

November 29, 2023

**TO: SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM,
INDEPENDENT MONITORING COMMITTEE****Jurisdiction**District 1
District 2
District 3
District 5
District 6
District 7**Member**Kathleen Sutherland
Will Ector
Bill Hoeft
Andrés Quintero
Cari Templeton**Member**Marc Rauser
Jeffrey Hare
Jean Marlowe
George Fohner
Hon. Patrick S. Kwok
Forest Peterson, Ph.D.

The Safe, Clean Water and Natural Flood Protection Program, Independent Monitoring Committee meeting is scheduled to be held on **Wednesday, December 6, 2023, at 4:00 p.m., at Santa Clara Valley Water District, Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, CA 95118.**

Enclosed are the meeting agenda and corresponding materials. The meeting packet can also be viewed on-line at <https://www.valleywater.org/renewed-safe-clean-water-natural-flood-protection-independent-monitoring-committee>.

Please confirm your attendance **no later than 11:00 a.m., Monday, December 4, 2023,** by contacting Glenna Brambill at 1-408-630-2408, or gbrambill@valleywater.org.

Enclosures

**SAFE, CLEAN WATER PROGRAM INDEPENDENT MONITORING
MEETING COMMITTEE**

Join Zoom Meeting for the public and non-presenting staff
<https://valleywater.zoom.us/j/85611501656>

Meeting ID: 856 1150 1656

One tap mobile

+16699009128,, 85611501656#US (San Jose)

Dial by your location

+1 669 900 9128 US (San Jose)

Meeting ID: 856 1150 1656



Santa Clara Valley Water District SCW Independent Monitoring Committee (SCW IMC) Meeting

**Headquarters Building Boardroom
5700 Almaden Expressway San Jose CA 95118**

REGULAR MEETING AGENDA

**Wednesday, December 6, 2023
4:00 PM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

**SAFE, CLEAN WATER PROGRAM
INDEPENDENT MONITORING
COMMITTEE (IMC)**

COMMITTEE OFFICERS:
Jeffrey Hare, Committee Chair
Cari Templeton, Committee Vice Chair

During the COVID-19 restrictions, all public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

Ms. Glenna Brambill
(Committee Liaison) Management
Analyst II gbrambill@valleywater.org
1-408-630-2408

BOARD REPRESENTATIVES:
John L. Varela,
Board Representative
Barbara F. Keegan, Board Alternate

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
SCW Independent Monitoring Committee (SCW IMC)
REGULAR MEETING
AGENDA

Wednesday, December 6, 2023

4:00 PM

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose CA 95118

*****IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS*****

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=TojJpYCxXm0>

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of

California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <http://emmas.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:

<https://valleywater.zoom.us/j/85611501656>

Meeting ID: 856 1150 1656

Join by Phone:

1 (669) 900-9128, 85611501656#

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the public: Members of the public who wish to address the Board/Committee on any item not listed on the agenda may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself to speak. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board/Committee. Speakers' comments should be limited to two minutes or as set by the Chair. The law does not permit Board/Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board/Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Board/Committee may take action on any item of business appearing on the posted agenda.

3. ELECTION OF CHAIR AND VICE CHAIR:

3.1. Election of Chair and Vice Chair.

[23-1169](#)

Recommendation: Elect 2024 Chair and Vice Chair.

Est. Staff Time: 5 Minutes

4. APPROVAL OF MINUTES:

4.1. Approval of Meeting Minutes.

[23-1170](#)

Recommendation: Approve 02082023 SCW IMC Meeting Minutes.

Attachments: [Attachment 1: 02082023 SCW Program IMC DRAFT Mins](#)

Est. Staff Time: 5 Minutes

5. REGULAR AGENDA:

5.1. Independent Monitoring Committee Requested Presentations.

[23-1172](#)

Recommendation: Receive the two presentations requested by the Independent Monitoring Committee (IMC) during the review of the Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Program's FY22 Annual Report.

Attachments: [Attachment 1: PowerPoint Presentation](#)
[Attachment 2: Project Labor Agreement](#)

Est. Staff Time: 30 Minutes

5.2. Independent Monitoring Committee's Annual Review of the Safe, Clean Water and Natural Flood Protection Program's Fiscal Year 2022-23 Annual Report.

[23-1173](#)

Recommendation:

- A. Receive an overview of the second year of implementation of the renewed Safe, Clean Water and Natural Flood Program (Safe, Clean Water Program) and the Fiscal Year 2022-23 (FY23) Program Annual Report (Annual Report);
- B. Determine whether to continue existing or establish a new process to review the Annual Report; and
- C. Consider and approve the schedule for finalizing the Independent Monitoring Committee's annual report on Valley Water's FY23 Annual Report.

Attachments: [Attachment 1: FY23 Safe Clean Water Program Annual Report](#)
[Attachment 2: Resolution 20-64.pdf](#)
[Attachment 3: Resolution 21-10 Establishing IMC.pdf](#)
[Attachment 4: FY23 Annual Report PowerPoint Presentation](#)

Est. Staff Time: 30 Minutes

5.3. Outcome of the Public Hearing on Modifying the Safe, Clean Water Program.

[23-1174](#)

Recommendation: Receive Information on the Outcome of the January 24, 2023, Public Hearing on Modifying Projects within the renewed Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program).

Attachments: [Attachment 1: Modifications and Adjustment](#)

Est. Staff Time: 30 Minutes

6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

7. ADJOURN:

7.1. Adjourn to Regular Meeting at 4:00 p.m., on Wednesday, January 24, 2024.




Santa Clara Valley Water District

File No.: 23-1169

Agenda Date: 12/6/2023

Item No.: 3.1.

		
	Meeting Date:	12/6/2023
	Item No.	3.1
	Unclassified Manager:	Candice Kwok-Smith, 408-630-3193
RENEWED SAFE, CLEAN WATER INDEPENDENT MONITORING COMMITTEE		

SUBJECT:

Election of Chair and Vice Chair.

RECOMMENDATION:

Elect 2024 Chair and Vice Chair.

SUMMARY:

Per the Board Resolution, the duties of the Chair and Vice-Chair are as follows:

The officers of each Committee shall be a Chair and Vice-Chair, both of whom shall be members of that Committee. The Chair and Vice-Chair shall be elected by the Committee, each for a term of one year commencing on January 1 and ending on December 31 and for no more than two consecutive terms. The Committee shall elect its officers at the first meeting of the calendar year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.

