



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

December 12, 2025

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>
	BMR/IBMR Weekly Reports: None
3	Memo from Lisa Bankosh, Assistant Operating Officer, to the board, dated 12/08/25, providing the Extreme Weather Event Action Plan Biennial Report published, FY 24 & 25
	<u>INCOMING BOARD CORRESPONDENCE</u>
6	Board Correspondence Weekly Report: 12/10/25
8	Email from Don Sieling to the board, Supervisor Ellenberg, and the San Jose Mayor, dated 12/05/25, expressing concern about the unhoused and tree maintenance issues he has been experiencing near his property and requesting assistance. C-25-0199
10	Email from John Kenevey to the board, dated 12/05/25, submitting a response to a Valley Water correspondence dated 10/31/25 associated with his claim. C-25-0200
28	Email from Drew Willard to the board, dated 12/05/25, requesting that the Los Gatos Apartment Complex and the Fruitdale Apartment Complex be tested for boil orders. C-25-0201
29	Email from Joann Collier to Director Beall and the board (and various others), dated 12/05/25, reporting three encampments surrounding the Cherry Avenue Interim housing site. C-25-0202
37	Email from Malcolm Bordelon to Director Beall and the board (and various others), dated 12/06/25, thanking us for a reply to an email dated 11/21/25 and requesting assistance from their District 10 representative with the unhoused person under the bridge at Graystone and Pfeifer Ranch Road. C-25-0203
42	Letter from Jay Bradshaw, Nor Cal Carpenters Union to the board, dated 12/08/25, regarding the contracting process for the upcoming Sites Project Reservoir. C-25-0204
	<u>OUTGOING BOARD CORRESPONDENCE</u>
48	Email from Feliciano Aguilar, Field Construction Supervisor, to Joann Collier, dated 12/08/25, responding to their email about the encampments near the Cherry Ave interim housing site.
62	Email from Director Ballard to Rod Smith, dated 12/08/25, responding to concerns about road surfaces and the increase in water service charges.

BOARD MEMBER REQUESTS and Informational Items

**MEMORANDUM**FC 14 (03-11-25)
Page 1 of 2**TO:** Board of Directors**FROM:** Lisa Bankosh
Assistant Operating Officer
Watersheds Stewardship &
Planning Division**SUBJECT:** Extreme Weather Event Action Plan
(EWEAP)
FY 2024 & 2025 Biennial Report Published**DATE:** December 8, 2025

Background: The Climate Change Action Plan (CCAP)

Valley Water's mission to provide clean, safe water, flood protection, and stream stewardship is increasingly shaped by the realities of climate change. Rising temperatures, shifting precipitation patterns, more frequent and prolonged droughts, declining Sierra Mountain snowpack, and sea level rise are introducing complex challenges to water supply reliability, flood protection, and ecosystem health in Santa Clara County.

To proactively address these challenges, the Valley Water Board of Directors adopted the Climate Change Action Plan (CCAP) in 2021. This comprehensive, science-based roadmap identifies the region's climate vulnerabilities and outlines clear goals, strategies, and actions to reduce greenhouse gas emissions and adapt to emerging climate risks.

Extreme Weather Event Action Plan (EWEAP) Biennial Reports

The CCAP is updated approximately every ten years, providing long-term strategic direction for Valley Water's climate resilience efforts. In the intervening years, Extreme Weather Event Action Plan (EWEAP) Biennial Reports are published to track implementation progress and highlight how the agency's projects and programs are evolving to meet climate challenges. These interim updates reflect Valley Water's ongoing commitment to transparency, accountability, and continuous improvement.

The first biennial report, covering Fiscal Years (FY) 2021 & 2022 was published in July 2023.

FY 2024 & 2025 EWEAP Biennial Report Now Available

[The FY 2024 & 2025 EWEAP Biennial Report](#) highlights Valley Water's achievements across the five core focus areas:

- Greenhouse Gas Emissions
- Water Supply Adaptation
- Flood Protection and Preparedness
- Ecosystem Adaptation
- Emergency Preparedness

View the EWEAP Biennial Report here: <https://online.flipbuilder.com/tkap/lbsd/>

The Biennial Report will be available on the Valley Water website by the end of the year.

For further information, please contact:

- Becky Manchester, Watersheds O&M Senior Management Analyst
(408) 630-2567 | bmanchester@valleywater.org
- Samantha Greene, Water Policy & Planning Manager
(408) 630-2759 | sgreene@valleywater.org

Signed:

DocuSigned by:
Lisa Infante (Bankosh) 12/8/2025
7428672C9563400...

Lisa Bankosh Date
Assistant Operating Officer
Watersheds Stewardship & Planning

cc: C. Hakes, J. Bourgeois, S. Greene, B. Manchester, J. Codianne

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-25-0199	12/05/25	12/05/25	All	DON SIELING	Email from Don Sieling to the board, Supervisor Ellen Berg, and the San Jose Mayor, dated 12/05/25, expressing concern about the unhoused and tree maintenance issues he has been experiencing near his property and requesting assistance.	Refer to Staff	Hakes	Bilski Codianne	12/13/25	-	n/a	12/19/25
C-25-0200	12/05/25	12/05/25	All	JOHN KENEVEY	Email from John Kenevey to the board, dated 12/05/25, submitting a response to a Valley Water correspondence dated 10/31/25 associated with his claim.	Refer to Staff	Baker	Aryee	12/13/25	-	n/a	12/19/25
C-25-0201	12/05/25	12/08/25	All	DREW WILLARD	Email from Drew Willard to the board, dated	Refer to Staff	Baker	Bogale	12/16/25	-	n/a	12/22/25

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
					12/05/25, requesting that the Los Gatos Apartment Complex and the Fruitdale Apartment Complex be tested for boil orders. C-25-0201							

From: [Don Sieling](#)
To: [Board of Directors](#); supervisor.ellenberg@bos.sccgov.org; mayor@sanjoseca.gov
Subject: Dangerous Homeless Encampment behind 3955 Wellington Square, San Jose
Date: Thursday, December 4, 2025 8:37:36 PM

***** 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. *****

To whom it may concern:

I have been living at [REDACTED] for several years and the homeless problem behind our property along the Guadalupe River continues to be a dangerous problem. I have made several attempts to remove the homeless people and their unleashed dogs from behind my property for years now only to see the homeless come and go repeatedly. I called valley water and the representative that I spoke to informed me that the property behind my home is not within the jurisdiction of valley water and that it is within the jurisdiction of the City of San Jose or the County. I reached out to the Mayor's office and was informed that the land behind my home is not within the City's jurisdiction and is in the jurisdiction of valley water. I find it interesting that neither party claims responsibility. I was told by the original owner of the home next to me (1974), that valley water is supposed to maintain the green belt and trees behind our homes but nothing is ever done. After multiple attempts to have valley water come and trim the very large trees overhanging into our yard and, only feet away from the roof of our home, we decided to call an arborist to come and trim the trees before a fire was set by the homeless and potentially destroy our home and the other homes in our neighborhood. We paid over \$1,500 to have the trees trimmed which should have been the responsibility of valley water. This entire summer we were unable to open our windows because of the fires that were, and continue to today, constantly burning behind our fence by the homeless. We have noticed our family members are getting sick which is not normally the case. Finally after repeated attempts to have valley water/the City remove the homeless, they finally did, only to have the homeless return a week later which happens over and over again. This has gone on far too long and the problem has to end now. Do you want another Paradise on your hands with the potential of many homes and lives lost? I have contacted a lawyer who is confident that our group of homeowners has a good class-action case should we decide to take valley water/the City to court. I would rather not do this but unless this problem is handled for good in a timely manner, then we have no choice. What would happen if several of these multi-million dollar homes burned down and lives were lost due to an out of control fire started by the homeless and fueled by the non-maintained green belt and trees behind our properties? Also, the burning smells coming from the river do not smell like wood being burned. They may be burning toxic materials which may be the cause of our abnormal bouts of sickness. The homeless create a lot of trash and no doubt fecal material which are probably polluting the Guadalupe River. There are at least 2 off-leash dogs running around back there also, one smaller dog but also a larger pit bull type breed which no doubt would protect the area and be a threat to whoever is walking on the trail between my property and the river. All of this is a recipe for a publicity nightmare. I appreciate the efforts to remove the homeless a few weeks ago. However, if there is no follow-up nor a no-return zone set up to prevent the

homeless from coming back right after they are evacuated, you leave yourselves open to litigation and extremely bad press. I do not wish ill will on either Valley Water nor the City of San Jose, however my family's health, my property and the lives of all the people along the Guadalupe River and their properties are far too valuable to let this carelessness continue. I am looking forward to a rapid response from Valley Water and the City of San Jose on this matter. Thank you, Don Sieling

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San Jose, CA 951e36
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From: [John Kenevey](#)
To: [Board of Directors](#); [Tony Estremera](#)
Subject: Re: DEMAND FOR IMMEDIATE EXPLANATION: Flagrant Policy Violations, Residential Intrusion, and Gross Inefficiency at Rinconada WTP Site (Project No. 93294057)
Date: Friday, December 5, 2025 10:25:32 AM

***** 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. *****

Subject: Formal Response to Oct 31 Correspondence: Confirmation of Administrative Negligence and Demand for Risk Management Status

To Chair Estremera, the Board of Directors:

I am in receipt of your October 31st correspondence. While intended to dismiss my concerns, this document serves as a formal admission of the systemic operational failures I have long alleged.

Your response confirms that the Rinconada Reliability Improvement Project - a major industrial undertaking in a residential zone - is proceeding without a **Weekend Work Policy**, without a **Lighting Plan**, and without a **Community Impact Report**. To admit that these standard governance documents do not exist is not a defense; it is a confession of administrative negligence. It explains precisely why your team cannot manage contractors, why "unscheduled" work occurs, and why budget overruns and insider dealing are the standard, not the exception. Valley Water is attempting to manage a complex project with zero accountability structures in place.

This lack of basic oversight validates my assertion regarding the deficit of merit at the executive level. A competent executive team would not permit a project of this scale to operate without these defining boundaries or addressing the real issues I have highlighted in my correspondence. Hiding behind the excuse that "no policy exists" is an indictment of leadership, not an absolution of liability.

Furthermore, your response regarding my claim for damages is unacceptable. You state that my claim "will be addressed," yet I have received **zero direct communication** from Valley Water Risk Management regarding the substance of my claim or the timeline for resolution.

I require an immediate, specific response to the following:

1. **Risk Management Status:** Why has no adjuster or representative from Risk Management contacted me directly regarding the remediation claim despite your acknowledgment of receipt?
2. **Organizational Mandate:** The admission that this project lacks basic governance frameworks highlights a critical competency failure across your Executive and Project teams. It is the Board's obligation to drive actual accountability and merit-based performance into these operating units. State clearly whether the Board intends to enforce the necessary organizational changes to ensure competence, or if it will continue to condone the operational

dysfunction that exposes the District to significant liability.

Do not reply with further generic summaries of past emails. I require a direct engagement with the root causes of these failures and the **status of my claim**.

If a concrete commitment to these structural reforms cannot be secured privately through this correspondence, I will pursue these necessary changes through public oversight channels. Specifically, based on your admission regarding the lack of standard operating policies, I am prepared to file a formal complaint with the **Santa Clara County Civil Grand Jury** requesting an investigation into the District's operational governance and administrative efficiency. Furthermore, I will escalate the review of executive performance and compensation relative to these operational failures to the appropriate State legislative representatives.

Please be advised regarding the timing of this escalation: I am fully aware of the Civil Grand Jury's operational cycle. We are currently in the active investigation window for the 2025-2026 term, where committees are compiling evidence for their final June reports. Your written admission that the District lacks basic governance policies makes this a "**shovel-ready**" case for an oversight body looking for indisputable proof of administrative inefficiency. I do not need to prove negligence to them; you have already documented it for me.

Given the District's documented history regarding "Lax Oversight" (2009) and misleading public communications (2022), submitting fresh evidence that you are now operating a major capital project without basic governance policies will simply confirm a continuing pattern of administrative failure.

The choice between internal correction and external investigation rests with this Board.

Regards,

John Kenevey

On Fri, Oct 31, 2025 at 9:15 AM Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Chair Estremera:

Dear Mr. Kenevey,

Thank you for your recent emails sharing your concerns about the Rinconada Reliability Improvement Project Phases 3-6, currently under construction at the Rinconada Water Treatment Plant located across the street from your home. Your feedback is valuable, and Valley Water strives to mitigate potential impacts on our surrounding community. We take your complaint seriously and regret any inconvenience you have experienced.

Valley Water endeavors to keep nearby residents informed about project activities. In

May 2025, we informed neighbors about our anticipated summer weekday and Saturday work hours with a social media post via Nextdoor, and an email message sent to people who signed up for project updates. To provide information on upcoming construction impacts to the neighborhood, our project team has held public meetings and tours at the Rinconada Water Treatment Plant, with the most recent event held on October 21, 2025. That public meeting was well received by our project neighbors; here is a link to the meeting video <https://youtu.be/68tnwNIVi7U> for your review at your leisure.

