



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

August 11, 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>
	CEO Bulletin: None
2	Water Tracker – August 2023
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
5	BMR/IBMR Weekly Reports: 08/11/23
6	Memo from David Cahen, Risk Manager, to the board, dated 8/7/23, providing copies of Risk Management Communications.
28	Memo from Michele King, Clerk of the Board, to the board, dated 8/9/23, providing additional public comment on the 8/8/23 FAHCE EIR agenda item.
	<u>INCOMING BOARD CORRESPONDENCE</u>
32	Board Correspondence Weekly Report: 08/11/23
33	Email from Aja Yee to the board, dated 8/3/23, conveying information on the 9/9/23 Tree Life Cycles BioBlitz for CA Biodiversity Day. C-23-0197
37	Email from Aja Yee to the board, dated 8/3/23, conveying information on the 9/11/23 and 9/12/23 Cleanups with Keep Coyote Creek Beautiful. C-23-0198
	<u>OUTGOING BOARD CORRESPONDENCE</u>
44	Email from Director Santos to Judie Zamborelli, dated 8/4/23, regarding concerns about the weeding near the Helmsley Percolation Ponds.
49	Email from Director Santos to Sandy Rosenthal, dated 8/4/23, regarding the engineering program accreditation process overseen by ABET.

Outlook as of August 1, 2023

Thanks to healthy winter storms, Santa Clara County's drought classification was changed in March from Abnormally Dry to "None." Valley Water received 100% allocations of water from the State Water Project (SWP) and the Central Valley Project (CVP) this year. 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 July, City of San José = 0 inches
- San José average daily high temperature was 82 degrees Fahrenheit in July, which is higher than the five-year average for July (81.1 degrees Fahrenheit)

Local Reservoirs

- Total August 1 storage = 55,295 acre-feet

Reservoir Storage	All Ten Valley Water Reservoirs	All Reservoirs Except Anderson
Storage as % of unrestricted capacity	33%	68%
Storage as % of restricted capacity (1)	88%	88%
Storage as % of the 20-year average for August 1	66%	133%

(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

- Approximately 1,350 acre-feet of imported water delivered into Calero Reservoir during July 2023
- Total estimated releases to streams (local and imported water) during July were 6,600 acre-feet (based on preliminary hydrologic data)

Treated Water

- Below average demands of 10,601 acre-feet were delivered in July
- This total is 91% of the five-year average for the month of July
- Year-to-date deliveries are 49,616 acre-feet or 90% of the five-year average

Groundwater

- Groundwater levels in all regional monitoring wells except one are lower than last month. All water levels are higher relative to July 2022 and most are higher relative to the prior five-year average for July. The end of 2023 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	
July 2023 managed recharge estimate	7,000	1,200	2,000
YTD managed recharge estimate	46,400	7,800	9,800
YTD managed recharge as % of five-year average	171%	95%	89%
June 2023 pumping estimate	5,200	1,300	3,200
YTD pumping estimate	19,600	6,000	13,700
YTD pumping as % of five-year average	61%	117%	94%
Current index well groundwater levels compared to July 2022	27 Feet Higher	17 Feet Higher	36 Feet Higher

All volumes are in acre-feet. All data is for 2023 except where noted. YTD = Year-to-date.

Imported Water

- In July (through July 30), the SWP operated Banks pumping plant with an average daily export of 12,692 acre-feet, resulting in a total export of 380,757 acre-feet from the Sacramento-San Joaquin Delta
- In July (through July 30), the CVP operated Jones pumping plant with an average daily export of 8,095 acre-feet, resulting in a total export of 242,857 acre-feet from the Sacramento-San Joaquin Delta
- Releases are being made from San Luis Reservoir to supplement Delta Exports to meet south-of-Delta demands

WY 2023 Imported Water Allocations	Allocation	Allocation (acre-feet)	Details
SWP	100%	100,000	-
CVP	100% Ag 100% M&I	152,500 total	-
State-wide Reservoir Storage	Capacity	Current Storage (acre-feet)	Average for Date (as of 7/31/23)
Shasta Reservoir	86%	3,904,375	125%
Oroville Reservoir	92%	3,251,195	138%
San Luis Reservoir	91%	1,865,747	211%
Semitropic Groundwater Bank	Capacity	Current Storage (acre-feet)	Date of Data
	75%	261,969	6/30/23
Estimated SFPUC Deliveries	June 2023 (acre-feet)	2023 Total to Date (acre-feet)	Five-Year Annual Average (acre-feet)
	4,355	19,329	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 July 2023 production = 2,104 acre-feet
- Estimated year-to-date through July = 8,317 acre-feet or 86% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.6 billion gallons (4,803 acre-feet) of purified water in 2022. Since the beginning of 2023, about 2,032 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