The Chair shall preside at all meetings of the Committee, and he or she shall perform other such duties as the Committee may prescribe consistent with the purpose of the Committee.

The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. In case of the unexpected vacancy of the Chair, the Vice-Chair shall perform such duties as are imposed upon the Chair until such time as a new Chair is elected by the Committee.

Should the office of Chair or Vice-Chair become vacant during the term of such office, the Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable, and such election shall be for the unexpired term of such office.

Should the Chair and Vice-Chair know in advance that they will both be absent from a meeting, the Chair may appoint a Chair Pro-tempore to preside over that meeting. In the event of an unanticipated absence of both the Chair and Vice-Chair, the Committee may elect a Chair Pro-tempore to preside over the meeting in their absence.

ATTACHMENTS:

None.




Santa Clara Valley Water District

File No.: 23-1170

Agenda Date: 12/6/2023

Item No.: 4.1.

		
	Meeting Date:	12/6/2023
	Item No.	4.1
	Unclassified Manager:	Candice Kwok-Smith, 408-630-3193
RENEWED SAFE, CLEAN WATER INDEPENDENT MONITORING COMMITTEE		

SUBJECT:

Approval of Meeting Minutes.

RECOMMENDATION:

Approve 02082023 SCW IMC Meeting Minutes.

SUMMARY:

A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Committee's meetings.

ATTACHMENTS:

Attachment 1: 02082023 SCW IMC Draft Mins.



SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM
INDEPENDENT MONITORING COMMITTEE

DRAFT MINUTES

WEDNESDAY, FEBRUARY 8, 2023

(Paragraph numbers coincide with agenda item numbers)

A regularly scheduled meeting of the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee was held on February 8, 2023, at Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, CA 95118.

1. CALL TO ORDER

Committee Chair Jeffrey Hare called the meeting to order at 4:05 p. m.

1.1. ROLL CALL

A quorum was established with 9 Members present.

Members in attendance were:

<u>Jurisdiction</u>	<u>Representative</u>	<u>Representative</u>
District 1		Marc Rauser
District 2	Kathy Sutherland	Jeffrey Hare
District 3	Will Ector	
District 4	Hon. Barbara Spector	
District 5	Bill Hoeft	George Fohner
District 7	Forest Peterson, Ph.D.	Cari Templeton

Members not in attendance were:

<u>Jurisdiction</u>	<u>Representative</u>
District 3	Jean Marlowe
District 6	Hon. Patrick S. Kwok Andrés Quintero

Board Member in attendance was: John L. Varela (Director, District 1)

Staff members in attendance were: Cameron Arnett, Erin Baker, Lisa Bankosh, Ricardo Barajas, Wade Blackard, Rechelle Blank, John Bourgeois, Glenna Brambill, Lynn Burke, Justin Burks, Keila Cisneros, Jennifer Codianne, Jessica Collins, James Downing, Meenakshi Ganjoo, Christopher Hakes, Nicholas Ingram, Todd Inman, Navroop Jassal, Sunshine Julian, Chris Komlos, Juan Ledesma, Robert Marmito, Elizabeth Mercado, Judy Nam, Carmen Narayanan, Karl Neuman, Julianne O'Brien, Sophie Padilla, Luz Penilla, Ashley Shannon, Kevin Sibley, Kirsten Struve, Paul Thomas, Madhu Thummaluru, Doug Titus, Sherilyn Tran, Gabriel Valin, Kristen Yasukawa, and Emily Zedler.

Attachment 1
Page 1 of 3

2. PUBLIC COMMENT

There was no one that wished to speak

3. APPROVAL OF MINUTES

3.1 APPROVAL OF MINUTES, DECEMBER 7, 2022

It was moved by Will Ector, seconded by Hon Barbara Spector, and carried by unanimous vote, to approve the minutes of the January 25, 2023, Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee meeting with one correction on page fourteen, *George Fohner noted that all projects are on target except for Project F5, and did not have the presentation, correction: George Fohner noted that all projects are on target except for Project F5. Subcommittee recommendations and notes were presented.*

4. REPORT DRAFTING COMMITTEE PRESENTS DRAFT FINAL IMC REPORT

Committee Chair Jeffrey Hare reviewed the agenda item and was available to answer questions as needed.

The Committee discussed the following items and issues: handout, draft report cover letter edits, summary should read factually, items to be in chronological order, outputs looking forward as opposed to past outcomes, projects/priorities be more systematic, have Measure noted in the letter, why committee was formed, committee vacancies being filled, confidence levels and changes, project labor agreement, audits, older projects came over to new program, KPI's, and project (site) tours.

Committee action taken:

It was moved by Forest Peterson, Ph.D., seconded by Hon. Barbara Spector, and carried unanimously to approve identifying projects under a Project Labor Agreement.

Committee action taken:

It was moved by Marc Rauser, seconded by Forest Peterson, Ph.D., and carried unanimously to approve the Committee's edits and recommendations to the cover letter with the attached notes.

Jessica Collins, Meenakshi Ganjoo, Karl Neuman, Chris Hakes, Kirsten Struve were available to answer questions.

5. NEXT STEPS:

Committee Chair Jeffrey Hare reviewed the agenda item and was available to answer questions as needed.

5a. February 28, 2023, SCW Program IMC Chair presents Final IMC Report to Board.

The Independent Monitoring Committee took no action.

6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

The SCW Program Independent Monitoring Committee took the following actions:

Agenda Item 4.1

The SCW Program Independent Monitoring Committee voted unanimously to approve identifying projects under a Project Labor Agreement.

The SCW Program Independent Monitoring Committee voted unanimously to approve the Committee's edits and recommendations to the cover letter with the attached notes.

7. ADJOURNMENT

Committee Chair Jeffery Hare adjourned the meeting at 8:07 p.m.

Glenna Brambill
Board Committee Liaison
Office of the Clerk of the Board

Approved:




Santa Clara Valley Water District

File No.: 23-1172

Agenda Date: 12/6/2023

Item No.: 5.1.

