Valley Water Board (Director Beall)

Bay Company - Boulder Ridge Golf Club – San Jose (Santa Clara County jurisdiction)

<https://www.bayclubs.com/boulderridge/>, 1000 Old Quarry Rd, San Jose, CA 95123,

[\(408\) 323-9900](tel:4083239900)

Excessive (and illegal) sediment polluting runoff at Crossview Circle ingress and egress.

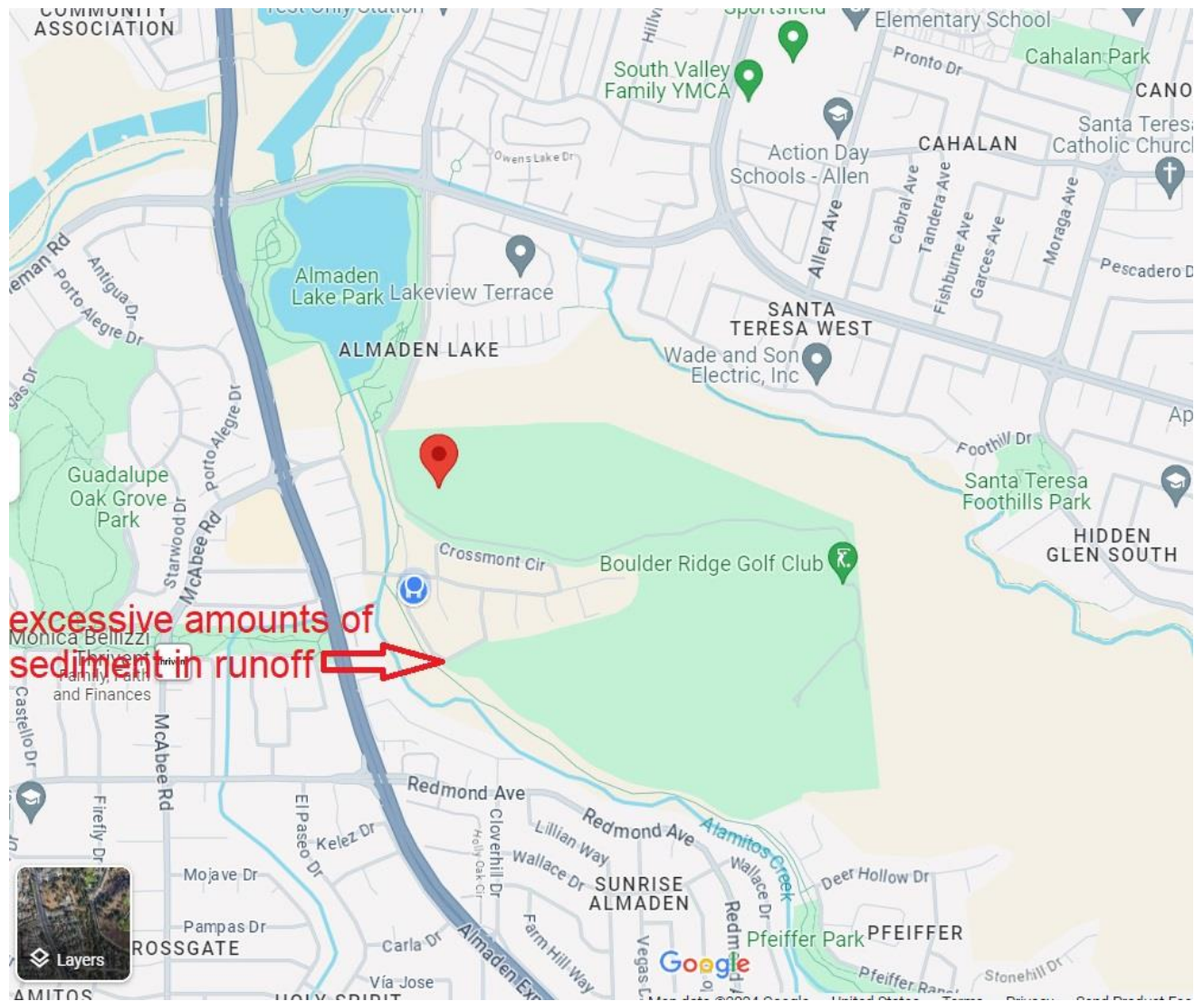
Site needs sandbags and wattle to protect water of the Guadalupe Watershed.











Michele King

From: Rebecca Eisenberg
Sent: Monday, February 05, 2024 1:24 PM
To: Jethroe Moore
Cc: John Varela; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rick Callender; Clerk of the Board; Board of Directors; District1; Supervisor Susan Ellenberg; Joe Simitian; Supervisor Otto Lee; Supervisor Cindy Chavez; Cindy Chavez; Jeff Rosen; Dan Okonkwo; Mercury News; newstips@foxtv.com; NBC; Bay City News; San José Spotlight; Tomara Hall; The Office of Mayor Matt Mahan; Raj Jayadev; Ray Montgomery; Elizabeth Kamya; Victor Garza; Rose Lynn; Sean Allen; James Staten; Kaloma Smith; Mya James; sharon jackson; Anna Griffin; Letresa Perkins; Hellen Sims; G. Sharat Lin; William Armaline; Walter Wilson; Ellen Rollins; Abraham Teferi; Jamec T. Blue III; NJ Callender; Yvonne Maxwell; Afro UPRIS; Sameena Usman; O'Neal Molly; LaMonica Peters; Jesse Gary; Odessa LeFrancois; Leon Beauchman; Alpha Phi Alpha Fraternity Inc - Eta Sigma Lambda Chapter (San Jose Calif); Lasha Heard; Mulugeta Habtegabriel; abjpd1@[REDACTED] Julie Lythcott-Haims; Henry. Nichos; iq4rent sc; Vincent McDowell; Richard Konda; Sabrina-Moné Lamontagne; Palo Alto Free Press; Viera Whye; Audrey Lindsay
Subject: Re: Director Eisenberg's conduct
Follow Up Flag: Follow up
Flag Status: Flagged

It was authorized. I had a right to the documents. I told the clerk I was taking them. No one asked for them back.

Moore, are you ok? These emails suggest you may be troubled. I send warm thoughts for your healing.

In the meantime, refrain your hateful libel. This has been a traumatizing time for many of us. Accusing the only Jewish and LGBTQia2S+ Director on our board of crimes is straight from the patriarchy playbook.

