



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

December 8, 2022

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

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36		Email from Annie Belt to the board, dated 12/05/23, regarding increased Spawning Salmon population in San Jose creeks. C-23-0290
37		Email from Brigitte Rince to the board, dated 12/05/23, regarding unhoused on Valley Water property on Branham Lane and Blossom Hill Road. C-23-0291
		<u>OUTGOING BOARD CORRESPONDENCE</u>
39		Email from Director Hsueh to Richard Kanazawa, dated 11/30/23, regarding vegetation and downed trees within San Tomas Aquino Creek along the Quito Oaks development on Quito Road.
43		Letter from Chair Varela to Michael Triulzi, dated 11/30/23, regarding solicitation for janitorial services and the potential impact it may have on janitorial works who service Valley Water facilities.
51		Letter from Chair Varela to Katja Irvin and Molly Culton, dated 12/04/23, regarding suggestions for increased outreach for Valley Water's WSMP and DCP.

53		Email from Chair Varela to Afshin Rouhani, dated 12/04/23, regarding Anderson Reservoir project.
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CEO BULLETIN

CEO BULLETIN



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

Week of December 1 – December 7, 2023

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Item	IN THIS ISSUE
<u>1</u>	Grant Award from the Wildlife Conservation Board for \$5,142,235 to the State Coastal Conservancy for the South San Francisco Bay Shoreline Phase 1 Project
<u>2</u>	Recurring Report on Personnel Vacancies
<u>3</u>	Safe, Clean Water Partnership Closeout: City of San Jose's Cash for Trash Project
<u>4</u>	Safe, Clean Water Refill Station Grant Closeout: Campbell Little League's Valley Water Refill Station Grant Project – Campbell Little League Field
<u>6</u>	<u>Beall</u> Provide Director Beall with the number of low income senior exemption participants and consider comparing program with other low income senior exemptions programs offered by other agencies for other exemptions. R-23-0018

1. Grant Award from the Wildlife Conservation Board for \$5,142,235 to the State Coastal Conservancy for the South San Francisco Bay Shoreline Phase 1 Project

On November 15, 2023, the Wildlife Conservation Board approved grant funding in the amount of \$5,142,235 to the State Coastal Conservancy for the South San Francisco Bay Shoreline Phase 1 Project. This funding is allocated from California Wildlife, Coastal, and Park Land Conservation Fund of 1988 (Proposition 70), Public Resources Code Section 5907(c)(1)(A), and General Fund, Budget Act of 2023, Fish & Wildlife Resources - Climate Change Impacts on Wildlife Provision [AB102, Sec. 84(1)]. The grant funding helps to restore, protect fish and wildlife habitat and address climate change. Valley Water will be bringing a grant agreement with the State Coastal Conservancy to the Board for approval in Spring 2024.

For further information, please contact Bhavani Yerrapotu at (408) 630-2735.

2. Recurring Report on Personnel Vacancies

Valley Water strives to attract, develop, and retain a talented and diverse workforce. Our employees come from diverse cultural and professional backgrounds. Valley Water promotes high performance, diversity, and equal employment opportunities. Human Resources provides a monthly report on staffing levels and vacancies per the Board's request.

Valley Water Staffing Levels through November 30, 2023

- 921 - Total Positions
- 854 - Number of positions filled
- 67 - Total Vacant positions
- 7% - Vacancy Factor
- 4 - Separations in November 2023

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

3. Safe, Clean Water Partnership Closeout: City of San Jose's Cash for Trash Project

In Fiscal Year 2021, Valley Water awarded the City of San Jose a \$180,000 Safe, Clean Water Program B3 Partnership for their Cash for Trash Project (Project). The City of San Jose completed the Project on June 30, 2023 and submitted the final invoice items on July 12, 2023, allowing for grant closeout.

The City of San Jose, a municipal corporation in California, piloted the Cash for Trash Program in 2020 to address litter and pollution located at and within the premises of unhoused encampments in San Jose. The partnership funds were used to extend and continue the existing program to engage unhoused individuals residing in areas within Valley Water property and/or easements that were most impacted by trash and pollution, such as the creeks and waterways.

The City of San Jose encouraged the unhoused communities to collect trash at their encampment sites and partnered with Mastercard, a credit card company, to provide a redemption value on trash of \$4 per full bag of trash collected, up to \$20 per day. The Project operated in 11 sites that spanned across Los Gatos Creek, Guadalupe River, Guadalupe Creek, Canoas Creek, Thompson Creek, Lower Silver Creek, and Coyote Creek. It also included areas frequented by unhoused residents in vehicles and provided them with essential cleanup supplies such as litter bags and gloves.

Key Outcomes:

- Cleaned a total of 11 sites in San Jose.
- Collected a total of 39,600 litter bags.
- Removed a total of 407.49 tons of trash.
- Engaged a total of 282 participants.

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

4. Safe, Clean Water Refill Station Grant Closeout: Campbell Little League's Valley Water Refill Station Grant Project – Campbell Little League Field

In Fiscal Year 2024, Valley Water awarded Campbell Little League a \$5,000 Safe, Clean Water Program F9 Valley Water Refill Station Grant for their Valley Water Refill Station Project (Project) at Campbell Little League. Campbell Little League completed the Project on October 6, 2023 and submitted the final invoice items on October 18, 2023, allowing for grant closeout.

Campbell Little League is a 501(c)(3) nonprofit organization that provides a supervised program of competitive baseball and softball games for the youth in the community. The grant funds were used to purchase and install a new water bottle refill station near the Campbell Little League Field in Campbell, CA. The new station provides increased access to clean drinking water for over 2,000 members of the community who visit the field for baseball games, practices, and other events hosted at the site. The Project will continue to promote and encourage the use of reusable water bottles for visitors, families, and little league players.

Key Outcomes:

- Installed one new water bottle refill station at Campbell Little League Field.
- Promotes the use of reusable water bottles and reduces the amount of plastic water bottle waste generated by over 2,000 visitors each year.
- Increases access to safe, clean drinking water for school-age students and disadvantaged communities.

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

5. Beall

Provide Director Beall with the number of low-income senior exemption participants and consider comparing program with other low income senior exemptions programs offered by other agencies for other exemptions.

R-23-0018

Consistent with Resolution 20-64, Valley Water has the discretion to exempt low-income parcel owners who are age 65 or older from the special parcel tax. The exemption program has been in place since Fiscal Year (FY) 2001-02. In 2018, Valley Water reformed the parcel tax exemption process through Assembly Bill 1889. This bill clarifies that Valley Water only needs to confirm low-income eligibility once, making it easier for seniors to stay on the exemption rolls. As of November 2023, 4,897 households have received the exemption, totaling approximately \$314,000 for FY 2022-23, and is anticipated to be \$331,000 for FY 2023-24. Exemptions and refunds total approximately \$5 million to date since program inception.

In 2016, Valley Water enhanced the outreach program to better inform the senior population of the tax exemption program. At that time, Valley Water developed a four (4)-step approach, which continues to this day.

Step 1: Collect existing data on homeownership and household income for seniors to estimate the potential number of qualified senior exemptions in the county. By utilizing targeted marketing, Valley Water is able to reach those seniors that meet the program's exemption requirements.

Step 2: Develop outreach strategies to provide program information directly to seniors and/or other agencies and organizations that provide senior services. The outreach strategies include:

- a. Update program materials annually (flyers, website content, mailers, press releases, newsletters etc.) to provide more information and be more senior-oriented.
- b. Partner with Sourcewise, the designated Area Agency on Aging for Santa Clara County to disseminate the program specifics through their varied community contacts.
- c. Identify geographic areas that are underrepresented to ensure potential applicants are educated with appropriate marketing materials. If there are areas where seniors could potentially qualify for the exemption, Valley Water will target outreach efforts in those areas.

Step 3: Implement the outreach strategies once the informational materials are complete. The open enrollment period for the Senior Parcel Tax Exemption Program is April 15 to June 30 of each year. Valley Water will field phone calls, emails from a dedicated email address, provide in-person support for those who need additional information or assistance with the enrollment, attend resource fairs and community collaborative meetings to conduct presentations and help train/inform staff from other organizations about the exemption program so they can also help disseminate the information, and drop off information packets and enrollment applications at Senior Centers and other community-based organizations throughout the county.

Step 4: Monitor the exemption program to ensure that accurate information is being disseminated throughout the county and that seniors are receiving the adequate support they need to enroll in the program if they qualify. Valley Water also collects data on how participants learn about the program in order to track which outreach strategies are most effective in reaching the senior population.

Valley Water's research of low-income programs offered by other agencies such as school districts and cities revealed common eligibility requirements including an age requirement of 65 years or older, and a requirement to be the owner-occupant of the property. Valley Water also has an income threshold requirement (i.e., total household income is limited to 75% of California median income) that appears to be less common, especially for school district programs.