		
	Meeting Date:	12/6/2023
	Item No.	5.1
	Unclassified Manager:	Luz Penilla, 408-630-2228
RENEWED SAFE, CLEAN WATER INDEPENDENT MONITORING COMMITTEE		

SUBJECT:

Independent Monitoring Committee Requested Presentations.

RECOMMENDATION:

Receive the two presentations requested by the Independent Monitoring Committee (IMC) during the review of the Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Program's FY22 Annual Report.

SUMMARY:

During the review of the FY22 Annual Report of the renewed Safe, Clean Water Program, the Independent Monitoring Committee (IMC) requested informational presentations on the efforts Valley Water is making to address the issue of encampments and on the Project Labor Agreement (PLA).

ATTACHMENTS:

Attachment 1: Unhoused Discussion PowerPoint

Attachment 2: Project Labor Agreement PowerPoint



IMC Kick-Off Meeting – Unhoused Discussion

Presented by: Mark Bilski, Assistant officer
Watersheds Operations and Maintenance Division
Independent Monitoring Committee, December 6, 2023

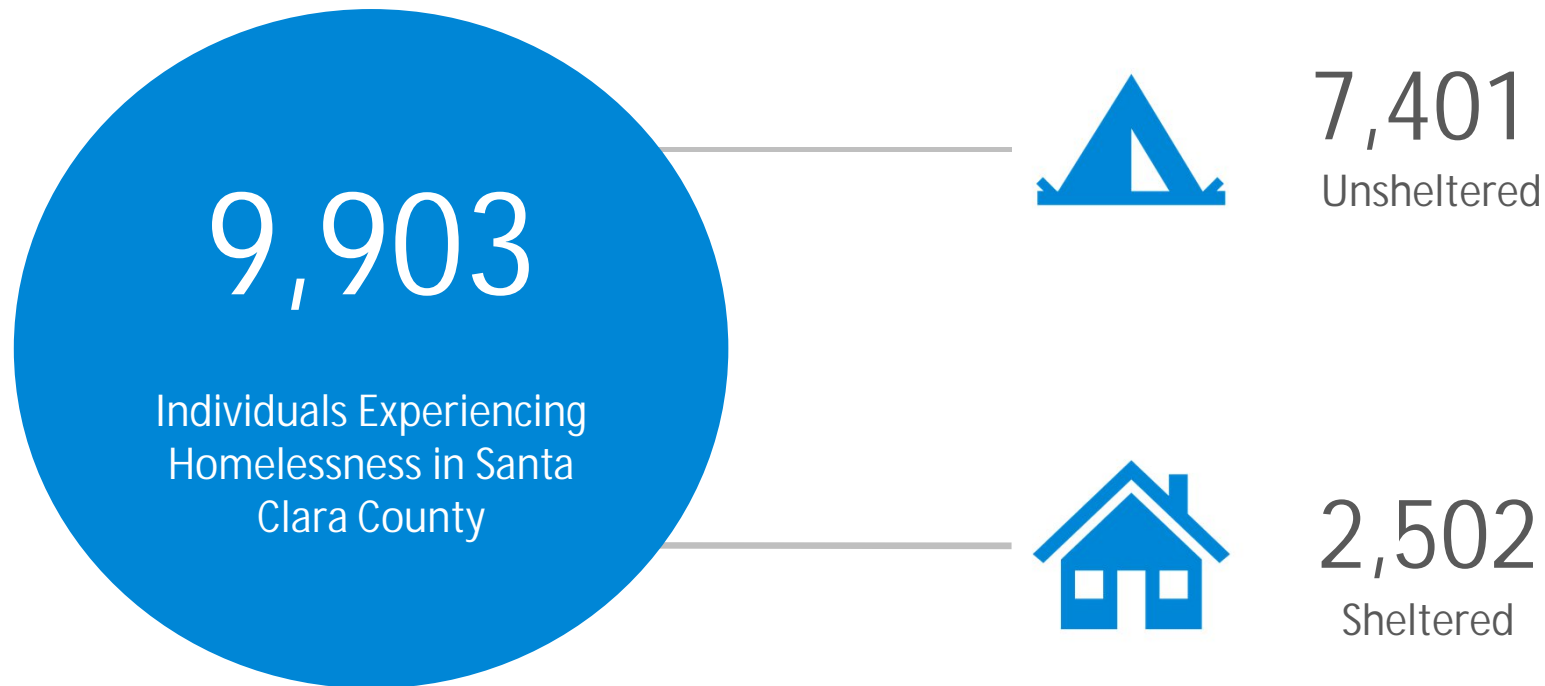


Agenda

1. Background
2. Impacts: Environmental & Financial
3. Current Programs and Funding
4. Enhancements
5. Strategic Solutions