In coordination with our contractors, we also try to provide advance notice regarding upcoming work. We acknowledge that on Saturday, Oct. 4, 2025, there were unscheduled project activities that occurred near the Granada Way entrance. We are working closely with our contractors to avoid future unscheduled work and commit to continually providing neighbors with advanced notification of upcoming project efforts.

Our project team has investigated the high-intensity light that you indicated was shining on your property. We had staff members take photos on Valley Water property of the area near the Granada Way entrance after hours—they were unable to locate that light source. We'll continue to monitor the area to address further potential light disturbances.

Please be aware that there are noise and dust monitoring instruments located near the Granada Way entrance that record and report activity levels. Our project team reviews those reports weekly to ensure the impact levels remain within the permitted limits. Those reports are publicly available and can be viewed by visiting the Reports and Documents webpage in the link below. While this project does not have a weekend work policy, lighting plan, or community impact report, there is an Environmental Impact Report that can be accessed using the same webpage link.

valleywater.org/project-updates/rinconada-water-treatment-plant-reliability-improvement

The matters you referenced in your emails to Valley Water Risk Management, Public Records, Management, and the Board of Directors will be addressed in accordance with our standard processes.

- For claims and requests for compensation, a claims form has been sent to you by Valley Water Risk Management. Your claim form submission has been received and will be addressed through our claims process.
- Requests for records are being processed as a Public Records Act (PRA) request.
- Board meeting agenda items are determined by the Valley Water Board Chair. Requests from the public to add items to the future agenda can be made during the public comment period.

This message summarizes our responses to the many requests and comments you made in the series of email communications you sent to Valley Water from October 6 to

October 22, 2025. Our responses to your specific queries from excerpts of some of those emails are included below, in bold font.

If you have more concerns or would like to speak with someone directly, please contact Chief of Water Utility, Aaron Baker at 408-630-2135 or by email at abaker@valleywater.org.

Thank you for sharing your experience with us,

Sincerely,

Tony Estremera

Chair, District 6

Valley Water Board of Directors

C-25-0156

C-25-0153

Email No. 1 - Sent on 10/6/2025 at 4:37 PM – Subject: Urgent: Systematic Operational Failures, Unaccountable Compensation, and Imminent Public Safety Liability at RWTP Site (District 7)

*Demand for Liability and Governance Reform... We formally place Valley Water on notice that it is liable for the demonstrable damage (noise, dust, and sustained disruption) caused to residential properties... **Valley Water Risk Management has sent you a claim form.***

*I formally request that the Board place these critical issues—the Hazmat incident, the paradox of increasing executive compensation amidst budget deficits, and the failure to control liability from the extended RWTP timeline—on the agenda for the upcoming public meeting. **Please note that board meeting agenda items are determined by the Valley Water Board Chair. Requests from the public to add items to the future agenda can be made during the public comment period.***

Email No. 2 - Sent on 10/6/2025 at 5:31 PM – Subject: Formal Property Remediation and Mitigation Claim: RWTP Project No 93294057 (208 Granada Way, CA 95032)

... The persistent, intense construction noise and chronic dust contamination mandate specific, high-cost remediation measures to restore the residential quality of life.

We request a lump-sum payment of \$350,000 to execute the following critical remediation and mitigation plan... **Valley Water Risk Management has sent you a claim form. Once completed and submitted, your claim form will undergo Valley Water's claim process.**

Email No. 3 - Sent on 10/8/2025 at 6:43 AM – Subject: Demand for Immediate Explanation: Flagrant Policy Violations, Residential Intrusion, and Gross Inefficiency at Rinconada WTP Site (Project No. 93294057)

Flagrant Violation of Weekend Work Policy

*Please immediately provide the specific policy language authorizing external, heavy excavation work on a weekend. **Valley Water does not have a Weekend Work Policy for this project.***

Provide all records indicating that the neighboring community was formally notified of this flagrant policy violation and the severity of the associated noise intrusion.

Valley Water acknowledges that unscheduled project activities near the Granada Way entrance occurred on Saturday, Oct. 4, 2025, and as such, notifications about such efforts were not provided to the community.

*Provide the community impact report for this project. **Valley Water does not have a community impact report for this project.***

Unauthorized and Unmitigated Light Pollution

Provide the Community Impact Report or lighting plan that justified the installation of this specific light fixture, including documentation

*Explain why zero mitigation efforts have been undertaken over the past year to redirect, shield, or time-limit this security lighting, despite the obvious...**Valley Water does not have a community impact report or a lighting plan for this project. Our project team has investigated the high-intensity light that you indicated was shining on your property. We had staff members take photos on Valley Water property of the area near the Granada Way entrance after hours—they were unable to locate that light source.***

*Provide the community impact report for this installation. **Valley Water does not have a community impact report for this project.***

Gross Inefficiency and War Zone Noise (Pipe Installation)

*For this specific implementation (a seemingly basic engineering task), provide a detailed breakdown of the internal engineering schedule and the actual person-hours expended...**Valley Water is researching if an internal engineering schedule and or person-hours breakdown document exists. If these items are available, you will be provided with a copy.***

Provide the Community Impact Report and notification records regarding this specific

installation, including the noise impact...Valley Water does not have a community impact report for this project.

The Direct Link to Systemic Accountability and Liability For our responses to your operational inquiries, please refer to the above comments.

The following is in response to the comments you shared in the emails below: **Valley Water Risk Management has sent you a claim form. Once completed and submitted, your claim form will undergo Valley Water's claim process.**

Email No. 4 - Sent on 10/8/2025 at 8:49 AM – Subject: Formal Escalation & Expanded Liability Claim: Unacceptable Decennial Pattern of Operation Failures, Privacy Violations, and Executive Compensation Disparity at RWTP

Expanded Compensation Demand (Garage Conversion)

Due to the cumulative, sustained effects of the structural, noise, light, and privacy intrusions, the front bedroom has been functionally unusable for a majority of the last ten years.

Therefore, upon further counsel, the property remediation claim currently under review by Risk Management is now expanded ...

Email No. 5 - Sent on 10/8/2025 at 5:22 PM – Subject: Formal Escalation & Attached Proof: Undeniable Documentation of Institutional Negligence and Policy Failure Dating to RWTP Project Inception (Urgent)

Indisputable Evidence: 2015 Policy Defense and Engineering Failure

Direct Proof of Privacy Violation and Defense (2015 Email): ... placed the security hut and associated infrastructure (previously the port-a-poties) directly in front of my front bedroom window...

Documented Engineering Failure (Attached Video): The attached video shows a double-barreled heavy-duty truck stuck at the facility gate in 2015... This is irrefutable proof of initial engineering and site planning failure, which compounded noise and dust pollution problems for years.

The True Cost of Documented Incompetence

... The massive volume of documentation I possess demonstrates that I do not need to rely on the soon to be filed CPRA requests to prove the District's liability; the documentation is already prepared. We expect Ms. Chinte to intervene immediately to coordinate a final agreement on the expanded compensation claim (including the garage conversion) to reflect the true cost of this decade of negligence...

Email No. 6 - Sent on 10/10/2025 at 4:18 PM – Subject: Mandatory Clarification: Required Scope for October 17th Response – Immediate Resolution of Systemic Liability and Compensation Claim

The Mandated Scope of Response for October 17, 2025

Compensation and Legal Liability: The response must be a formal communication from Risk Management/Legal Counsel regarding the Expanded Compensation Claim...

Safety and Policy Failures: The response must provide official acknowledgment and explanation for the systemic failures that underpin this liability, including:

- *The unannounced Hazmat cleanup outside my property.*
- *The institutional decision, confirmed by 2015 internal correspondence, to defend the privacy violation caused by placing the security hut ...*
- *The internal rationale for continuing the CEO's 20% compensation premium amidst the \$222 million budget deficit*

Email No. 7 - Sent on 10/10/2025 at 5:59 PM – Subject: Mandatory Clarification & Final Notice: The Scope of October 17th Response Must Address Audited Systemic Failure and Compensation Liability

Final Demand for October 17, 2025

Mandatory Compensation Offer: A formal, written negotiation offer from Risk Management/Legal Counsel regarding the Expanded Compensation Claim (including the necessary funding for the garage conversion, triple-pane windows, and roof replacement)

Accountability for Fiduciary Failure: A response addressing the systemic issues that caused the failure, including the CEO's \$577K salary and 20% premium policy and the Board's 5% pay raise amidst the \$222 million deficit.

THE ABOVE RESPONSES address all your comments included in Emails No. 7 through No. 21 - Sent during 10/11/2025 and 10/22/25

From: John Kenevey [REDACTED]

Sent: Friday, October 17, 2025 5:55 AM

To: CEO <ceo@valleywater.org>; Theresa Chinte <TChinte@valleywater.org>; Melanie Richardson <mrichardson@valleywater.org>

Cc: Rebecca Eisenberg <Reisenberg@valleywater.org>; Board of Directors

<board@valleywater.org>; Candice Kwok-Smith <ckwok-smith@valleywater.org>; Valley Water Risk Manager <RiskManager@valleywater.org>; Aimee Green <AGreen@valleywater.org>; Lilian Dennis <ldennis@valleywater.org>; Michael Potter <MPotter@valleywater.org>

Subject: Re: DEMAND FOR IMMEDIATE EXPLANATION: Flagrant Policy Violations, Residential Intrusion, and Gross Inefficiency at Rinconada WTP Site (Project No. 93294057)

***** 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. *****

SUBJECT: FINAL NOTICE – OCTOBER 17, 2025 DEADLINE: Executive Resolution Required for Compensation and Systemic Liability

Dear Ms. Richardson and Members of the Board,

This email serves as a formal reminder that **today, October 17, 2025**, is the established deadline for Valley Water's Risk Management and Legal Counsel to provide a substantive and comprehensive compensation offer regarding the Expanded Compensation Claim.

I maintain the expectation that a formal compensation package will be received today. I am writing to ensure there is absolute clarity regarding the District's belief that this payment will somehow resolve the broader crisis:

Compensation is Not a Negotiation Chip to Halt Investigation

The payment of my compensation claim addresses only the **private financial liability** created by a decade of residential negligence, safety failures (Hazmat, privacy violations), and the ensuing loss of habitability—damages that are verifiably linked to the catastrophic failure of the RWTP project's original planning, execution and governance (or lack thereof).

I need to be unequivocally clear: **This compensation package is not, and will never be, a negotiation chip to halt my forensic investigation and the ultimate delivery of that complete report to state and federal agencies.**

The dysfunction at Valley Water requires a structural, independent remedy that extends far beyond a single residential settlement. The current leadership has demonstrated not only an inability but an unwillingness to enact the necessary ethical and operational remedies, as evidenced by the following facts:

- The collapse of the **\$179 million construction contract (C0601)** despite internal audits warning that **procurement and change order management** were Valley Water's "highest risk" areas.
- The continued payment of CEO Rick Callender's **\$512,886 salary** and travel expenses while he is on leave and under investigation for criminal corruption.

- The District's current expenditure of ratepayer funds on a lawsuit to compel the **destruction of 2,000 pages of documentary evidence**.
- The fact that the Interim CEO, Melanie Richardson, is potentially collecting a **\$1 million annual salary/pension** while possessing a documented history of fraud allegations regarding millions in RMC consulting contracts.

This profound crisis of governance and fiduciary negligence requires an outside party to force institutional change.

You, and all members of the executive management team, are public servants employed by and accountable to the taxpayer who funds this agency through continuous rate hikes. I assure you that my efforts will continue until the systemic corruption is fully exposed and accountability to the ratepayer is secured.

I anticipate the comprehensive offer from Legal Counsel by the end of today.

Sincerely,

John Kenevey

On Wed, Oct 15, 2025 at 7:23 PM John Kenevey [REDACTED] wrote:

TO: Melanie Richardson, interim CEO (CEO@valleywater.org)

SUBJECT: FINAL ULTIMATUM: Immediate Demand for Institutional Overhaul, Compensation, and Public Apology.

Dear Ms. Richardson (interim-CEO), Ms. Chinte (Chief of staff for the interim-CEO), and Members of the Board,

This communication is an immediate response to the comprehensive institutional information I have gathered regarding the executive management and governance of Valley Water.

My disappointment that neither the Chief of Staff nor the Public Relations Officer informed me of the CEOs leave of absence due to an internal investigation. This intentional concealment of vital information is **emblematic of the institutional dysfunction and lack of transparency** the Rinconada community has witnessed and endured for the past decade of the RWTP project.

Ms. Melanie Richardson these communications are all to you as acting CEO for Valley Water.

