



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

December 24, 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>
3	BMR/IBMR Weekly Reports: 12/23/25
4	Memo from Sheryl Higa, Risk Manager, to the board, dated 12/23/25, providing Risk Management Unit communication.
	<u>INCOMING BOARD CORRESPONDENCE</u>
13	Board Correspondence Weekly Report: 12/23/25
14	Letter from David Guthridge, Owner of Light, Air & Space Construction, to Director Jim Beall, Received December 18, 1925, regarding Terraphase Engineering's award of the Environmental Sampling Services contract. C-25-0210
18	Email from John B. Hernandez to Director Beall, dated 12/18/25, regarding maintenance of Ross Creek banks. C-25-0211
	<u>OUTGOING BOARD CORRESPONDENCE: None</u>

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-25-0009	12/18/25	Eisenberg	Gibson	Lugo	How much money (if any) Valley Water paid (donation or otherwise) to the following organizations (including affiliates, sub-groups and/or parent organizations) over the past 5 years: Council on American-Islamic Relations (CAIR), American Israel Public Affairs Committee (AIPAC), National Association for the Advancement of Colored People (NAACP), and Anti-Defamation League (ADL). Have we donated or provided funds to an Asian American/AAPR/Chinese-American/Vietnamese-American/Japanese-American/Korean-American/Taiwanese-American/Philippino-American/Singaporean-American/and etc. group like this as well?	01/07/26		



MEMORANDUM

FC 14 (03-11-25)
Page 1 of 1

TO: Board of Directors

FROM: Sheryl Higa

SUBJECT: Risk Management Unit Communication

DATE: December 23, 2025

The purpose of this memorandum is to provide you with a copy of the recent Risk Management staff's communication with parties/individuals that have filed a claim against Valley Water.

Please find the following:

- 1) November 26, 2025 – Claim Settlement letter to James Osiakowski.
- 2) November 26, 2025 – Claim Settlement letter to Ron and Paula Wessels (District 7).
- 3) December 23, 2025 – Claim Settlement letter to Forest Management obo David Kang obo Willow Neighborhood Association (District 5).
- 4) December 23, 2025 – Late Claim Letter to Bret Swain obo South County Regional Wastewater Authority.

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

Signed by:

A handwritten signature in cursive script that reads "Sheryl Higa".

069FDCC6E9DD486...

Sheryl Higa
Risk Manager
Risk Management Unit



November 26, 2025

James Osiakowski
1203 Sommerset Court
Roseville, CA 95661

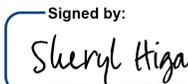
Re: Settlement – L2560006

Dear Mr. Osiakowski:

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$1,248.12.

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

Sincerely,

Signed by:

069FDCC8E9DD486...
Sheryl Higa
Risk Manager
Risk Management Unit

Enc: Settlement Check #726350





November 26, 2025

Ron and Paula Wessels
15466 Los Gatos Blvd.
Ste 109, Box 67
Los Gatos, CA 95032

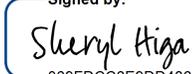
Re: Settlement – L2340018

Dear Ron and Paula:

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$738.62.

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

Sincerely,

Signed by:

069FDCC8E9DD486...
Sheryl Higa
Risk Manager
Risk Management Unit

Enc: Settlement Check #726259





December 23, 2025

Forest Management
3141 Stevens Creek Blvd. #274
San Jose, CA 95117

Re: Settlement

To Whom It May Concern:

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$7,500.00. Please ensure the enclosed check is provided to Mr. David Kang on behalf of the Willow Neighborhood Association.