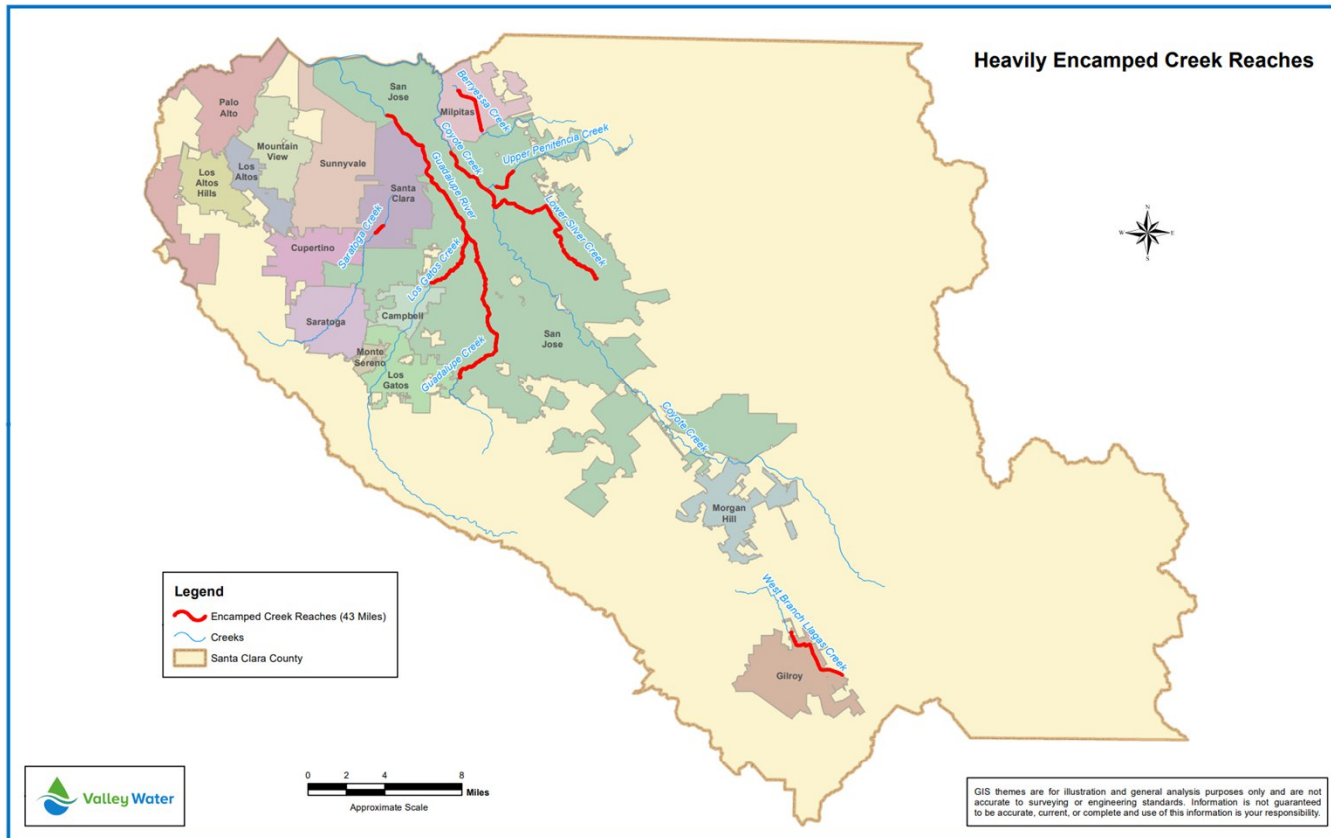


Background – Scope of Need



Source: Preliminary data from the 2023
Point-in-Time Count for Santa Clara County

Heavily Encamped Creek Reaches



Environmental Impacts

1. Declining ecological conditions

- A. Fire
- B. Excavations
- C. Plant and tree removal
- D. Trash and debris

2. Declining water quality

- A. Biowaste
- B. Hazardous pollutants
- C. Trash and debris



Valley Water Financial Impacts

6

CY = cubic yards of trash, debris, and hazardous pollutants removed from waterways					
Budget Year	Project F5		Project F6		Projects B1, B2 & B4
	Encampment Cleanup (CY)	Encampment Cleanup Cost	Litter Removal (CY)	Litter Removal Cost	Accumulation Points, Trash Booms, Hot Spots, Volunteer Cleanup Efforts (CY)
FY 2021-22 ¹	12,158	\$2,218,126	1,009	\$605,620	649
FY 2022-23 ²	11,161	\$2,430,071	1,172	\$532,918	1,005
FY 2023-24 ³	2,995	\$908,078	135	\$106,257	101
Estimated Totals	26,314	\$5,556,275	2,316	\$1,244,795	1,755

valleywater.org

¹ As reported in the Safe, Clean Water FY2021-22 Annual Report

² As reported in the Safe, Clean Water FY2022-23 Annual Report

³ As of October 2023



Current Programs & Funding Agreements: What Valley Water is Doing Now

Encampment Cleanup – Removed 1,362 tons* of trash, debris, and hazardous pollutants.

City of San Jose Memorandum of Agreement – Encampment Cleanup, Trash Removal, and Prevention along waterways.

Stream Stewardship Law Enforcement Agreement– Supports San Jose Police Department program to patrol waterways.

Outreach Services Agreement – Provides funding for County of Santa Clara to provide outreach services in Valley Water-owned waterways.

CCFMMP Encampment Relocation Cost Share – Collaboration with City of San Jose to provide safe relocation within the construction footprint of the Coyote Creek Flood Management Measures Project.

*As reported in Safe, Clean Water FY2022-23 Annual Report.

SCW Project F5: Good Neighbor Program: Encampment Cleanup – Funding & Expenditures

	FY20	FY21	FY22	FY23	FY24
Encampment Cleanup Budget	\$1,515,073	\$922,107	\$1,923,736	\$2,406,885	\$4,129,755
Encampment Cleanup Expenditures	\$845,455	\$364,895	\$2,218,126	\$ 2,430,071.00	\$ 908,078.00
Encampment Cleanup Budget Remaining	\$669,618	\$557,212	(\$294,390)	(\$23,186.00)	\$3,221,677.00
Encampment Cleanup Budget Expended	56%	40%	115%	101%	22%

Stream Stewardship Law Enforcement (SSLE)

1. Valley Water & City of San Jose Agreement (2019):
 - A. Addresses health and safety concerns of staff, volunteers, and trail users.
2. San Jose Police Department's Street Crimes Unit:
 - A. Valley Water pays up to \$340,000 annually for patrolling of waterways and to identify individuals with outstanding warrants.
1. FY23 Statistics:
 - A. 58 arrests; 101 criminal citations; 116 individuals w/ warrants.

Outreach Services Agreement

10

1. Valley Water provides up to \$200,000 annually for the County of Santa Clara to provide outreach services to unsheltered residents living along Valley Water-owned waterways.
2. County service providers identify, assess, and refer unsheltered individuals to appropriate housing programs and services, addressing medical and mental health needs.