Again I urge you to read _Caste_, and also a book like _Ain't I A Woman_ by bell hooks_ and _Men Explain Things To Me_ by Rebecca Solnit. I own all of these and more and would be happy to lend to you.

Last time I suggested a book for you to read, you insisted that you don't read books. Kimberley Crenshaw (or was it Derrick Bell or Catherine Mackinnon) once said that the failure of Americans to read is one of the largest impediments to justice. I agree.

Be well.

Best,
Rebecca

Sent from my iPhone

On Feb 5, 2024, at 10:27 AM, Jethroe Moore [REDACTED] wrote:

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Rebecca,

Thank you for your prompt response and for acknowledging the unauthorized acquisition of documents. Your transparency in this matter is essential for maintaining a foundation of trust and accountability within our community.

Given the circumstances, my expectations are aligned with the precedence of firm and equitable law enforcement exhibited by the Santa Clara County District Attorney's Office in similar cases involving public figures. It is imperative that a thorough investigation is conducted to ascertain whether there has been a breach of legal or ethical standards comparable to recent high-profile cases.

In the spirit of justice and fair play, I trust that the District Attorney's Office will evaluate the situation with due diligence and, if warranted, initiate legal proceedings in line with those taken against other elected officials who have faced allegations of misconduct.

Engaging in the work of peacebuilding, I am no stranger to the paradox of being labeled both antisemitic and a Zionist. Such is the duality often encountered by those who strive to reconcile differences and advocate for harmony as mandated in Matthew 5:9: "Blessed are the peacemakers, for they shall be called sons of God."

It is within this noble pursuit that I have engaged in relationships brokered through peace, including one at the behest of a mutual friend. I remain committed to fostering understanding and dialogue in all my endeavors and anticipate that our legal institutions will act in accordance with the principles of justice and integrity.

Thank you again for addressing the issue at hand. I look forward to seeing the appropriate steps taken by the Santa Clara County District Attorney's Office.

Best regards,
REV. JETHROE MOORE II

On Monday, February 5, 2024 at 04:50:37 AM PST, Rebecca Eisenberg <reisenberg@valleywater.org> wrote:

I ask the district to better enforce our rules against ad hominem attacks and bullying. This email from a man with a long history of harassing me is not welcome.

As to the offensive allegations-

I think that everyone knows that these documents were not confidential to me and I was entitled to every page. Given that I told Michele I was taking them and I left through the front door, there was no theft or secrecy.

There were zero quotes from actual employees because the investigator told me and my lawyer numerous times that the only people complaining were the CEO and District Counsel, and no one else.

Regardless I have not looked at them yet because the district is not allowing my lawyer to see them, and we are following their irrational directive.

Most importantly, given that I took them in plain sight and made no secret about it, and given that not once did anyone ask for them back, it's pretty bizarre to assume that I was doing anything verboten. If I was supposed to give them back, wouldn't someone have emailed and called?

I assumed that Michele just made another printout.

She should have just distributed them digitally like was done with all other investigations.

Given your history of anti-Semitic harassment against me at a time when I made clear that my mother's friend had been killed by terrorists, and several kids of relatives and friends were missing from the peace rave, I was truly shocked to hear you reach out to me that October 7 was the fault of the Jews, as would be all consequent deaths. When I told you I supported diplomatic approaches to military action, you told me I want to kill Palestinians because I - a Jew - am an enforcer of the white supremacist system.

A while back you admitted to me you did not know how to treat women -- as treating women with the same respect you treat men continued not to occur to you no matter how many times I urged to to embrace equal treatment .

Given how you continue to seek me out to harass me with your misogyny and anti-semitism, I respectfully ask my colleagues to protect me from the nonstop onslaught of antisemitic libel and sexist narratives. I should not have to face this kind of ad hominem attacks and bullying.

Calling oneself a reverend does not make that person's actions righteous. I ask Moore to take his lies and attacks elsewhere because hate is not welcome here.

Best,
Rebecca

Sent from my iPhone

On Feb 4, 2024, at 1:58 PM, Jethroe Moore [REDACTED] wrote:

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

February 3, 2024

Chair Nai Hsueh, District 5
Valley Water Board of Directors
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

Dear Chair Hsueh and Members of the Board,

I am writing to voice my serious concerns regarding alarming developments that have arisen with Director Eisenberg's conduct during a sensitive review of documents pertinent to an ongoing internal investigation.

Your widely quoted assertion, "We are here to do good things for the community," must now be matched by decisive actions. Historical political malfeasance in Santa Clara County was addressed through transparent legal procedures. I strongly urge this situation to be similarly confronted in the public domain rather than be subsumed within another internal inquiry, particularly since the present case seems to have catalyzed the alleged document misappropriation. This issue warrants immediate censure for Director Eisenberg, of District 7, and a thorough investigation by appropriate authorities.

It was brought to public attention that despite stringent guidelines, Director Eisenberg was permitted unsupervised access to over 2,000 pages of classified documents, which were later reported missing. This breach of process is compounded by the assurances of confidentiality promised to employees who provided testimonies, presumably within the lost documents, about internal conduct.

The seriousness of this situation is underscored by the security footage that currently serves as the sole narrative of the incident. Director Eisenberg's reactions to inquiries—especially her provocative statement, "What if I did? What is wrong about that?"—suggest at minimum a concerning disregard for organizational protocols and at maximum a severe ethical lapse.

The repercussions of this incident cannot be overstated. The lost documents contain sensitive materials central to employees' confidence in Valley Water's integrity. A breach in confidentiality could be devastating to the morale of the workforce and the community's trust in our public institutions.

The Director's admission of understanding the explicit instruction against removing documents further aggravates the situation. Her reluctance to address the allegations forthcomingly compounds the sense of urgency for corrective measures. Given the attendant circumstances, I call upon the Board to assert its commitment to governance, transparency, and ethical standards by holding Director Eisenberg accountable for her actions.

In the spirit of cooperation and with the gravity that this issue undeniably warrants, I implore your Board to take this matter with the seriousness it deserves. Trust in our public institutions is a precious commodity, and once eroded, it is difficult to restore. Action is needed to ensure that Valley Water remains above reproach and dedicated to serving the community with integrity.