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

December 2023

Water Tracker

A monthly assessment of trends in water supply and use for Santa Clara County, California

Outlook as of December 1, 2023

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

Weather

- Rainfall in San José:
 - » Month of November, City of San José = 0.47 inches
- Rainfall year total = 0.55 inches or 22% of average to date (rainfall year is July 1 to June 30)
- San José average daily high temperature was 72.3 degrees Fahrenheit in November, which is higher than the five-year average for November (67.4 degrees Fahrenheit)

Local Reservoirs

- Total December 1 storage = 37,387 acre-feet

Reservoir Storage	All Ten Valley Water Reservoirs	All Reservoirs Except Anderson
Storage as % of unrestricted capacity	23%	44%
Storage as % of restricted capacity (1)	60%	57%
Storage as % of the 20-year average for December 1	61%	145%

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

- Approximately 140 acre-feet of imported water delivered into Calero Reservoir during November 2023
- Total estimated releases to streams (local and imported water) during November were 7,130 acre-feet (based on preliminary hydrologic data)

Treated Water

- Below average demands of 4,920 acre-feet were delivered in November
- This total is 72% of the five-year average for the month of November
- Year-to-date deliveries are 83,430 acre-feet or 89% of the five-year average

Groundwater

- Groundwater conditions remain healthy throughout the county. Groundwater levels in most regional monitoring wells are lower than last month due to normal, seasonal declines. All water levels are higher relative to November 2022 and all are higher than or equal to the prior five-year average for November. The end of 2023 groundwater storage is projected to be in Stage 1 (Normal) of the Water Shortage Contingency Plan

	Santa Clara Subbasin		Llagas Subbasin
	Santa Clara Plain	Coyote Valley	
November 2023 managed recharge estimate	7,800	1,200	1,600
YTD managed recharge estimate	80,600	12,900	20,600
YTD managed recharge as % of five-year average	180%	93%	113%
October 2023 pumping estimate	5,900	1,500	5,300
YTD pumping estimate	44,100	12,100	35,500
YTD pumping as % of five-year average	74%	120%	98%
Current index well groundwater levels compared to November 2022	19 Feet Higher	7 Feet Higher	40 Feet Higher

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

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Imported Water

- In November, the SWP operated Banks pumping plant with an average daily export of 5,142 acre-feet, resulting in a total export of 154,257 acre-feet from the Sacramento-San Joaquin Delta
- In November, the CVP operated Jones pumping plant with an average daily export of 4,284 acre-feet, resulting in a total export of 128,526 acre-feet from the Sacramento-San Joaquin Delta
- Delta exports were limited to meet Delta outflow standards. Releases were made from San Luis Reservoir to supplement exports to meet south-of-Delta demands

WY 2023 Imported Water Allocations	Allocation	Allocation (acre-feet)	Details
SWP	100%	100,000	DWR announced initial 2024 allocation of 10% on December 1
CVP	100% Ag 100% M&I	152,500 total	-
State-wide Reservoir Storage	Capacity	Current Storage (acre-feet)	Average for Date (as of 11/30/23)
Shasta Reservoir	68%	3,074,654	126%
Oroville Reservoir	66%	2,330,433	133%
San Luis Reservoir	56%	1,149,651	109%
Semitropic Groundwater Bank	Capacity	Current Storage (acre-feet)	Date of Data
	81%	281,797	10/31/23
Estimated SFPUC Deliveries	October 2023 (acre-feet)	2023 Total to Date (acre-feet)	Five-Year Annual Average (acre-feet)
	4,040	36,741	47,000

Conserved Water

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

Recycled Water

- Estimated November 2023 production = 840 acre-feet
- Estimated year-to-date through November = 14,921 acre-feet or 91% of the five-year average
- Silicon Valley Advanced Water Purification Center produced an estimated 1.6 billion gallons (4,803 acre-feet) of purified water in 2022. Since the beginning of 2023, about 4,163 acre-feet of purified water has been produced. The purified water is blended with existing tertiary recycled water for South Bay Water Recycling Program customers

Alternative Sources

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

CONTACT US

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



FOLLOW US



BOARD MEMBER REQUESTS and Informational Items

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
R-23-0011	08/08/23	Eisenberg	Taylor	Chinte Salandan an	CEO 2023 travel with the following: For each time away, please provide: 1. Dates 2. Locations traveled to 3. Total cost 4. Whether the district paid in part or in whole (how much, and was it as a legitimate business expense or as a taxable perk) 5. If for official reasons, if not clear from the outside, please provide a brief (one sentence or even partial sentence is fine) description of the nexus -- e.g. "met with these senators in washington dc: warren, booker, and feinstein" 6. If the district only paid in part, I do not need to know what was happening during the personal time 7. Please provide the budget for travel for that time period and how the actuals compared with the budgeted (this should be very simple)	08/29/23		10/11/23 Information Only: BMR request was updated to change from BAO travel information to only CEO: CEO 2023 travel with the following: For each time away, please provide: 1.Dates 2.Locations traveled to 3.Total cost 4.Whether the district paid in part or in whole (how much, and was it as a legitimate business expense or as a taxable perk) 5.If for official reasons, if not clear from the outside, please provide a brief (one sentence or even partial sentence is fine) description of the nexus -- e.g. "met with these senators in washington dc: warren, booker, and feinstein" 6.If the district only paid in part, I do not need to know what was happening during the personal time 7.Please provide the budget for travel for that time period and how the actuals compared with the budgeted (this should be very simple); 09/08/23 Information Only: Two additional weeks need. Anticipated completion date of September 22.
R-23-0017	11/14/23	Beall	Baker	Williams	Provide regular updates to the Board or Board committee on the rehabilitation of the Sunnyoaks Percolation Pond and work with the City of Campbell and the Santa Clara County Fire Department on a resolution.	12/05/23		
R-23-0018	11/14/23	Beall	Callender	Taylor	Provide Director Beall with the number of low income senior exemption participants and consider comparing program with other low income senior exemptions programs offered by other agencies for other exemptions.	12/05/23		

OUTGOING BOARD CORRESPONDENCE

TO: Environmental Creek Cleanup Committee

SUBJECT: Naloxone Availability and Bystander Use Program

FROM: Alexander Gordon

DATE: December 4, 2023

During the Environmental Creek Cleanup Committee Meeting on October 19, 2023, staff presented the development of Valley Water's Naloxone Availability and Bystander Use Program. Five questions were provided for follow up, which can be seen below with answers from staff.

The two questions below were from the public:

- Can Valley Water staff leave some Naloxone supply with the unhoused for them to use themselves?
 - Staff response – The California Department of Public Health (CDPH) Public Health Officer Order and California Civil Code section 1714.22 only allows Valley Water to distribute Naloxone to its staff for voluntary use but cannot distribute to the public.
- Can Valley Water train non-Valley Water staff to administer Naloxone, such as a train-the-trainer?
 - Staff response – This is not a service that Valley Water provides. County of Santa Clara Behavioral Health provides services for free Narcan training and kits, which further detail can be found at <https://bhsc.sccgov.org/information-resources/opioid-overdose-prevention-project/rescue-and-training>

The following three questions/inquiries were from Board Members:

- If a Valley Water staff member receives Naloxone due to a potential overdose, is their information kept confidential?
 - Staff response – Yes, confidentiality would be maintained as much as practical. The initial response would most likely not be private, but all associated actions would remain confidential.
- Can we require staff to take the Naloxone training and participate in the program?
 - Staff response – Under the CDPH Public Health Order and California Civil Code section 1714.22, Valley Water is allowed to distribute Naloxone to its staff for voluntary use only. Staff are required to receive training if they voluntarily participate in the program.
- Please include the Board Members in offering the Naloxone training.
 - Staff response – Board members will be provided opportunity to receive training for the voluntary Naloxone Access and Bystander Use (NABU) program.

DocuSigned by:

Alexander Gordon

Alexander Gordon
Assistant Officer
Emergency, Safety and Security Division

cc: T. Yoke, M. Harvey
ag
231019 ECCC Mtg Response for NABU

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-23-0045	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 Santa Clara.	Refer to Staff	Blank Yerrapotu	Codianne	05/20/23	05/22/23	n/a	05/26/23
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	Codianne	09/01/23	08/30/23	n/a	09/07/23

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
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 property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23
C-23-0235	09/21/23	09/22/23	All	JESSICA CALDERON	Email from Jessica Calderon to the Board, dated 9/21/22 regarding the unhoused at Church st./Howson Creek Monterey Road/Howson Creek, Gilroy.	Refer to Staff	Hakes	Codianne	09/30/23	09/25/23	n/a	10/06/23
C-23-0239	09/24/23	09/25/23	Beall	KATHLEEN O'CONNELL	Email from Kathleen O'Connell to the Director Beall, dated 9/24/23, regarding Water Resource Protection Zone at the upcoming Cherry Avenue EIH project.	Refer to Staff	Hakes	Codianne	10/03/23	09/27/23	n/a	10/09/23
C-23-0266	10/31/23	10/31/23	All	JOHN GUISLIN	Email from John Guislin	Refer to Staff	Hakes	Yerrapotu	11/08/23	11/06/23	n/a	11/14/23