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

Sincerely,

Signed by:

069FDCC6E9DD486...
Sheryl Higa
Risk Manager
Risk Management Unit

Enc: Settlement Check #727460

Copy: Willow Neighborhood Association c/o David Kang davidk@tryforest.com





December 23, 2025

Bret.Swain@Cityofgilroy.org

Bret Swain, PE
Senior Environmental Engineer, SCRWA Secretary of the Board
South County Regional Wastewater Authority
7351 Rosanna Street
Gilroy, CA 95020

Re: Claim

Dear Mr. Swain:

The claim which was presented to the Santa Clara Valley Water District on December 16, 2025, is being returned because it was not presented within six (6) months after the event or occurrence as required by law. See sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

WARNING

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

If you have any questions, you can contact the Risk Management Unit at (408) 630-2213 or at RiskManager@valleywater.org.

Sincerely,

Signed by:

069FDCC6E9DD486...

Sheryl Higa
Risk Manager
Risk Management Unit

Enc: Claim





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT California Government Code Sections 900 and following

<p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Clerk of the Board's Date Stamp</td> </tr> <tr> <td colspan="2" style="text-align: center;">For SCVWD Use Only</td> </tr> <tr> <td style="width: 60%;">Date Received: 12/16/25</td> <td style="text-align: center;">ROUTING</td> </tr> <tr> <td><input type="checkbox"/> Via U.S. Mail</td> <td><input checked="" type="checkbox"/> CEO</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered</td> <td><input checked="" type="checkbox"/> District Counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> Email</td> <td><input checked="" type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input checked="" type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input type="checkbox"/> BOD (District #): _____</td> </tr> </table>	Clerk of the Board's Date Stamp		For SCVWD Use Only		Date Received: 12/16/25	ROUTING	<input type="checkbox"/> Via U.S. Mail	<input checked="" type="checkbox"/> CEO	<input type="checkbox"/> Hand Delivered	<input checked="" type="checkbox"/> District Counsel	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> Risk Management	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB		<input type="checkbox"/> BOD (District #): _____
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	<input type="checkbox"/> BOD (District #): _____																

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: South County Regional Wastewater Authority		Email Address: Bret.Swain@Cityofgilroy.org	
Address of Claimant: 7351 Rosanna Street		City: Gilroy	State: CA
Address to which Notices should be sent, if different from above:		City:	State: Zip:
Home Phone Number:	Cell Phone Number: (209) 710-7283	Work Phone Number: (408) 846-0268	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: Relationship to the minor:	
Date and time of incident or loss: July 2011 through December 2020	Location of incident or loss (address): Various, City of Gilroy	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report Case #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (*Please attach additional sheets if necessary*):

Under an agreement between Santa Clara Valley Water District (SCVWD) and South County Regional Wastewater Authority (SCRWA), SCRWA provided maintenance services related to the South County Recycled Water Pipeline system owned by SCVWD. Services were rendered by the SCRWA through their subcontractor, CH2M Hill (now Jacobs). The cost for said services rendered between between July 2011 and December 2020, inclusive, have not been reimbursed. The SCRWA is requesting reimbursement for the services rendered during this period.



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following**

In detail, describe the damage or injury (*Please attach additional sheets if necessary*):
 Reimbursement for maintenance services rendered by South County Regional Wastewater Authority between July 2011 and December 2020, inclusive (See attached).

List Name(s) and contact information of any witness(es) or District employee involved (if any):
 David Tucker, Senior Water Resources Specialist

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000? Yes No
 Court Jurisdiction: (Check One) Limited Civil Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Contract services rendered between July 2011 and December 2020, inclusive	\$ 265,970.21
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$ 265,970.21

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 11th day of December, 2025 Bret Swain
Digitally signed by Bret Swain
Date: 2025.12.11 15:11:53 -08'00'
 Claimant's Signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.



Utilities Department

7370 Rosanna Street
Gilroy, CA 95020
Main (408-846-0491) | www.cityofgilroy.org

Heath McMahon
Utilities Director

Santa Clara Valley Water District
Attn: Clerk of the Board, SCVWD
5750 Almaden Expressway,
San Jose, CA 95118

December 16, 2025

Subject: Claim for services rendered between July 2011 and December 2020 inclusive
South County Regional Wastewater Authority

Between July 2011 and December 2020, the South County Regional Wastewater Authority (SCRWA) under an agreement with Santa Clara Valley Water District (SCVWD) provided maintenance services to SCVWD's recycled water system through our subcontractor, Jacobs (previously CH2M Hill). The costs incurred by SCRWA for this time period have not been reimbursed by SCVWD.