The Institutional Fraud and Cover-Up Confirmed

Through my forensic analysis I now understand the delay and negligence that caused the 14-year delay of the RWTP project and the documented safety failures (Hazmat incident, privacy violations, \$179M contract collapse) is now

inextricably linked to a governance structure facing accusations of criminal corruption and self-dealing:

- **CEO Under Investigation:** The fact that the Chief Executive Officer, Rick Callender, has been on **fully paid administrative leave** while earning over **\$600,000 per year** and traveling internationally on the public dime, despite being under investigation for **sexual harassment, retaliation, and criminal corruption**, is an outrageous breach of fiduciary duty.
- **Interim CEO Scandal:** The current Interim CEO, Melanie Richardson, is potentially earning up to **\$1 million per year** (including her \$23,333 monthly pension) while having a documented history of overseeing contracts with her husband's firm (RMC) that were subject to a DA investigation for **fraudulent billing and alleged misappropriation of up to \$103 million** in taxpayer funds.
- **Destruction of Evidence:** The District is actively pursuing a costly lawsuit against a sitting Director to compel the destruction of **2,000 pages of documentary evidence** that allegedly incriminates Valley Water officers and Directors, a clear indication of a concerted cover-up effort.

Non-Negotiable Demands for Reform and Community Remedy

The systemic abuse of power and financial resources, which led directly to the collapse of the \$179 million RWTP contract despite internal audit warnings about high-risk procurement, mandates nothing less than a complete institutional overhaul.

Rinconada's loss of habitability is a direct result of leadership dysfunction, the Board needs to commit to the following remedial path:

1. **Public Apology and Acknowledgment of Dysfunction:** The interim CEO and the entire Valley Water Board must issue a formal, unreserved public apology to the Rinconada community, both online and in the next public forum (October 21st), acknowledging the decade of negligence and systemic dysfunction.
2. **Executive Removal and Independent Search:**
 - CEO Rick Callender must be **immediately and permanently removed** from employment.
 - The next Chief Executive Officer must be an **"outsider"** hired by an **independent body** to break the institutional cycle of corruption and self-dealing.
3. **Resignation of Compromised Governance Leadership:** All non-elected Board-Appointed Officers and senior staff who oversaw the destruction of public trust must resign.
4. **Open Investigation and Compensation for Negligence:** The Board must publicly commit to initiating an **open, independent forensic investigation** into the misuse of funds on the RWTP project with a view to compensating the entire community for negligence and loss of habitability.

Intent to Escalate to Federal and State Authorities

Valley Water's capital program relies on a "diverse array of funding sources", which includes state and federal cost-sharing agreements and grants. I will continue my forensic analysis to understand which, if any, **federal and state authorities are investigating RWTP**, including the California Attorney General's office and relevant federal agencies responsible for overseeing public works funding.

Sincerely,

John Kenevey

On Fri, Oct 10, 2025 at 5:58 PM John Kenevey [REDACTED] wrote:

SUBJECT: MANDATORY CLARIFICATION & FINAL NOTICE: The Scope of October 17th Response Must Address Audited Systemic Failure and Compensation Liability

Dear Mr. Callender, and Members of the Executive Team,

I appreciate Mr. Aryee email acknowledging my inquiry and for confirming receipt of my correspondence. However, Mr. Callender, I am very disappointed by your **lack of confirmation** of my correspondence. I must formally and unequivocally reject the scope defined in Mr. Aryee's response. The matter at hand is not a request for an update on "Project Phases 3-6." It is a demand for executive accountability and financial resolution for the **systemic institutional negligence** that caused this project to collapse.

The failures that necessitate my Expanded Compensation Claim are directly linked to the massive financial mismanagement and governance failures that have plagued the RWTP:

The Documented Failure of Project Governance

The RWTP project's financial and operational crisis is not an anomaly; it is a direct, predictable outcome of known control deficiencies:

1. **Contractual Collapse and Forensic Analysis:** The initial construction contract for the RWTP (C0601), originally valued at **\$179 million**, failed to execute the planned scope, resulting in its effective collapse and subsequent re-scoping after the acceptance of Phases 1 and 2 for \$152.8 million. This failure was so profound that Valley Water was forced to commission an external consultant to conduct a **forensic analysis** to determine the key financial and operational risks and then spend millions more on design "**re-packaging and re-bidding**" for the remaining phases.
2. **Highest Risk Warning Ignored:** The failure of this massive capital

contract occurred during the precise period when Valley Water's own independent auditor (TAP International) had formally designated **Contract Change Order Management and Procurement** as areas of "highest risk" to the District. This confirms that the project collapsed due to a **failure of governance** to implement controls against fraud and negligence in the face of known, critical audit findings.

Final Demand for October 17, 2025

The deadline of **October 17, 2025**, is established as the date by which the **Executive Team and Legal Counsel** must present a substantive resolution to the District's severe, documented liability exposure. Any response that fails to address the following is deemed inadequate:

1. **Mandatory Compensation Offer:** A formal, written negotiation offer from **Risk Management/Legal Counsel** regarding the **Expanded Compensation Claim** (including the necessary funding for the garage conversion, triple-pane windows, and roof replacement).
2. **Accountability for Fiduciary Failure:** A response addressing the systemic issues that caused the failure, including the CEO's **\$577K salary and 20% premium policy** and the Board's **5% pay raise** amidst the \$222 million deficit.

Please be advised: If the response provided on October 17th is not a substantive settlement offer, all available information regarding the failed \$179 million contract, the forensic analysis, and the audit findings proving systemic control deficiencies will be immediately utilized to **request the Board initiate a full independent forensic investigation into fraud and negligence in the RWTP procurement process.**

Sincerely,

John Kenevey

On Wed, Oct 8, 2025 at 5:21 PM John Kenevey [REDACTED] wrote:

SUBJECT: FORMAL ESCALATION & ATTACHED PROOF: Undeniable Documentation of Institutional Negligence and Policy Failure Dating to RWTP Project Inception (URGENT)

Dear Mr. Callender, Ms. Chinte, and Members of the Board,

This is a critical update to my correspondence sent earlier today, which detailed the systemic operational failures and the necessity of immediate compensation. I have added Ms. Chinte, Chief of Staff, to this thread, as the subject matter and attached evidence demand executive-level **crisis intervention and action.**

Upon meticulous review of my decade-long archive of correspondence with Valley Water, I have retrieved and am attaching documentation that provides **undeniable proof** of the institutional negligence that has characterized the RWTP project since its inception in 2015. This evidence confirms that the most intrusive and damaging failures were raised and actively defended by staff **ten years** ago.

Indisputable Evidence: 2015 Policy Defense and Engineering Failure

Please review the attached original email correspondence, dated Fri, 9 Oct 2015, along with the attached video file. This documentation conclusively negates any possible claim that the District was unaware of, or is not responsible for, the current climate of operational incompetence:

1. **Direct Proof of Privacy Violation and Defense (2015 Email):** The attached email thread confirms that Valley Water staff not only placed the security hut and associated infrastructure (previously the port-a-potties) directly in front of my front bedroom window but **actively defended that placement** when challenged. This document proves that the ~18-month or longer intrusion into my personal life which rendered my bedroom unusable was a conscious, policy-backed institutional decision.
2. **Documented Engineering Failure (Attached Video):** The attached video shows a **double-barreled heavy-duty truck stuck at the facility gate** in 2015, unable to make the turn due to the gate's inadequate size and location. This incident, which necessitated truck traffic driving onto my personal path and damaging property, was known to the project team at the start of the project. This is irrefutable proof of initial engineering and site planning failure, which compounded noise and dust pollution problems for years.

The True Cost of Documented Incompetence

The documentation provided today demonstrates conclusively that the current project leadership and the institutional culture they inherited has been **unwilling to create a safe or tolerable environment** for residents. The failures I outlined in the previous email (Hazmat cover-up, chronic light pollution, and weekend excavation) are simply the most recent symptoms of a pattern of negligence that began with the staff's decision to defend a security guard looking into my private home in 2015.

The massive volume of documentation I possess demonstrates that I do not need to rely on the soon to be filed CPRA requests to prove the District's liability; the documentation is already prepared. We expect Ms. Chinte to intervene immediately to coordinate a final agreement on the **expanded compensation claim** (including the garage conversion) to reflect the true cost of this decade of negligence.

Ms. Chinte, as the Chief of Staff, and Mr. Callender, as the Chief Executive Officer, you must recognize that this level of persistent institutional failure is now subject to the most intense **public scrutiny and external review**. This paper trail, which now spans the entire 10-year project duration and documents policy breaches, safety risks, and operational incompetence, creates an imminent risk of severe reputational consequence for the District and its leadership, especially when juxtaposed against the tripling of the timeline to complete the project, the increases in water rates to support the project, the budget shortfalls and the continued increases in compensation at the executive and board level, 'The Paradox of Cost and Accountability' The compensation claim, now expanded to include the garage conversion, is the direct and justifiable financial consequence of the negligence that began in 2015. We expect immediate and decisive intervention from your office to finalize this remediation plan.

Further administrative delay in resolving this historic negligence will be interpreted as a political choice to defend institutional failures, thereby escalating the matter to the **public domain through all available channels**.

Sincerely,

John Kenevey

On Wed, Oct 8, 2025 at 8:49 AM John Kenevey [REDACTED] wrote:

SUBJECT: FORMAL ESCALATION & EXPANDED LIABILITY CLAIM: Unacceptable Decennial Pattern of Operational Failures, Privacy Violation, and Executive Compensation Disparity at RWTP

Dear Mr. Callender,

I am forwarding the recent operational complaint sent to your project management team, which details gross policy breaches—including unauthorized weekend excavation and chronic, unmitigated light pollution.

This escalation is a demand for direct executive intervention. The failures documented below are not merely technical oversights; they are evidence of a systemic breakdown in institutional responsibility and a profound inability to engage with or protect the community throughout the entire **10-year duration** of the Rinconada Water Treatment Plant (RWTP) project. I express immense fatigue and anger at the sustained negligence.

A Decade of Institutional Negligence and Intimate Intrusion

The current project team failures are tragically consistent with a pattern of operational negligence that began when this project first mobilized:

- **Intrusion and Privacy Violation (18 Months):** At the project's start, the construction team first placed the portable toilets, and subsequently the permanent security hut, on the hill directly in front of my primary front bedroom window. A security guard routinely stood on the deck, looking directly into my private home and bedrooms, this was very unnerving to my wife and family. This egregious and unnerving invasion of privacy required approximately **18 months of constant complaint** to various staff members before the position was finally relocated.
- **Safety Risk and Security Failures:** The original entry gate was inappropriately sized, resulting in heavy trucks routinely driving off the access road, over my front bushes, and breaking the concrete path to gain entry. The gate as it stands today is due to my petitioning RWTP to 'fix' the issue, this took ~3 years to remedy. Furthermore, for nearly a year, a security car was permitted to sit parked in front of the gate, looking directly into my home, a situation I was eventually informed was due to **disgruntled employee threats** against the facility. This is a critical failure of site security that turned the residential neighborhood into a security outpost without community warning.
- **Unmitigated Pollution:** Throughout this entire decade-long period—from 2015 to the present day—the residential structural damage, extreme noise pollution and pervasive dust contamination were never properly assessed, accounted for, or mitigated, demonstrating a complete lack of regard for the health and welfare of those living immediately adjacent to the construction zone.

The Expectation of Empathy and Compensation

These failures, compounded by the previous **Hazmat incident** and the current violations, justify the financial demands being made. It is impossible to reconcile this pattern of institutional incompetence with the fiscal realities of Valley Water's leadership:

- You, Mr. Callender, are the CEO, and your reported **Total Wages exceed \$577,000**, underpinned by an internal policy that dictates your pay be **20% higher** than your next subordinate.
- The Board members who oversee this compensation recently voted themselves a **5% raise** while the District faced a substantial **\$222 million budget deficit** and instituted a hiring freeze.

The compensation received by the executive and governance staff imposes a moral and legal obligation to act decisively and ethically. We require the Board and executive leadership to show immediate empathy and accept full responsibility for the immense, decade-long disruption and property liability.

Expanded Compensation Demand (Garage Conversion)

Due to the cumulative, sustained effects of the structural, noise, light, and

privacy intrusions, the front bedroom has been functionally unusable for a majority of the last ten years.

Therefore, upon further counsel, the property remediation claim currently under review by Risk Management is now **expanded** to include the necessary cost of converting the garage space into a habitable bedroom. This action is the absolute minimum requirement to restore the original level of residential function and privacy that Valley Water's project has systematically destroyed.

We expect immediate, direct intervention from your office to finalize the comprehensive compensation package, including this expanded claim. Any further delay in resolving this historic negligence will be interpreted as a willful decision to expose the District to public scrutiny regarding its executive compensation and its profound failure to protect the community.

Sincerely,

John Kenevey

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

From: John Kenevey [REDACTED]
Date: Wed, Oct 8, 2025 at 6:42 AM
Subject: DEMAND FOR IMMEDIATE EXPLANATION: Flagrant Policy Violations, Residential Intrusion, and Gross Inefficiency at Rinconada WTP Site (Project No. 93294057)
To: Emmanuel Aryee <earyee@valleywater.org>, <bponce@valleywater.org>, <mmendez@valleywater.org>
Cc: <CEO@valleywater.org>, <reisenberg@valleywater.org>, <Board@valleywater.org>, <ckwok-smith@valleywater.org>, Aimee Green <AGreen@valleywater.org>

SUBJECT: DEMAND FOR IMMEDIATE EXPLANATION: Flagrant Policy Violations, Residential Intrusion, and Gross Inefficiency at Rinconada WTP Site (Project No. 93294057)

Dear Mr. Aryee, Mr. Ponce, and Ms. Mendez,

As the technical leadership responsible for the Rinconada Water Treatment Plant (RWTP) Reliability Improvement Project—an endeavor that has catastrophically ballooned into a projected 14-year construction timeline your team's recent operational decisions demonstrate a continued failure to adhere to stated policy and respect basic residential habitability.