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
					to the board, dated 10/31/23, expressing concern for Creek Flooding mitigation along San Francisquito Creek.							
C-23-0267	11/03/23	11/03/23	Varela	ROCHELLE BEERLI	Email from Rochelle Beerli to Chair Varela, dated 11/03/23, conveying questions about Pacheco Dam.	Refer to Staff	Richardson	Mccarter	11/11/23	11/16/23	n/a	11/17/23
C-23-0278	11/14/23	11/15/23	Beall Estremera	ALETTE LUNDEBERG	Email from Alette Lundeborg to Directors Estremera and Beall, dated 11/14/23, regarding access to the locked park on Williams Street across from the William Street Park.	Refer to Staff	Yoke	Ndah	11/23/23	12/05/23	n/a	11/29/23
C-23-0283	11/25/23	11/27/23	Hsueh	NISHKA GURNANI	Email from Nishka Gurnani to Director Hsueh,	Noted and Filed	-	-	12/05/23	-	n/a	12/11/23

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
					11/25/23, with interview questions on water quality issues in the Bay Area.							
C-23-0284	11/27/23	11/28/23	All	MADELINE LIAO	Email from Madeline Liao to the board, dated 11/27/23, inquiries on the Homeless for Highschool essay.	Refer to Staff	Hakes	Codianne	12/06/23	12/04/23	n/a	12/12/23
C-23-0287	11/29/23	11/29/23	Hsueh	DWIGHT NICKERSON	Email from Dwight Nickerson to Director Hsueh, dated 11/29/23, regarding damaged retaining wall on Saratoga Creek.	Refer to Staff	Hakes	Codianne	12/07/23	12/05/23	n/a	12/13/23
C-23-0290	12/05/23	12/05/23	All	ANNIE BELT	Email from Annie Belt, to the board, dated 12/5/23, regarding article about "City Creeks See Explosion in Spawning Salmon Population in San Jose After 10 Years of	Noted and Filed	-	-	12/13/23	-	n/a	12/19/23

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
					Habitat Cleanup."							
C-23-0293	12/04/23	12/07/23	Beall	AFSHIN ROUHANI	Email from Afshin Rouhani to Director Beall, dated 12/04/23, regarding Anderson Dam options.	Refer to Staff	Richardson	Mccarter	12/15/23	-	n/a	12/21/23

Michele King

From: Alette Lundeberg [REDACTED]
Sent: Friday, December 01, 2023 7:30 AM
To: Board of Directors
Cc: Georgie Huff; janicezajac99@gmail.com; Holly Hill; Jim Beall
Subject: Re: Access to Park on Williams Street owned by the Water District

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hello- it has been 2 weeks since I wrote to you regarding the small park across from Williams Street Park. Other than Jim Beall reaching out, I have heard nothing from District staff or Mr. Estremera who represents the area in question. What is the process for getting my inquiry resolved? Is there a complaint number I can reference? Your website states that response to inquiries occur within 14 days, which has not happened to date.

I would appreciate some sort of response.

Sincerely,

Alette Lundeberg

Sent from my iPhone

> On Nov 14, 2023, at 1:33 PM, Alette Lundeberg [REDACTED] wrote:

>

> Hello- my name is Alette Lundeberg and this email is intended for Tony Estremera and Jim Beall along with District staff .

>

> On Williams Street, four houses down from 16th Street, is a jewel of a park owned by the District. This LOCKED part sits across from the well known Williams Street Park.

>

> Today, 11/14, several friends and I were able to access the park as District staff were there and the gate was unlocked. The park contains a mini amphitheater, walking paths, benches , sculptures and even electricity!! When speaking to District staff they did not know why the park was locked year round. We agreed that certainly, if we were experiencing significant rain with flood risk, the park should be locked. However, no one could tell us why it is locked year round.

>

> Therefore, my request is for the District to UNLOCK the park so neighbors and visitors can access it. Certainly with the above-referenced amenities, that is what the District must have intended. This may sound like a cliché, but Public Funds were used for this park and the public deserves access to it. I would appreciate a response to this request in a timely fashion.

>

> Sincerely,

> Alette Lundeberg

> [REDACTED]

[REDACTED]

>

> Sent from my iPhone

Michele King

From: Dwight Nickerson [REDACTED]
Sent: Wednesday, November 29, 2023 12:02 PM
To: Nai Hsueh
Cc: jcherbone@saratoga.ca.us; Board of Directors; Lilian Dennis
Subject: Saratoga Creek Damaged Retaining Wall

*** 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. ***

Ms. Nai Hsueh,
Case #AVW-012245, Saratoga Creek Retaining Wall

You are District 5's representative where a serious rupture has occurred in a Saratoga Creek retaining wall along Rocky Creek Rd. in the Saratoga Oaks HOA community. The wall was built years ago to help control flooding prior to Saratoga Oaks being constructed. The problem was reported on August 8th, evaluated by your O&M folks and assigned the above case number. To date, I have not heard from the district. Recently, you published a list of 50 projects to be addressed this coming year. This Saratoga Creek repair was not listed. Winter rains could further damage the retaining wall. Saratoga Creek runs along Rocky Creek Rd. with townhouses nearby. It is appropriate for this project to be included in the district's plans for the coming season.

Following are photos of the damaged wall. Nearby addresses near the site are 14642 - 14660 Springer Ct. The units' garages face Rocky Creek.

<https://photos.app.goo.gl/nGqPVRh5ipcmzy7R7>

Thank you for your action on this important matter.

Regards,
Dwight Nickerson
HOA Board Director









Michele King

From: brigitte rince [REDACTED]
Sent: Thursday, November 30, 2023 6:08 PM
To: omar.passons@sanjoseca.gov; Board of Directors
Subject: Homeless on Valley Water Property

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi Omar and Valley Water Board members,

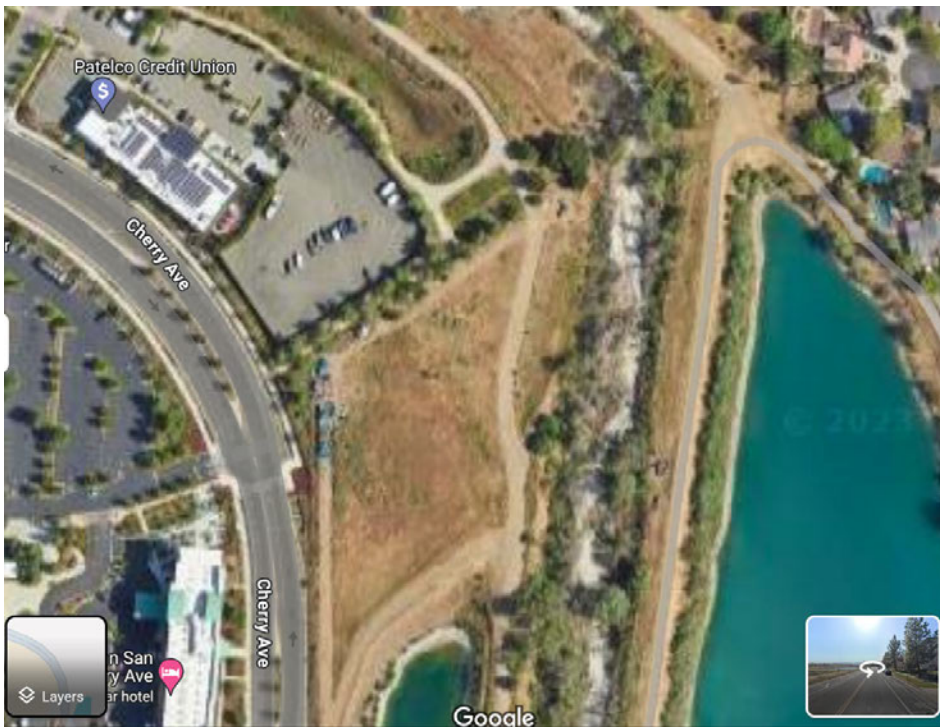
I was unable to attend the ENA general meeting on November 29th where you were able to speak about the homeless on the property between Branham Lane and Blossom Hill Road.

We were told that the Water District would enforce an abatement process to remove the homeless that are breaking rules and creating a hazard to our community, however, we have not seen that this has or will happen since 2020. Many of us that live in Erikson call the police on a regular basis because of fires, fighting, rape etc. The women are not safe out there, however, nobody is doing enough to protect them.