SCRWA is therefore requesting reimbursement for services rendered for the period between July 2011 and December 2020 inclusive, in a total amount of \$265,970.21.

Sincerely,

Bret Swain, PE
Senior Environmental Engineer, SCRWA Secretary of the Board
South County Regional Wastewater Authority

Attachment: SCVWD Claim form
Copies of Invoices

Cc: Heath McMahon, PE, City of Gilroy – Utilities Director
Harjot Sangha, SCRWA – Treasurer
David Tucker, SCVWD
Sheryl Higa, SCVWD

File

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-25-0207	12/13/25	12/15/25	All	LIMIN WANG	Email from Limin Wang to the board, dated 12/13/25, reporting water discharge and property damage at 3130 Springview Lane in San Jose. C-25-0207	Refer to Staff	Baker	Williams	12/23/25	-	n/a	12/29/25
C-25-0210	12/18/25	12/18/25	Beall	DAVID GUTHRIDGE	Letter from Light, Air & Space Construction to Director Jim Beall, received on 12/18/25, regarding Terraphase Engineering's award of the Environmental Sampling Services contract.	Refer to Staff	Yoke	Ndah	12/26/25	-	n/a	01/01/26
C-25-0211	12/18/25	12/22/25	Beall	JOHN HERNANDEZ	Email from John B. Hernandez to Director Beall, dated 12/18/25, regarding maintenance of Ross Creek banks.	Refer to Staff	Hakes	Xu Bourgeois	12/30/25	-	n/a	01/05/26

LIGHT, AIR & SPACE CONSTRUCTION

ENVIRONMENTAL SERVICES COMPANY

State Contractor's License Number 445403

State EPA R.E.A. Number 04072

Jim Beall, Boardmember
Valley Water Board of Directors
5750 Almaden Expressway
San Jose, CA 95118

Attn: Jim Beall

Re: RFP No. VW 0603

Dear Mr. Beall,

I am writing this letter to you to make you aware of what I believe is a serious financial and contractual issue for the Valley Water.

I own Light, Air and Space Construction, a firm that had provided Environmental Sampling Services to Valley Water since 1995 (thirty consecutive years) without any complaint or issue from Valley Water.

Every five years or so, Valley Water puts the contract out for bid and I have been the successful (low) bidder at every bid event.

This year there were four qualified bidders:

- Aptim bid of \$ 2,600,000.00
- Light, Air and Space Const. bid of \$ 558,500.00
- Terraphase Engineering bid of \$ 1,400,000.00
- Weber Hayes bid of \$ 3,400,000.00

December 15, 2025

Page 1 of 4

MAIN OFFICE • 1707 LITTLE ORCHARD STREET, SUITE A • SAN JOSE • CA • 95125

MAILING ADDRESS • P.O. BOX 36303 • SAN JOSE • CA • 95158-6303

408/979-0661 OFFICE • 408/979-0621 FAX • 408/640-2899 CELL PHONE • DGUTHRIDGE@LIGHTAIRANDSPACE.COM E-MAIL
GENERAL AND ENGINEERING CONTRACTOR • HAZARDOUS SUBSTANCE REMOVAL CONTRACTOR • SITE ENVIRONMENTAL ASSESSMENTS
WETLAND AND RIPARIAN HABITAT – ASSESSMENT – DESIGN – RESTORATION – CONSTRUCTION – MITIGATION MONITORING

LIGHT, AIR & SPACE CONSTRUCTION

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All four companies submitted proposals and the proposals were reviewed and scored by a committee of Valley Water staff (unidentified and background/experience unknown).