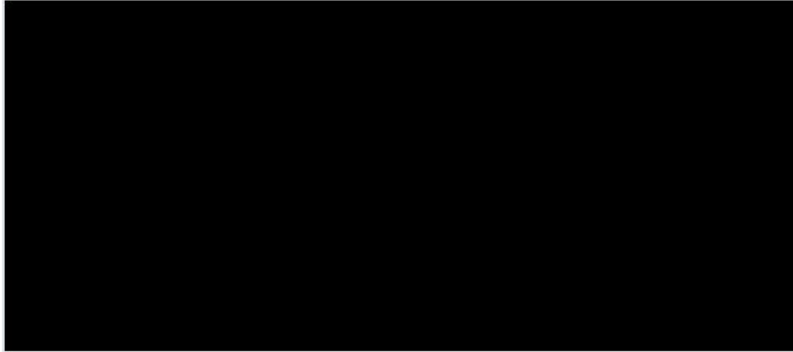
Sincerely,

Rev. Jethroe Moore II
President, San Jose/Silicon Valley NAACP
CC
John L. Varela, Director District 1

Barbara Keegan, Director District 2
Richard P. Santos, Director District 3
Jim Beall, Director District 4
Nai Hsueh, Director District 5
Tony Estremera, Director District 6
Rebecca Eisenberg, Director District 7

Thank you for your attention to this serious matter.

[south-bay-silicon-valley-santa-clara-county-politician-water-district-director-allegedly-stole-confidential-documents](#)



South Bay politician allegedly stole confidential documents - San José S...

Ramona Giwargis

A Santa Clara County politician allegedly stole thousands of pages of confidential documents related to an inves...

REV. JETHROE MOORE II
<Chair Nai Hsueh, District 5.pdf>

Michele King

From: Board of Directors
Subject: FW: Thank You for clearing the Debris in our Creek.

From: Danny Garza [REDACTED]
Sent: Sunday, February 04, 2024 4:47 PM
To: Board of Directors <board@valleywater.org>
Subject: Thank You for clearing the Debris in our Creek.

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Honorable Water District Board of Directors,

Thank You for sending crews to clear the potential Blockages that were in Lower Silver Creek.

As you know, Plata Arroyo Neighborhood Association and Gateway East N.A.C. has adopted Lower Silver Creek in reach 3. We have also been asked to address Lower Silver Creek to McCreary Avenue.

We have agreed to work in the Mayfair Neighborhood Association and Mayfair N.A.C. I. REACH 4.

Your quick action in Lower Silver Creek has "born fruit" from your Labor.

The following, are a few Images of Sunday, February 4th, at about 12:30.

Please notice that in the middle images, the future sagging limbs are going to be an issue, but today they are not a problem.



As you can see, the Rain Water has not reached the concrete Access Road and is still in the Lower Creek channel. That is the Alum Rock Avenue Bridge.



This is in the Concrete Channel from Checker Drive.





These are images of the Natural Creek in its Creek Channel. You can see that it did not rise to the ACCESS ROAD because the Habitats on either side have not been disturbed by water flow.

You can see the branches in danger of creating Blockages bending into the water.



Here is an Image of the Bridge at King Road and McKee Road.

As you can clearly view, the Bridge is unencumbered.

All of this Safe and Free Flowing Rainwater, is headed to Coyote Creek.

The Top of the Creek Flow is below 8 feet from the bottom of the Bridge.

The fact that the plants along the Lower Silver Creek means that the Fantastic Planning that the Water District did with our Community Design Conversations in the early 2000's makes this Creek Project from so many years ago - A COMPLETE SUCCESS.

STILL PLATA ARROYO WOULD LIKE TO THANK THE BOARD MEMBERS WHO HAD FAITH - DICK SANTOS AND TONY ESTREMER. THEY ARE RESPONSIBLE FOR EDUCATING OUR COMMUNITY TO THE ADVANTAGES OF CREATING A WORKING PARTNERSHIP BETWEEN THE WATER DISTRICT AND THE COMMUNITY - EVERY COMMUNITY EQUALLY.

We look forward to a hundred years of partnership!!!!

In Community Spirit,
Danny Garza

President
Plata Arroyo Neighborhood Association and Gateway East N.A.C.

[Sent from Yahoo Mail on Android](#)

Michele King

From: brigitte Rence [REDACTED] >
Sent: Monday, February 05, 2024 8:54 AM
To: Jim Beall; Board of Directors
Subject: Re: Homeless

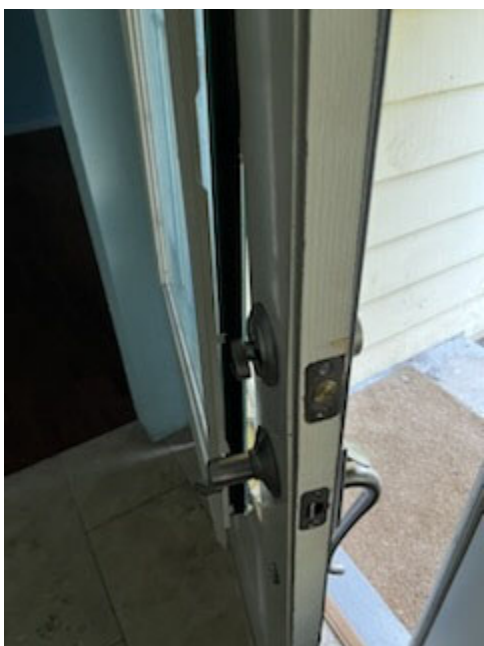
Follow Up Flag: Follow up
Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi

I need help with the homeless situation at our home at [REDACTED]





Police were there this morning

Good morning....this is Ofc Dutra #5092 with SJPD. I have attached the photos per our conversation. I will write up a report and link it to the prior incident. Your case number is 24-036-0159.

Please text/call if you have any questions. Thank you!