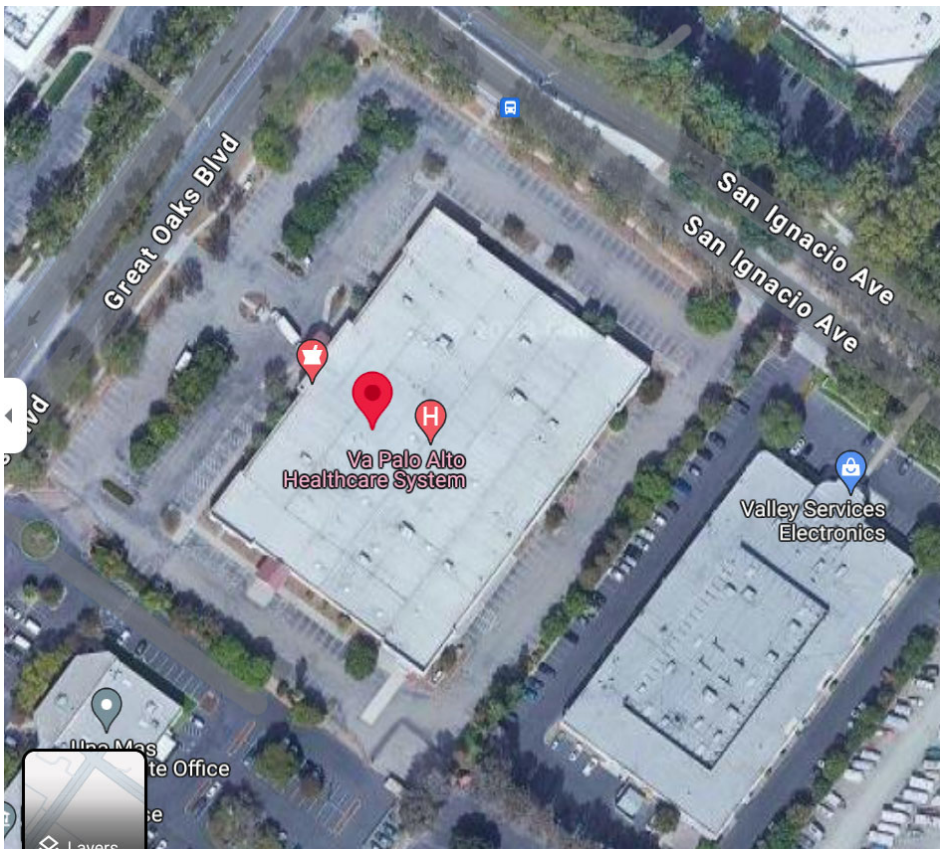
Please consider having a centralized location to provide services to the homeless rather than having Santa Clara County vans and people come to the end of Chynoweth and swing around the closed gate to get to the homeless along the levee and river.

We do not feel safe in our own homes and our lives are disrupted by the homeless on a daily basis. Please figure out a way to prevent the homeless from setting up tents and harassing the homeowners along Tonino, Fell and Chynoweth by enforcing no trespassing and camping on this side of the Guadalupe River. Our property values are going down and we will have to disclose the homeless situation should we put our home up for sale. Let me ask you this question. Would you like to live in a home where your view from your kitchen, bedroom and backyard are of the homeless where you see all of the blight, hear all of the screaming and inhale all of whatever they are burning.

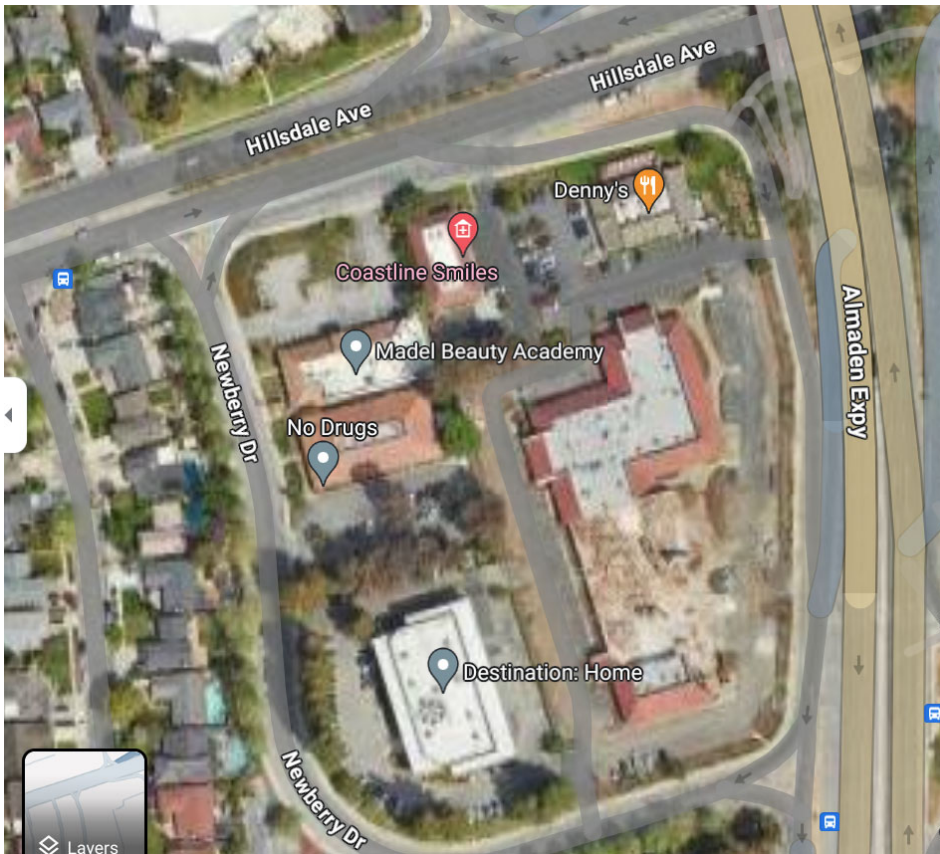
We have put up with this for far too long and will not stop fighting to get back to normalcy. Our next step will be litigation should the matter not be rectified.



I heard in the recording of the meeting that there was a request to provide locations of parking lots that are unused and thought of the [VA in South San Jose](#)



Also Hillsdale and Newberry - there are some empty businesses that are boarded up



sincerely tired of this BS
Brigitte Rince

Michele King

Subject: FW: The State of the homeless situation on Los Gatos creek

From: Wendy [REDACTED]

Date: December 1, 2023 at 7:21:27 PM PST

To: Barbara Keegan <BKeegan@valleywater.org>

Cc: Jennifer Codianne <JCodianne@valleywater.org>

Subject: Re: The State of the homeless situation on Los Gatos creek

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

Hi Ms.Keegan,

Yes, I'd love to walk the creek with you and can also organize a walk with another neighbor who's more involved with the encampment slightly further south next to Ebay.

I know this isn't the only encampment along the creeks and there are many more affecting many residents, but I hope we can show you why we are so concerned about the safety of our neighborhood and how much of a detriment it has become to the community.

I am at home on Mondays all day and Friday afternoons or can arrange a time to walk the creek during the weekend if that fits your schedule.

I have emailed Ms.Codianne before and one of her representatives and I have talked. He was the one that advised me to contact you and ask for support to help sway the board on changing their directive on the situation. I am aware of the Martin vs. Boise lawsuit but I am also aware that it only blocks the criminalization or fining of homeless encampments, not the abatement of encampments, especially when they are a serious risk to the area. Considering the state of the situation and the looming risk of a fire getting out of control, I want to urge the board to reconsider their directive on not abating any encampments. We discussed this during the last encampment meeting as well and Director Eisenberg acknowledged that legally, the case did not stop Valley Water from abating encampments, but continued by saying that she didn't consider it the best thing for the homeless to move them. She then told us that there was a large RV camp next to Stanford and Valley Water believed it wasn't ok to move them as parking several miles away could not be considered alternative housing because they wanted to continue being close to their employment location and keep their children in Palo Alto high school. I honestly felt that the comment was very out of touch with reality. I lived at Stanford for 5 years, biked past these RVs at night all of the time, and they have never posed a safety risk to the community. The encampments we are talking about along the Los Gatos creek have contributed to serious environmental damage to the creek and also been the source of petty theft, fires and open drug use next to schools. I hope that the board can put as much weight into their future decisions while considering the burden the encampments are putting on our nearby schools and housed community as they're putting into considering the educations of the homeless and their proximity to their jobs in the future.

I would very much like to hear what short term plans Valley Water Works has for providing housing to the homeless once funding becomes available in January. I continue to hear that Ms.Codianne's group is looking for housing but have not heard any details on how the funding will be used.

Best,
Wendy

On Fri, Dec 1, 2023 at 12:50 PM Barbara Keegan <BKeegan@valleywater.org> wrote:

Dear Ms. Li,

My sincere apologies for not responding to your emails. I have been having some problems with my District email account but I'm puzzled that that I would have missed your earlier emails. I'm sorry that I wasn't able to respond in a timely manner.

I have copied a staff member on this email response, Jennifer Corinne, who can better respond to your specific concerns.

It is challenging to address the issues raised by unhoused encampments. Unless there are places available for them to go to it is legally very difficult to remove them from public lands.

I think you may be aware that Valley Water has recently been granted legal authority to financially assist in housing issues. This means we can work with other entities to develop housing for people who are currently unhoused.

This is of course a long term solution to the problem as you alluded to in your earlier email. In the interim I would like to encourage you to utilize Valley Access Water <https://access.valleywater.org/s/> to report problems as they occur. This allows us to better respond and track problems that we receive from the community.

I am available to meet with you if you would like. I am familiar with Los Gatos Creek trail and have heard concerns from other neighbors.

Thank you for contacting me.

Best regards,
Director Barbara Keegan

Sent from my iPad

On Dec 1, 2023, at 10:44 AM, Wendy [REDACTED] wrote:

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

Hi Ms. Keegan,

I am still waiting on a reply. There was another fire by TimberCove further down south alongside los gatos creek.

Again, this area is a heavily residential area and being put at serious fire risk due to the number of encampments along the creek.

As the weather continues to get colder, this issue will only get worse.

I hope you can consider not just the safety of the residents but also the homeless.