Please consider this communication a formal demand for immediate answers and documentation regarding three distinct, highly disruptive,

project activities that directly contravene expected professional standards.

1. Flagrant Violation of Weekend Work Policy

This past weekend, your project team conducted heavy **excavation** work directly outside my property, starting at 7:00 AM and concluding at 4:00 PM. This activity produced noise pollution that can only be accurately described as being at a **nightclub level**.

Inquiry:

- Please immediately provide the specific policy language authorizing external, heavy excavation work on a weekend. The published community policy explicitly states that only indoor work is authorized during weekends.
- Provide all records indicating that the neighboring community was formally notified of this flagrant policy violation and the severity of the associated noise intrusion. If no such notice exists, explain who authorized the deviation and why the surrounding residents were excluded from the decision-making process.
- Provide the community impact report for this project.

2. Unauthorized and Unmitigated Light Pollution

For over a year, a high-intensity security light, presumably installed by the project, has been shining directly onto my property after dark and remains on all night. This light intrusion renders our front bedroom utterly **unusable** due to the sleep disturbance it causes. Furthermore, standard window blinds are useless given the unique shape of the upper window architecture.

Inquiry:

- Provide the Community Impact Report or lighting plan that justified the installation of this specific light fixture, including documentation of the light pollution study conducted to ensure compliance with local ordinances regarding residential illumination.
- Explain why zero mitigation efforts have been undertaken over the past year to redirect, shield, or time-limit this security lighting, despite the obvious and immediate impact on my home.
- Provide the community impact report for this installation.

3. Gross Inefficiency and War Zone Noise (Pipe Installation)

Over the course of the recent summer months, the installation of a pipe feeding into a drain took an excessively long and indefensible period to complete. The noise generated by this process; best described as **war zone-like steel on steel grinding**, was relentless.

Inquiry:

- For this specific implementation (a seemingly basic engineering task),

provide a detailed breakdown of the internal **engineering schedule** and the actual person-hours expended. Justify why this task required such an exorbitant duration, leading to continuous, extreme noise pollution for neighboring residents.

- Provide the Community Impact Report and notification records regarding this specific installation, including the noise impact, dust pollution impact and timeline. Explain why the community was never warned of the severity or length of this acoustical intrusion.

The Direct Link to Systemic Accountability and Liability

These repeated failures in basic policy adherence, communication, and project efficiency are the direct consequences of the systemic operational and governance issues that have plagued the RWTP project for over a decade, resulting in its protracted 14-year schedule.

Your technical failures directly support the claim that the District is liable for the resulting property damage, safety risks (e.g., the previous Hazmat incident), and loss of residential habitability. We formally demand that these issues be immediately addressed, resolved, and documented.

We expect a complete, detailed response to these three operational inquiries, including all requested documentation, within five (5) business days. Your prompt action is necessary to minimize the financial and political exposure that these ongoing failures are creating for Valley Water's leadership.

Sincerely,

John Kenevey

From: [Drew Willard](#)
To: [Board of Directors](#)
Subject: Boil Orders
Date: Friday, December 5, 2025 5:59:10 PM

***** 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. *****

I think that the Los Gatos Apartment Complex and The Fruitdale Apartment Complex should be tested for boil orders. Both of these Apartment complexes are located in San Jose. There have been issues with water quality here recently. San Jose has a couple water quality issues in these super large apartment complexes. The recent earthquake has caused a couple damages. This may cause health concerns about water quality.

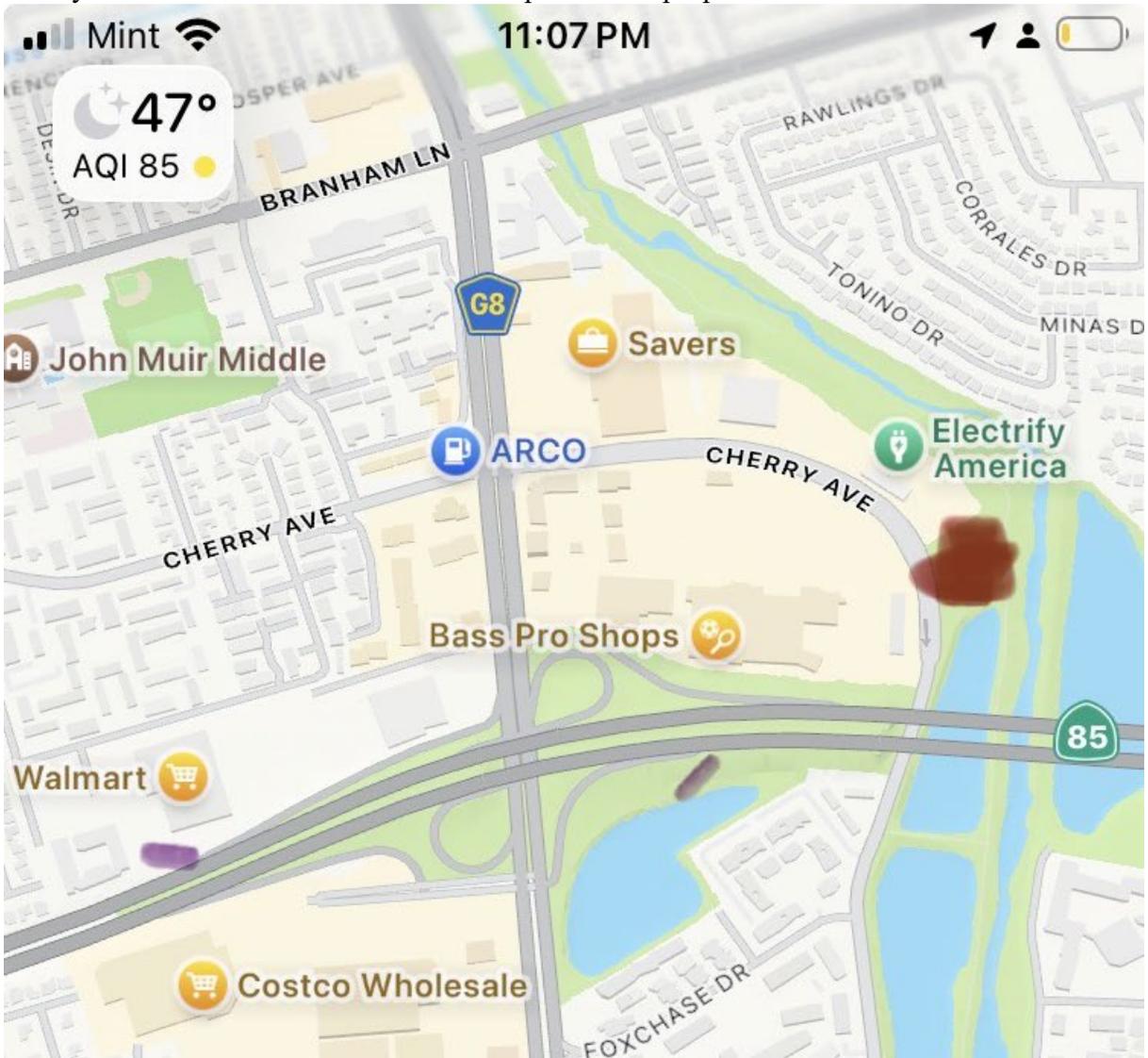
From: [Joann Collier](#)
To: David.a.gomez@sanjoseca.gov; [City of San Jose Mayor's Office](#); [District 9](#); [George Casey](#); [Feliciano Aguilar](#); [Valley Water](#); [Board of Directors](#); [Jim Beall](#)
Subject: Valley Water Cherry Ave Interim Site No Encampment Buffer Zone
Date: Friday, December 5, 2025 11:32:19 PM
Attachments: [IMG_0070.png](#)

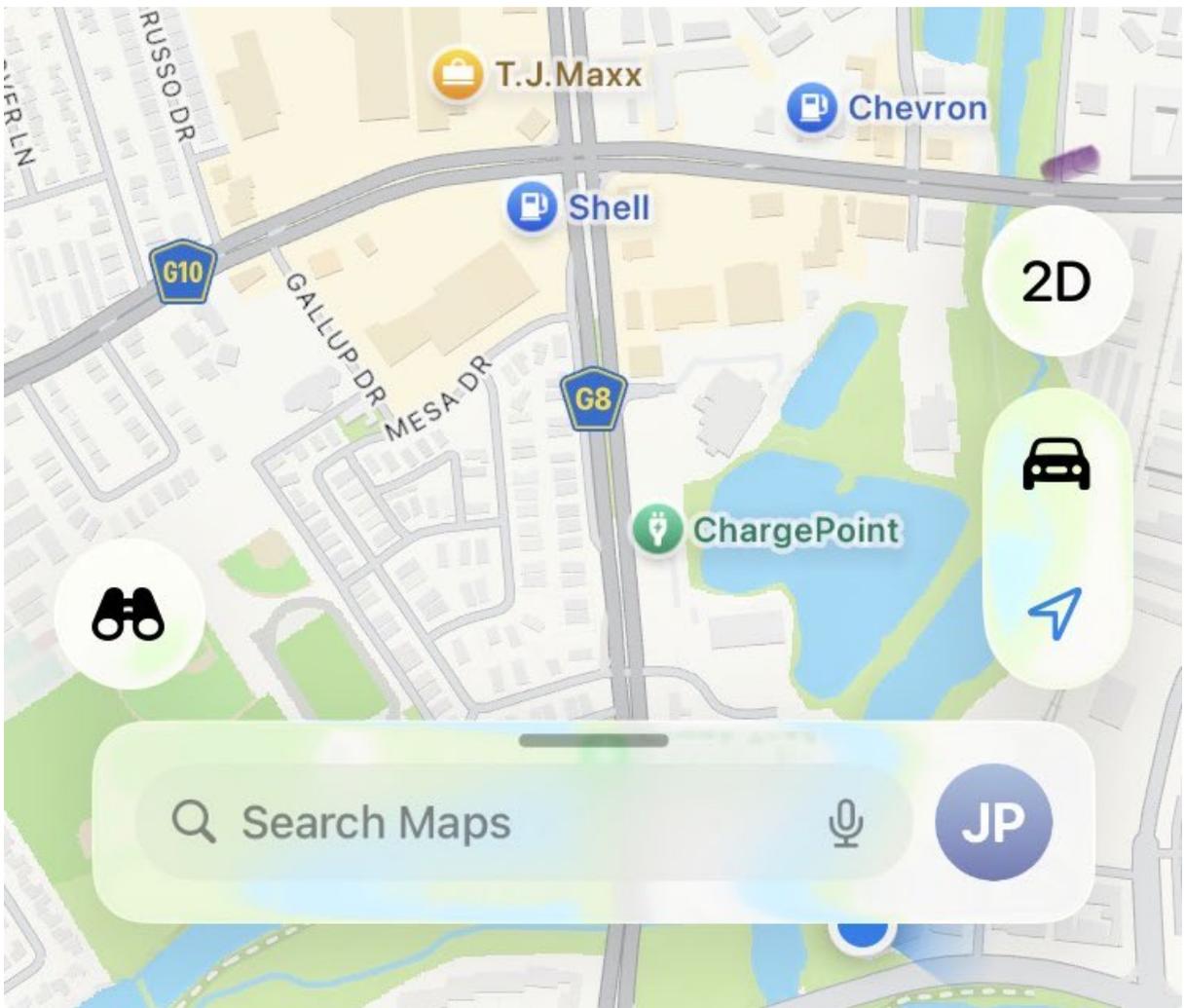
*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi there! Thank you SO much for addressing my concerns.