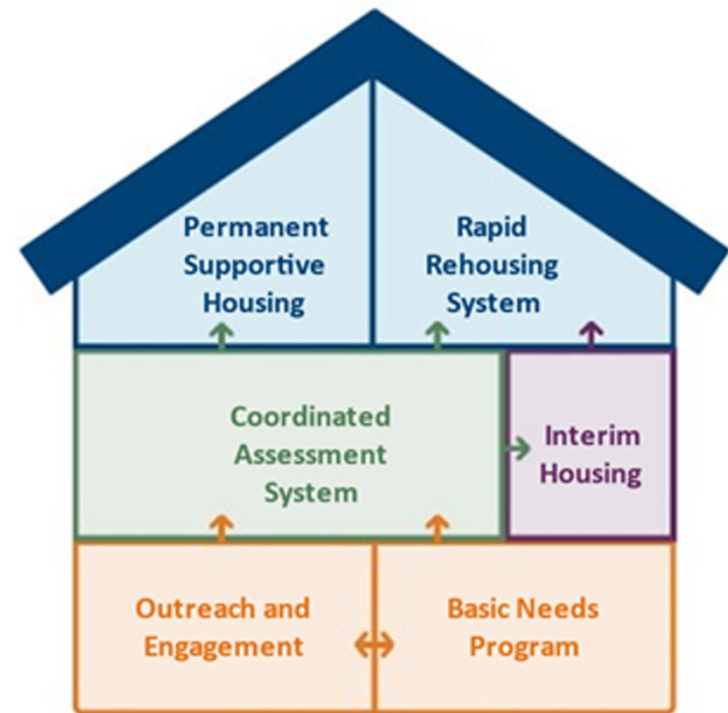
Coyote Creek Encampment Relocation Funding Agreement: Term

1. Initial Term from Effective Date to October 31, 2024
 - A. Initial scope focused on needs of Coyote Creek Flood Management Measures Project (CCFMMP)
2. Option to amend and extend term through October 31, 2027
 - A. Negotiation on expanded scope to also cover needs of Coyote Creek Flood Protection Project (CCFPP)

Coyote Creek Encampment Relocation Funding Agreement: Scope of Services

1. Outreach Services

- A. Temporary Housing Assistance
- B. Time-Limited Rental Assistance
- C. Storing of Personal Property
- D. One-Time Financial Assistance
 - 1) Flexible Funds
 - 2) Vehicle Repairs



Coyote Creek Encampment Relocation 13

Funding Agreement: Costs

1. City of San Jose incurred costs – \$9.3M
2. Valley Water incurred costs – \$4.7M
3. Additional Targeted Outreach Services (this agreement) – \$4.8M
 - A. First Installment – \$2.9M (30 days after effective date)
 - B. Second Installment – \$1.9M (October 30, 2023)
 - C. City to provide quarterly reports

Service Enhancements: What Valley Water is Planning



Additional staffing to expand cleanup capabilities, manage new programs, and increase communication and education within the unhoused community.



Installation of 32 portable toilet facilities with hand sanitizer stations at 20 heavily impacted reaches of creek countywide.



Implementation of Clean Camps, Clean Creeks gift card reward program to encourage encampment tidiness.

Portable Toilet Facilities:

1. Portable Toilet distribution: 18 installed as of October 2023.
2. Location and total distribution to be determined by number of encampments in the area.
3. Portable toilets are serviced and inspected daily.

valleywater.org



Clean Camps, Clean Creeks Program

16



Program Description:

1. Objective is to encourage good neighbor behaviors that result in tidier camps along Valley Water-maintained waterways and reduce encampment generated trash, debris, and hazardous pollutants.
2. Unsheltered individuals will have the option to enroll in this program and receive incentives for keeping their camp clean.

Clean Camps Requirements:

1. Organized belongings
2. Trash organized and ready for collection

valleywater.org

Mitigation: Cave Excavation Repair

17

1. Valley Water received grant funding to repair an encampment-related cave excavation on Coyote Creek adjacent to Williams Street Park.
2. Bank repair, rehabilitation, and 5 years of monitoring will be performed to meet regulatory agency compliance.



Strategic Solutions: What Valley Water is Planning



Formulate an action plan to leverage Valley Water's new legal authority to address encampments of unhoused people, as granted by AB 1469.



Develop a longer-term solution in global partnership with cities, the County, and other special districts to help ensure better outcomes for unsheltered people.



Consider district owned properties that could be used for the development of housing.

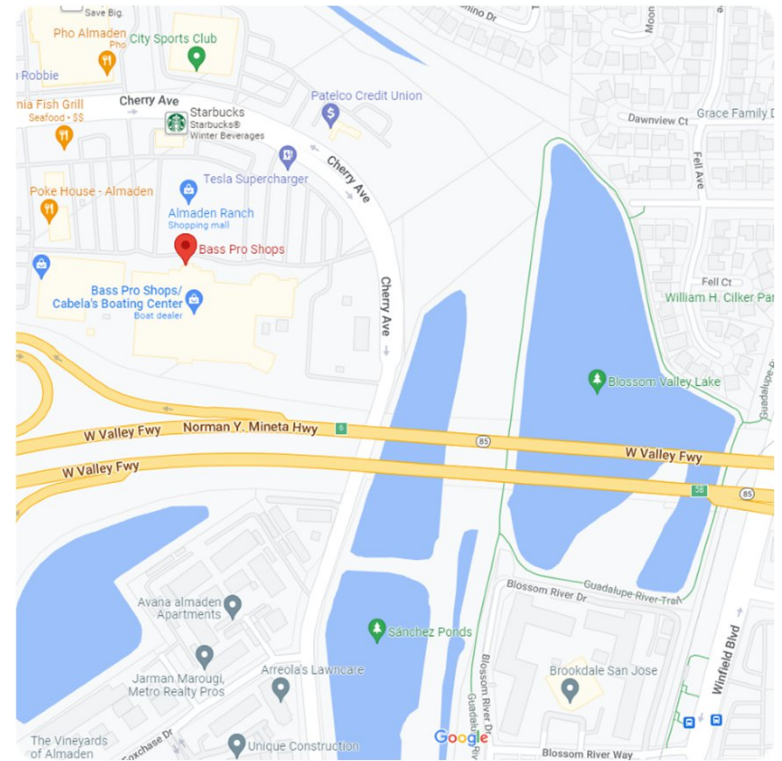
AB 1469 (Kalra) Valley Water Assisting Unsheltered People 19

1. Amends the District Act to expressly authorize Valley Water to assist unsheltered people in consultation with a city or the County, to provide solutions and improve outcomes.
2. Allows Valley Water greater flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions.
3. Intent is to work with local cities or the County to construct low barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people.
4. Helps Valley Water comply with federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

Siting Emergency Interim Housing

20

1. "Cherry Ave" site
2. Location: Guadalupe River Reach 12
3. Developable upland area: 2.54 acres
4. Owner: Valley Water



valleywater.org



What are we considering?