Alternative Sources

- As of December 10, 2019, Valley Water's wastewater contract right from Palo Alto/Mountain View remains at 11,200 acre-feet/year

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



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-23-0021	07/27/23	Eisenberg	Callender	Taylor	Provide answers to Director Eisenberg's questions listed in her 7/25/23 email regarding progressive taxation.	08/16/23		
R-23-0010	08/08/23	Beall	Yoke	Mcelroy	Director Beall requested that staff look at the feasibility of VTA supplying transit passes (or clipper cards) for employees and family members.	08/29/23		
R-23-0011	08/08/23	Eisenberg	Taylor	Chinte Salandan an	Director Eisenberg requested a report on BAO travel for the last year, including costs and how time was charged.	08/29/23		



MEMORANDUM

FC 14 (01-25-23)

TO: Board of Directors

FROM: David Cahen

SUBJECT: Risk Management Communication

DATE: August 7, 2023

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) July 25, 2023 – Late Claim Letter John D. Teter (District 5)
- 2) July 25, 2023 – Letter acknowledging receipt of claim to Yan San (District 2)
- 3) August 7, 2023 – Letter acknowledging acceptance of Application for Leave to Present Late Claim to John Teter (District 5)

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

DocuSigned by:

62E0EF69C39D435...
David Cahen
Risk Manager
Risk Management Unit



Clean Water • Healthy Environment • Flood Protection

July 25, 2023

John D. Teter
19931 Durham Court
Saratoga, CA 95070

Re: Claim

Dear Mr. Teter:

The claim which was presented to the Santa Clara Valley Water District on July 25, 2023, is being returned because it was not presented within six (6) months after the event or occurrence as required by law. See sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

WARNING

Your only recourse at this time is to apply without delay to Valley Water's Board of Directors for leave to present a late claim. See sections 911.4 to 912.2, inclusive, and section 946.6 of the Government Code. Under some circumstances, leave to present a late claim may be granted. See Government Code section 911.6.

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

Sincerely,

DocuSigned by:

David Cohen

62E0EF69C39D435...

Risk Manager
Risk Management Unit

Enc: Claim Packet





Valley Water

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 7/25/23	
	For SCVWD Use Only	
	Date Received:	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 COB	<input checked="" type="checkbox"/> Risk Management
	<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> COB
	<input type="checkbox"/> BOD (District #): 5	

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: John D Teter		Email Address: teterhome@aol.com	
Address of Claimant: 19931 Durham Ct		City: Saratoga	State: CA
		Zip: 95070	
Address to which Notices should be sent, if different from above:		City:	State:
		Zip:	
Home Phone Number:	Cell Phone Number: 408 234 1238	Work Phone Number: ALT CELL: 408 605 2136	
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: 01/06/2023	Location of incident or loss (address): 19931 Durham Ct. Saratoga, CA 95070	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 attached.



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):

See attached.

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

Rebecca Wolff, Vegetation Program Specialist II, Valley Water Vegetation Field Operations Unit

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. Pacific Security Fence West, Inc.	\$ 7,211.76
2. Mario Gonzalez: fallen tree	\$ 1,800.00
3. Mario Gonzalez: overhanging trees	\$ 3,000.00
4.	\$
TOTAL AMOUNT	\$ 12,011.76

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

24th

day of

July

, 20

23


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 TO CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages.

In detail, describe the damage or injury.

This was all personally viewed by Rebecca Wolff of Valley Water Vegetation Field Operations.

During the occurrence of a severe wind and rain storm, willow trees on property owned by the Water District fell across Wildcat Creek destroying a section of my chain-link fence with chain-link double gate.

I also suffered losses of a more gradual nature from the multiple willow trees growing on the property owned by the Water District that had bent, deformed, and otherwise impacted my chain-link fencing.

My fence is necessary for protection of the crops on my property from destruction by wildlife (deer) as well as to protect my household pets and family from other roaming forms of wildlife (coyote and bobcats). The damage that the willow trees have caused to my fencing deprives me of both safety and protection.