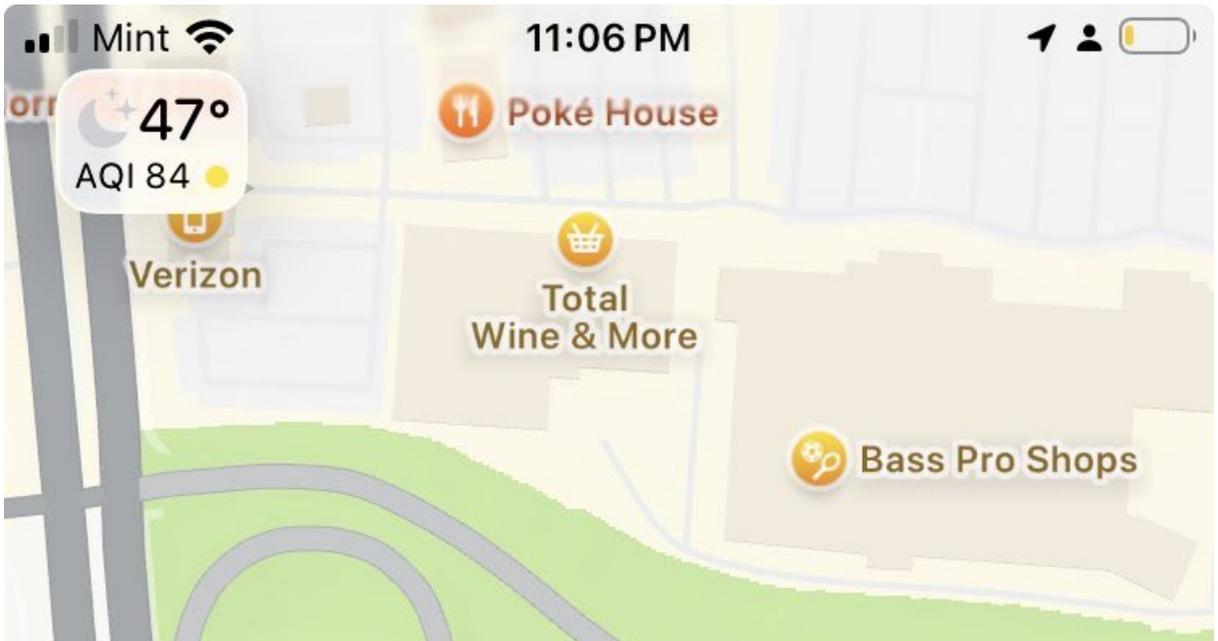
There are three encampments of concern within what appears to be a mile of the new Valley Water-owned land Cherry Ave interim housing site. My understanding was the agreement between the neighborhood and the city was San Jose would create a no encampment buffer zone around this interim housing site.

Cherry site is a red dot and the three encampments are purple notches.





Encampment #1 (purple dot)
(On Valley Water land I believe):



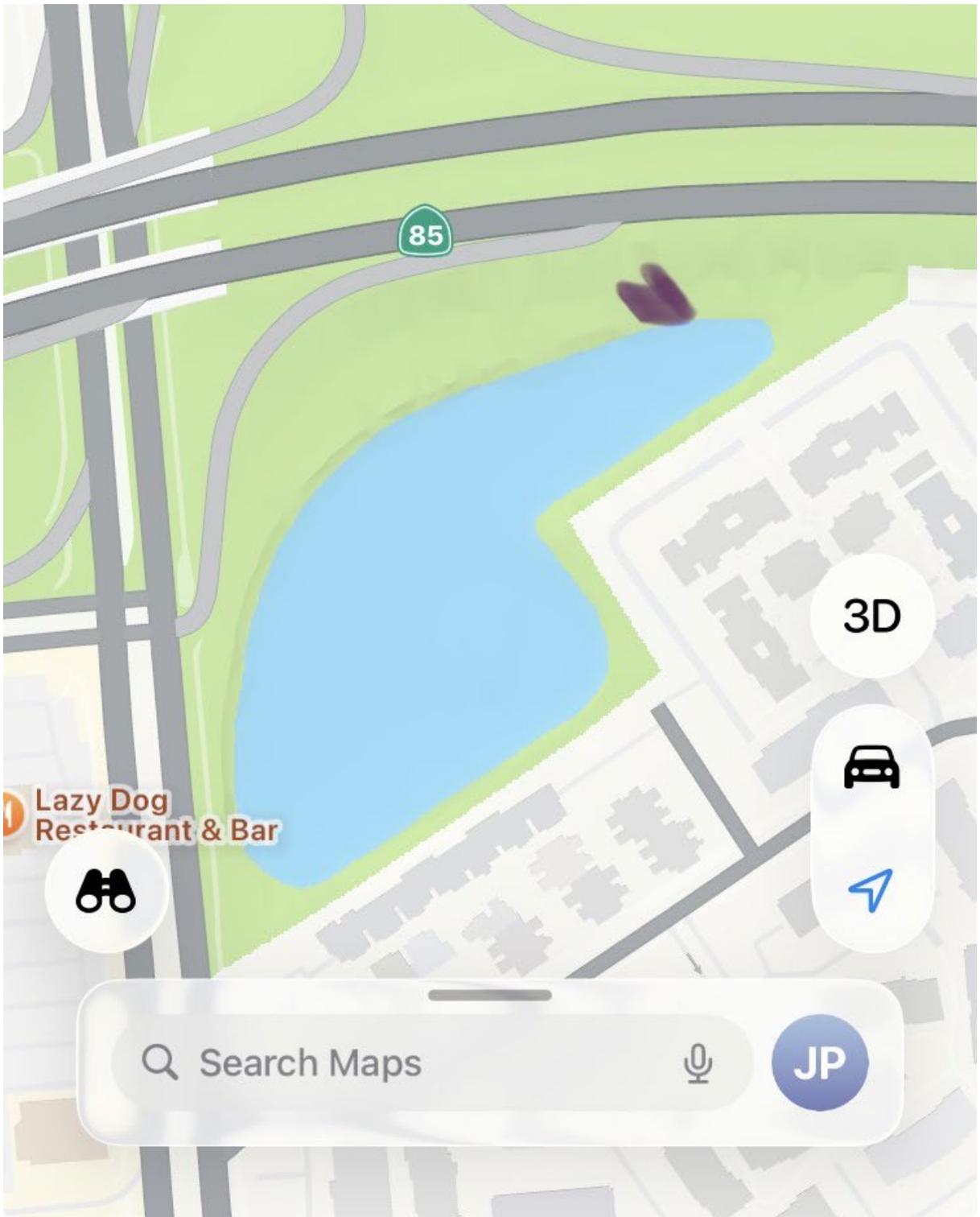


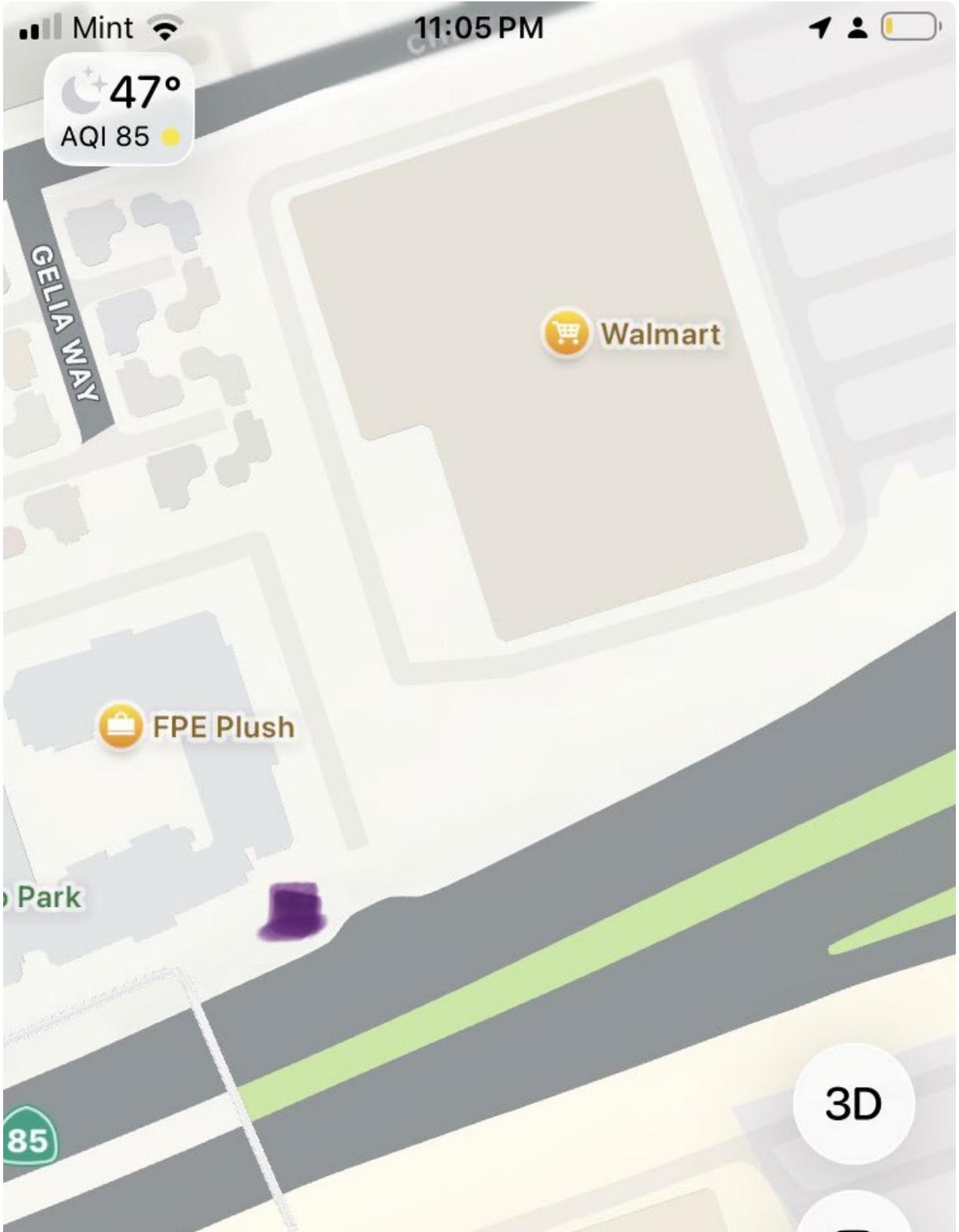
Photo of encampment #1 (forgive bad photo skills, taken whilst driving :):







Encampment #2 (I don't believe it is on CalTrans property as it was not cleared during recent abatement, but also not Wal Mart property owners jurisdiction either I believe):



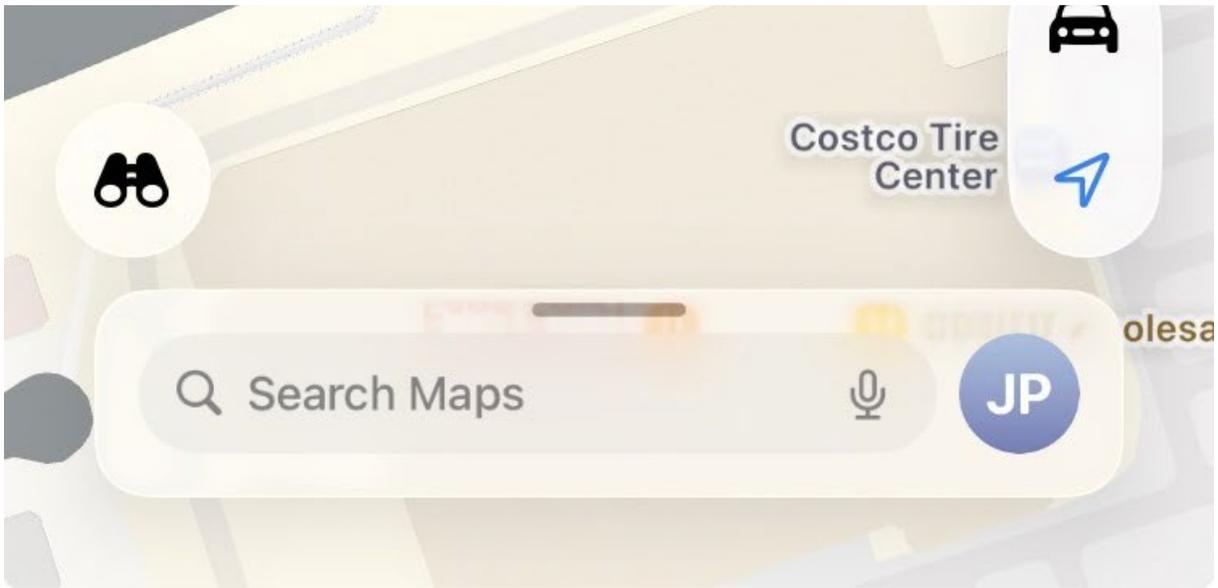
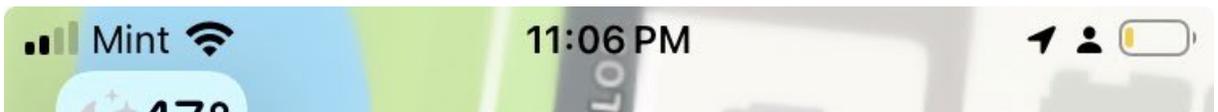
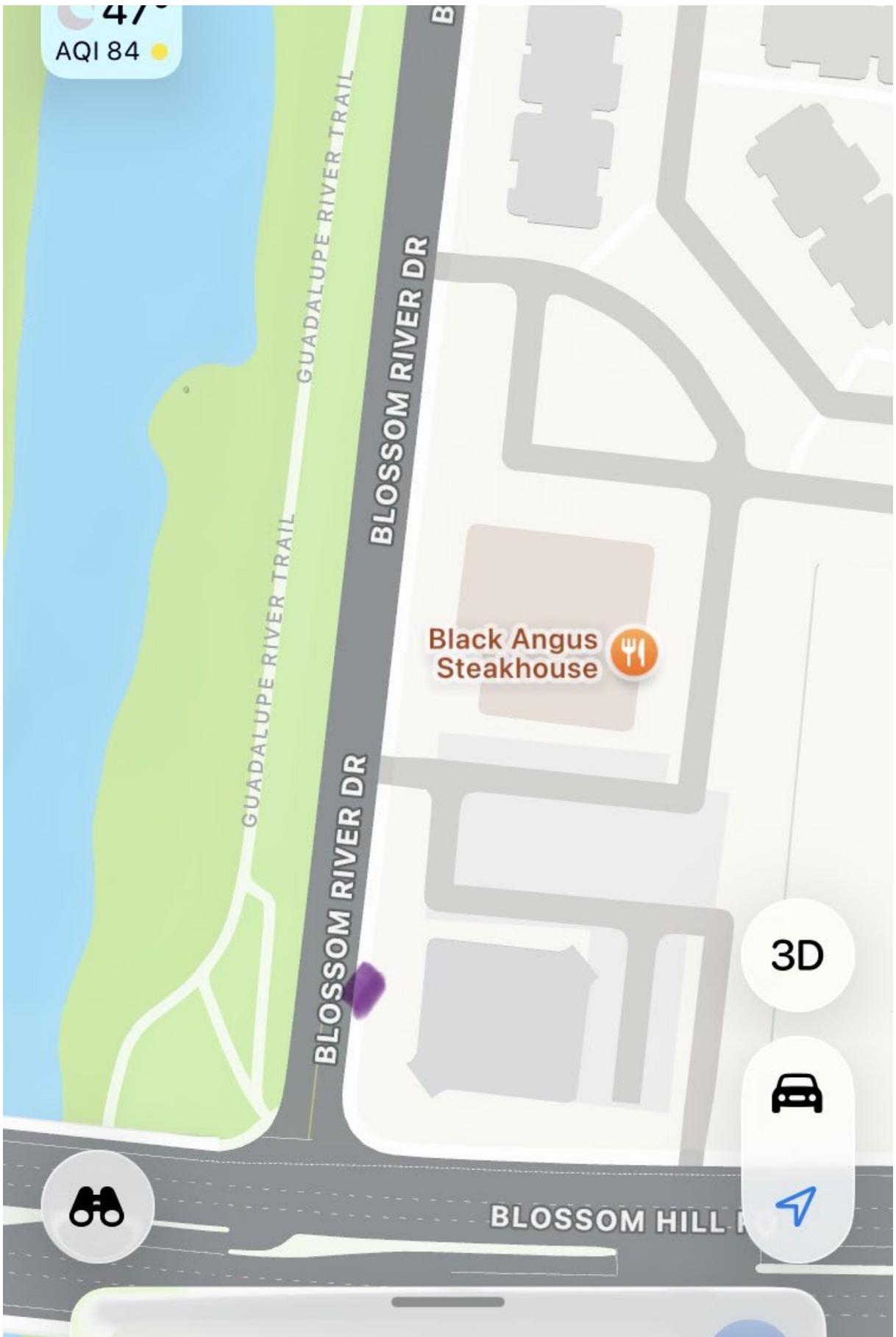