This is not the place to allow encampments at, as it is a serious flood and fire danger area.

Best,
Wendy

On Thu, Nov 23, 2023 at 11:56 PM Wendy [REDACTED] wrote:

Hi Ms Keegan,

I sent an email to you over a week ago and never got a response.

I'm sending another email again, hoping to hear a response back from you. I've attached another photo of the encampments next to my home to express the continuing issues we're facing here.

I had to yet again call the fire department on an open fire by the creek yesterday night and the fire department described our area as full of drug addicts with weapons. I also talked to Valley Water workers who were working on cleaning up the trash in the area and they expressed their sympathies, telling me how unfair it was that they couldn't abate the encampments and expressing that the people who were suffering as a result of the board's decisions were us. Even the employees in Valley Water Works understand how bad and unfair the situation is.

I hope you can understand why I consider this such an important and urgent issue.



There are over a dozen encampments like this on a 0.25 mile stretch of creek. There are even more encampments another 0.25 miles away.

Best,
Wendy

On Tue, Nov 14, 2023 at 1:33 AM Wendy [REDACTED] wrote:

Hi Ms.Keegan,

I live on Stokes st. right next to the Los Gatos creek near Leigh avenue. I moved here less than a year ago and was very excited to buy my first home by a safe neighborhood. In this year, I've seen the creek go from one or two homeless camps to a refugee level number of camps. At 2 and 3 am, I can hear the homeless race down my street with their motorized bikes. I wake up to them digging through my

recycling in the mornings and I no longer feel safe walking outside at night alone. In July and August, there were two forest fires started by the encampments less than a mile from me. During summer, I also saw a car 10 ft from my front door get its windows smashed in by a homeless man that was later arrested that night. Any time I'm on the trail, I see men from the camp that's less than 100 ft from my home riding around with a second bicycle (that was clearly stolen) and I've seen them take these bicycles and break them apart for parts or to sell in the future.

I have spent my own money and time helping feed a dog that a homeless family abandoned on the trail and worked with neighbors to get animal control to pick up as she was too aggressive to be caught without professionals. I pick up trash along the paths to help keep the trash levels down and flyer the area to encourage our neighbors to reach out to local officials about how bad the situation has become. This isn't my job, it's Valley water's job to keep the trails clean and safe.

I have been talking with the homeless outreach group in Valley Water Works and attended your meetings on encampments. It seems like the sentiment of the board is to do nothing but provide support to the homeless until housing is available, but let's be realistic, while the city is putting in lots of effort to build more housing for the homeless, it will be years if not decades before we have enough. Is the board's plan really to wait and sit on their hands until housing is available? The number of homeless camps on the creek is growing day by day (I am not exaggerating here, I see new camps pop up and grow bigger every week when I walk the trail on the weekends). If Valley Water continues to offer supportive services like porta-potties and gift cards, it will only continue to attract more camps. I'd love to hear a plan for clearing out the encampments with solid dates and action items rather than board members holding off on doing anything until housing appears, but no action items for acquiring this housing.

I'd love to know what you as our region's representative is doing to keep this region clean. I'd also like to walk the trail with you and show you how drastically it's changed in this year alone. I also have accounts from other neighbors in the region facing similar issues and harassment from the homeless that can show you how unsafe the situation is becoming. Hopefully we can label the area as a major hazard and a candidate for abatement.

Here's a video of the trail in February 2022

<https://youtu.be/LyL8SYXb5hA?si=3dl1zVtcp4BD4vAO>

Here are some photos of the same trail taken a few weeks past:



There are several camps less than 150 ft from Blackford Elementary as well as from Morgan Autism Center (a special needs school), but none of them have been cleared even though they are part of the school buffer zone.



This camp here is within 150 ft of Morgan Autism center



This camp didn't exist a month ago and popped up immediately after the porta potties were installed.

Best,
Wendy

--

Wendy Li

[REDACTED]

--

Wendy Li

[REDACTED]

--

Wendy Li

[REDACTED]

--



Michele King

From: annie b [REDACTED]
Sent: Tuesday, December 05, 2023 7:54 AM
To: Board of Directors
Subject: City Creeks See Explosion in Spawning Salmon Population in San Jose After 10 Years of Habitat Cleanup

*** 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. ***

City Creeks See Explosion in Spawning Salmon Population in San Jose After 10 Years of Habitat Cleanup

I participated in two of these cleanups. We removed several tons of trash of all kinds each time, from syringes to furniture...

Apparently, South Bay Clean Creeks Coalition has been working hard for 10 years.

Very exciting.

<https://www.goodnewsnetwork.org/city-creeks-see-explosion-in-spawning-salmon-population-in-san-jose-after-10-years-of-habitat-cleanup/>

Sincerely,
Annie Belt

Get [Outlook for Android](#)

Michele King

From: brigitte rince [REDACTED]
Sent: Tuesday, December 05, 2023 10:49 AM
To: Stephen Donohue; Board of Directors; pam.foley@sanjoseca.gov; district9@sanjoseca.gov; mayor@sanjoseca.gov; omar.passons@sanjoseca.gov
Subject: Homeless between Branham and Blossom Hill

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hello,

I have called the fire department twice this week due to fires in the homeless encampments along Cherry Avenue across from the Bass Pro Shop at Almaden Ranch.

Is there a new law that allows people to have these fires?

I have spoken with several of my neighbors who expressed that they have respiratory illnesses that are aggravated by these fires. They go on all year long so that we are unable to open our windows to enjoy fresh air. Even when we close our windows, we still get the smoke inside our homes. This is not safe for anyone. Why is this allowed? We had one home evacuated due to a fire on the back fence of a resident on Tonino. What needs to happen before we get some action to remove the homeless from the areas surrounding our homes?

We have been dealing with the homeless between Branham Lane and Blossom Hill burning, destroying and littering the area that in previous years was maintained and protected.

After listening to the recorded ENA meeting from Nov 29th at the Pearl Ave Library, it is evident that Caltrans who owns the property under highway 85 has not been contacted to remove the homeless from that area which has been identified as a Flood zone by FEMA.

We are unsure that the EIH which has been promised to be built and alleviate some of the burden of having the homeless in our neighborhood will actually be effective without the support from all of the entities that have ownership of the land.

We are not confident that we will have the peaceful safe neighborhood that many of us enjoyed for years prior to the allowance of the homeless to take over this area.

We at minimum require rules and laws be enforced in the span between Branham and Blossom Hill to prevent our situation from getting to the point of no return. **We need all of you on this email thread to participate in the enforcement of the rules below.**

1. Allow the SJPd to remove any of the homeless that break laws and rules.
2. Track and identify the individuals that you are now allowing to reside on your property. For every resident, there is a public record of who owns each home. The same should be enforced for the people living outside
We want to know who we are living next to.
3. Individuals with a police record will be abated

4. No tents in the river or within 50 feet of the water.
5. No tents near homes, along our fence lines
6. No open fires
7. No trash piled up - removing 6 tons once a month is not enough and costing all of us too much money to maintain
8. No weapons
9. Medical attention (minor not emergency care) will be provided at a centralized location, not on the levee
10. Care for animals such as rabies and other vaccinations will be required in order to prevent the spread of disease. Unvaccinated pets pose a public health hazard as they are at risk of catching and transmitting rabies and other viruses. Microchips to be implanted to allow animal control to locate the owners and prevent breeding. Free spay and neuter to prevent breeding. The [Street dog coalition](#) can help.
11. Make it more difficult for more to move into the area. Do not provide incentives for them to live here such as gift cards

The situation here is getting worse not better. You have not done enough to give us hope for a safe place to live.

Regards,
Brigitte Rince

Michele King

Subject: FW: Creek management
Attachments: Stream Maintenance and Property Management Fact Sheet.pdf

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Thursday, November 30, 2023 9:41 AM
To: [REDACTED]
Subject: Re: Creek management

Sent on Behalf of Director Hsueh:

Dear Mr. Kanazawa:

Thank you for reaching out to us regarding vegetation and downed trees within San Tomas Aquino Creek along the Quito Oaks development on Quito Road. There is not a singular entity in charge of the creeks and property owners whose land extends into the creek have a primary role. Valley Water owns or has access to maintain approximately 294 miles of the 800 miles of the creeks and rivers in Santa Clara County. The remaining stretches of creeks are owned by Santa Clara County, private entities, cities in which the creeks are located, and other public agencies. Valley Water maintains property where it has built flood protection projects and possesses land rights.

This section of San Tomas Aquino Creek is owned by various private properties with no land rights for Valley Water. Our watershed inspector did investigate the blockage this past winter when it was reported by another individual and found no concerns for flooding at that time. The dead vegetation and fallen trees that have naturally accumulated in this section of the creek are stabilizing the creek bed where some erosion has occurred. Keeping the debris in place is beneficial to the creek.

I've attached a fact sheet that identifies Valley Water's role in stream maintenance, and you may review Valley Water ownership on our website by using the following link: <https://gis.valleywater.org/FeeEasement/>. The green areas show lands owned in fee title the yellow areas show land held in easement. Activities in the creek regardless of ownership are further regulated by state and federal regulatory agencies.