Kevin Kelley, the Valley Water purchasing staff member sent out a Letter of Intent to award to Terraphase Engineering on November 3, 2025. I immediately sent an email to Kevin Kelly requesting an explanation as to why Terraphase Engineering was selected when their proposal was three times my cost and they didn't even have in-house staff to do the work.

Terraphase Engineering is based in Oakland, CA and recently opened a San Jose office (possibly to qualify as a local bidder). They also used a subcontractor, Blaintech Inc., to use their state certified small business listing and their field staff to conduct the work. Terraphase Engineering staff is all professional engineers and geologists. Not the type of employee you send out in the field to conduct creek sediment sampling and creek water quality sampling.

The Valley Water review committee had the right to interview any or all of the bidders regarding their proposals. I don't know if any of the other bidders were interviewed, but I was not interviewed.

I was provided a copy of the review committee notes and they felt Terraphase Engineering (a \$50,000,000.00 a year company) had a larger professional staff than Light, Air and Space has, which I agree is true.

December 15, 2025

Page 2 of 4

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LIGHT, AIR & SPACE CONSTRUCTION

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However, my smaller staff, who are not on my payroll full-time, but work as on-call consultants are every bit as professionally qualified as the Terraphase Engineering staff.

But the crux of the matter is the professional staff however large and qualified that they may be, are not needed to perform the creek sediment and creek water quality sampling. Field personnel are required and my field staff has been providing the environmental sampling services to Valley Water for the past thirty years, my son has run the sampling crews for the last twenty-five years.

Terraphase Engineering had to bring in Blainetech Inc. as a subcontractor to use their small business certification and field technicians to conduct the sampling services. Blainetech has bid against Light, Air and Space in the past and has always had a significantly higher cost proposal.

Light, Air and Space is a local contractor and is a state certified "micro" business.

Why should Valley Water pay an extra \$ 841,500.00 per year over the next five years (\$ 4,207,500.00 in total) to two companies, when Light, Air and Space has faithfully performed the same environmental sampling services for the past thirty years without a complaint from Valley Water staff.

December 15, 2025

Page 3 of 4

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ENVIRONMENTAL SERVICES COMPANY

State Contractor's License Number 445403

State EPA R.E.A. Number 04072

I would like to think the Valley Water purchasing staff and review committee should have to explain to you why the decision was made to go with Teraphase Engineering in the face of such a significant financial cost to Valley Water.

Another question for the review committee is no other company has performed these sampling services in the last thirty years for Valley Water and therefore no other company has any real knowledge as to what work is actually required to perform the sampling services and it wasn't explained in detail in the RFP package. Not only is Valley Water overpaying for the sampling services, they are getting inexperienced people doing the work.

The last question I pose is why wasn't I given a chance to discuss my proposal with the review committee. You would think that with the significant cost difference they would at least want to hear from me as to why I was so much more cost effective.

For the record, I stand by my proposal and should Valley Water decide to change the Contract award to Light, Air and Space, I will gladly accept the contract.

Respectfully submitted,

David Guthridge

David Guthridge, Owner

December 15, 2025

Page 4 of 4

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I perceive the reason why water backs up and rises at Ross Creek Bryan Avenue bridge when raining is the lack of preventative maintenance of Ross Creek banks on the east side of the bridge banks. See the rock accumulation on 12-18-25 as shown in Valley Water online picture and the rainy season barely started.

It is obvious to me that the banks on the east of the bridge are narrow causing a water eddy to form and force water to reverse flow and push rock floating down creek to reverse and collect at the north channel of the Bryan Avenue bridge floor as shown in the picture below. As shown the bridge height is 9 feet. The collection of rock, almost 2 feet at times, reduces the height of the bridge opening and raises the height of the water passing under the bridge. The simple solution is to widen the creek dirt width on the east side of the bridge to be the same as the west side of the bridge to eliminate the water eddy and allow water to flow smoothly as other bridges in Ross Creek. The expensive plan of Valley Water to rework the bridge channels by adding a third channel from two channels may be an unneeded cost. I have reviewed the plans to add the third channel provided to me by Valley Water director.

