



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

August 25, 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.
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
3		BMR/IBMR Weekly Reports: 08/25/23
4		Memo from Melanie Richardson, Acting Chief Executive Officer, to the board, dated 08/10/23, providing Fiscal Year 2022-2023 Ends Policy Outcome Measure Status Report.
6		Memo from Risk Management to the board, dated 08/21/23, providing Risk Management Communications.
13		Memo from Patrice McElroy, Deputy Administrative Officer, to the board, dated 08/16/23, responding to IBMR I-23-0022 – Request from Director Eisenberg for a copy of the Performance Management Process Presentation shared at the 08/10/23 Town Hall.
24		Memo from Michele King, Clerk of the Board, to the board, dated 08/23/23, conveying additional public comments received on the 8/22/23 Pacheco Reservoir Expansion Project Agenda Item.
		<u>INCOMING BOARD CORRESPONDENCE</u>
28		Board Correspondence Weekly Report: 08/25/23
33		Email from Kenneth Murray to the board, dated 08/16/23, regarding recent tree planning along trail beside Camden Avenue. C-23-0207
36		Letter from Glenn M. Hayden, Hayden & Kassel to Director Santos, dated 08/21/23, regarding unsheltered Encampment along the Sunnyvale East Channel adjacent to the Maple Tree Inn, 711 East El Camino Real, Sunnyvale. C-23-0208
		<u>OUTGOING BOARD CORRESPONDENCE</u>
		None.

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-23-0022	08/10/23	Eisenberg	Yoke	Mcelroy	Provide Director Eisenberg with a copy of the performance management slide deck presented at the 8/10/23 Townhall Meeting.	08/31/23		
I-23-0023	08/21/23	Eisenberg	Gibson	Lugo	Provide Director Eisenberg with a briefing on proposed support of new legislation that will allegedly assist the Palo Alto airport at the expense of the neighboring communities? She would like to understand the thinking behind this given that she has been part of the large group of residents fighting against the huge amounts of carcinogenic lead pollution caused by this private airport.	09/10/23		
I-23-0024	08/22/23	Eisenberg	Yoke	Ndah	Director Eisenberg requests that the current restroom signs inside the visitor's center at the SVAWPC be replaced with the non-binary symbol.	09/11/23		
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		
R-23-0012	08/22/23	Hsueh	Hakes	Bourgeois	Staff to share newly adopted FY24 Board Policy Calendar with EWRC Chair/Vice Chair to assist in determining timely items discussion/input items on future EWRC Agendas.	09/12/23		
R-23-0013	08/22/23	Beall	Baker	Williams	Staff to investigate if the small empty pond on Sunnyside Avenue in Campbell, between the fire department and the training facility, can be used by the city and the fire department.	09/12/23		
R-23-0014	08/22/23	Beall	Baker	Williams	Staff to investigate if other small empty ponds within the City of Campbell can be used for other purposes.	09/12/23		



MEMORANDUM

FC 14 (08-21-19)

TO: Board of Directors

FROM: Melanie Richardson
Acting Chief Executive
Officer

SUBJECT: Fiscal Year 2022-2023 (FY 23) Ends Policy
Outcome Measure Status Report

DATE: August 10, 2023

In October 2021, the CEO reported that the quarterly performance report was being reformatted and updated based on consultant input and feedback from the Leadership Team. Furthermore, the frequency of the report was revised from quarterly to semi-annually. The last report provided by the CEO was in February 2023. The latest update to the performance report is attached and is one of the ways that the Santa Clara Valley Water District Board of Directors (the Board) monitors the degree to which the Board policies are being met by the Chief Executive Officer.

The organization's performance toward accomplishing the Board's Ends policy goals and objectives is the responsibility of the Board Appointed Officers. Outcome Measures are derived and implemented through the budget process and guide development of project and individual staff work plans. These plans specify operational activities to be implemented to achieve the Board's direction for the organization.

The BAOs analyze and monitor organizational performance through operational management reviews and report results to the Board through Performance Reports, as required by Board-BAO Linkage Policy 5.4:

All policies which instruct the BAOs will be monitored at a frequency and by a method chosen by the Board. The Board can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule. Proposed Frequency = Semi-Annual.

The performance of the Outcome Measures is regularly monitored to ensure that they are achieved and meet the Board's expectations and are used to monitor the CEO's performance.

The alignment of the Board policies, and the Budget Process supports a cycle of continual improvement. The outcomes from monitoring either reinforce existing Board policy or facilitate recommended policy changes for Board consideration.