The chain-link fence was initially constructed by Security Pacific Fencing, and I have attached a bid for repair to the fencing gate damaged by the fallen tree trunk as well as repairs to the portion of the fence line that has been damaged by the living willow trees growing on the Water District property so as to expose my property and family to the above-described risks. Additionally, attached are photographs of the downed tree and the damage it created. Also attached is a receipt for work done by Mario Gonzalez for the cost of cutting up the tree trunk and branches that have fallen onto my property from the Water District property as well as a statement for the cost of removing the trunks and limb that continue to overhang my property and pose a continuing threat of personal injury and property damage.

PACIFIC SECURITY FENCE WEST INC.
PO BOX 52
San Martin, CA 95046
(408)465-6067
Aaron@pacsecfence.com

Estimate

ADDRESS

John Teter
Job Location : 19931 Durham
Court Saratoga CA

ESTIMATE # 970**DATE 07/08/2023**

ACTIVITY	QTY	RATE	AMOUNT
Fence Installation	1	7,211.76	7,211.76
1. Removal of all damaged fence along the creek. Existing posts to get 2-3/8" posts extensions to make the fence 8' tall. 150' of 8' tall black chain link to get Top Rail and Bottom Tension Wire. Within the 150' there is to be one 4' wide by 8' tall single swing gate with fork latch pad lock ability. All damaged material to be hauled away by us.			

QTY.	PART #	DESCRIPTION OF PARTS OR MATERIALS	PRICE	AMOUNT
1		Willow Heading over fence (Renovl)	\$2,500	
1		Walnut, Head back to property line	\$500	
LABOR PERFORMED				
Haul everything away			TOTAL MATERIALS	
			TAX	
			TOTAL LABOR	
			TOTAL AMOUNT	\$3,000
DATE WANTED				

DATE WANTED _____	DEPOSIT _____	RECEIVED BY _____
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ESTIMATES ARE FOR LABOR ONLY, MATERIAL ADDITIONAL. WE WILL NOT BE RESPONSIBLE FOR LOSS OR DAMAGE CAUSED BY FIRE, THEFT, TESTING, OR ANY OTHER CAUSES BEYOND OUR CONTROL.

AUTHORIZED BY: _____

Job Work Order
ORIGINAL

McMaster-TSCG



12

Job Work Order

☐ ESTIMATE (VALID FOR 30 DAYS)

DATE 6/14/23	<input checked="" type="checkbox"/> SERVICE <input type="checkbox"/> INSTALL	<input type="checkbox"/> WILL CALL <input type="checkbox"/> DELIVER	PHONE (408)-605-2136
NAME John Teter			MAKE
ADDRESS 19931 Durham Ct			MODEL
			SERIAL
ITEM TO BE SERVICED		NATURE OF SERVICE REQUEST	

QTY.	PART #	DESCRIPTION OF PARTS OR MATERIALS	PRICE	AMOUNT
1		Willow tree over Fence (Urgent)	\$1,800	
LABOR PERFORMED Remove limb over fence into the property			TOTAL MATERIALS	
			TAX	
			TOTAL LABOR	
			TOTAL AMOUNT	\$1,800

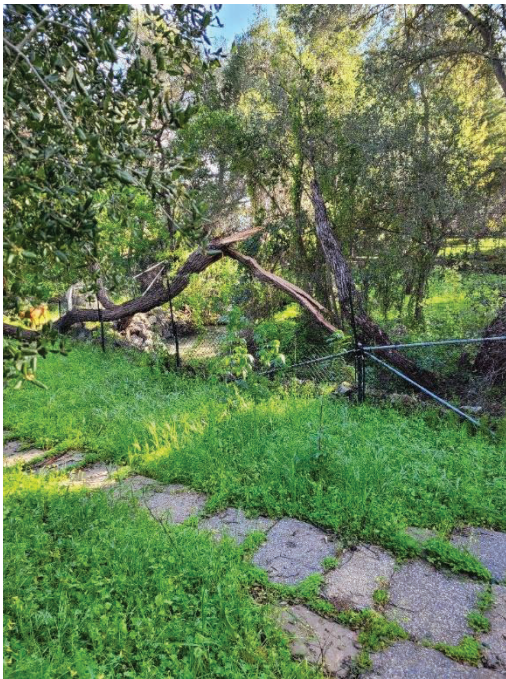
DATE WANTED 6/17/23	DEPOSIT \$800	RECEIVED BY 
ESTIMATES ARE FOR LABOR ONLY, MATERIAL ADDITIONAL. WE WILL NOT BE RESPONSIBLE FOR LOSS OR DAMAGE CAUSED BY FIRE, THEFT, TESTING, OR ANY OTHER CAUSES BEYOND OUR CONTROL.		
AUTHORIZED BY: 	Job Work Order ORIGINAL	