Regards

Brigitte

On Aug 21, 2023, at 8:20 PM, Jim Beall <JBeall@valleywater.org> wrote:

I read your info you send to me.thanks

Get [Outlook for iOS](#)

From: brigitte Rence [REDACTED]
Sent: Sunday, August 20, 2023 8:20:41 PM
To: Jim Beall <JBeall@valleywater.org>
Subject: Re: Homeless

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Sent from my iPhone

> On Aug 20, 2023, at 7:47 AM, brigitte Rence [REDACTED] wrote:
>
> Hi Jim,
> I'm not sure if you received my previous emails with photos and video.
>
> Please respond to this email and let me know if you did or did not receive them.
>
> Last night we heard an explosion out there on the other side of the river by Cherry Avenue and then the dog was barking for a long time, and then the woman was screaming again, however, SJPd does not want anything to do with it unless they call themselves if they need help.
>
> Sent from my iPhone

Michele King

From: Palo Alto Free Press <paloaltofreepress@gmail.com>
Sent: Monday, February 05, 2024 6:08 PM
To: Rebecca Eisenberg
Cc: Jethroe Moore; John Varela; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rick Callender; Clerk of the Board; Board of Directors; District1; Supervisor Susan Ellenberg; Joe Simitian; Supervisor Otto Lee; Supervisor Cindy Chavez; Cindy Chavez; Jeff Rosen; Dan Okonkwo; Mercury News; newstips@foxtv.com; NBC; Bay City News; San José Spotlight; Tomara Hall; The Office of Mayor Matt Mahan; Raj Jayadev; Ray Montgomery; Elizabeth Kamya; Victor Garza; Rose Lynn; Sean Allen; James Staten; Kaloma Smith; Mya James; sharon jackson; Anna Griffin; Letresa Perkins; Hellen Sims; G. Sharat Lin; William Armaline; Walter Wilson; Ellen Rollins; Abraham Teferi; Jamec T. Blue III; NJ Callender; Yvonne Maxwell; Afro UPRIS; Sameena Usman; O'Neal Molly; LaMonica Peters; Jesse Gary; Odessa LeFrancois; Leon Beauchman; Alpha Phi Alpha Fraternity Inc - Eta Sigma Lambda Chapter (San Jose Calif); Lasha Heard; Mulugeta Habtegabriel; abjpd1@ [REDACTED] Julie Lythcott-Haims; Henry. Nichos; iq4rent sc; Vincent McDowell; Richard Konda; Sabrina-Moné Lamontagne; Viera Whye; Audrey Lindsay
Subject: Re: Director Eisenberg's conduct

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Dear Rebecca,

What you have experienced are unpleasant attacks. Although unpleasant, the reality is you're a public official. As an advocate of the First Amendment, one outstanding Supreme Court decision I have come to appreciate, touches on this very subject. And it's a good reminder....

New York Time v. Sullivan <https://todayinclh.com/?event=uninhibited-robust-and-wide-open-the-meaning-of-the-first-amendment>

On this subject of unpleasant attacks, former Supreme Court Justice William Brennan "wrote that the Free Speech clause of the First Amendment means *"a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."*

Kind Regards,

Mark Petersen Perez
Editor and Chief
Palo Alto Free Press
Ticuantepé, Nicaragua Central America

On Feb 5, 2024, at 1:24 PM, Rebecca Eisenberg <Reisenberg@valleywater.org> wrote:

It was authorized. I had a right to the documents. I told the clerk I was taking them. No one asked for them back.

Moore, are you ok? These emails suggest you may be troubled. I send warm thoughts for your healing.

In the meantime, refrain your hateful libel. This has been a traumatizing time for many of us. Accusing the only Jewish and LGBTQia2S+ Director on our board of crimes is straight from the patriarchy playbook.

Again I urge you to read _Caste_, and also a book like _Ain't I A Woman_ by bell hooks_ and _Men Explain Things To Me_ by Rebecca Solnit. I own all of these and more and would be happy to lend to you.

Last time I suggested a book for you to read, you insisted that you don't read books. Kimberley Crenshaw (or was it Derrick Bell or Catherine Mackinnon) once said that the failure of Americans to read is one of the largest impediments to justice. I agree.

Be well.

Best,
Rebecca

Sent from my iPhone

On Feb 5, 2024, at 10:27 AM, Jethroe Moore [REDACTED] wrote:

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Rebecca,

Thank you for your prompt response and for acknowledging the unauthorized acquisition of documents. Your transparency in this matter is essential for maintaining a foundation of trust and accountability within our community.

Given the circumstances, my expectations are aligned with the precedence of firm and equitable law enforcement exhibited by the Santa Clara County District Attorney's Office in similar cases involving public figures. It is imperative that a thorough investigation is conducted to ascertain whether there has been a breach of legal or ethical standards comparable to recent high-profile cases.

In the spirit of justice and fair play, I trust that the District Attorney's Office will evaluate the situation with due diligence and, if warranted, initiate legal proceedings in line with those taken against other elected officials who have faced allegations of misconduct.

Engaging in the work of peacebuilding, I am no stranger to the paradox of being labeled both antisemitic and a Zionist. Such is the duality often encountered by those who strive to reconcile differences and advocate for harmony as mandated in Matthew 5:9: "Blessed are the peacemakers, for they shall be called sons of God."

It is within this noble pursuit that I have engaged in relationships brokered through peace, including one at the behest of a mutual friend. I remain committed to fostering understanding and dialogue in all my endeavors and anticipate that our legal institutions will act in accordance with the principles of justice and integrity.

Thank you again for addressing the issue at hand. I look forward to seeing the appropriate steps taken by the Santa Clara County District Attorney's Office.

Best regards,
REV. JETHROE MOORE II

On Monday, February 5, 2024 at 04:50:37 AM PST, Rebecca Eisenberg
<reisenberg@valleywater.org> wrote:

I ask the district to better enforce our rules against ad hominem attacks and bullying. This email from a man with a long history of harassing me is not welcome.

As to the offensive allegations-

I think that everyone knows that these documents were not confidential to me and I was entitled to every page. Given that I told Michele I was taking them and I left through the front door, there was no theft or secrecy.

There were zero quotes from actual employees because the investigator told me and my lawyer numerous times that the only people complaining were the CEO and District Counsel, and no one else.

Regardless I have not looked at them yet because the district is not allowing my lawyer to see them, and we are following their irrational directive.

Most importantly, given that I took them in plain sight and made no secret about it, and given that not once did anyone ask for them back, it's pretty bizarre to assume that I was doing anything verboten. If I was supposed to give them back, wouldn't someone have emailed and called?

I assumed that Michele just made another printout.

She should have just distributed them digitally like was done with all other investigations.

Given your history of anti-Semitic harassment against me at a time when I made clear that my mother's friend had been killed by terrorists, and several kids of relatives and friends were missing from the peace rave, I was truly shocked to hear you reach out to me that October 7 was the fault of the Jews, as would be all consequent deaths. When I

told you I supported diplomatic approaches to military action, you told me I want to kill Palestinians because I - a Jew - am an enforcer of the white supremacist system.

A while back you admitted to me you did not know how to treat women -- as treating women with the same respect you treat men continued not to occur to you no matter how many times I urged to to embrace equal treatment .