The report summarizes the status of 17 Outcome Measures, grouped by Board Ends Policy. These performance areas were monitored by Watersheds, Water Utility Enterprise, and Admin Services and their status was reported to the CEO. The new report format provides information that management can use to determine the current status and redirect the effort as needed based on the current situation and/or anticipated challenges. This report will be provided at the beginning and halfway through each fiscal year.

Please contact me if you have comments or questions about this report.

DocuSigned by:

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Melanie Richardson, P.E.
Assistant Chief Executive Officer
Acting for Rick L. Callender
Chief Executive Officer
Valley Water

kam
FY23 Ends Policy Performance Matrix

BOARD ENDS POLICIES - OUTCOME MEASURES			
OUTCOME MEASURE	FY 21-22 Outcome	FY 22-23 Outcome	Target Outcome
E-2: Valley Water provides reliable, safe, and affordable water supply for current and future generations in all communities served.			
Did Valley Water meet its annual water demand?	100% of annual water demand was met. Annual demand was down 11% compared to 2019 due to drought (on June 9, 2021 the Board called for a 15% reduction in water use compared to 2019)	100% of annual water demand was met. Annual demand was down 7% compared to 2019 due to drought (on June 9, 2021 the Board called for a 15% reduction in water use compared to 2019).	100% of annual water demand is met without calling for more than 20% water use reduction.
Total acre-feet of groundwater storage	Estimated total groundwater storage was 312,000 acre-feet.	Total groundwater storage of more than 374,000 acre-feet.	Total groundwater storage is greater than 300,000 acre-feet .
Percentage of subsidence index wells with groundwater levels above subsidence thresholds	100% of subsidence index wells had groundwater levels above subsidence thresholds.	100% of subsidence index wells with groundwater levels above subsidence thresholds.	100% of subsidence index wells with groundwater levels above subsidence thresholds.
Percentage of water supply wells that meet or exceeds quality standards	91% of water supply wells tested met all primary drinking water standards (based on calendar year 2021).	83% of water supply wells tested meet all primary drinking water standards (based on calendar year 2022 data)	95% of water supply wells meet or exceeds quality standards.
Percentage of treated water that meets or exceeds primary drinking water standards.	100% of treated water delivered met or exceeded all primary drinking water standards.	100% of treated water delivered met or exceeded all primary drinking water standards.	100% of treated water meets or exceeds primary drinking water standards.
Percentage of total annual maintenance work plans completed for water transmission and distribution facilities on schedule	Completed 76% of annual maintenance work plans for water treatment facilities and 88% of annual maintenance work plans for transmission and distribution facilities. Remaining work scheduled to be completed in next fiscal year.	Completed 76% of planned work at the water treatment facilities. Staff projects 80% of annual maintenance work plans for transmission and distribution facilities.	Complete at least 70% of total annual maintenance work plans completed for transmission and distribution facilities on schedule
Acre-feet of water supply portfolio from recycled and purified water	16,855 acre-feet of recycled water in FY22.	Approximately 16,000 acre-feet of recycled water in FY23.	24,000 acre-feet by 2028.
E-3 Natural flood protection is provided to reduce risk and improve health and safety for residents, businesses, and visitors, now and into the future.			
Prioritize rehabilitation of existing creek facilities to restore design levels of service, beyond routine maintenance, by ensuring annual funds budgeted for Watersheds Asset Rehabilitation Program (WARP) and Safe, Clean Water (SCW) F8 are included in the Watersheds Operation & Maintenance (O&M) budget.	Annual budget for WARP and SCW F8 projects amounted to 24.5% of annual Watersheds O&M budget.	Annual budget for WARP and SCW F8 projects amounted to 13.9% of annual Watersheds O&M budget.	Budget for WARP and SCW F8 projects is equivalent to at least 15% of Watersheds O&M Division annual budget.
Percent of flood protection facilities inspected annually.	100% of levees were inspected and maintained in FY22. It is noted that staff's ability to conduct creek and levee inspections continues to be compromised in certain high-risk areas due to safety concerns and at times, insufficient law enforcement support.	100% of levees were inspected and maintained in FY23. Staff's ability to conduct creek and levee inspections continues to be compromised in certain high-risk areas due to safety concerns and at times, insufficient law enforcement support. In the second half of FY23, continued higher flows in some streams due to winter storms reduced the ability to conduct some creek and levee inspections.	100% of levees and at least 50% of other flood protection facilities inspected annually.
Point Sum of the National Flood Insurance Program's (NFIP) Community Rating System (CRS) of all the participating CRS Communities in Santa Clara County.	NFIP CRS total point sum (countywide) is being maintained in FY22 Q4. As of 06/30/22, the point sum remains as follows: 16,930 w/o Valley Water's points; 18,776 w/Valley Water points.	NFIP CRS total point sum (countywide) is being maintained in FY23 Q4. As of 06/30/23, the point sum remains as follows: 17,113 w/o Valley Water's points; 18,959 w/Valley Water points.	The point sum of all participating CRS Communities in Santa Clara County is 13,000 or higher.
Percent of flood protection projects that incorporate natural flood protection features	83% of Capitol flood protection projects in the CIP incorporate NFP features (based on FY23-27 CIP Report)	89% of Capital flood protection projects in the CIP incorporate NFP features.	90% of flood protection projects incorporate natural flood protection (NFP) features that enhance the physical, hydrologic, and ecologic functions and process of streams within the community setting.
E-4 Water resources stewardship protects and enhances ecosystem health.			
Ecological data are made available to the public through the Valley Water webpage annually and the EcoAtlas tool.	100% of VW's annual reports with ecological data are made available to the public through the Valley Water webpage and the EcoAtlas tool	100% of VW's data on ecosystem health are available to the public on EcoAtlas, and the related watershed reports are on the Valley Water webpage.	100% of Valley Water annual ecological monitoring reports are made available to the public.
Percent of stewardship projects that include objectives that enhance ecological functions, improve water quality, or provide for trails & open space.	100% based on FY23-27 CIP Report	100% based on FY23-27 CIP Report	All stewardship projects include objectives that enhance ecological functions, improve water quality, or provide for trails & open space.
Percent of new Joint Use Agreements (JUAs) that comply with the Trails Policy Criteria and Guidance.	0 percent (several new JUAs are pending).	100% of new Joint Use Agreements (2 in FY23) comply with the Trails Policy Criteria and Guidance.	100% of new Joint Use Agreements comply with the Trails Policy Criteria and Guidance.
E-5 Valley Water is carbon neutral and provides equitable, climate-resilient water supply, flood protection, and water resource stewardship to all communities in Santa Clara County. This will be accomplished through the implementation of the Climate Change Action Plan.			
Maintain Valley Water's California Green Business Certification.	Yes, Valley Water is certified as a California Green Business.	Yes, Valley Water is certified as a California Green Business.	Valley Water is certified as a California Green Business.
Percent of Valley Water's operating facilities are equipped with Electric Vehicle (EV) charging infrastructure.	28% of Valley Water's operating facilities are equipped with EV charging infrastructure.	39% of Valley Water's operating facilities are equipped with EV charging infrastructure.	100% of Valley Water's operating facilities are equipped with EV charging infrastructure.
Percent of Valley Water's passenger vehicle portfolio that have been converted to electric vehicles (EVs).	Valley Water's passenger vehicle fleet is 54% Hybrid and 5% EVs.	Valley Water's passenger vehicle fleet is 55% Hybrid and 5% EVs.	100% of Valley Water's passenger vehicles are EVs.