Please contact Jennifer Codianne, Deputy Officer for Watersheds Operations and Maintenance at jcodianne@valleywater.org for follow up information.

Sincerely,



Nai Hsueh
Director, District 5

C-23-0279

From: RICHARD M KANAZAWA [REDACTED]
Date: November 17, 2023 at 2:53:41 PM EST
To: Nai Hsueh <NHsueh@valleywater.org>
Subject: Creek management

*** 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 would like to bring to your attention the debris of dead vegetation and downed trees in the creek bed near the area of the Quito Oaks development on Quito Road. This might lead to flooding and damage from additional debris being swept into the area.

Richard Kanazawa

Oriole Way

Saratoga

Sent from my iPad

<Stream Maintenance and Property Management Fact Sheet.pdf>

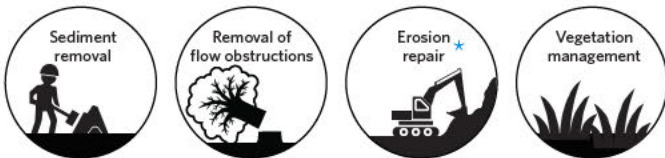
Stream Maintenance by Valley Water

Valley Water performs stream maintenance on completed flood protection projects to keep them in a safe and usable condition as originally designed and constructed. As the landowner, Valley Water also manages its property by performing work along streams.

Maintenance of Capital Projects

Capital projects are large-scale projects that maintain or improve capital assets. They involve a planning, design and approval process that includes public review, California Environmental Quality Act (CEQA) compliance, funding, and land and regulatory permit acquisition. Valley Water maintains the structural and functional integrity of these constructed projects to ensure the significant investment in infrastructure continues to provide the flood protection benefits as its intended design and construction.

Maintenance activities for Capital Projects



* Erosion is a natural process; Valley Water is not obligated to keep a creek "in place". Rather, Valley Water is obligated (considering the availability of resources) to preserve the functional and structural integrity of flood protection projects built or accepted by Valley Water.

Activities include removal of sediment and other obstructions to flow, erosion repair, and vegetation management.

Work activities are defined and permitted under a **Stream Maintenance Program (SMP)**, a ten-year program approved in 2013 by seven state and federal regulatory agencies.

Maintenance work is prioritized based on several considerations, including available resources. Higher priority is given to capital projects completed with federal partners, levee maintenance, and work to preserve channel capacity.



Staff removing fallen trees blocking creek flow.

Maintenance as a Landowner

Valley Water performs work on properties owned in fee title or where otherwise obligated by permit or agreement. These activities include weed abatement, hazardous tree removal, pruning for access, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal.

Maintenance activities as a landowner



Maintenance on easements

Valley Water performs limited work on properties owned by others where Valley Water has an easement. Easements are generally acquired for flood protection or water management and storm drainage purposes and grant rights (not obligations) to take actions in accordance with those purposes.

Valley Water does not perform activities such as weed abatement, erosion repair, graffiti or trash removal on easements as these are landowner responsibilities.

Removal of fallen trees or other obstructions to flow are flood protection activities that may be done by Valley Water. Unless otherwise stated, erosion repair on easements is a property owner responsibility.

The landowner retains rights to use the easement but cannot take actions, such as construction of a building, that conflict with the Valley Water easement right. A typical easement deed requires a property owner to seek Valley Water's approval for certain construction activities such as grading and fencing.

Property Owner's Responsibility for Creek Maintenance

Every property owner has a duty to maintain his or her property in a reasonably safe condition that does not interfere with a neighbor's ability to enjoy their property. A property owner is not required to enlarge or increase the capacity of a creek for flood protection purposes. Maintenance duties may include vegetation management, erosion repair, and removal of graffiti, trash, debris, and fallen trees. Some activities are subject to permitting by local, state and federal regulatory agencies prior to performing the work.

Property owner's responsibilities for creek management



Site of completed erosion repair.

Exceptions and Joint Efforts

There are limited situations where Valley Water may conduct work on private or other public agency owned property. Work may be conducted, subject to agreements, on other public agency owned property or on private property, with permission, during emergencies or for limited stream stewardship purposes.

Emergency Work

Valley Water may perform urgent and emergency flood protection work on other public or private property where a public purpose is endangered, subject to written permission to enter from the property owner. Staff availability and priorities will likely limit our response in an urgent or emergency situation.

Stream Stewardship

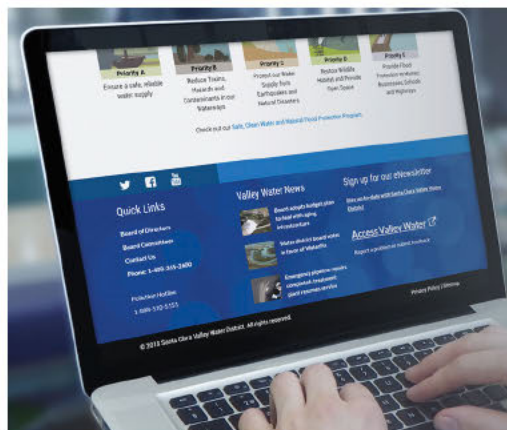
Stream stewardship activities that remove invasive plants along streams are conducted by Valley Water staff. This work may occur on Valley Water property and easements with permission from the property owner. Because it is important to eradicate invasive plants along a creek on a watershed and watershed wide basis and the **Safe Clean Water Program** provides funding for this activity, staff may also seek permission to perform this work on private property.



Crews removing giant reed (*arundo donax*), an invasive plant, from creek.

See link for care guidelines:

<https://www.valleywater.org/learning-center/healthy-creeks-and-ecosystems/creekside-property-program>



CONTACT US

For more information, contact us at **(408) 630-2378** or use our **Access Valley Water** customer request and information system at valleywater.org to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person.



To get eNews, drop an email to: info@valleywater.org

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November 30, 2023

Mr. Michael Triulzi,
Research Analyst
SEIU United Service Workers West
Email: michael.triulzi@seiu-usww.org

BOARD OF DIRECTORS

[John L. Varela](#) / Chair (District 1)

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[Rebecca Eisenberg](#) (District 7)

CHIEF EXECUTIVE OFFICER

[Rick L. Callender, Esq.](#)

CLERK OF THE BOARD

[Michele L. King, CMC](#)

Dear Mr. Triulzi:

Thank you for your October 20, 2023, email regarding Santa Clara Valley Water District's (Valley Water) solicitation for janitorial services and for expressing your concerns about the impact the contract award may have on Valley Water and the janitorial workers who service our facilities. Your letter also noted the recent passage of AB-520, which provides that any public entity is jointly and severally liable for any unpaid wages related to contracts in the property services.

Valley Water uses PlanetBids, a third-party platform for its e-procurement portal. Registering in this portal is the best way for vendors to stay informed about current and upcoming business opportunities with Valley Water. In addition, as part of our outreach process through PlanetBids, notifications regarding contracting opportunities are provided to various chambers of commerce and trade unions. It is highly likely that the vendors listed in your letter as Service Employees International Union (SEIU) South Bay Signatory Janitorial Bidders are aware of and participate on this portal.

We recently closed the solicitation period for janitorial services, and staff are in the process of reviewing over a dozen proposals that were submitted in response to this request for proposal. Our review process encompasses various elements such as a review of written proposals, oral interviews with select vendors, and verifying references, among other components. As staff work through the evaluation of the proposals received, a recommendation will be made that best meets the operational needs of Valley Water, while ensuring that the most qualified responsible vendor is selected for a contract award.

In response your concerns about wage theft, the Board is committed to addressing issues regarding wage theft which led us to adopt a Living Wage Policy in 2003 and requires that people doing work for, or on behalf of Valley Water be paid a living wage. This policy was updated in August 2019 to include provisions that janitorial service workers employed on contracts be paid a wage either at or above the living wage rate and be provided health insurance benefits as defined in the policy at no additional cost to the worker. Our current Living Wage Policy also includes dental, vision, vacation, as well as sick and holiday benefits equivalent to Valley Water employees. There is no cost share requirement for the worker compared to Valley Water employees who pay a 15% cost share. The Living Wage Policy is attached here and can be found at the following link: <https://www.valleywater.org/contractors/doing-businesses-with-the-district/purchasing-and-contracts/living-wage-policy>



Mr. Michael Triulzi
Page 2
November 30, 2023

Thank you for taking the time to address the Board and for conveying your concerns. For any questions or further information regarding the janitorial services solicitation, please contact Mr. Tony Ndah, Deputy Administrative Officer – General Services at tndah@valleywater.org.

Sincerely,

A handwritten signature in black ink, reading "John L. Varela". The signature is written in a cursive style with a large initial "J" and "V".

John L. Varela
Chair, Board of Directors

C-23-0261

Attachment: Living Wage Policy

tn:sd
1109a-l

LIVING WAGE POLICY

It is the policy of Santa Clara Valley Water District (Valley Water) that persons doing work for, or on behalf of Valley Water, should be paid at least a living wage, provided affordable health insurance, have reasonable time off and not be subject to layoff merely because Valley Water changes contracts.