Given how you continue to seek me out to harass me with your misogyny and anti-semitism, I respectfully ask my colleagues to protect me from the nonstop onslaught of antisemitic libel and sexist narratives. I should not have to face this kind of ad hominem attacks and bullying.

Calling oneself a reverend does not make that person's actions righteous. I ask Moore to take his lies and attacks elsewhere because hate is not welcome here.

Best,
Rebecca

Sent from my iPhone

On Feb 4, 2024, at 1:58 PM, Jethroe Moore [REDACTED] > wrote:

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

February 3, 2024

Chair Nai Hsueh, District 5
Valley Water Board of Directors
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

Dear Chair Hsueh and Members of the Board,

I am writing to voice my serious concerns regarding alarming developments that have arisen with Director Eisenberg's conduct during a sensitive review of documents pertinent to an ongoing internal investigation.

Your widely quoted assertion, "We are here to do good things for the community," must now be matched by decisive actions. Historical political malfeasance in Santa Clara County was addressed through transparent legal procedures. I strongly urge this situation to be similarly confronted in the public domain rather than be subsumed within another internal inquiry, particularly since the present case seems to have catalyzed the alleged document misappropriation. This issue warrants immediate censure for

Director Eisenberg, of District 7, and a thorough investigation by appropriate authorities.

It was brought to public attention that despite stringent guidelines, Director Eisenberg was permitted unsupervised access to over 2,000 pages of classified documents, which were later reported missing. This breach of process is compounded by the assurances of confidentiality promised to employees who provided testimonies, presumably within the lost documents, about internal conduct.

The seriousness of this situation is underscored by the security footage that currently serves as the sole narrative of the incident. Director Eisenberg's reactions to inquiries—especially her provocative statement, "What if I did? What is wrong about that?"—suggest at minimum a concerning disregard for organizational protocols and at maximum a severe ethical lapse.

The repercussions of this incident cannot be overstated. The lost documents contain sensitive materials central to employees' confidence in Valley Water's integrity. A breach in confidentiality could be devastating to the morale of the workforce and the community's trust in our public institutions.

The Director's admission of understanding the explicit instruction against removing documents further aggravates the situation. Her reluctance to address the allegations forthcomingly compounds the sense of urgency for corrective measures. Given the attendant circumstances, I call upon the Board to assert its commitment to governance, transparency, and ethical standards by holding Director Eisenberg accountable for her actions.

In the spirit of cooperation and with the gravity that this issue undeniably warrants, I implore your Board to take this matter with the seriousness it deserves. Trust in our public institutions is a precious commodity, and once eroded, it is difficult to restore. Action is needed to ensure that Valley Water remains above reproach and dedicated to serving the community with integrity.

Sincerely,

Rev. Jethroe Moore II
President, San Jose/Silicon Valley NAACP
CC
John L. Varela, Director District 1
Barbara Keegan, Director District 2
Richard P. Santos, Director District 3
Jim Beall, Director District 4

Nai Hsueh, Director District 5
Tony Estremera, Director District 6
Rebecca Eisenberg, Director District 7
Thank you for your attention to this serious matter.

[south-bay-silicon-valley-santa-clara-county-politician-water-district-director-allegedly-stole-confidential-documents](#)



REV. JETHROE MOORE II
<Chair Nai Hsueh, District 5.pdf>

Michele King

From: Mark Turner <mark.turner@morganhill.ca.gov>
Sent: Wednesday, February 07, 2024 6:22 AM
To: Board of Directors
Cc: charmaine.mills@asm.ca.gov
Subject: RE: Subject: E-Introduction

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Good morning, Director Varela,

Thank you for circling back with me and providing an update on the conversation Valley Water staff had with Assemblymember Pellerin's staff regarding AB 3005. As you know, this is something I have felt strongly about and talked about since taking office over a year ago. I appreciate your support on this item as well. Charmaine has been very helpful on Assemblymember Pellerin's behalf in responding to my efforts to find ways of minimizing unnecessary and costly delays in critical water projects in Morgan Hill and surrounding areas.

Please let me know when you need a letter from me supporting future legislative efforts that address expediting water projects, minimizing unnecessary delays, and/or accelerating the permit process. I'm also happy to appear and speak to these concerns at Valley Water meetings as well as committee meetings in Sacramento if necessary.

Thanks so much,

Mark Turner
Mayor

City of Morgan Hill
17575 Peak Avenue, Morgan Hill, CA 95037

D: 408.310.4647 **C:** 408.221.6203
mark.turner@morganhill.ca.gov
morganhill.ca.gov | [facebook](https://www.facebook.com/morganhillca) | [twitter](https://twitter.com/morganhillca)

From: Candice Kwok-Smith <ckwok-smith@valleywater.org> **On Behalf Of** Board of Directors
Sent: Tuesday, February 6, 2024 4:40 PM
To: Mark Turner <mark.turner@morganhill.ca.gov>
Cc: charmaine.mills@asm.ca.gov
Subject: [EXTERNAL] Subject: E-Introduction

Sent on Behalf of Director Varela:

Hello Mr. Mayor,

Thanks for reaching out to me about reintroducing AB 3005, the Anderson Dam bill that Assemblymember Rivas carried in 2020, and for connecting me to Charmaine. Our staff spoke with her about this last week, and

we are actively working with her and other legislators on legislative and administrative efforts to expedite permitting for Anderson Dam, as well as other critical water supply and flood protection projects.

Past Efforts

As I'm sure you remember, AB 3005 was hard fought right to the bitter end, with strong support from multiple stakeholders. However, that was not the first, and it certainly won't be the last, legislative effort Valley Water has undertaken to expedite permitting, especially for Anderson Dam. In fact, some of AB 3005's components have already been enacted by bills that followed, while others failed due to opposition from environmental advocates. Rest assured that we haven't given up on finding a way to speed up project permitting; that's why we worked closely with the bill authors of the Governor's Infrastructure Package that took effect last summer, which provides some permitting benefits for water projects.

Looking Ahead

This year, Valley Water is working with the California Municipal Utilities Association (CMUA) on a bill that would shine a light on the permitting process through an online project permitting dashboard website that will require quarterly updates on big projects like Anderson. The reason that's important is because if it's made public how long it will take to get permits for our project, and projects like ours, it holds the regulators' feet to the fire to get those permits issued, creating an incentive for permitting agencies to work faster. CMUA is currently working with potential bill authors, and we expect to have a bill introduced by February 16—we would love a letter of support from the City of Morgan Hill once that happens, and I'll be sure to keep you in the loop on this.