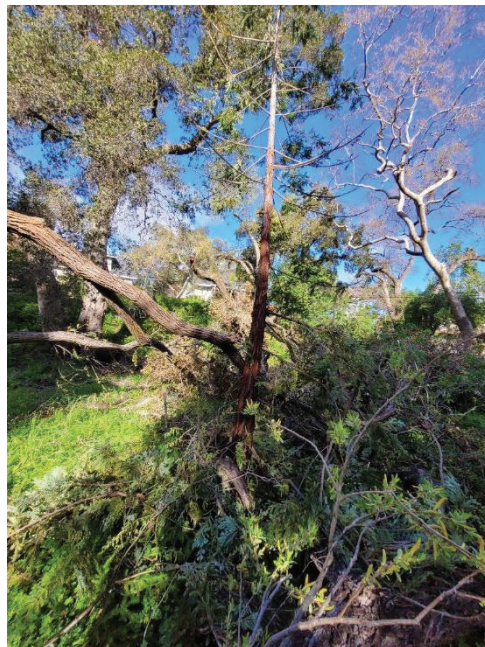
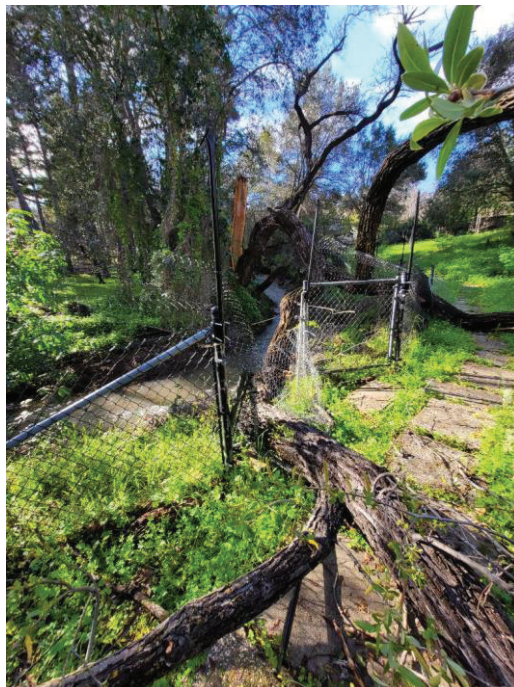
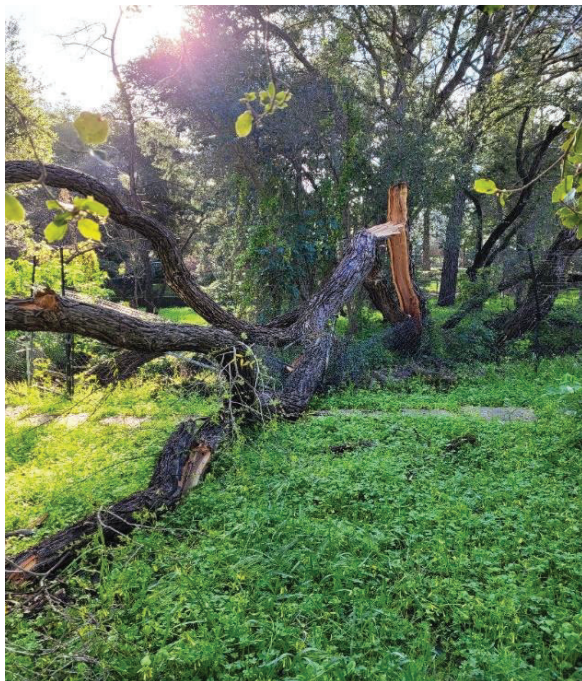
edwards T5868

TERMS - NET CASH
NO GOODS HELD OVER 30 DAYS

10-11

19931 Durham Ct., bottom of subject property showing damage caused by Water District willow trees in Wildcat Creek







Clean Water • Healthy Environment • Flood Protection

July 25, 2023

Yan Sun
3563 Mauricia Ave.
Santa Clara, CA 95051

Re: Receipt of Claim – L2340001

Dear Yan Sun:

We received your claim regarding property damage resulting from the tree that fell on your property on July 20, 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) 630-2213 or at dcahen@valleywater.org

Sincerely,

DocuSigned by:


62E0EF69C39D435...
David Canen
Risk Manager





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT

California Government Code Sections 900 and following

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<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>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Clerk of the Board's Date Stamp</td> </tr> <tr> <td colspan="2" style="text-align: center;">For SCVWD Use Only</td> </tr> <tr> <td style="width: 50%;">Date Received: 07/25/23</td> <td style="width: 50%; text-align: center;">ROUTING</td> </tr> <tr> <td><input type="checkbox"/> Via U.S. Mail</td> <td><input checked="" type="checkbox"/> CEO</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered</td> <td><input checked="" type="checkbox"/> District Counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> Email</td> <td><input checked="" type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input checked="" type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/> BOD (District #): <u>2</u></td> </tr> </table>	Clerk of the Board's Date Stamp		For SCVWD Use Only		Date Received: 07/25/23	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 #): <u>2</u>
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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: Yan Sun		Email Address: dsocer@gmail.com	
Address of Claimant: 3563 Mauricia Ave	City: Santa Clara	State: CA	Zip: 95051
Address to which Notices should be sent, if different from above:	City:	State:	Zip:
Home Phone Number:	Cell Phone Number: 4087050461	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: 07/20/2023 7pm	Location of incident or loss (address): 3563 Mauricia Ave	Is there a police report? <input checked="" type="checkbox"/> Yes If Yes, Police Report Case #: 2307200109 <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*):

A big tree on the Saratoga Creek fell down and its root breaks our fence and the shed was damaged. The shed's foundation was also damaged. The police and staffs from Valley water already came to take pictures and agreed to fix the fence and pay for the Shed damage.



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT

California Government Code Sections 900 and following

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

A big tree fell down near the creek last Thursday and our fence and shed was damaged. The Valley Water Staffs told us they are going to replace the broken fence and asked us to claim the damage for the shed. I attached some pictures showing the damage of the foundation and the shed, the doors cannot be closed and the roof is broken, so we need to rebuild it. We spent more than \$5000 to build the shed including materials and labor.

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

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?
Court Jurisdiction: (Check One)

☒ Yes

☐ Limited Civil

☐ No

☐ Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Shed	\$4000
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$4000

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 24th day of July, 20 23 yan sun

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.















August 7, 2023

John D. Teter
19931 Durham Court
Saratoga, CA 95070

Re: Application for Leave to Present Late Claim

Dear Mr. Teter:

We are in receipt of your July 28, 2023, letter and hereby grant your request for a Leave to File a Late Claim.

We will investigate the claim and will notify you of our findings.

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

Sincerely,

DocuSigned by:

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

62E0EF69C39D435...

David Cahen
Risk Manager
Risk Management Unit



JOHN AND CELIA TETER

19931 Durham Ct.
Saratoga, California 95070

TEL (408) 234-1238; (408) 605-2136
FAX (408) 866-1850
EMAIL Teterhome@aol.com

July 28, 2023

David Cahen, Risk Manager
Risk Management Unit
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Re: APPLICATION FOR LEAVE TO PRESENT LATE CLAIM

Dear Mr. Cahen:

The Valley Water District's certified letter dated 07/25/2023 was received and signed for at the Saratoga main post office 07/28/2023. Pursuant to California Government Code Sections 911.4-912.2, inclusive, and specifically pursuant to California Government Code Section 911.6(b)(1), application is hereby made for leave to present Damage Claim for damages that occurred during the California State of Emergency as declared by Governor Gavin Newsom on 03/08/2023.

The Claim is for losses and damages caused by the catastrophic storms that were so powerful that in addition to Governor Newsom's State of Emergency, the U.S. President declared a state of emergency, and the U.S. federal government extended the period of time for filing of tax returns as well as payment of taxes by 6 months (until October 2023). Claimant's damages were the cumulative results of the incessant winter storms that made it virtually impossible to make any assessment of damages or obtain any estimates for repairs, including the trimming/removal of fallen trees as well as removal/replacement of damaged fencing.

Claimant contacted Valley Water District with regard to the damage to Claimant's property, and ultimately Valley Water District Visitation Program Specialist Rebecca Wolff made a site visit on 06/29/2023. During the site visit, Ms. Wolff informed Claimant that a Claim Form for the cost of damages could be submitted and agreed to forward an email copy of the form that day. Although Ms. Wolff was reassigned to other areas to follow the storm damage that had occurred, it was approximately 2 weeks before Claimant received an email copy of the form from the Valley Water District.

Less than 2 weeks later, the Claim Form that is now being returned was submitted.