Photo of encampment #2:



Encampment #3 (on the actual sidewalk, egress issue for neighboring senior housing facility, I assume the seniors there walk on the Street now):





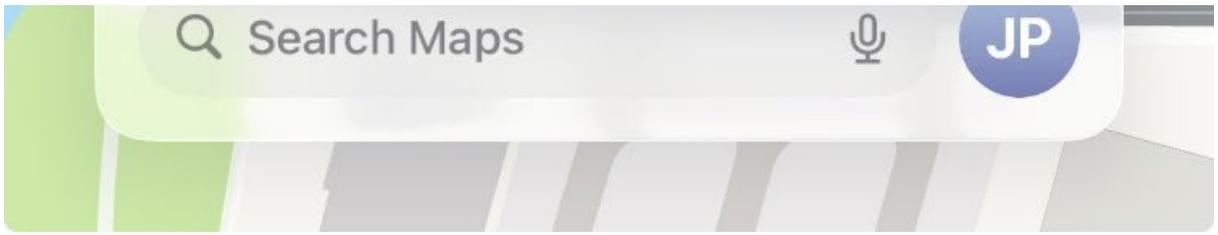


Photo of encampment #3:



Thank you so so much for addressing my concerns, it means so much to us neighbors!

Sincerely,
Joann Pascual

[Sent from Yahoo Mail for iPhone](#)

From: [REDACTED]
To: [Board of Directors](#); Olympia.william@sanjoseca.gov; [Councilmember George Casey](#); [Matthew Quevedo](#); [Jim Beall](#); [Mark Bilski](#)
Cc: [REDACTED]
Subject: Re: Graystone Lane Bridge / Round 2
Date: Saturday, December 6, 2025 2:07:14 PM
Attachments: [image001.png](#)

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

Dear Valley Water Board of Directors - thank you for your reply to our email of November 21.

To date Graystone of Almaden HOA has heard from no others who were included on our message on November 6.

VW Board of Directors has indicated this area under the bridge noted is under the City's Jurisdiction. We are elevating this again to the City, Our District 10 council person and anyone else who will listen and assist. As mentioned - the homeless person who was removed from under the bridge at Graystone and Pfeiffer Ranch Road (abatement conducted by Beautify San Jose Oct. 10) - has not only returned, he is rebuilding his encampment. Most recently he was witnessed cutting wood to construct some sort of structure and has accumulated even more junk and material since our last writing of November 6.

Again ... This presence is a danger to our children who cross the bridge daily to and from school, a serious sanitation risk to our watershed and a risk to the public at large. As noted in our previous correspondence - Weather is getting cooler. In the past, fires have been started under the bridge.

We would request his removal and, if possible, a solution to keep him or others from returning. Perhaps some sort of physical barrier.

Thank you for you attention and assistance

Malcolm Bordelon / Graystone of Almaden HOA

~~~~~  
Malcolm M Bordelon

[REDACTED]



~~~~~  
On Fri, Nov 21, 2025 at 8:21 AM Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Director Beall:

Dear Malcolm Bordelon,

Thank you for reaching out to Valley Water concerning encampment activity under the Graystone Lane bridge at Alamitos Creek. In general, roadways and the land on which they lie are public rights-of-way that are owned and/or maintained by cities, Santa Clara County, or Caltrans. The land underneath the Graystone Lane bridge is under City of San José's jurisdiction.

Valley Water staff has been in contact with Beautify San José staff regarding the encampment you mentioned in your message, and we understand that they responded by conducting an abatement. The Valley Water-owned parcels along Alamitos Creek in this area are designated as Water Resources Protection Zones where camping is prohibited. If you observe encampment activity on Valley Water property, please submit a report via our online system: <https://access.valleywater.org/s/>. For reference, this GIS map shows Valley Water-owned lands in green: <https://gis.valleywater.org/FeeEasement/>.

Valley Water owns and manages 333 miles of the more than 800 miles of creeks in Santa Clara County. We address encampments on our lands by performing large scale trash cleanups throughout jurisdictional areas countywide to prevent encampment-generated trash and debris from polluting the waterways. Valley Water crews conduct encampment abatements when necessary to respond to harmful operational, environmental, or safety impacts on our property. More information on Valley Water's efforts to address the impacts of encampments is available on our Good Neighbor Program webpage, including info about Valley Water's Water Resources Protection Zones Ordinance: <https://www.valleywater.org/project-updates/good-neighbor-program-valley-water-addressing-encampments-unsheltered-people>. I have also attached our Encampment Response Protocol FAQ.

Thanks again for your message. Please contact Assistant Operating Officer Mark Bilski at mbilski@valleywater.org with any follow-up information.

Sincerely,



Jim Beall

Director, District 4

C-25-0188

From: Malcolm Bordelon [REDACTED]
Sent: Thursday, November 6, 2025 11:53 AM
To: Board of Directors <board@valleywater.org>; Jim Beall <JBeall@valleywater.org>; Olympia.william@sanjoseca.gov; Councilmember George Casey <district10@sjdistrict10.org>; Matthew Quevedo <Matthew.quevedo@sanjoseca.gov>
Cc: Scott Sherwood [REDACTED]; Joe Del Rio [REDACTED]
Subject: Graystone Lane Bridge / Round 2

*** 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 Malcolm Bordelon, a resident in the Graystone area, abutting the Alamos Creek area of Valley Water district 4 (and a board member of the Graystone of Almaden

HOA).

I am unsure who eventually responded to the original complaint about the homeless camp entrenched under the Graystone Lane bridge - so I thought best to include all on this email who may have had a hand in taking action to remove the encampment. (see map with red marker indicating camp site). Thank you by the way for your quick response to our neighborhood's concern!

- On or about Oct 10, 2025 officials removed several truck loads of items from under the bridge that had been used to establish the encampment. I believe the person (or people) who lived at the site was offered other housing options.
- By Oct 15 the same individual was spotted in the area and appeared to have returned to the site under the bridge. Today, Nov 6th, we investigated and took photos to show he has returned and is accumulating items to re-establish his encampment.

This presence is a danger to our children who cross the bridge daily to and from school, a serious sanitation risk to our watershed and a risk to the public at large. As noted in our previous correspondence - Weather is getting cooler. In the past, fires have been started under the bridge.

We would request his removal and, if possible, a solution to keep him or others from returning. Perhaps some sort of physical barrier.

Thank you for your assistance with this matter.

Ⓜ

~~~~~

Malcolm M Bordelon

████████████████████

Mobile: [REDACTED]

~~~~~

<image001.jpg>

<image002.jpg>

<image003.jpg>

Thanks,

Ⓜ

~~~~~

Malcolm M Bordelon

[REDACTED]

Mobile: [REDACTED]

~~~~~



Sent via Electronic Mail

December 8, 2025

Santa Clara Valley Water District
Chair Estremera and Members of the Board
5700 Almaden Expressway
San Jose, CA 95118

Dear Chair Estremera and Members of the Board,

On behalf of 36,000 union carpenters throughout Northern California, the Nor Cal Carpenters Union is writing to bring attention to serious concerns with the contracting process for the upcoming Sites Project Reservoir Package. As your agency is expected to purchase a significant allocation from this upcoming Project, we believe you share our interest in seeing the Project built on time and in a manner that provides real environmental and economic benefits to the entire State, including the large local construction workforce that will be required.

It appears the Sites Project Authority is intending to enter a contract with Barnard Construction Company, Incorporated (“Barnard”) of Montana to be the Construction Manager at Risk (“CMAR”) for the Sites Project Reservoir Package (“Project”), which will encompass 50% of the larger Sites Project (“Sites Project”). The selected CMAR will be responsible for significant preconstruction and construction services, including the construction of two new dams, seven saddle dams, three dikes, a spillway, diversion tunnel, four bridges, and five construction access road bridges. The Project requires the CMAR to self-perform construction of the two new dams.

As explained below, the Nor Cal Carpenters Union is concerned that (1) Barnard lacks the requisite experience and capacity to successfully perform the Project and that (2) while the Sites Project Authority is requiring a project labor agreement (“PLA”) on the Project and credible sources have informed us PLA discussions are already taking place between the State Building and Construction Trades Council and Barnard, those discussions do not include the Nor Cal Carpenters Union and other relevant labor organizations crucial to the delivery of the Project.



Barnard Construction Lacks Requisite Experience and Capacity

Based on our review of Barnard's history and experience, we believe they lack the capacity and expertise to deliver a project of this scale and scope in a timely and efficient manner.

Barnard Lacks Ties to Local Community or Workforce

A project of this scale and scope will require thousands of highly skilled construction workers. Barnard is a Montana-domiciled contractor with no ties to the local community or its workforce. Barnard lacks relationships with all local area hiring halls which will be necessary to supply the skilled workforce the Project demands. Barnard lacks relationships with all reputable joint apprenticeship programs which will be necessary both to train new workers, and to assess and provide journeypersons with any necessary skills development.

Instead, Barnard likely will import a significant portion of its self-performance workforce from out-of-state, reducing construction career opportunities for local workers. Those workers will presumably return home when the Project is complete, leaving no lasting economic benefit to nearby communities. Increased reliance on an out-of-area workforce, particularly ones without experience working on projects of this size and scope in California, adds uncertainty and risk to the Project. Without ties to local union hiring halls and joint apprenticeship programs, how will Barnard secure the skilled workers needed for this project?

Barnard Lacks Experience in Similar Projects in California

Our research indicates that Barnard has completed one dam project in California. The Los Vaqueros Dam expansion in Contra Costa County was built between 2010 and 2012. Its total scope was around 1/10th the size of Sites, as it only increased the height of an existing dam and only involved work with one existing agency. There is no real comparison between Los Vaqueros and the Project at hand.

Reservoir and dam construction in California is uniquely complex, owing to the State's terrain, seismic vulnerabilities, and complex governing jurisdictions. Awarding a project of this magnitude to a contractor with no real experience in constructing any comparable California-based project adds tremendous risk and uncertainty for water agencies and users.