TO: Board of Directors**FROM:** Lilian Dennis obo David Cahen**SUBJECT:** Risk Management Communication**DATE:** August 21, 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) August 10, 2023 – Letter acknowledging receipt of claim to Sharon Perry (District 5)
- 2) August 14, 2023 – Claim Settlement letter to Yan Sun (District 2)
- 3) August 18, 2023 – Claim Settlement letter to Guy Trujillo (District 1)
- 4) August 18, 2023 – Claim Settlement letter to Doug Desmond obo Saratoga Oaks Homeowners Association (SOHA) (District 5)

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



Lilian Dennis obo
David Cahen
Risk Manager
Risk Management Unit



Clean Water • Healthy Environment • Flood Protection

August 10, 2023

Sharon Perry
14333 Saratoga Ave. #17
Saratoga, CA 95070

Re: Receipt of Claim – L2230040

Dear Sharon Perry:

We received your claim regarding tree limb that fell on or about June 15, 2023 resulting in fence damage.

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:

David Cahen

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David Cahen
Risk Manager
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 8/10/23	
	For SCVWD Use Only	
	Date Received: 8/10/23	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 #): 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: Sharon Perry		Email Address: slpshep@aol.com	
Address of Claimant: 14333 Saratoga Ave #17		City: Saratoga	State: Ca
		Zip: 95070	
Address to which Notices should be sent, if different from above:		City: Saratoga	State: Ca
		Zip: 95070	
Home Phone Number:	Cell Phone Number: 408-348-1965	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: 6-15-23 aprox	Location of incident or loss (address): 20812 4th Street #21 Saratoga Ca 95070	Is there a police report? <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):

The SCVWD came out to determined where the limb of a tree originated from. It was noted it fell from outside of the residence into 20812 4th Street #21 's fence causing damage and leaving the heavy debris.