Valley Water is also considering other ideas that are under development, including a bill to expedite dam safety projects, as well as skipping the legislative process and working closely with the Governor's Infrastructure Strike Team and Water Working Group, or both. However, as we have learned after years of efforts on similar bills, you have to work within what is politically possible in the Legislature and the Administration. Again, we haven't given up and we never will on this. I look forward to partnering with you on these efforts.

Regards,



John Varela
Director, District 1

----- Forwarded message -----

From: **Mark Turner** <mark.turner@morganhill.ca.gov>

Date: Wed, Jan 17, 2024 at 2:47 PM

Subject: E-Introduction

To: Mills, Charmaine <charmaine.mills@asm.ca.gov>, John Varela <jvarela@valleywater.org>, john.varela1@gmail.com <john.varela1@gmail.com>

Good afternoon, John, and Charmaine,

I wanted to introduce you two.

Charmaine – John Varela is the District 1, Valley Water Board member and former Chair of the Board. He and I have had numerous conversations about various water projects including Anderson Dam. John is a member of other state water agencies as well.

John – Charmaine Mills is State Assemblymember Pellerin's Legislative Director. I have had several conversations with her about re-introducing AB 3005 (Rivas). As you know, had the bill passed it would have expedited permitting and contracting requirements for the Anderson Dam project. Charmaine indicated that she would like to reach out to Valley Water about this and I volunteered to introduce you two.

In my conversation with Charmaine, I explained I felt it was important to have AB 3005 re-introduced in some form or fashion, to include other water projects that are vital to our region and could potentially face unwarranted delays by environmental agencies. As we have seen with the Anderson Dam project, and many other projects, water related or not, delays equal dollars. The longer a project is delayed, the more expensive it is to complete and can put a project at risk. Below is the language I sent to Charmaine and Assemblymember Pellerin.

1. *Reintroduce AB 3005 (Rivas) This was a bill introduced by Assemblymember Robert Rivas back in 2020 to expedite the Anderson Dam Seismic Retrofit project in Morgan Hill. The bill would have provided much needed time saving efforts but was unfortunately vetoed by the Governor. I was hoping to get support to reintroduce AB 3005 or a similar bill designed to expedite critical water and flood control projects so that we don't waste valuable time and monetary resources.*

Thank you so much,

Mark Turner
Mayor

City of Morgan Hill
17575 Peak Avenue, Morgan Hill, CA 95037

D: 408.310.4647 **C:** 408.221.6203
mark.turner@morganhill.ca.gov
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Michele King

From: Board of Directors
Subject: FW: Possible future blockages

From: Danny Garza [REDACTED]
Sent: Wednesday, February 07, 2024 9:49 AM
To: Board of Directors <board@valleywater.org>
Subject: Possible future blockages

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Good Morning Water Board,

Here are a few Images of Lower Silver Creek.

You will notice that, here down close to the bridge at King Road and McKee Road - Debris, Mud, and Rocks are starting the makings a Dam.



This the the Vertical Support Member under the Bridge at King and McKee.



This image is just Upstream from the Bridge.

As you can see, unintended Mud and Foliage have started to create a negative blocking issue in the Creek near the mouth of the Bridge.

To the unexpected person, this is a Blockage waiting to hold back water.



This image shows two future obstructions.

The most obvious one is the "walking water crossing", created by the homeless people that were living under the Bridge in the East Side of the OPENING.

The Homeless created that illegal Obstruction or Addition, to the Creek.

You can see that Rocks and Mud are creating a "Dam" situation.

The Second issue will be - the Mud and Foilage that has started to create its own Blockage by reaching out across the Creek to the West Bank by way of that Boulder.

For your information, last year, that Boulder started to appear at the Alum Rock Avenue Bridge.

I know that it is difficult to do "Creek Work" after October.

Thank you for considering our request to remove the Obstructions.

We are working with the District to insure a Safe Future.

In Community Spirit,
Danny Garza

President
Plata Arroyo Neighborhood Association and Gateway East N.A.C.

[Sent from Yahoo Mail on Android](#)

OUTGOING BOARD CORRESPONDENCE

Michele King

Subject: FW: Letter for Real Estate agent

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Thursday, February 1, 2024 1:16 PM

To: [REDACTED]

Subject: Re: Letter for Real Estate agent

Sent on Behalf of Director Beall:

Dear Brigitte Rince,

Thank you for your email on January 23 requesting project information for the completed construction along Reach 12 of the Upper Guadalupe River Flood Protection Project. On January 29, Karl Neuman from our office contacted you to get more information about your request and understood that you would like plan documentation of the constructed Reach 12 project to provide backup information for your home.

First, here is some background about the project. The Upper Guadalupe Flood Protection Project spans from the Union Pacific Railroad Bridge downstream of Hwy 87 upstream to Blossom Hill Rd, including sections of Canoas Creek and Ross Creek, and is separated into Reaches 7 through 12. The project is a partnership between the United State Army Corps of Engineers (USACE) and the Santa Clara Valley Water District (Valley Water). The USACE is responsible for the planning, design and construction of the project and Valley Water is responsible for the right of way acquisitions and utility relocation. Reach 12 spans from Brannan Lane to Blossom Hill Rd with the in-creek work completed in November 2015 and the mitigation planting completed in December 2017.

Since only one of the five reaches has been completed at this time, this section of Upper Guadalupe River will not obtain FEMA certification until all the reaches are constructed. The current status of the project is that construction of the remaining reaches is anticipated to begin in year 2028 and completed by 2032. To help you with your information request, we have included the Reach 12 plans of the constructed project in the following link where you can download the file for your use.

<https://fta.valleywater.org/dl/LL91uEGFua>

If you have any further questions or comments, feel free to call Karl Neuman at 650-730-0312 or by email at kneuman@valleywater.org.

Sincerely,



Jim Beal

Director, District 4

C-24-0014

From: brigitte rince [REDACTED]
Sent: Tuesday, January 23, 2024 6:47 PM
To: Board of Directors <board@valleywater.org>
Cc: [REDACTED]
Subject: Re: Letter for Real Estate agent

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi

On the NHD report that our agent ran shows our home as in a flood zone. A and D
Can you please provide the paperwork for the rack 12 work and the work to raise the
levee to migrate the oriented for flooding here?