It is courtesily requested that the Valley Water District Board grant this Application as authorized under California Government Code Section 911.6(b)(1) on the basis that the State and Federal declared State of Emergency constituted either or both a surprise or excusable neglect and that Santa Clara County was not prejudiced in its defense of the Claim by the failure to present the Claim within the time specified in California Government Code Section 911.2.

Thank you for your consideration.

Very truly yours,



John D. Teter

enclosure: Claim Against the Santa Clara Valley Water District (original)

*[David Cahen, Santa Clara Valley Water District]
[Application for Leave to Present Late Claim]*

[July 28, 2023]
Page 2 of 2



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Michele King, Clerk of the Board

SUBJECT: 08/08/23 Board Comment on FAHCE Agenda Item
DATE: 08/09/23

Attached is a comment form received from Dr. C. Mark Rockwell regarding 8/8/23 Board Agenda item 3.4 – FAHCE EIR. A copy has been shared with staff.

Michele King

From: Santa Clara Valley Water <system-generated@valleywater.org>
Sent: Tuesday, August 08, 2023 12:48 PM
To: Clerk of the Board
Subject: SCVWD Agenda Comment Form

Follow Up Flag: Follow up
Flag Status: Flagged

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Submitted on Tue, 08/08/2023 - 12:47 PM

Submitted values are:

Name

Dr. C. Mark Rockwell

Address

5033 Yapple Ave.
Santa Barbara, California. 93111

Telephone

(530) 559-5759

Email

mrockwell1945@gmail.com

Agency, Business or Group (if applicable)

Nor Calif Council, Fly Fishers Int'l

Board Meeting Date

2023-08-08

Agenda Item Number

3.4

I would like to

Express Opposition

Comment Form

The details of the flow regime of FAHCE+ was not agreed to, and yet VW staff put this flow regime in as if it was agreed to. We don't think it is the best starting place for flows. The recommended regime submitted by Gary Stern of NMFS is what we'd recommend as it has better overall flows to support the fishery.

The suggested Adaptive Management plan is virtually non-existent, and does not have adequate detail to know what or how it will work. It also does not have numerical fishery targets as were discussed in the Cal Trout/NCCFFI comments to

the DEIR. This needs further work and discussion before the EIR becomes final.

Lastly, because FAHCE is the program focused on recovering the fishery and improving its watershed, the EIR needs to reflect better how that will happen and when certain goals are met. The program was on hold between 2005 and 2018 with no progress. At this point, the fishery is in much worse shape than even 2005, and it was not good then. The fish do not have the time that the FEIR shows for performance and actions, and will go extinct long before the dates shown in the plan. The FEIR should not be approved as written as it does not meet the needs of the fishery.

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-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-23-0045	02/23/23	02/24/23	All	MELISSA MALLORY	EMail from Melissa Mallory regarding unhouse along Los Gatos Creek Trail.	Refer to Staff	Blank	Codianne Yerrapotu	03/04/23	03/03/23	n/a	03/10/23
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-23-0101	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	Refer to Staff	Blank Yerrapotu	Codianne	05/20/23	05/22/23	n/a	05/26/23

Michele King

From: Aja Yee <aja@keepcoyotecreekbeautiful.org>
Sent: Thursday, August 03, 2023 12:18 PM
To: Board of Directors; Linh Hoang; Meghan Azralon
Subject: 9/9 Tree Life Cycles BioBlitz for CA Biodiversity Day
Attachments: 230909-BioBlitz-IG Post.jpg; 230909-BioBlitz-Flyer.jpg

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. ***

Hello!

Keep Coyote Creek Beautiful is having a BioBlitz at Tree Life Cycles Park on 9/9/23. Please share the information below with your constituents. We look forward to seeing new faces from your council districts!

Tree Life Cycles BioBlitz for CA Biodiversity Day

Location: 400 Knollcrest Ave, at Basking Ridge Ave, San Jose, CA 95138
Sat Sept 9th
9AM-11AM

It's 30x30 for California Biodiversity week! 30x30 is an international effort to preserve 30 percent of the Earth's lands and waters by 2030. California's 30x30 plan conserves a minimum of 30 percent of our lands and waters, and protects biodiversity!

Located in the southern part of San Jose, we will explore the Coyote Creek Trail starting at Tree Life Cycles Park. Join Keep Coyote Creek Beautiful and BioBlitz Club in cataloging and documenting all of the living things that reside there. We will have experts in various fields to help guide participants through all the cool plants and wildlife.

The best part? All you need to participate is a smart phone with the iNaturalist app!

So bring your family and prepare for an in-depth tour of this great park.