1. Approximately 100 individual units
2. Full suite of services & connections
3. Security & health support
4. Water Resources Protection Zone

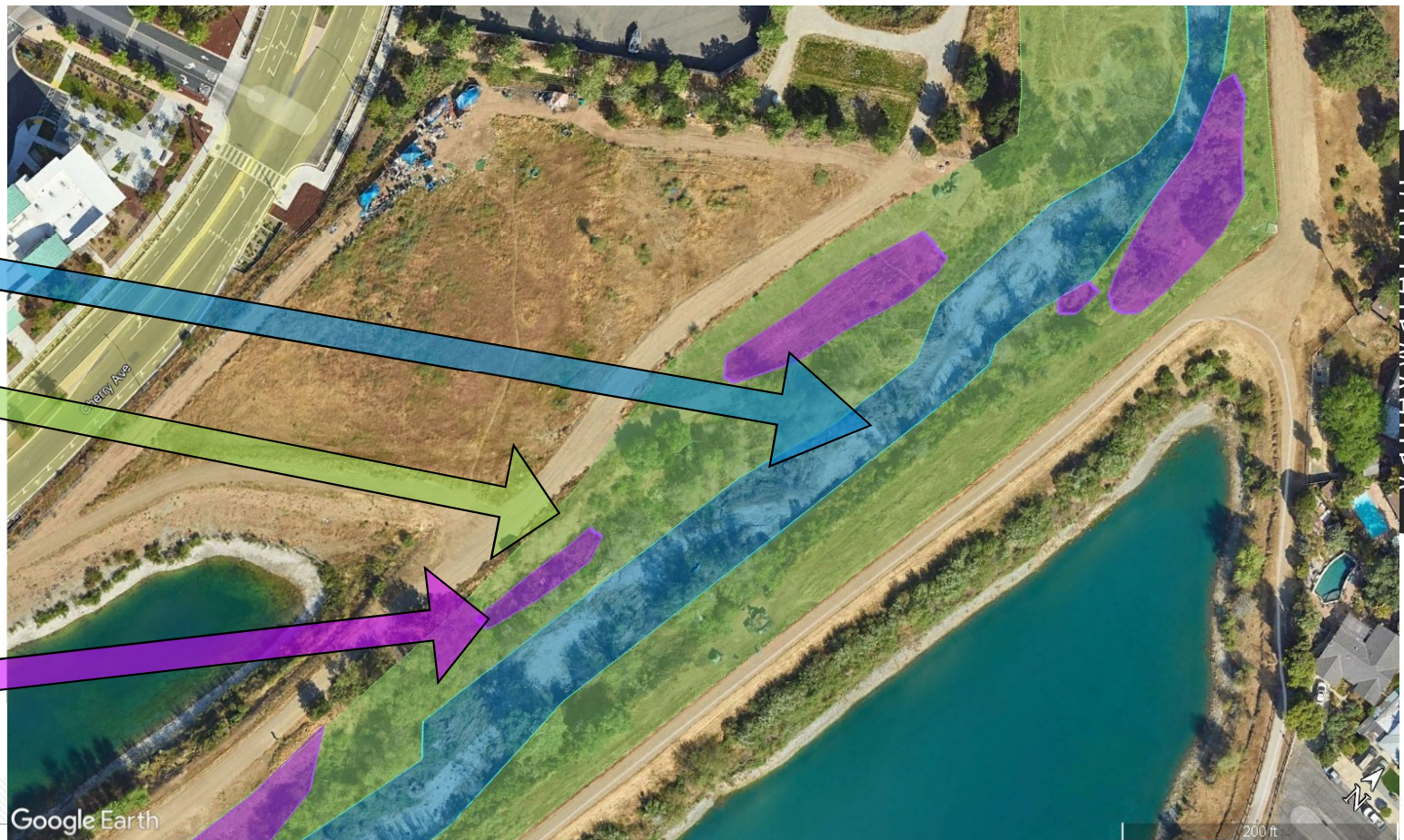


Water Resources Protection Zone

Guadalupe River (Blossom Hill Blvd to Branham Lane)

22

1. Federally protected Water of the U.S.
2. State protected Water of the State
3. Valley Water permit-required mitigation