Thank you

Mark and Brigitte

On Jan 23, 2024, at 9:36 AM, Board of Directors
<board@valleywater.org> wrote:

Sent on Behalf of Director Beall:

Dear Mark Bolger,

Thank you for reaching out to Valley Water. Please see the
attached letter which provides details regarding Valley Water's
planned Emergency Interim Housing site adjacent to the
Guadalupe River at Cherry Avenue. You may contact Assistant
Operating Officer Mark Bilski at mbilski@valleywater.org for any
follow-up information.

Sincerely,

<image001.png>

Jim Beall
Director, District 4

C-23-0006

From: Mark Bolger [REDACTED]
Sent: Monday, January 8, 2024 4:45:03 PM
To: Jim Beall <JBeall@valleywater.org>
Cc: Brigitte Rince [REDACTED]
Subject: Letter for Real Estate agent

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi Jim,

We are interested in putting our home on the market to sell so that we can move.

As we discussed today, would you please draft a letter for our real estate agent to provide to potential home buyers that will layout the plans that the Valley Water district and the City of San Jose plan to execute to remove the homeless and create the EIH enclosure between Branham Lane and Blossom Hill Road.

We are hoping that your plans will ease their minds about purchasing the property adjacent to percolation pond 3. The camps are very visible from our back yard and could deter potential buyers or lower the price they are willing to pay.

Sincerely,

Mark Bolger and Brigitte Rince

[REDACTED]

<012324_SCVWD Letter on EIH.pdf>

Michele King

Subject: FW: Unacceptable: Persistent Hazards from Willow St and Lelong St Homeless Encampment

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Friday, February 2, 2024 4:51 PM

To: [REDACTED]

Subject: Re: Unacceptable: Persistent Hazards from Willow St and Lelong St Homeless Encampment

Sent on Behalf of Director Keegan:

Dear Albert Colas Prunera,

Thank you for reaching out to Valley Water and sharing your frustrations related to the encampments of unsheltered people located along Willow Street at Lelong Street. Valley Water is committed to using the power we have as an environmental stewardship agency to protect our waterways in collaboration with the cities and the County as they fulfill their public safety and social service roles. However, as with all public agencies, Valley Water must adhere to applicable case law, which has significantly affected how we can respond to encampments of unsheltered persons.

As you may be aware, a 2019 court ruling by the 9th Circuit Federal Court of Appeals in the case of Martin v. Boise has limited the ability of California public agencies to relocate unsheltered individuals who are camping on public lands. This ruling holds that governments in the court's jurisdiction (which includes California) cannot enforce ordinances that ban public camping or criminalize sleeping outdoors on public property if there is no real option for sleeping indoors. Shelter is required to be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives.

Although encampment relocations are curtailed at this time, our crews continue to perform large scale trash cleanups throughout jurisdictional areas countywide to prevent encampment-generated trash and debris from polluting the waterways. Recently, Valley Water's Board of Directors approved new staffing resources to support greater service and coordination toward cleaning up trash, debris, and hazardous pollutants produced by encampments along waterways in Santa Clara County. This increased level of service means that Valley Water cleanup crews will be able to visit impacted areas more often. Our next scheduled encampment cleanup along this reach of the Guadalupe River will take place February 5th and 6th, which hopefully will address some of your trash and debris-related concerns. Crews will also be adding vehicle deterrents at this location to prevent unauthorized motor vehicle access. The portable toilets and dumpster at this site are managed by the City of San José as part of its Services, Outreach, Assistance and Resources (SOAR) program. Unfortunately, the presence of the dumpster invites some illegal dumping, which Valley Water cannot control aside from removing the accumulated trash during our scheduled cleanups.

In terms of strategic solutions, a Valley Water-sponsored State Assembly bill, *AB 1469 (Kalra) Valley Water Assisting Unsheltered People*, took effect on January 1, 2024. AB 1469 amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the

County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. Specifically, the bill allows Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people. These facilities would be operated by a city, the County, or a non-profit with the appropriate expertise to provide shelter and services that can improve outcomes for unsheltered people. AB 1469 will help Valley Water comply with the federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

Regarding your observation of potentially criminal activities, if you witness illegal activity or a threat to public health and safety, please contact the police. If you observe smoke or fire, please contact the fire department. Concerns relating to fires and unwanted or illegal behaviors are best handled by City resources. Since Valley Water is not a law enforcement agency, we work in concert with cities and the County to address these types of activities.

We appreciate your comments and understand your concerns. You may contact Assistant Operating Officer Mark Bilski at mbilski@valleywater.org with any follow-up information. You can also report your concerns to Valley Water via our online system at <https://access.valleywater.org/s/>. Thanks again for your message.

Sincerely,



Barbara Keegan
Director, District 2

C-24-0016

From: Albert Colas Prunera [REDACTED]
Sent: Wednesday, January 24, 2024 10:17 PM
To: Board of Directors <board@valleywater.org>; John Varela <jvarela@valleywater.org>; Barbara Keegan <BKeegan@valleywater.org>; Richard Santos <rsantos@valleywater.org>; Jim Beall <JBeall@valleywater.org>; Nai Hsueh <NHsueh@valleywater.org>; Tony Estremera <TEstremera@valleywater.org>; Rebecca Eisenberg <Reisenberg@valleywater.org>; mayor@sanjoseca.gov
Subject: Unacceptable: Persistent Hazards from Willow St and Lelong St Homeless Encampment

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Dear Valley Water team and Mayor,

I write to you today with a mixture of frustration and disappointment regarding the ongoing safety crisis at the homeless encampment on Willow St and Lelong St. The relentless fires, the presence of guns, and the hazardous waste have reached an intolerable level, and it is infuriating to witness the continued threat to our community, especially our school children.

I am beyond fed up with the situation, and the fact that our children have to navigate through these

hazards on their way to school is simply unacceptable. It is disheartening to see repeated instances of negligence, and the time for immediate and effective action is long overdue.

I urge you to prioritize the safety of our residents, particularly our children, and take decisive steps to address this crisis without further delay. Our community deserves better, and the frustration among residents is reaching a breaking point.

I expect swift and meaningful action to rectify this situation promptly.

Please see attached pictures as an example and video [link here](#) showing you repeated illegal dumping. Multiple times a day, multiple cars a day dump trash, furniture and dangerous goods illegally.

Sincerely,

Albert

<2.jpeg>

<4.jpeg>

<1.jpeg>

<3.jpeg>

<5.jpeg>

Michele King

Subject: FW: Governor Law on Wastewater to Drinking Water

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Monday, February 5, 2024 2:17 PM
To: [REDACTED]
Subject: Ref: Governor Law on Wastewater to Drinking Water

Sent on Behalf of Director Santos:

Dear Perry Mistry,

Thank you for your email regarding wastewater to drinking water.