1. APPLICATION

A. Service or Labor Contract

The Living Wage Policy applies to an awarded contract that Valley Water estimates the expenditure of more than \$50,000 (fifty thousand dollars) during the term of the contract for the furnishing of the following services to Valley Water (as opposed to the purchase of goods or other property or the leasing of property):

- i. Janitorial and Custodial Services
- ii. Security Services

B. Exemptions

Notwithstanding the type of contract specified in Section 1(A) of this Living Wage Policy, if any of the following are applicable, then the living wage requirements in this Living Wage Policy are not applicable:

- i. Contracts under which federal or state regulations preclude the applicability of the living wage requirements specified in this Living Wage Policy;
- ii. Contracts which involve programs where Valley Water shares management authority with other jurisdictions, unless all participating agencies have a Living Wage Policy;
- iii. Contracts which are impacted by leases, bond covenants, grant restrictions, governmental regulations and the like are reviewed on a case-by-case basis, and the Living Wage Policy included to the extent legally and contractually possible;
- iv. Contracts for professional services for specialized skills including, but not limited to: experts, consultants, auditors, engineers, attorneys, banking;

- v. Contracts where imposition of the living wage requirements specified in this Living Wage Policy is found by Valley Water's Deputy Officer of the General Services Division, or designee, to likely cause hardship to small businesses;
- vi. Contracts with non-profit organizations that provide educational and/or job-related training.

2. PAYMENT OF MINIMUM COMPENSATION TO EMPLOYEES

The following is the minimum living wage that shall be paid to individuals providing service to Valley Water under the contract specified in Section 1(A) of this Living Wage Policy:

A wage of no less than **\$24.47 (twenty-four dollars and forty-seve cents) per hour** effective July 1, 2020.

These initial rates will be reviewed by the Deputy Officer of the General Services Division, or designee, each year during the month of March, to determine if any adjustment should be made based on that year's February Consumer Price Index for all Urban Consumers in the San Francisco-Oakland-Hayward area (U.S. Department of Labor, Bureau of Labor Statistics). Any adjustment required by this policy will be effective July 1. Notwithstanding the Consumer Price Index, the living wage shall not increase by more than 4%.

Updated rates will be posted on Valley Water's Living Wage Policy web page:
<https://www.valleywater.org/livingwage>.

3. EMPLOYEE RETENTION REQUIREMENTS

A. Application

The employee retention requirements under this Policy will apply to contracts subject to this Policy during the contract term and provides for the continuation of a service currently provided by another contractor, including the following contracts:

- i. Janitorial and Custodial Services
- ii. Security Services

B. Retention Employee

Any person employed by the predecessor contractor or any subcontractor to the predecessor contract who:

- i. Is not an “exempt” employee under the Fair Labor Standards Act; and
- ii. Has been employed for at least 12 (twelve) months prior to the date of the new contract by the predecessor service contractor or subcontractor.

C. Employment

Employment shall be offered to all qualified retention employees.

- i. The new service contractor may deem a retention employee not to be qualified only if:
(a) the employee has been convicted of a crime that is related to the job or to his or her job performance, or **(b)** the contractor can demonstrate to Valley Water staff that the employee presents a significant danger to customers, co-workers or Valley Water staff.
- ii. Qualified employees of the predecessor contractor shall not be discharged without cause during the initial 90-day period of their employment with the new service contractor. Cause shall be based only on the performance or conduct of the employee.
- iii. At the end of the initial 90-day period of their employment, the new service contractor shall provide a written performance evaluation to each employee retained pursuant to this policy. If the employee’s performance is satisfactory, the new service contractor shall offer the employee continued employment.

4. HEALTH INSURANCE

The Contractor shall offer workers who work an average of 20 hours per week or more while assigned to Valley Water, and their eligible dependents, the option to enroll in a contractor medical insurance plan (including dental and vision) that meets the requirements specified in this Section 4. If a worker elects to enroll in such medical insurance plan, then the Contractor shall pay the monthly medical insurance premium(s) at no cost to the worker or their eligible dependent(s).

A. Medical Insurance

- i. The medical insurance shall include the equivalent of one of the following:
 - a. Health Maintenance Organization (HMO) coverage with no more than a \$15 (fifteen dollar) co-payment for prescriptions or physician visits (including routine

- and urgent care appointments) and no more than a \$200 (two hundred dollar) deductible for inpatient hospital care;
- b. Indemnity coverage at no less than 80%/20% of covered charges, including prescription coverage of no more than a \$10/\$15/\$30¹ (ten/fifteen/thirty dollar) co-payment, with an annual deductible of no more than \$100 (one hundred dollars) and an annual out-of-pocket limit of no more than \$1,000 (one thousand dollars);
 - c. Preferred Provider Organization (PPO) coverage at no less than 80%/20%, including prescription coverage of no more than a \$15 (fifteen dollar) co-payment, with an annual deductible of no more than \$500 (five hundred dollars) and an annual out-of-pocket limit of no more than \$2,000 (two thousand dollars) and, any medical plan shall include a basic level of both outpatient and inpatient mental health.
- ii. If the Contractor's current medical insurance does not meet Valley Water's minimum medical requirements, the Contractor shall purchase a medical insurance policy that does.
 - iii. Either a copy of the medical enrollment form with an effective date or a signed copy of proof of offer that a worker declined medical coverage is required within 30 calendar days of placement of a worker who will work an average of at least 20 hours a week at Valley Water.

B. Dental Insurance

- i. The dental insurance provided shall include a basic dental coverage benefit of \$2,000.00 (two thousand dollars) per each eligible worker and each eligible dependent per year, and the lifetime orthodontic benefit of \$1,500.00 (fifteen hundred dollars) per each eligible worker and each eligible dependent.
- ii. If the Contractor's current dental insurance does not meet Valley Water's minimum dental requirements, the Contractor shall purchase a dental insurance policy that does.
- III. Either a copy of the dental enrollment form with an effective date or a signed copy of proof of offer that a worker declined dental coverage is required within 30 calendar days of placement of a worker who will work an average of at least 20 hours a week at Valley Water.

¹ \$10/15/30 (ten/fifteen/thirty dollar) co-payment, when used in reference to prescriptions coverage means \$10 (ten dollar) co-payment for generic drugs, \$15 (fifteen dollar) co-payment for name-brand drugs and \$30 (thirty dollar) co-payment for non-formulary drugs.

C. Vision Insurance

- i. The vision insurance provided shall include a well vision exam with no co-payment for routine eye exams. The insurance shall also include a \$175.00 (one-hundred and seventy-five dollar) allowance for eyeglasses or contact lenses, every twenty-four months.
- ii. If the Contractor's current vision insurance does not have Valley Water's minimum vision requirements, the Contractor shall purchase a vision insurance policy that does.
- iii. Either a copy of the vision enrollment form with an effective date or a signed copy of proof of offer that a worker declined vision coverage is required within 30 calendar days of placement of a worker who will work an average of at least 20 hours a week at Valley Water.

5. CONTRACTOR PROVIDED PAID TIME OFF

Holidays	12 Valley Water holidays
Sick Leave	12 days per year (1 day per month), prorated for part-time employees
Vacation	Years 1 through 5: 2 weeks per year Years 6 and after: 3 weeks per year Vacation prorated for part-time employees

6. ENFORCEMENT

The service agreement shall provide that if a violation of any provision of this Living Wage Policy occurs and is not corrected after written notice, Valley Water may, at its option, do any or all of the following:

- i. Suspend and/or terminate the service contract for cause.
- ii. Require the employer to pay any amounts underpaid in violation of the required payments and Valley Water's administration costs and liquidation damages.

Violations of any provision of this Living Wage Policy can be reported to the Deputy Officer of General Services at Valley Water.

7. EFFECTIVE DATE

Any contract for which any request for service or labor covered by this Living Wage Policy is issued on or after July 1, 2019.

Additional information, including a history of living wage rates and contract information for Valley Water staff is available online at <https://www.valleywater.org/livingwage>

8. DEFINITIONS

Deputy Officer of General Services: An unclassified manager at Valley Water who is responsible for overseeing this Living Wage policy.

Eligible Dependent: An eligible dependent(s) is defined as:

- i. Current Legal Spouse
- ii. Registered Domestic Partner
- iii. Natural, Adopted and/or Step-children up to age 26, regardless of marital, residency or student status.

Health Maintenance Organization (HMO): A health insurance organization to which subscribers pay a predetermined fee in return for a range of medical services from physicians and healthcare workers registered with the organization.

Indemnity Plan: A plan that allows you to direct your own health care and visit almost any doctor or hospital you like. The insurance company then pays a set portion of your total charges. Indemnity plans are also referred to as “fee-for-service” plans.

Living Wage: A wage high enough to maintain a normal standard of living.

Preferred Provider Organization (PPO): A type of health plan that contracts with medical providers, such as hospitals and doctors, to create a network of participating providers. You pay less if you use providers that belong to the plan’s network.

December 4, 2023

Katja Irvin, AICP
Guadalupe Group Conservation Chair
Sierra Club Loma Prieta Chapter

Molly Culton
Chapter Organizing Manager
Sierra Club California

Sent on Behalf of Chair Varela via Email:

Re: Request made by Director Hsueh at April 25 and August 22 Board meetings regarding Valley Water follow up on Sierra Club comments about public outreach.