QUESTIONS



This Page Intentionally Left Blank



IMC Kick-Off Meeting – Project Labor Agreement

Independent Monitoring Committee, December 6, 2023



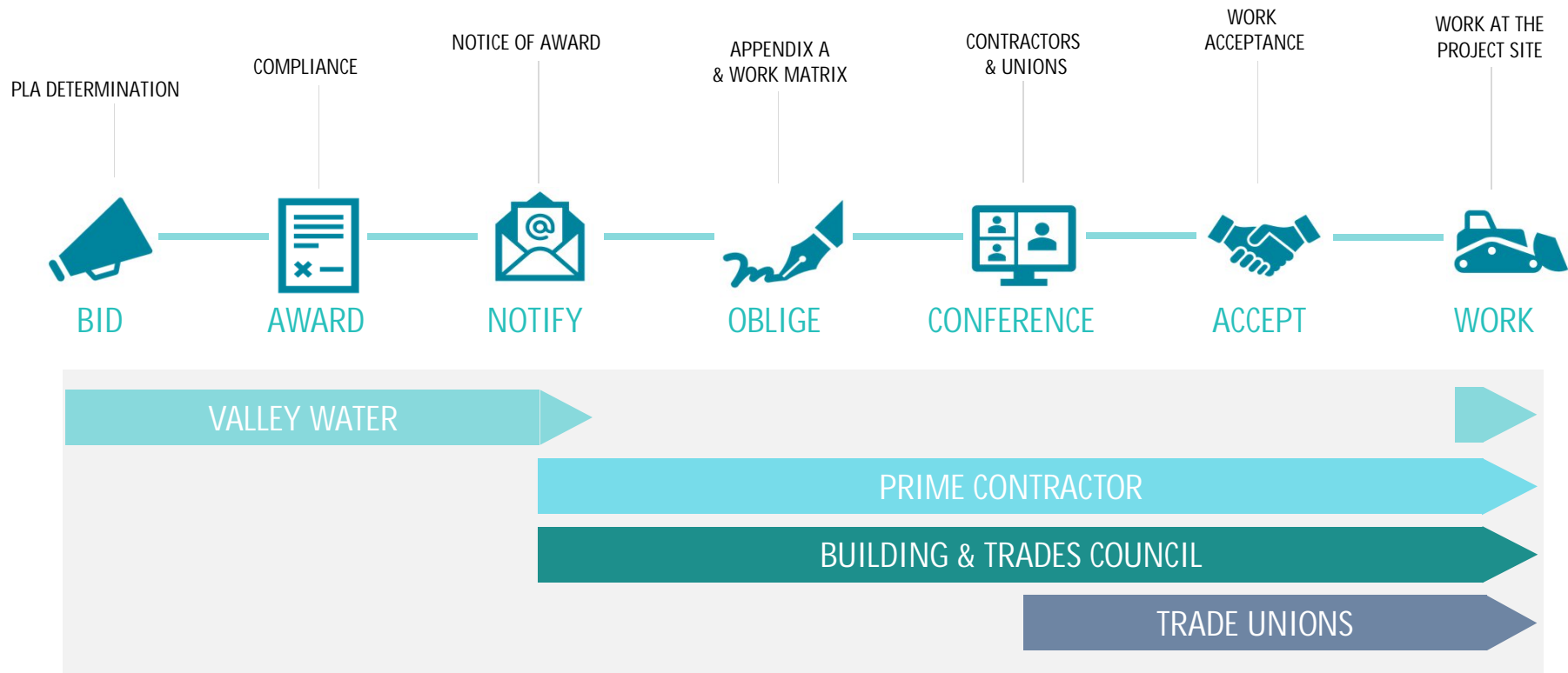
PROJECT LABOR AGREEMENT: OVERVIEW

Details of the Project Labor Agreement.

- Agreement entered on January 11, 2022, with Santa Clara and San Benito Counties Building and Construction Trades Council
- PLA is a “Prehire collective bargaining agreement that establishes terms and conditions of employment for a specific construction project...” (Public Contract Code Section 2500)
- Applies to construction projects with either engineer’s estimate or cumulative bid amount over \$2M (“Covered Project”)
- PLA provides exclusions of entire projects or specific scope of work
- Includes a Targeted Hire Agreement for contractors performing over \$250K of covered work on a Covered Project

PROJECT LABOR AGREEMENT: PROCESS

Roles and Responsibilities during the contract lifecycle.



PLA RESPONSIBILITY: VALLEY WATER

Valley Water Procurement responsibilities.



PLA DETERMINATION

- \$2M threshold
- Exemptions
- Bid Form 11 – PLA Acknowledgment



COMPLIANCE

- Conduct Bid Opening and issue Contract Award Recommendation
- Collect signed PLA Agreement To Be Bound from Prime Contractor
- Issue Notice of Compliance and Contract Award



NOTICE OF AWARD

- Notify the Building & Trades Council of the Contract Award
- Provide Contract Details along with Prime Contractor Information
- Identify Valley Water Stakeholders

PLA RESPONSIBILITY: PRIME CONTRACTOR

Prime contractor responsibilities.



OBLIGE

PLA AGREEMENT & WORK ASSIGNMENT MATRIX

- Sign the Agreement To Be Bound
- Collect signed Agreement to Be Bound from all subcontractors
- Complete the Work Assignment Matrix that lists all subcontractors
- Submit Matrix and all signed PLA Agreements to the Building and Trade Council



CONFERENCE

PRECONSTRUCTION CONFERENCE

- Work with the Building and Trade Council to select a date and time
- Ensure all subcontractors attend the Preconstruction Conference



WORK

CONSTRUCTION PHASE

- Notify the Building and Trades Council and Valley Water about new subcontractors
- Ensure new subcontractors meet PLA requirements before starting work

PLA RESPONSIBILITY: BUILDING AND TRADES COUNCIL

Building & Trades Council pre-construction responsibilities.



OBLIGE

PLA AGREEMENT & WORK ASSIGNMENT MATRIX

- Collect Matrix and signed PLA Agreements from the Prime Contractor



CONFERENCE

CONTRACTORS AND UNIONS

- Host a Conference
- Review Work Assignment Matrix and Union Assignments
- Workforce Coordinator reviews Targeted Hire Agreement



AGREEMENT

WORK ACCEPTANCE

- Any Union can ask questions about SOW
- Any Union can submit a “claim”
- Union states acceptance of Assignments

PROJECT LABOR AGREEMENT: TARGETED HIRE AGREEMENT

Applies to contractors performing over \$250K of covered work.

“The Parties to the Santa Clara Valley Water District Project Labor Agreement recognize the need to **increase training and career opportunities for underrepresented and targeted individuals in the construction trades** through apprenticeship and pre-apprenticeship programs, to develop a pipeline to ensure the continued availability of skilled, qualified, and readily available construction workers for future construction projects.”

- A Targeted Worker has completed an Approved Pre-apprenticeship Program that serves underrepresented workers.
- Contractor makes best efforts to employ Targeted Workers as apprentices for at least 25% of apprentice hours (Targeted Workforce Goal)
- Contractor works with the Community Workforce Coordinator to establish a plan to achieve Targeted Workforce Goal

PLA RESPONSIBILITY: TRADE UNIONS

Trade Union responsibilities during the construction phase of a PLA-covered project.

“The purpose of this Agreement is to promote the efficiency of construction operations for Valley Water through the use of skilled labor resulting in quality construction outcomes, to develop a skilled workforce for future Valley Water construction, and to provide for the orderly and peaceful settlement of labor disputes and grievances without strikes or lockouts, thereby promoting Valley Water’s and the public interest in assuring the timely and economical completion of Covered Projects subject to this Agreement.”



WORK

WORK AT THE PROJECT SITE

- Contractors cannot commence work without fulfilling PLA requirements
- Contractor will operate according to Master Agreement(s)
- Referrals and Core Workers

QUESTIONS



This Page Intentionally Left Blank




Santa Clara Valley Water District

File No.: 23-1173

Agenda Date: 12/6/2023

Item No.: 5.2.

		
	Meeting Date:	12/6/2023
	Item No.	5.2
	Unclassified Manager:	Luz Penilla, 408-630-2228
RENEWED SAFE, CLEAN WATER INDEPENDENT MONITORING COMMITTEE		

SUBJECT:

Independent Monitoring Committee's Annual Review of the Safe, Clean Water and Natural Flood Protection Program's Fiscal Year 2022-23 Annual Report.

