



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

February 24, 2023

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

Page		<u>CEO BULLETIN & NEWSLETTERS</u>
3		CEO Bulletin: 02/23/23
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
6		BMR/IBMR Weekly Reports: 02/24/23
7		Memo from Bhavani Yerrapotu, DOO, Watersheds, to Rick Callender, CEO, dated 02/08/23, regarding Report of Properties Acquired Under Executive Limitation 6.7.1.
		<u>INCOMING BOARD CORRESPONDENCE</u>
11		Board Correspondence Weekly Report: 02/24/23
12		Email from Erin Gil, to the Board of Directors, dated 02/15/23, regarding 2023 Focus Agricultural Program (C-23-0043).
19		Email from Elma Arredondo and Danny Garza, copied to the Board of Directors, dated 2/19/23, regarding pollution and toxin concerns in the Alum Rock communication (C-23-0044).
		<u>OUTGOING BOARD CORRESPONDENCE</u>
30		Email from Chair Varela, to Shrijan Shrestha, dated 02/14/23, regarding the Valley Water Research Project.
32		Email from Director Eisenberg, to Libby Lucas, dated 02/14/23, regarding Concerns about the Palo Alto Flood Basin and Invasive Plant Species.
34		Email from Director Eisenberg, to Diane Schiano, dated 02/16/23. Regarding Recent New Year Eve Storm Damages to your Property Located at 2673 Alpine Road, 94038.
37		Email from Chair Varela, to Nomen Nescio, dated 02/17/23, regarding the Presentation given at the Los Altos Morning Club on February 7, 2023. As Referenced by Director Eisenberg, the Presentation was her Personal Opinion.

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN

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

Weeks of February 10 – February 23, 2023

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>	Updates on the Water Infrastructure Finance and Innovation Act Loan Closings
<u>2</u>	Water Rights Reports Submitted in Compliance with State Water Resources Control Board Deadline

1. Updates on the Water Infrastructure Finance and Innovation Act Loan Closings

On February 14, 2023, Valley Water closed on \$727 million of Water Infrastructure Finance and Innovation Act (WIFIA) Master Agreements (WMAs) with the U.S. Environmental Protection Agency (EPA) for the following Water Utility Enterprise and Safe, Clean Water capital projects:

- (1) \$580 million WMA for the Anderson Dam Seismic Retrofit and Coyote Percolation Dam projects. The initial loan of \$74 million received a 3.77% interest rate to fund planning and design costs. Valley Water will be repaying the loan with an interest only repayment period starting on December 1, 2029, principal repayment starting on June 1, 2049, and final maturity on June 1, 2059; and
- (2) \$147 million WMA for the Coyote Creek, Sunnyvale East and West Channels, and Upper Penitencia Creek flood protection projects. The initial loan of \$41 million received a 3.77% interest rate to fund planning and design costs for the three projects and construction for the Sunnyvale East and West Channels project. Valley Water will be repaying the loan with an interest only repayment period starting on February 1, 2028, principal repayment starting on August 1, 2050, and final maturity on August 1, 2061.

Pending Valley Water Board approval of the construction for the above projects, additional loans could be executed in the future pursuant to the terms of the WMAs.

Valley Water's Board approved the WIFIA Loan program for the Water Utility projects at its meeting on December 13, 2022 and the flood protection projects at its October 25, 2022 regular Board meeting. Valley Water received AA+ credit rating from Fitch Ratings for the initial WIFIA loans. The WIFIA Loan Program is projected to save Valley Water \$256 million over the life of the loans, as compared to issuing long-term debt in the capital markets.

The WIFIA program is administered by the U.S. EPA to accelerate investment in our nation's water infrastructure by providing long-term, low-cost supplemental loans for regionally and nationally significant projects.

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

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

As outlined in Title 23 of the California Code of Regulations, water rights reports for permits, licenses, registrations, and stockpond certificates are required by the State Water Resources Control Board. With the passage of State Bill (SB) 155, the deadline for submittal was moved up from April 1 to February 1 and the reporting period now reflects the prior water year. Valley Water complied with the deadline and submitted reports for 20 licenses, ten certificates, and one permit covering water year 2021-22 (October 2021-September 2022).

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 reservoirs and diversions, which allow for diverting up to 227,339 acre-feet of water yearly, if available. Valley Water submitted all 18 reports for reservoirs and diversions on January 31, 2023.

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 January 25, 2023, Valley Water submitted water rights reports for the three licenses and ten certificates that cover all 14 stockponds. These stockponds had been allotted water rights totaling nearly 55 acre-feet.