Community service hours available

Hosted by Keep Coyote Creek Beautiful and Bioblitz Club

Supported by Santa Clara County Parks

RSVP: <https://230909-bioblitz.eventbrite.com/?aff=vw>

Aja Yee
Event Coordinator
Keep Coyote Creek Beautiful

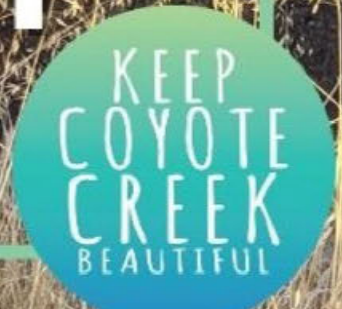
650-246-4769

www.keepcoyotecreekbeautiful.org



TREE LIFE CYCLES BIOBLITZ - CA BIODIVERSITY DAY

SEPT 9: 9-11AM





CA BIODIVERSITY WEEK

TREE OF LIFECYCLES BIOBLITZ

SEPTEMBER 9TH / 9AM-11AM



Michele King

From: Aja Yee <aja@keepcoyotecreekbeautiful.org>
Sent: Tuesday, August 08, 2023 3:39 PM
To: Board of Directors; Linh Hoang; Meghan Azralon
Cc: Deb Kramer; Rebekah Cotton
Subject: 9/11 and 9/12 Cleanups with Keep Coyote Creek Beautiful
Attachments: 230819-Cleanup-Flyer.jpg; 230819-Cleanup-IG Post.jpg; 230911-Cleanup-IG Post.jpg; 230911-Cleanup-Flyer.jpg

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. ***

Hello,

Please see the information below for TWO Cleanup events to share with your constituents. We look forward to seeing new faces from your council districts.

Thanks!

National Day of Service Cleanup - Creek and Trail Cleanup

Location: TBD
Mon Sept 11
9AM to 12PM

Come help us clean the Coyote Creek and Trail for National Service Day and Remembrance!

Spend a few hours and help Keep Coyote Creek Beautiful, work together for a healthy creek while we beautify the Coyote Creek trail and the creek through a community cleanup. Come celebrate the Earth by improving the environment and enjoying nature!

Free litter kits!

Community service hours available.

Groups Welcome

RSVP: <https://230911-cleanup.eventbrite.com/?aff=vm>

Trashy Tuesdays Cleanup!

Location: Tully Ballfields
Tue Sept 12th
5PM to 7PM

Come join us for Trashy Tuesdays 5-7pm once a Month for a fun Creek and Trail Cleanup!

Spend a few hours and help us work together for a healthy creek while we beautify the Coyote Creek trail

and the creek through a community cleanup.

Free litter kits!

Community service hours available.

Groups Welcome

RSVP: <https://230912-cleanup.eventbrite.com/?aff=vm>

Aja Yee

Event Coordinator

Keep Coyote Creek Beautiful

www.keepcoyotecreekbeautiful.org

N Pemb k Dis



39



COYOTE CREEK CLEANUP

AUGUST 19: 9-12PM

SAN JOSÉ
**MAYOR
MATT
MAHAN**

KEEP
COYOTE
CREEK
BEAUTIFUL



Coyote Creek & Trail Cleanup

*National Day
Of Service*



9am-12pm
September 11th





COYOTE CREEK CLEANUP

SEPTEMBER 11: 9-12PM

KEEP
COYOTE
CREEK
BEAUTIFUL

OUTGOING BOARD CORRESPONDENCE

Michele King

Subject: FW: Perk Pond on Helmsley

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

Sent: Friday, August 4, 2023 9:52 AM

To: rjzambo@ [REDACTED]

Subject: Re: Perk Pond on Helmsley

Sent on Behalf of Director Santos:

Dear Judie,

Thank you for reaching out again with your concern about the weeding near the Helmsley Percolation Pond. In June, Valley Water used a team of goats to graze on vegetation within the fenced area of the pond. The area you mentioned, outside of the fence line, was mistakenly left un-weeded in June. This has been noted to prevent omission moving forward.

On Wednesday, August 2nd, Valley Water crews cut back weeds that you had identified. Hopefully, this work has been performed to your satisfaction.

If you have any questions or further concerns, please contact Vince Saso at vsaso@valleywater.org or 408-630-3763.