Dear Ms. Irvin and Ms. Culton,

Thank you for your email with suggestions for increased outreach for Valley Water's Water Supply Plan (WSMP) and the Delta Conveyance Project (DCP). We agree that the public's input is vital for ensuring that projects are developed and executed equitably to serve all of our communities. Our communications staff works to inform the public through our project webpages, social media platforms, blogs, media outreach, ad campaigns, monthly newsletter, and more. We are also committed to continuous improvement in the area of outreach, particularly through new and innovative approaches and platforms.

We appreciate you sharing your ideas, have shared your letter with staff, and will consider incorporating some of your recommendations within our outreach and our communications strategies moving forward. Stakeholder engagement is an important component of the Water Supply Master Plan update process and will be carried out throughout the plan development. Valley Water plans to engage the public and stakeholders primarily through board meetings, committee meetings, and workshops, with special notices to stakeholder groups before those meetings.

As requested by the Board, an environmental stakeholder meeting has been scheduled for December 13 and will include a Water Supply Master Plan update. We will also be providing a detailed Water Supply Master Plan update at the January 9 Board meeting. We welcome your participation at both of these upcoming events. In addition, Valley Water will use the WSMP

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[Michele L. King, CMC](#)

and DCP webpages, communication newsletter, social media, and other channels as ongoing opportunities to provide project updates and engage the public.

Thank you again for your recommendations. If you have any questions, please contact Assistant Officer, Kirsten Struve at kstruve@valleywater.org or (408) 630-3138.

Sincerely,

A handwritten signature in black ink, reading "John L. Varela". The signature is written in a cursive style with a horizontal line underneath.

John L. Varela
Chair, Board of Directors

C-23-0280

Michele King

Subject: FW: Anderson Dam Options

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

Sent: Monday, December 4, 2023 9:15 AM

To: [REDACTED]

Subject: Re: Anderson Dam Options

Sent on Behalf of Chair Varela:

Hello Afshin Rouhani,

Thank you for taking the time to write to the Board. As you are aware, Anderson Reservoir is the largest reservoir owned by Valley Water and provides more storage than Valley Water's remaining nine reservoirs combined. With Anderson Reservoir completely offline during the recent drought years and a wet 2023, Valley Water experienced tremendous impacts in our ability to reliably provide a safe, clean water supply to Santa Clara County. This has reinforced how critical a fully functional, seismically sound Anderson Dam and Reservoir is to the health and well-being of Silicon Valley and the surrounding areas. Unfortunately, due to shifting climate patterns, we expect water supply operations to become more challenging during future droughts and wet years.

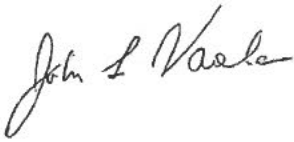
Although individual project features for the Anderson Dam Seismic Retrofit Project have evolved through design, the fundamental safety and reliability issues with the current dam configuration remain unchanged. Addressing the issues has been a long, iterative process working with several regulatory agencies to develop solutions, while exploring many alternatives along the way. These alternatives included examining possible changes to the size and location of the dam during the initial planning study, and at several other junctures as new information regarding the cost, schedule, environmental impacts, and regulatory constraints for the project unfolded. Many of the project features have evolved to meet dam safety standards set forth by the California Department of Water Resources, Division of Safety of Dams and the Federal Energy Regulatory Commission, Division of Dam Safety and Inspections. The collective project team of Valley Water staff, technical consultants, and regulatory agency representatives have taken the necessary steps to produce the safest, most economical, and least impactful project to restore the benefits of Anderson Reservoir.

The Anderson Dam Seismic Retrofit Project, as described in the Draft Environmental Impact Report, remains in alignment with Valley Water's priorities, policies, and objectives. Other potentially less expensive options that have been explored during the initial planning process and during critical milestones have found to be infeasible and would result in a disproportionate reduction in the benefits the restored Anderson Reservoir will provide to Santa Clara County.

Valley Water continues its mission to provide safe, clean drinking water to Santa Clara County while striving to limit increases to water rates as much as possible. This includes pursuing financing and grants through both federal and state initiatives. We look forward to continue working with our numerous project stakeholders and the public to successfully deliver this project.

If you have further questions, please contact Ryan McCarter, Deputy Operating Officer at rmccarter@valleywater.org.

Sincerely,



John L. Varela,
Chair, District 1

C-23-0282

From: Afshin Rouhani [REDACTED]
Sent: Monday, November 20, 2023 5:54 PM
To: Board of Directors <board@valleywater.org>
Subject: Anderson Dam Options

*** 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 Members of the SCVWD Board of Directors,

My name is Afshin Rouhani. I retired after 29 years working for the water district last year. As some of you may remember, I was unit manager for the District's Water Resources Policy and Planning group for many years, conducting and overseeing watersheds planning projects and the methodology of the planning process. I had meant to contact you regarding the Anderson Dam project before; however, the recent news article noting the project's increased cost to above \$2 Billion added urgency to my thoughts:

[Anderson Dam: Cost to rebuild major reservoir rises to \\$2.3 billion, tripling from two years ago \(mercurynews.com\)](https://www.mercurynews.com/2023/11/16/anderson-dam-cost-to-rebuild-major-reservoir-rises-to-2-3-billion-tripling-from-two-years-ago/)

My concerns re the project can be summarized as follows: I am concerned that this project, a very significant investment of public funds, has not been adequately investigated and planned and may therefore not be the best way to address the organization's real objectives and needs.

I feel this is because, as the project transitioned in the design phase from a seismic repair effort during its first few years to a full dam replacement effort, and as that latter effort grew more and more complex over the years, there was no attendant serious restudy of the project to analyze whether the full size in situ dam replacement project currently being designed is the best alternative or whether there are other alternatives or combinations of projects that achieve the water district's objectives better, perhaps even meeting more organizational objectives and at a lesser cost. As costs have skyrocketed past \$2 billion, this has become a more and more critical issue, though the issue existed before.

On the project's website, the only full-blown planning study that has been conducted for the project, the Anderson Dam Planning Study Report, was done in 2013! This study recommended that a portion of the dam be removed and replaced with new materials that thereby would address the seismic issues identified. This was the project that was taken into detailed design: a dam repair project. As design went on, it was realized that such a repair project would not be effective and that the entire dam needed to be removed and replaced. This was a momentous change in the project in terms of both scale (cost and

schedule) and impacts (permitting). But while the cost and effort issues were realized and calculated, the fundamental change inherent in this switch from a maintenance project to a replacement/improvement project was seemingly not understood. This "change" is because once the design team discovered that the dam would need to be removed entirely, a whole host of new possibilities and alternatives opened up that had previously not existed in a strictly repair project. This is not an unusual missed point of inflection in public works: a facility that has served a purpose for a long time requires extensive repairs or replacement and the organization, tied to historical thinking about its facilities and how it has always done things, only thinks of ways it can continue to do things the same way no matter what.

But the point of public infrastructure is to serve the organization's long-term goals, not to perpetuate the identical infrastructure to do so. So, what are the goals that need to be served now and into the future, taking into account many issues we did not know about in 1950 when Anderson Dam was originally built? To capture local water supply? To serve as local storage for Delta deliveries? To serve as emergency storage pool of water? Notice that none of these objectives requires a specific dam of a specific size at this specific location. For example, the dam location could be different, the dam size does not have to be the same, even the whole concept of a new dam as the only viable option to meet the District's objectives should be examined. Unfortunately, none of this happened in a systematic and thorough manner through an updated planning study, as it should have, befitting the huge investment in public funds inherent in the proposed project even when it was estimated as far under \$1 Billion. The District instead has proceeded down the design and permitting track as if a large earth dam at the exact current location is somehow the only option possible.

Even as the project costs have skyrocketed past first several hundred million, then \$1 Billion, and now \$2 Billion (and does the Board really know how much more costs will escalate, given past experience?), the organization seems to be disinterested in exploring alternatives. \$2.3 Billion is a lot of money. Is a very large new dam with its attendant long-term operation and maintenance issues and continuation of very significant flow and environmental habitat impacts on the Coyote Creek watershed the one and only way to meet the organization's overall water supply objectives? What is the comprehensive benefit to cost ratio of this dam and how does it compare to the many alternatives possible to meet our water supply goals? My point is that the Board simply does not know the answer to these questions because no comprehensive study has been done to compare the potential ways to meet the Board's water (and also environmental, and flood protection) objectives at this time.

Perhaps this new, shocking cost increase can be an incentive to stop the train and take the long overdue step to spend some time to really consider the options available before it's too late (noting that the FERC compliance tunnel project should proceed with all speed, of course). I strongly urge the Board members to ask management serious questions about a renewed and updated planning effort for this momentous undertaking. The water district has a very carefully thought out program and process to plan Capital projects and rigorously implements this process for projects of all sizes. You also have many excellent engineers, planners, and biologists who could do an excellent job conducting and overseeing the effort. But on the largest project it has undertaken, the organization is relying on a seriously outdated project decision. Why?

Respectfully,

Afshin Rouhani, PE
San Jose