Barnard was Terminated on a Previous CMAR Reservoir Contract

The Lower Colorado River Authority selected Barnard as a CMAR for the Arbuckle Reservoir Project in 2013. After Barnard performed preconstruction and updated construction cost estimates (Oct 2014 – April 2015), the “LCRA decide[d] to end cost negotiations and terminate [the] CMAR contract.”

https://www.twdb.texas.gov/publications/reports/contracted_reports/doc/1400011761.pdf

As a purchaser of future allocated storage, we encourage you to investigate this further and raise any relevant concerns with the Sites Authority regarding Barnard’s past experience as a CMAR with significant duties to negotiate and navigate labor relations as well as self-perform a significant, critical portion of the work (the Golden Gate and Sites dams).

Other Bidders on the Project Have the Requisite Experience and Capacity

Two other prequalified entities submitted proposals in response to the Sites Project Authority’s Request for Proposals for the Project: Kiewit Infrastructure West Co. (“Kiewit”) and Flatiron Dragados-Obayashi Joint Venture (“Flatiron Dragados-Obayashi”). Both entities have decades of experience constructing dams and other major water infrastructure projects throughout California and the country.

Kiewit’s experience with major dam and water storage projects in California alone includes (but is not limited to):

- Diamond Valley Reservoir East Dam (Hemet, CA): \$287M
- Oroville Emergency Spillways Recovery (Oroville, CA): \$676M
- Klamath River Renewal (Hornbrook, CA): \$357M
- Folsom Dam Auxiliary Spillway (Folsom, CA): \$381M
- Los Vaqueros Dam (Brentwood, CA): \$63M

In addition, Kiewit is currently working on the Gross Reservoir Expansion Project, a \$565M dam expansion in Nederland, CO that is the largest U.S. dam project executed under the CMAR contract model.

On all the projects above, Kiewit self-performed or is self-performing the majority of the construction work.

The Flatiron Dragados-Obayashi team has a similar legacy of successfully constructing large dam and water infrastructure projects. This includes:

- Calaveras Dam (Santa Clara County, CA): \$810M



- Isabella Dam Safety Modification Project (Kern County, CA): \$323M
- Wild Horse Reservoir (CO): \$800 M
- Site C Dam (British Columbia, CAN): \$16 Billion

The Project will be one of the largest water infrastructure projects in California’s recent history. The Sites Project Authority received proposals from two of the most experienced water storage teams in the United States—both with significant experience—yet has chosen to negotiate with only Barnard, a firm that has successfully completed only one dam project in California.

Project Labor Agreement is not Being Negotiated with all Labor Parties

State law requires either the Project to be built with a “skilled and trained” workforce, or for the Project’s CMAR to “enter [] into a project labor agreement that will bind itself and all its subcontractors who perform construction work on the project.” (Pub. Contr. Code, § 20928.2, subd. (c)(6).) The Sites Project Authority intends to implement a PLA. The Sites Project Authority’s Construction Workforce Policy states, “The Sites Authority desires to implement a PLA on the Reservoir Package and the selected Reservoir Package CMAR Contractor will be expected to enter into PLAs for work on the Reservoir Package.” (See Project RFQ, available at <https://sitesproject.org/wp-content/uploads/2025/01/Reservoir-Package-CMAR-RFQ-1.pdf>.) Responsibility for negotiating the agreement rests with the CMAR, not the Authority.

For a PLA to be successful and to meet all common goals, including the goal of ensuring labor harmony and stable labor relations across all trades and scopes of work, all relevant crafts, particularly the Carpenters and other basic crafts, must be at the negotiating table and eventually execute the agreement.

The Nor Cal Carpenters Union has not been involved in any PLA negotiations or discussions, formally or informally, with either Barnard or the Sites Project Authority, although we understand discussions may be taking place between Barnard and labor organizations that do not represent our membership. Our union represents eleven apprenticeable crafts including carpentry, piledriving, and millwright trades, and our members and signatory contractors will be vital for the dam spillway, pump station, bridges, and dam construction. The Nor Cal Carpenters Union is not affiliated to any Building and Construction Trades Council on the state or local level. We have no intention of signing any PLA that we have no hand in negotiating and give no authorization to any other entity to negotiate or enter into agreements on our behalf. This exclusionary approach in seeking a PLA certainly fosters disputes and labor disharmony.



Conclusion

On its website, the Sites Project Authority states its central values: Safety, Trust & Integrity, Respect for Local Communities, Environmental Stewardship, Shared Responsibility for Shared Benefits, Accountability & Transparency, Proactive Innovation, and Diversity & Inclusion.

If the Sites Project Authority is genuinely committed to these values and a fully transparent Project, we encourage you to request a review of the Statement of Qualifications submitted by Barnard to ensure they meet the Sites Project Authority's standards as well as your agency's standards and the standards of your community. Additionally, we encourage you to stress to the Sites Project Authority the need for any PLA discussions or negotiations on the Project to involve all relevant labor organizations, including the Nor Cal Carpenters Union.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bradshaw". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jay Bradshaw
Executive Secretary Treasurer

OUTGOING BOARD CORRESPONDENCE

Adelina Del Real

From: Feliciano Aguilar
Sent: Monday, December 8, 2025 7:33 AM
To: Joann Collier; David.a.gomez@sanjoseca.gov; City of San Jose Mayor's Office; District 9; George Casey; Valley Water; Board of Directors; Jim Beall
Subject: RE: Valley Water Cherry Ave Interim Site No Encampment Buffer Zone

Follow Up Flag: Follow up
Flag Status: Completed

Hello Joann,

Thank you for the report. We have been out on several occasions to inspect this site and found that the camp falls on Caltrans jurisdiction.

Here is a link to the Caltrans reporting portal. <https://csr.dot.ca.gov/>

Here is a link to Valley Water GIS should you like to explore Valley Water properties. <https://data-valleywater.opendata.arcgis.com/datasets/valleywater::scvwd-fee-and-easement/explore?layer=0&location=37.253841%2C-121.869570%2C15.09>

Should you see any encampment activity on Valley Water Fee title property, please report here. We will respond promptly.

https://access.valleywater.org/s/new-service-request?typecodeid=a004W00001YKM2vUAH&language=en_US



Please reach out should you have any questions.

Thank you ,
Felice A.

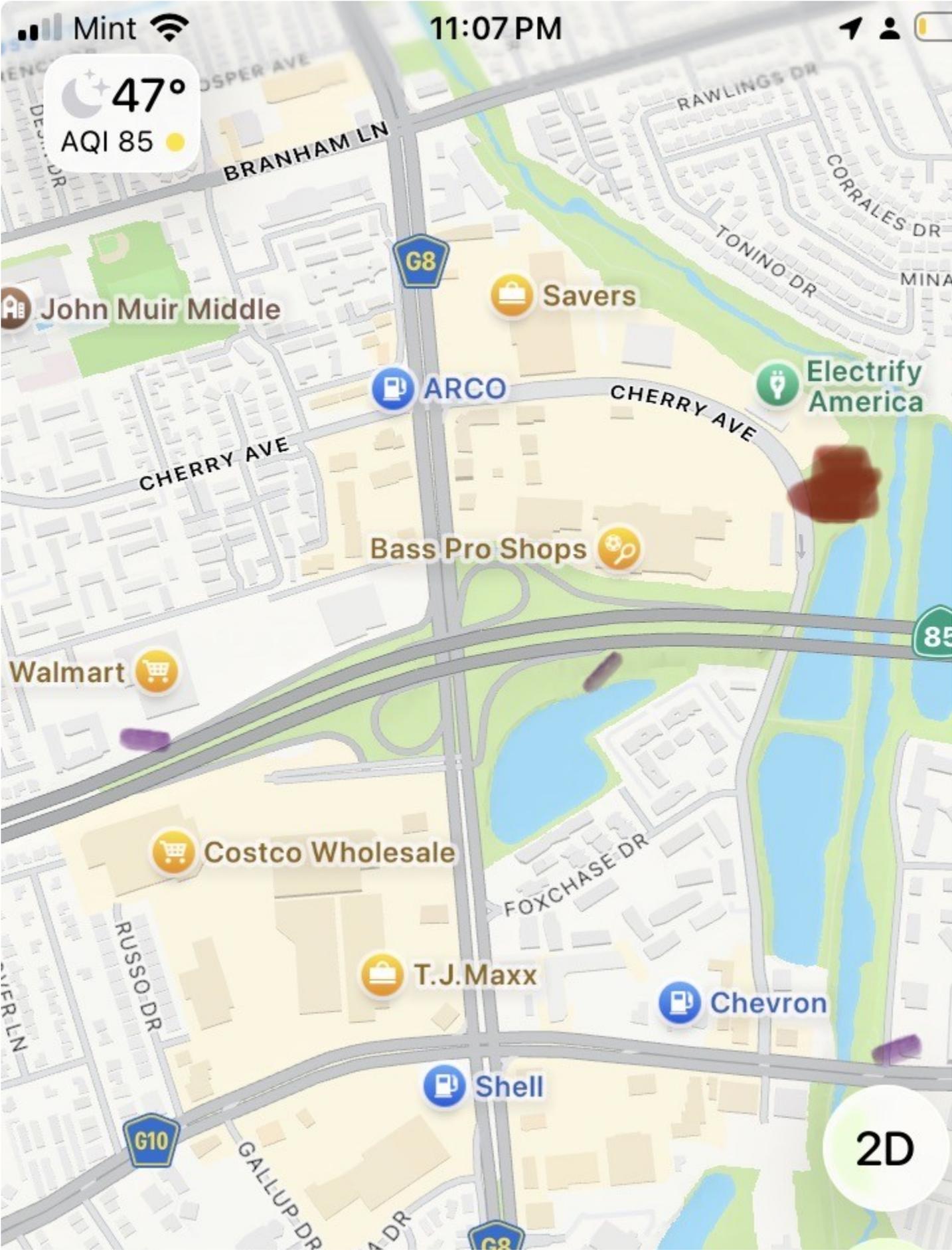
From: Joann Collier [REDACTED]
Sent: Friday, December 5, 2025 11:32 PM
To: David.a.gomez@sanjoseca.gov; City of San Jose Mayor's Office <mayor@sanjoseca.gov>; District 9 <district9@sanjoseca.gov>; George Casey <district10@sanjoseca.gov>; Feliciano Aguilar <FAguilar@valleywater.org>; Valley Water <valley@santaclaravalleywaterdistrict.ccsend.com>; Board of Directors <board@valleywater.org>; Jim Beall <JBeall@valleywater.org>
Subject: Valley Water Cherry Ave Interim Site No Encampment Buffer Zone

*** 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 there! Thank you SO much for addressing my concerns.

There are three encampments of concern within what appears to be a mile of the new Valley Water-owned land Cherry Ave interim housing site. My understanding was the agreement between the neighborhood and the city was San Jose would create a no encampment buffer zone around this interim housing site.

Cherry site is a red dot and the three encampments are purple notches.



Encampment #1 (purple dot)
(On Valley Water land I believe):

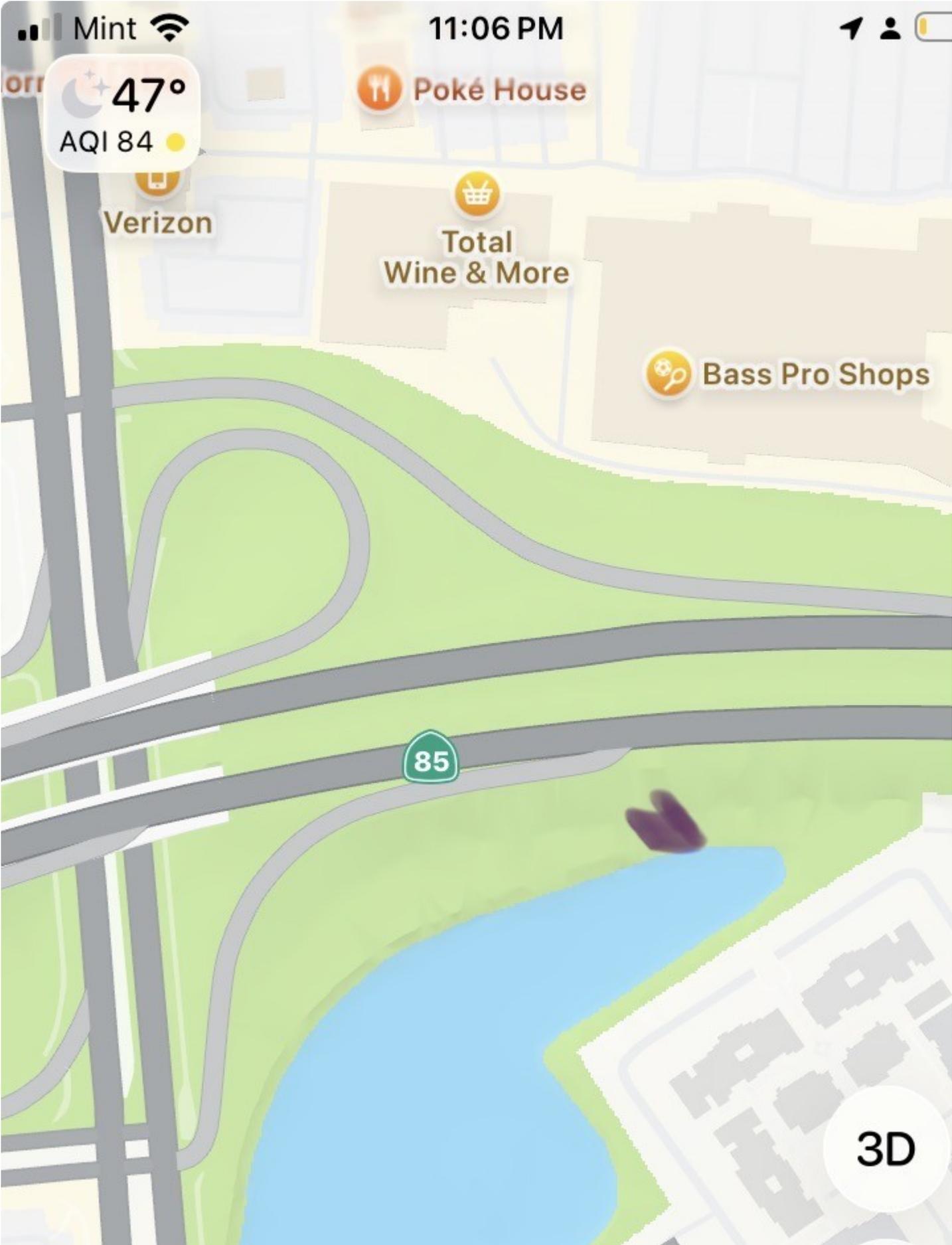


Photo of encampment #1 (forgive bad photo skills, taken whilst driving :):