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):

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?

☐ Yes

☐ No

Court Jurisdiction: (Check One)

☐ Limited Civil

☐ Unlimited Civil

ITEMS

	CLAIM AMOUNT
1.	
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 8th day of August, 2023


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 14, 2023

Yan Sun
3563 Mauricia Avenue
Santa Clara, CA 95051

Re: Settlement – L2340001

Dear Mr. Sun:

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$2,450.00.

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

Sincerely,

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

Lilian Dennis obo
David Cahen
Risk Manager
Risk Management Unit

Enc: Settlement Check #502810





August 18, 2023

Guy Trujillo
96 Sterling Lane
Morgan Hill, CA 95037

Re: Settlement – L2230033

Dear Mr. Trujillo:

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$482.50.

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

Sincerely,

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

Lilian Dennis obo
David Cahen
Risk Manager
Risk Management Unit

Enc: Settlement Check #503272





August 18, 2023

Doug Desmond, Board of Directors V.P.
Saratoga Oaks Homeowners Association
14646 Springer Court
Saratoga, CA 95070

Re: Settlement – L2230037

Dear Mr. Desmond:

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$287.50.

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

Sincerely,

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

Lilian Dennis obo
David Cahen
Risk Manager
Risk Management Unit

Enc: Settlement Check #503250



TO: Board of Directors**FROM:** Patrice McElroy**SUBJECT:** I-23-0022**DATE:** August 16, 2023

In response to Director Eisenberg's request on August 10, 2023, attached is a copy of the Performance Management Process presentation that was shared at the Town Hall on August 10, 2023.

Patrice McElroy
Deputy Administrative Officer
Human Resources

Enc: Administrative Services Updates_08.10.23 Town Hall



Administrative Services Updates

August 10, 2023 | Valley Water All Employee Virtual Town Hall Meeting



ATMS (Automated Talent Management System) Update

Presentation Outline

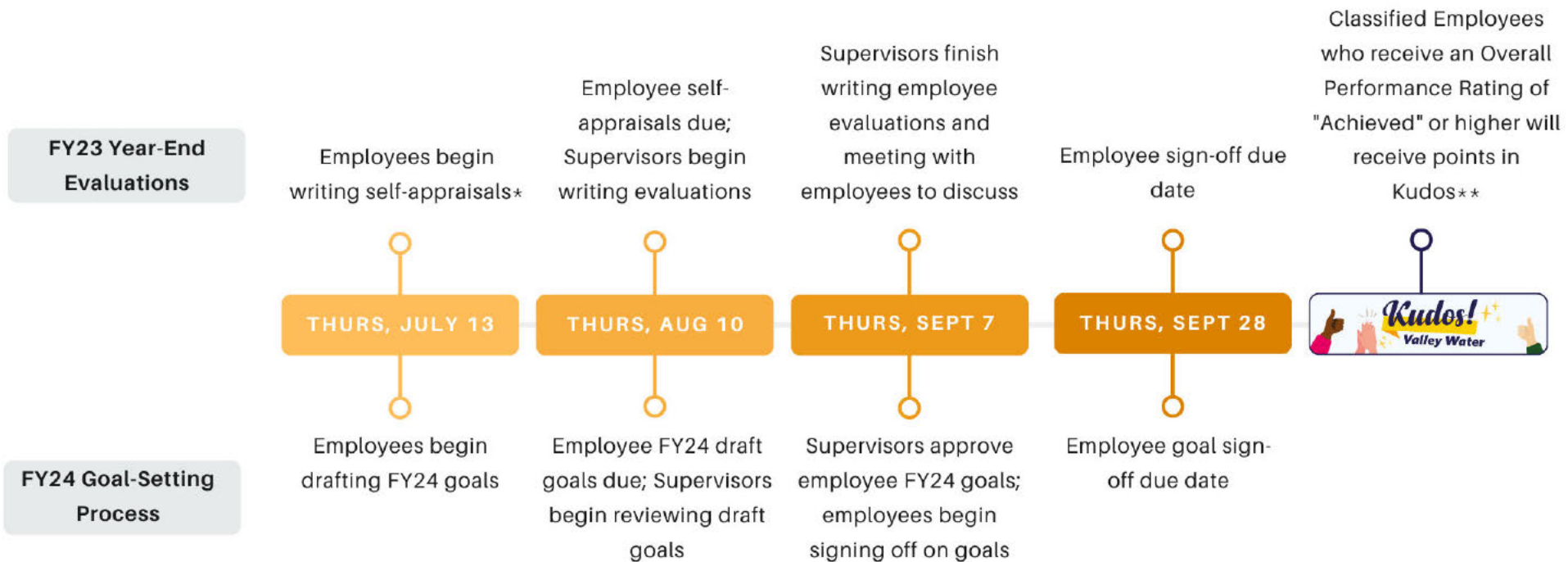
- Eligibility
- Schedule
- Kudos Performance Points
- Frequently Asked Questions
- Additional Resources