Stay safe and healthy,



Richard P. Santos
Director, District 3
Valley Water Board of Directors
(408) 234-7707

C-23-0196

From: rjzambo@ [REDACTED]

Sent: Friday, July 28, 2023 4:19 PM

To: Richard Santos <rsantos@valleywater.org>

Subject: Re: Perk Pond on Helmsley

*** 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, Thanks for responding re. the weeds at the Helmsley Perk Pond. I also heard from someone else within the Water Dept. that you contacted re. the weeds. Nothing has been done. I talked with

a neighbor yesterday and she walks her dog and has to cross the street to avoid that area because there is some weed that can get into the dog's eye. I will include a pic to show you. Help.

Thanks again.



On Saturday, July 8, 2023 at 03:58:42 PM PDT, Richard Santos <rsantos@valleywater.org> wrote:

Hi, thanks, I have to find out is it all our property and I will have staff take care of it, either way, Rich Santos

From: rjzambo@ [REDACTED]
Sent: Saturday, July 8, 2023 3:45 PM
To: Richard Santos <rsantos@valleywater.org>
Subject: Perk Pond on Helmsley

***** 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 Richard,

My annual reminder about the Perk Pond on Helmsley Drive.

First off the goats did a great job of eating away all the weeds within the fenced Perk Pond. All of us neighbors truly enjoyed watching them. However on the Helmsley side of the pond there are a lot of unsightly weeds outside of the fenced area and also along the curb and sidewalk.

We would appreciate it if you could send out a few guys to finish up the job.

Thank you again.

Judie Zamborelli (a BCAC member)

Michele King

Subject: FW: Add Santa Clara Valley?

Sent on Behalf of Director Santos:

Dear Sandy,

Thank you for reaching out with your request. The engineering program accreditation process ABET oversees is beyond Valley Water's scope of legislatively approved authority. While we do employ many extremely qualified engineers who have graduated from ABET accredited programs, the elements and requirements of an accreditation program is not an area that Valley Water typically comments on.

If you have any questions, please contact Chris Hakes at chakes@valleywater.org.

Stay safe and healthy,



Richard P. Santos
Director, District 3
Valley Water Board of Directors
(408) 234-7707

C-23-0190

From: Sandy Rosenthal <sandy@levees.org>
Sent: Saturday, July 29, 2023 7:05 AM
To: Richard Santos <rsantos@valleywater.org>
Subject: Re: Add Santa Clara Valley?

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Richard,
If your board wants a full blown roadmap on how we intend to accomplish this admittedly large task, we can send it. Meanwhile, as we speak, more and more support is rolling in.
Let me know.
Warmly,
Sandy

--



Sandy Rosenthal

Founder of [Levees.org](https://levees.org)

[Speaker.](#) [Author.](#) [Podcast Host.](#)



On Fri, Jul 28, 2023 at 6:22 PM Sandy Rosenthal <sandy@levees.org> wrote:

Richard,

We also approached the Southeast Flood Protection Authority East in April. After our request for support, the Authority sent a letter to every engineering school in Louisiana. A copy is attached.

Sandy

--



Sandy Rosenthal

Founder of [Levees.org](https://levees.org)

[Speaker.](#) [Author.](#) [Podcast Host.](#)



On Thu, Jul 27, 2023 at 9:08 PM Sandy Rosenthal <sandy@levees.org> wrote:

Thank you!

Warmly,

Sandy

--



Sandy Rosenthal

Founder of [Levees.org](https://levees.org)

[Speaker.](#) [Author.](#) [Podcast Host.](#)



On Thu, Jul 27, 2023 at 7:52 PM Richard Santos <rsantos@valleywater.org> wrote:

I will send this to our Chief Officer, for them to respond, thanks, R Santos

From: Sandy Rosenthal <sandy@levees.org>
Sent: Thursday, July 27, 2023 4:17 PM
To: Richard Santos <rsantos@valleywater.org>
Subject: Add Santa Clara Valley?

*** 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 Richard,

It's come to our attention that Engineering Schools are not required by ABET to provide instruction on engineering failures and the lessons they teach to its graduates.

In response, my organization, Levees.org will launch a campaign next month to change this.

Would the Santa Clara Valley Water District be interested in adding its name in support of our initiative? Just a sentence on a letterhead is enough. Like this:

The Santa Clara Valley Water District fully supports instruction on "engineering failures of the past and how to prevent them" be included in the curriculum of engineering schools so that engineers of the future do not repeat mistakes of the past.

Or something like that?

We are barely just getting started, but we have a list of experts and engineers in support. Attached.

Sandy

--



Sandy Rosenthal

Founder of [Levees.org](https://levees.org)

[Speaker.](#) [Author.](#) [Podcast Host.](#)