The State Water Board recently approved the Direct Potable Reuse (DPR) regulations, which we expect to be finalized early this year. Valley Water is evaluating two related potential projects.


One of the projects under consideration is an Indirect Potable Reuse (IPR) project which would use treated wastewater sourced from the City of Palo Alto Regional Water Quality Control Plant. The treated wastewater would be purified by advanced treatment before then recharging ground water with the purified water. The regulations for IPR have been in place for many years and there are projects in Southern California that use treated wastewater for IPR.

The second project is a DPR project with the City of San Jose. In this project, treated wastewater will go through a rigorous advanced treatment process before entering into the raw water or drinking water systems. The Valley Water Board recently approved the DPR San Jose Phase 1 demonstration facility for inclusion in our Capital Improvement Program.

A project Valley Water completed in 2014 in collaboration with the City of San José is the Silicon Valley Advanced Water Purification Center which purifies treated wastewater for blending so that non-potable recycled water has a more consistent, higher quality for landscape and industrial uses. Valley Water offers tours of this facility, please see <https://purewater4u.org/>.

If you have additional questions or concerns, please contact Kirsten Struve, Assistant Officer of Water Supply at (408) 630-3138 or kstruve@valleywater.org.

Stay safe and healthy,



Richard Santos
Director, District 3

C-24-0020

From: Purushottam M. [REDACTED]
Sent: Friday, January 26, 2024 10:35 AM
To: Richard Santos <rsantos@valleywater.org>
Cc: Board of Directors <board@valleywater.org>
Subject: Ref: Governor Law on Wastewater to Drinking Water

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Dear Sir:

Request Projects Completed and Projects in Pipeline at Valley Water District

Regards

Perry MISTRY
Retired Engineer
San Jose- CALIFORNIA

Get [Outlook for iOS](#)

Michele King

Subject: FW: Subject: E-Introduction

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Tuesday, February 6, 2024 4:40 PM
To: Mark Turner <mark.turner@morganhill.ca.gov>
Cc: 'charmaine.mills@asm.ca.gov' <charmaine.mills@asm.ca.gov>
Subject: Subject: E-Introduction

Sent on Behalf of Director Varela:

Hello Mr. Mayor,

Thanks for reaching out to me about reintroducing AB 3005, the Anderson Dam bill that Assemblymember Rivas carried in 2020, and for connecting me to Charmaine. Our staff spoke with her about this last week, and we are actively working with her and other legislators on legislative and administrative efforts to expedite permitting for Anderson Dam, as well as other critical water supply and flood protection projects.

Past Efforts

As I'm sure you remember, AB 3005 was hard fought right to the bitter end, with strong support from multiple stakeholders. However, that was not the first, and it certainly won't be the last, legislative effort Valley Water has undertaken to expedite permitting, especially for Anderson Dam. In fact, some of AB 3005's components have already been enacted by bills that followed, while others failed due to opposition from environmental advocates. Rest assured that we haven't given up on finding a way to speed up project permitting; that's why we worked closely with the bill authors of the Governor's Infrastructure Package that took effect last summer, which provides some permitting benefits for water projects.

Looking Ahead

This year, Valley Water is working with the California Municipal Utilities Association (CMUA) on a bill that would shine a light on the permitting process through an online project permitting dashboard website that will require quarterly updates on big projects like Anderson. The reason that's important is because if it's made public how long it will take to get permits for our project, and projects like ours, it holds the regulators' feet to the fire to get those permits issued, creating an incentive for permitting agencies to work faster. CMUA is currently working with potential bill authors, and we expect to have a bill introduced by February 16—we would love a letter of support from the City of Morgan Hill once that happens, and I'll be sure to keep you in the loop on this.

Valley Water is also considering other ideas that are under development, including a bill to expedite dam safety projects, as well as skipping the legislative process and working closely with the Governor's Infrastructure Strike Team and Water Working Group, or both. However, as we have learned after years of efforts on similar bills, you have to work within what is politically possible in the Legislature and the Administration. Again, we haven't given up and we never will on this. I look forward to partnering with you on these efforts.

Regards,



John Varela
Director, District 1

----- Forwarded message -----

From: **Mark Turner** <mark.turner@morganhill.ca.gov>

Date: Wed, Jan 17, 2024 at 2:47 PM

Subject: E-Introduction

To: Mills, Charmaine <charmaine.mills@asm.ca.gov>, John Varela <jvarela@valleywater.org>, john.varela1@gmail.com
<john.varela1@gmail.com>

Good afternoon, John, and Charmaine,

I wanted to introduce you two.

Charmaine – John Varela is the District 1, Valley Water Board member and former Chair of the Board. He and I have had numerous conversations about various water projects including Anderson Dam. John is a member of other state water agencies as well.

John – Charmaine Mills is State Assemblymember Pellerin's Legislative Director. I have had several conversations with her about re-introducing AB 3005 (Rivas). As you know, had the bill passed it would have expedited permitting and contracting requirements for the Anderson Dam project. Charmaine indicated that she would like to reach out to Valley Water about this and I volunteered to introduce you two.

In my conversation with Charmaine, I explained I felt it was important to have AB 3005 re-introduced in some form or fashion, to include other water projects that are vital to our region and could potentially face unwarranted delays by environmental agencies. As we have seen with the Anderson Dam project, and many other projects, water related or not, delays equal dollars. The longer a project is delayed, the more expensive it is to complete and can put a project at risk. Below is the language I sent to Charmaine and Assemblymember Pellerin.

1. *Reintroduce AB 3005 (Rivas) This was a bill introduced by Assemblymember Robert Rivas back in 2020 to expedite the Anderson Dam Seismic Retrofit project in Morgan Hill. The bill would have provided much needed time saving efforts but was unfortunately vetoed by the Governor. I was hoping to get support to reintroduce AB 3005 or a similar bill designed to expedite critical water and flood control projects so that we don't waste valuable time and monetary resources.*

Thank you so much,

Mark Turner
Mayor

City of Morgan Hill
17575 Peak Avenue, Morgan Hill, CA 95037

D: 408.310.4647 C: 408.221.6203
mark.turner@morganhill.ca.gov
morganhill.ca.gov | [facebook](https://www.facebook.com/morganhillca) | [twitter](https://twitter.com/morganhillca)