Eligibility

Participate in the ATMS Year-End Evaluation and Goal-Setting processes	Do NOT participate in the ATMS Year-End Evaluation and Goal-Setting processes
Regular employees* (full time and part time)	Temporary staff Student interns Contractors Retired Annuitants Limited Term Employees

*Employees hired within the 3 months of the new fiscal year (start date of April 1, 2023 or later) do not receive an annual evaluation

FY23 Year-End Evaluations and FY24 Goal-Setting Process Schedule



Kudos Performance Points

Qualifications for Performance Point Awards

- Submit self-appraisal by the deadline (**Aug 10**)
- Sign off on evaluation by the deadline (Sept 28)
- Managers must also complete a performance appraisal for each of their direct reports and meet to discuss by the deadline (Sept 7).

Overall Rating	Kudos Points
Achieved	500 points (\$50)
Exceeds	750 points (\$75)
Exceptional	1,000 points (\$100)

Frequently Asked Questions

#1: Are Year-End evaluation self-appraisals mandatory?

#2: How come the goals section in my FY23 evaluation is appearing blank?

#3: Can I have an extension to complete my self-appraisal or draft goals?

#4: What happened to the “Manager Meets with Employee” step?

Visit <https://aqua.valleywater.org/performance-management> for videos, job aids, office hours, and additional information

Email workforcedevelopment@valleywater.org with questions

<https://aqua.valleywater.org/training>

Professional & Succession
Development

Quarterly Training Catalog

Workforce Development Professional Development Catalog

Fiscal Year 2024, 1st Quarter (July - September 2023) and 2nd Quarter (October - December 2023) catalog

Additional Information:

- Prior to clicking on a course link below, ensure to log in to the Learning Management System (LMS) by [CLICKING HERE](#).
- Select one of the categories below (e.g., Highlights, Technical/Software, etc.) to view the courses for each category.
- If you cannot locate a course that matches your developmental goals, contact the Workforce Development Helpdesk. We can research solutions to match your needs.
- **IMPORTANT:** LinkedIn Learning courses, and SkillSets Online courses, are part of a pilot program and require users to request/enroll in the pilot program.
 - [Click here](#) for more information about the pilot program and to enroll.
 - [Click here](#) for the LinkedIn Learning catalog.
 - [Click here](#) for the SkillSets Online catalog.



Valley Water

Clean Water • Healthy Environment • Flood Protection



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Michele King, Clerk of the Board

SUBJECT: 08/22/23 Public Comments on Pacheco Reservoir Expansion Project Agenda Item

DATE: 08/23/23

Attached are two additional public comments received regarding 8/22/23 Board Agenda item 8.1 – Receive Information on the Pacheco Reservoir Expansion Project.

Michele King

From: Rita Norton <ritanorton1@gmail.com>
Sent: Tuesday, August 22, 2023 2:50 PM
To: Clerk of the Board; Board of Directors
Subject: Item 8.1 Report on Pacheco project

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. ***

(clerkoftheboard@valleywater.org; board@valleywater.org)

Chair Varela and Board Members
Santa Clara Valley Water District
5700 Almaden Expressway
San Jose, California 95123

Aug 22, 2023

RE: Misleading Information

Missed opportunity costs is a valid metric in some situations but in this case it is a matter of speculation and is misleading. The arguments for Pacheco Reservoir when based on these propositions fail to provide a strong and grounded case - especially when other more realistic options exist at a much lower cost and lower environmental impacts.

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Sincerely,
Rita Norton
ritanorton1@gmail.com
Los Gatos, CA

Michele King

From: Santa Clara Valley Water <system-generated@valleywater.org>
Sent: Tuesday, August 22, 2023 5:31 PM
To: Clerk of the Board
Subject: SCVWD Agenda Comment Form

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. ***

Submitted on Tue, 08/22/2023 - 5:30 PM

Submitted values are:

Address

California

Email

tes.ter@catlingo.com

Board Meeting Date

2023-08-22

Agenda Item Number

8.1

I would like to

Express Support

Comment Form

It looks like the benefits of Pacheco vastly outweigh the costs. I support the project and don't understand why Director Eisenberg continues to present unsupported and exaggerated misinformation. We aren't all made of money and should strive to manage cost/benefit for all citizens.