Encampment #2 (I don't believe it is on CalTrans property as it was not cleared during recent abatement, but also not Wal Mart property owners jurisdiction either I believe):

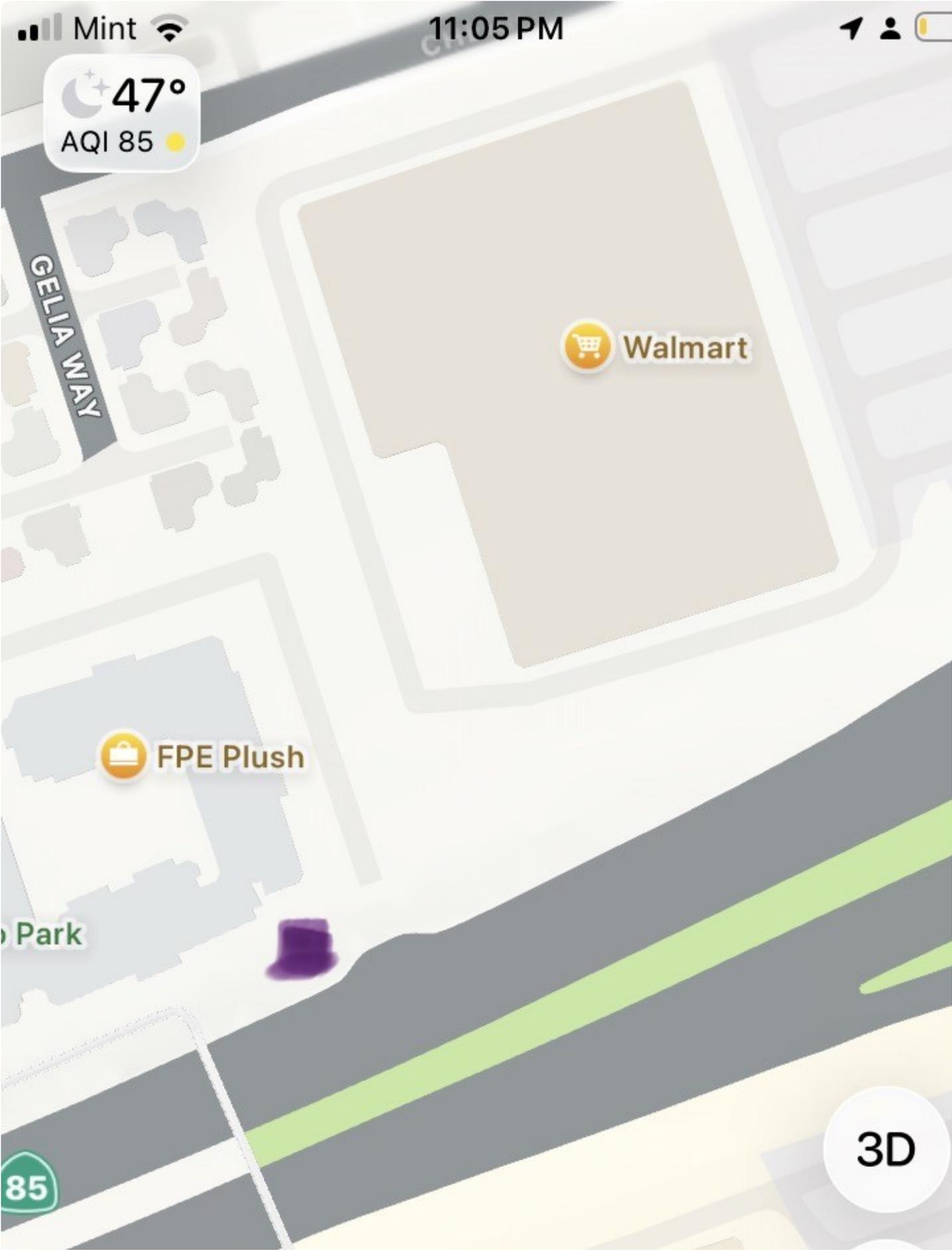
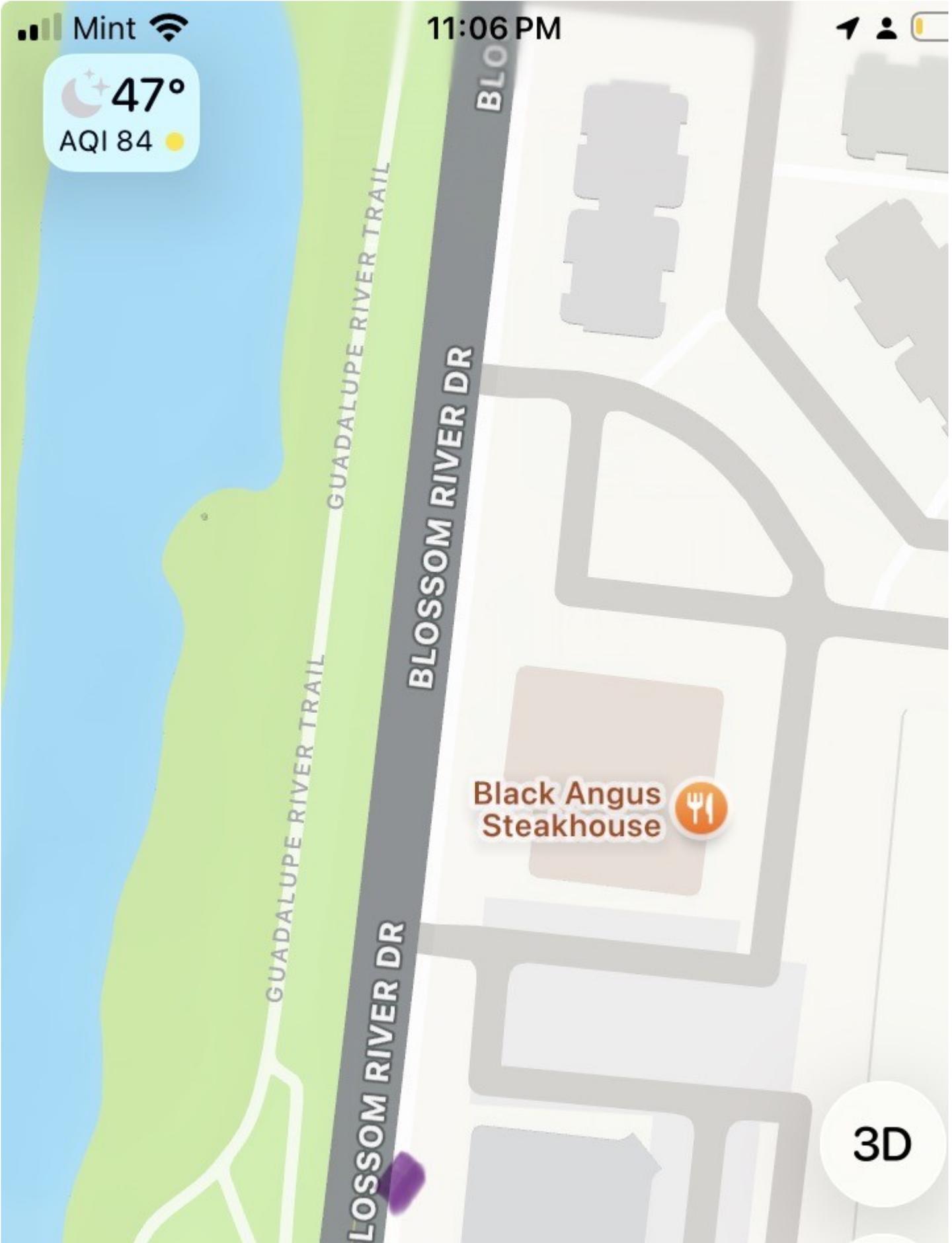


Photo of encampment #2:



Encampment #3 (on the actual sidewalk, egress issue for neighboring senior housing facility, I assume the seniors there walk on the Street now):

47°
AQI 84



3D



Photo of encampment #3:



Thank you so so much for addressing my concerns, it means so much to us neighbors!

Sincerely,
Joann Pascual

[Sent from Yahoo Mail for iPhone](#)

Thank you so so much for addressing my concerns, it means so much to us neighbors!

Sincerely,
Joann Pascual

[Sent from Yahoo Mail for iPhone](#)

From: [Candice Kwok-Smith](#)
To: [Board of Directors](#)
Subject: FW: SCVWD
Date: Monday, December 8, 2025 1:20:53 PM

From: Shiloh Ballard <SBallard@valleywater.org>
Sent: Monday, December 8, 2025 10:00 AM
To: Rod Smith [REDACTED]
Subject: Re: SCVWD

Hi Rod,

Thanks for reaching out!

On your first question, I'll have to check on who is responsible for that. I would imagine anytime anyone is touching the roads, it's a San Jose jurisdictional issue. So perhaps they are the entity that would oversee quality. I know I faced the same issues on Park Ave. The quality of the new road was awful after they dug a bunch of stuff up and I had the same questions as you. Have you checked with San Jose on this question?

On the second, that's a much more involved conversation. One thing that comes to mind for me is (assuming you have the time and interest) you might want to consider going through the Valley Water 101 Academy. I believe applications just opened. It gives the opportunity to learn more about the District as a whole and to have access to staff to answer some of these questions. Or, for you to better understand why things are done the way they are done. Certainly there is room for improvement on the service delivery side of things AND you suggest a can of worms that, while worthy of opening, there are

many other priorities that need tending too. That said, as someone who loves governance, I have been trying to get a better sense for the entirety of the District's operations/roles and the ways we might do things better.

You might also be interested in a recent report commissioned by the Agency to better understand costs. Not exactly what you were asking but you might enjoy the read. The report is here. <https://scvwd.legistar.com/LegislationDetail.aspx?ID=7706430&GUID=E4D57971-F0EA-4B60-89CE-24D3FD73A841>

Sidenote: The Agency just started its annual rate setting process. Feel free to follow along and learn!

The Water Ambassador application is here: <https://www.valleywater.org/learning-center/water101>

Happy Holidays!
Shiloh

From: Rod Smith [REDACTED]
Sent: Thursday, November 20, 2025 1:10 PM
To: Shiloh Ballard <SBallard@valleywater.org>
Subject: SCVWD

***** 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. *****

Shiloh,

It was great to see you at the SBSL/OCI meeting a few weeks back. Clearly you are as passionate about water now as you were with bikes in your former role.

After seeing the article last weekend in the SJMN re: new ways to save water, I felt compelled to bring a couple issues/concerns to your attention:

1. I don't know if you are still cycling these days, but I managed to get out on my bike a few times a week. There has been lots of work on the roads that I cycle on (Toyon and Mt. Hamilton Road). While it's great that repairs are being made to our aging water infrastructure, the repair work to the road surface leaves the roads in worse shape when they started. (Try riding down the last 1/2 mile or so of Mt. Hamilton Road as it approaches Alum Rock for example.) What can be done to ensure that contractors are held responsible to a level of repair that returns the road surface to good working conditions for cyclists?
2. We are all feeling the pinch of rising prices everywhere we turn. Trips to the grocery store these days result in gasps of "WTA#!" The service charge on my water bill (from SJW) has gone from ~\$50 to ~\$140 from 2017 to now. How much of this increase is attributed to SCVWD vs. SJW? While I appreciate the

effort and focus on sustainability and planning for the future, what is being done now in terms of affordability? What kind of overhead is passed on to consumers by having two different entities involved in the delivery of water to the community? Does it make sense to look at combining the two organizations?

Thanks in advance for your response!

Best regards,

Rod Smith

[REDACTED]

San Jose, CA 95127