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

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-23-0010	02/20/23	Eisenberg	Baker	Gin	How much money the District has spent on (and has committed to) the Delta tunnel project (just totals, not requiring me to add up).	03/12/23		
I-23-0011	02/20/23	Eisenberg	Richardson	Hakes	How much money the District has spent on Pacheco in total so far (including legal fees) (again, the sum total), including internal expenses, e.g. staff/consultant expenses.	03/12/23		
I-23-0012	02/20/23	Eisenberg	Baker	Williams	This is for a document, not a number: I asked for this before, but could not locate it in the many documents I received in response: I need the current version of the District's contract with the San Jose Water Company, including any/all amendments, exhibits, and attachments? (Amendments alone aren't sufficient without including the contract that is being amended).	03/12/23		
I-23-0013	02/13/23	Eisenberg	Yoke	Bella Mcelroy	Provide Director Eisenberg with answers to the following questions - What is the process for employees to speak with Board Members? and Do we have a policy on emotional support animals in the workplace?	03/05/23		



MEMORANDUM

FC 14 (08-21-19)

TO: Rick L. Callender, Esq.

FROM: Bhavani Yerrapotu

SUBJECT: Report of Properties Acquired Under
Executive Limitation 6.7.1

DATE: February 1, 2023

BACKGROUND:

Executive Limitation (EL) 6.7 and 6.7.1 allows the CEO to acquire, encumber or dispose real property interest, only when authorized by the Board, or is part of a Board approved project and does not exceed \$500,000. EL 6.7.1.3 requires that the CEO provide a written report to the Board of anticipated properties to be acquired under EL 6.7.1. Additionally, EL 6.7.1.4 requires that the CEO provide a quarterly summary report of the properties acquired under EL 6.7.1, including the respective statutory offer of just compensation and final negotiated values.

PURPOSE:

This memo complies with the provisions of EL 6.7.1.3 and 6.7.1.4 by providing the following:

1. A report of the properties which may be acquired under EL 6.7.1 in the upcoming quarter, January 1, 2023, through March 31, 2023. (Attachment 1)
2. A report of the properties that have been acquired under EL 6.7.1 in the last quarter, October 1, 2022, through December 31, 2022. (Attachment 2)

If you have questions or need additional information, please contact Kathy Bradley at (408) 630-3109.

DocuSigned by:

A blue ink signature of Karl Neuman, written in a cursive style.

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Karl Neuman

Acting for Bhavani Yerrapotu, P.E.

Deputy Operating Officer

Watersheds Design and Construction

Attachment 1 (Properties which may be acquired)

Attachment 2 (Properties acquired)

cc: R. Blank, M. Richardson, K. Bradley, B. Magleby, C. Herrera

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ATTACHMENT 2

REPORT OF PROPERTIES ACQUIRED UNDER EL 6.7.1
OCTOBER 1, 2022 - DECEMBER 31, 2022

DISTRICT FILE	PROJECT NAME	AGENT	GRANTOR	INTEREST	REC DATE	DOC#	INITIAL OFFER	FINAL SETTLEMENT
2010-225	Watershed Asset Protection Sup.	Magleby	City and County of San Francisco	Fee In	10/5/2022	25382635	\$33,000	\$33,000
4021-297	Coyote Creek Flood Management Measures	Magleby	San Jose Water Co.	Easement	12/30/2022	25421698	\$174,000	\$174,000
4021-380	Coyote Creek Flood Management Measures	Magleby	San Jose Water Co.	Temporary Construction Easement	12/30/2022	25421699		

INCOMING BOARD CORRESPONDENCE

Report Name: Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-23-0030	01/18/23	01/18/23	All	STEPHEN QUAN	Email from Stephen Quan, to the Board of Directors, dated 01/18/23, regarding Dam Levels and the Drought.	Refer to Staff	Baker	Williams	01/26/23	01/31/23	n/a	02/01/23
C-23-0040	02/10/23	02/13/23	All	SEAN TAVAKOLI	Email from Sean Tavakoli, to the Board of Directors, dated 2/10/23, regarding Western Exterminator Co Burrowing Squirrel and Rodent Control Service.	Refer to Staff	Blank	Codiann e	02/21/23		n/a	02/27/23
C-23-0042	02/13/23	02/14/23	All	JOSOFATN & YOLANDA DURAN	Email from Josafat and Yolanda Duran, dated 02/13/23, regarding, Concerns his property located at Uvas Road.	Refer to Staff	Blank	Codiann e	02/22/23		n/a	02/28/23
C-23-0044	02/19/23	02/21/23	All	ELMA ARREDONDO	Email received from Elma Arredondo and Danny Garza regarding pollution and toxin concerns in the Alum Rock community.	Noted and Filed			03/01/23		n/a	03/07/23