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

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-23-0201	08/11/23	08/14/23	Keegan	LAURA TOGNOLI	Santa Clara. Email from Laura Tognoli to Director Keegan and the board, dated 8/11/23, encampment on Los Gatos Creek Trail between Leigh and Bascom.	Refer to Staff	Blank Hakes	Codianne	08/22/23	08/18/23	n/a	08/28/23
C-23-0202	08/12/23	08/14/23	Keegan	LAURA TOGNOLI	Email from Laura Tognoli to Director Keegan and the board, dated 8/12/23, reporting a fire along Los Gatos Creek and the trail.	Refer to Staff	-	Codianne	08/22/23	08/18/23	n/a	08/28/23
C-23-0203	08/12/23	08/14/23	Keegan	BILL COWDEN	Email from Bill Cowden to Director Keegan and the board, dated 8/12/23, providing a link to video of fire along Los Gatos Creek trail and sending notice to the media.	Refer to Staff	Blank Hakes	Codianne	08/22/23	08/18/23	n/a	08/28/23
C-23-0204	08/12/23	08/14/23	Keegan	KATHE BASSI	Email from Kathe Bassi to Director	Refer to Staff	Blank Hakes	Codianne	08/22/23	08/18/23	n/a	08/28/23

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
					Keegan and the board, dated 8/12/23, providing additional pictures of encampments on Los Gatos Creek Trail between Leigh and Bascom.							
C-23-0207	08/16/23	08/16/23	All	KENNETH MURRAY	Email from Kenneth Murray to board, dated 8/16/23, regarding dead trees along trail on Almaden Expressway.	Refer to Staff	Hakes	Infante Bourgeois	08/24/23	08/24/23	n/a	08/30/23
C-23-0208	08/21/23	08/21/23	Santos	GLENN HAYDEN Hayden & Kassel	Letter from Glenn Hayden, Hayden & Kassel, to Director Santos, dated 8/21/23, regarding Unsheltered Encampment Along the Sunnyvale East Channel Adjacent to the Maple Tree Inn, 711 East El Camino Real,	Refer to Staff	Hakes	Codianne	08/29/23	-	n/a	09/04/23

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
C-23-0210	08/23/23	08/23/23	Varela	SANCHIT SHARMAA	Sunnyvale. Email from Sanchit Sharmaa to Chair Varela, dated 8/23/23, requesting an update to investigation on alleged unauthorized use of Naturally Occurring Management Database (NOA) at Anderson Dam Seismic Retrofit Project.	Refer to Staff	Richardson Yerrapotu	Mccarter	08/31/23	-	n/a	09/06/23
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	-	09/01/23	-	n/a	09/07/23
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 setting fire behind	Refer to Staff	Hakes	Codianne	09/01/23	-	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
					property.							

Michele King

From: Kenneth Murray <[REDACTED]>
Sent: Wednesday, August 16, 2023 11:59 AM
To: Board of Directors
Subject: Recent Tree/Bush Planting Along Camden Avenue - Trees and plants are already dead or dying!
Attachments: dead tree or plants.jpg; dead trees or plants.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. ***

My name is Ken Murray and I live in Almaden Valley in District 7 represented by Rebecca Eisenberg. The information in bold below is from an email I wrote last week to the San Jose Parks department. The city did respond and said they did not plant the trees/bushes along Camden Avenue and were investigating who did. The only other agency that could have done the planting was the Valley Water District. As you can see from my attached pictures, the planting did not go well and I'm now guessing about 25% of the trees and plants planted are dead or near death. I suspect the number will continue to get worse as the hot weather continues. What should have been a roadside/creek trail improvement has turned into a neighborhood eyesore. Can someone from the water district please investigate what happened and take action to remove the dead trees/bushes and replace them with new ones. I'm sure the plantings were done with good intent but the end result is a bit of a disaster. Thanks for your assistance.

Ken Murray
Almaden Valley resident

In recent weeks, the city or the water district has planted numerous trees and plants on a strip of land adjacent to Camden Avenue and next to the Calero Creek Trail which starts right after the Los Alamitos Creek Trail ends. The planting starts along Camden Avenue from just south of Queenswood Way and runs all the way to where Camden Avenue ends at Harry Road. I walk along the trail almost daily and noticed that when the plants were first dropped off in the planting area, a number of them did not look too healthy. Now a week or so after they have all been planted, I would estimate that 10-15% of them are dead or dying. What was probably designed as a beautification project is looking more like an eyesore. I am attaching just a couple of pictures I took today to give you an idea of what has happened. Again, quite a large percentage of these trees and plants look like they are either dead or dying after having been planted only a week or so again. Hopefully the city didn't pay too much for these trees and plants and hopefully they can be replaced quickly. Thanks for your attention. And if the Valley Water District was the agency that did the planting, hopefully you can forward my email to the appropriate person at the water district. Thanks

Ken Murray
Almaden Valley resident





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2620-202

August 21, 2023

Richard Santos, Director (rsantos@valleywater.org)
District 3 - Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

***Re: Unsheltered Encampment Along the Sunnyvale East Channel Adjacent to
the Maple Tree Inn, 711 East El Camino Real, Sunnyvale, CA 94087***

Dear Mr. Santos:

We represent the Maple Tree Inn and are sending you this letter on its behalf as well as the management company for the Maple Tree Inn, Hogan Hospitality Group.

As you know, the Maple Tree Inn's General Manager, Charles Julien, has been working diligently in addressing the serious problems caused by the unsheltered encampment adjacent to the Maple Tree Inn. This included appearing at the Santa Clara Valley Water District's (the "District") committee meeting and speaking candidly about the problem, writing a letter to Glenna Brambill, the District's Clerk, sending photographs depicting some of the more serious issues, discussing the matter with Lloyd Kinsworthy at onsite visits with him, calling the Sunnyvale Public Safety Department, discussing the damaged fence and gate and the need for better fencing and a secure gate with your construction supervisor, Ryan Tregoning, which unfortunately had little effect in resolving the matter.

Now that as I understand, California Assembly Bill 1469 has become effective on July 11, 2023, the District will have additional resources to help remedy the problem. The legislation found that in Section 1:

- (b) Thousands of the unsheltered people of Santa Clara live along creeks and streams where creekside lands are owned by the District;
- (c) Encampments of unsheltered people along waterways are both a human and environmental tragedy;
- (e) Safe operation of water supply and flood risk reduction infrastructure requires vehicle access along pathways favored by encampments;

- (f) Environmental restoration and enhancement requires closing certain areas to the public to protect life, safety and the environment;
- (g) The District actions to address the human and operational challenges posed by encampments have been limited by its authority and restrictions on the use of taxes and fees;
- (k) There is a compelling need to expand the purposes of the District to better assist unsheltered people...by providing solutions, housing, and improved outcomes for unsheltered people living along waterways in Santa Clara County.

Section 4 provides that the District may:

- (8) Assist unsheltered people living along streams, in consultation with a city or the County of Santa Clara, provide solutions to improve outcomes for unsheltered individuals.

Section 12.8 provides that (a) the District is authorized to take the actions to assist unsheltered people within its jurisdiction as provided in Section 4. (8) referred to above.

- (1) Collect waste or biowaste;
- (2) Contract with a city or the County of Santa Clara, or the State to provide outreach, counseling, interim or long term housing, public safety, or other services for unsheltered people;
- (3) Lease land for temporary or permanent structures or other services for unsheltered people

California Assembly Bill 1469 allows the District to take action to enhance and protect riparian corridors and natural resources, and to assist unsheltered people living along streams and riparian corridors or otherwise within the District's jurisdiction and in conjunction with a city or the County of Santa Clara to provide solutions or improve outcomes for the unsheltered individuals. This includes outreach counseling, interim and permanent housing, public safety and other services, and to provide, develop, sell or lease land for the purpose of constructing temporary or permanent structures for temporary or long term housing or other services for unsheltered people.

Based on this legislation, the District is in a position to take immediate action to alleviate the very serious problems and conditions caused by the unsheltered encampment next to the Maple Tree Inn.

As you were advised by Mr. Julien, the unsheltered encampment contributes to vandalism, trespassing, verbal assault, harassment of guests, illegal drug use, vehicle break-ins, theft of water and electricity, physical attack on a Maple Tree Inn landscaper requiring police to be called, which is memorialized on a video, and having to request unsheltered individuals to leave the hotel when

they are trying to illegally obtain a complimentary breakfast reserved for guests. In addition to the direct problems as stated above, the problem is much deeper in that it not only affects the safety and well being of guests, visitors and employees, but also the operation of the Maple Tree Inn. To maintain the safety and well being of guests, it has had to restrict the parking along the full east perimeter of the property line due to an unprecedented surge in vehicle break-ins. The Maple Tree Inn has obtained a bid to construct a wall which would cost \$18,000.00 that would alleviate but not solve the problem. It could make it more difficult but would not stop the trespassing, harassment of guests, illegal drug use, vehicle break-ins, theft of water and electricity, attacks on Maple Tree employees, and the other violations caused by the unsheltered encampment.

The unsheltered encampment has also caused a serious decline in revenue for the Maple Tree Inn, affecting not only the Property but the City of Sunnyvale in the reduction of transitory occupancy tax, additional costs for the Sunnyvale Police Department because of being called for problems at the encampment, the reduction of staff at the Maple Tree Inn, causing unemployment in the area, and hurting the reputation of both Sunnyvale and Santa Clara County as unrestricted, unsheltered encampments have done to the City and County of San Francisco.

Because of the unsheltered encampment, the Maple Tree Inn, to date, has lost 16 potential group bookings after an onsite tour of the Maple Tree Inn and the displeasure with the unsheltered encampment, with a potential loss of gross income in the amount of \$214,560.00. No meeting planner wants to house a group or stage events at a location near an unsheltered encampment for all the reasons as stated above.

The loss of transient travelers and those travelers that will not return or recommend the Maple Tree Inn through internet channels because of the unsheltered encampment as of July 21, 2023 has caused a loss of about 700 room nights for an \$83,000.00 yearly loss to date. This will increase over time based on those guests who simply do not comment and do not return. Since the middle of February, the Maple Tree Inn has been forced to take 13 rooms out of inventory as the view from the guest room windows faces the unsheltered encampment. This would be 1,781 room nights as of July 21, 2023, and at a moderate occupancy rate would equate to a loss of \$115,000.00. This also affects employment of 1.5 housekeeper positions which is not good for the hardworking members of the hotel staff, which would not be needed because of the problem created by the unsheltered encampment. All of the above based on 10% transient occupancy tax would cause a loss to the City of Sunnyvale of \$41,256,000, as of July 21, 2023.

We know that you are sympathetic to the problem but now need much more efforts to alleviate this serious problem. One issue is caused by the failure to have a proper fence and gate constructed at the entrance to the access road nearer to the sidewalk on El Camino Real. I am enclosing herewith photographs of a fence constructed and maintained by the District on Prospect Road in Saratoga, which is far different from the fencing and gate provided for the unhoused encampment adjacent to the Maple Tree Inn. These photos show how the District secures its other properties, and the

Maple Tree Inn is asking that it be given the same treatment, which would have prevented the entire problem from occurring.

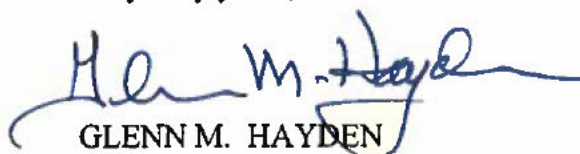
There is no excuse to have to wait, as stated in your letter dated July 3, 2023 to Mr. Julien, for the District to schedule fence and gate upgrades in this area of the east channel as staff becomes available for routine maintenance work this Fall. With the passage of Assembly Bill 1469, there is no valid reason for delaying the construction of a new fence and gate at the Sunnyvale East Channel adjacent to the Maple Tree Inn.

Because of the extremely dangerous and unpleasant problems with the unsheltered encampment next to the Maple Tree Inn, the District now has the authority and financing to help provide homeless shelters to house the unsheltered so that the camps can be dispersed and the property secured with adequate fencing to prevent a recurrence. In addition, the District in conjunction with the City of Sunnyvale and the County of Santa Clara and the State can work diligently to plan, develop and fund temporary and permanent housing for the benefit of not only the unsheltered people, but the District, City of Sunnyvale, the County of Santa Clara and the tax-paying businesses in those jurisdictions.

Please provide the District's plans to alleviate the unsheltered encampment adjacent to the Maple Tree Inn.

Thank you for your prompt attention to this matter.

Very truly yours,



GLENN M. HAYDEN

GMH:jdc:COR2000
Enclosures

cc: Glenna Brambill, Office of the Clerk, Santa Clara Valley Water District
Larry Klein, Mayor of Sunnyvale
Kent Steffens, City Manager of Sunnyvale
Sunnyvale City Council
Captain J. Lima, Public Safety Dept.
Charles Julien, General Manager of Maple Tree Inn
Pat Mitchell, President Hogan Hospitality Group