RECOMMENDATION:

- A. Receive an overview of the second year of implementation of the renewed Safe, Clean Water and Natural Flood Program (Safe, Clean Water Program) and the Fiscal Year 2022-23 (FY23) Program Annual Report (Annual Report);
- B. Determine whether to continue existing or establish a new process to review the Annual Report; and
- C. Consider and approve the schedule for finalizing the Independent Monitoring Committee's annual report on Valley Water's FY23 Annual Report.

SUMMARY:

FY23 marked the second year Valley Water implemented the renewed Safe, Clean Water Program that Santa Clara County voters overwhelmingly approved in November 2020.

The renewed Safe, Clean Water Program became effective on July 1, 2021, and Valley Water is implementing it on a 15-year financial cycle. FY23 Annual Report (Attachment 1) is the second annual report prepared for the Program and it provides progress updates for each project under the following priorities:

- Priority A: Ensure a Safe, Reliable Water Supply
- Priority B: Reduce Toxins, Hazards, and Contaminants in our Waterways
- Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural

- Disasters
- Priority D: Restore Wildlife Habitat and Provide Open Space
- Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways
- Priority F: Support Public Health and Public Safety for Our Community

In accordance with the transparency and accountability provisions of the ballot measure, Resolution No. 20-64, Section P (Attachment 2), on February 23, 2021, the Board passed Resolution 21-10 (Attachment 3), establishing the Independent Monitoring Committee (IMC) for the renewed Safe, Clean Water Program.

IMC's responsibilities include conducting annual reviews of Valley Water's fiscal year annual reports of the Safe, Clean Water Program and providing the IMC's annual report to the Board regarding the implementation of the intended results of the Safe, Clean Water Program.

Valley Water staff will present a brief overview of the FY23 Safe, Clean Water Program implementation, including IMC's roles and responsibilities, and the FY23 Annual Report, including improvements to the report.

Valley Water staff will review the sub-committee structure used by the IMC last year and propose to the IMC for its approval of the schedule for finalizing the IMC's annual report for FY23. The schedule includes proposed dates for sub-committee and full committee meetings to complete the IMC Annual Report and its presentation to the Board of Directors by the IMC Chair.

ATTACHMENTS:

- Attachment 1: Link to FY23 Safe Clean Water Program Annual Report
- Attachment 2: Resolution No. 20-64
- Attachment 3: Resolution 21-10 Establishing IMC
- Attachment 4: FY23 Annual Report PowerPoint Presentation



Valley Water

FY 2022-23 Annual Report

Safe, Clean Water and Natural Flood Protection

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 20-64

**PROVIDING FOR THE CONTINUATION AND LEVY OF A SPECIAL TAX TO PAY
THE COST OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION
PROGRAM IN THE COMBINED FLOOD CONTROL ZONE OF THE SANTA CLARA VALLEY
WATER DISTRICT SUBJECT, NEVERTHELESS, TO SPECIFIED LIMITS AND CONDITIONS**

WHEREAS, the Santa Clara Valley Water District (Valley Water) policy is to ensure current and future water supplies and provide healthy, clean, and reliable water in Santa Clara County; and

WHEREAS, Valley Water policy is to protect Santa Clara County creeks, reservoirs, Monterey Bay, and San Francisco Bay from toxins, pollutants, and contaminants; and

WHEREAS, Valley Water policy is to provide for flood water and storm water flood protection to residents, businesses, visitors, public highways, and the watercourses flowing within the District; and

WHEREAS, Valley Water policy is to protect our water supply, pipelines, and local dams from earthquakes and natural disasters; and

WHEREAS, Valley Water maintains a flood protection system of levees, channels, drains, detention basins, and other improvements upon which the lives and property of Valley Water residents depend, which said improvements must be kept in a safe and effective condition; and

WHEREAS, the Valley Water policy is to protect, enhance, and restore healthy Santa Clara County creeks, watersheds, and bay lands ecosystems; and

WHEREAS, in 2000, voters passed the 15-year Clean, Safe Creeks and Natural Flood Protection Plan; and

WHEREAS, the Valley Water policy is to engage in partnerships with the community to provide open spaces, trails, and parks along Santa Clara County creeks and watersheds; and

WHEREAS, in November 2012, voters passed the Safe, Clean Water and Natural Flood Protection Program which replaced the Clean, Safe Creeks and Natural Flood Protection Plan in its entirety when it became effective on July 1, 2013; and

WHEREAS, the Safe, Clean Water and Natural Flood Protection Program was originally scheduled to sunset on June 30, 2028; and

WHEREAS, in order to protect Santa Clara County water supplies, creeks, watersheds, and bay lands and ensure residents have an ample supply of clean water in the future, Valley Water will need a dedicated source of revenue in the future and beyond 2028 to maintain the programs established in the Safe, Clean Water and Natural Flood Protection Program; and

WHEREAS, the California State Legislature has authorized Valley Water to levy a special tax on each parcel of property within Valley Water or any zone or zones thereof upon approval by a two-thirds vote of the electorate of Valley Water or zones therein; and

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

WHEREAS, the purpose of the special tax is to supplement other available but limited revenues to keep said improvements in a safe and effective condition; to enable Valley Water to respond to emergencies; to perform maintenance and repair; to acquire, restore, and preserve habitat; to provide opportunities and access to recreation; to conduct environmental education; to protect and improve water quality; and to construct, operate, and maintain flood protection and storm drainage facilities; to support public health and public safety through efforts authorized by the District Act; and to fund the cost of financing such activities; and

WHEREAS, State California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), states that government funding mechanisms are not projects subject to the requirements of CEQA.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

FIRST: The Board hereby finds that since (a) the management of creeks, watersheds, and bay lands are necessary to ensure safe, clean water and to protect, enhance and restore healthy ecosystems, (b) the construction and management of flood protection services are made necessary by stormwater runoff, and (c) the lands from which runoff derives are benefitted by provision of means of disposition which alleviates or ends the damage to other lands affected thereby, by direct protection of loss of property, and other indirect means which include improved aesthetics and quality of life, the basis on which to levy the special tax is at fixed and uniform rates per area and county or city designated land use of each parcel, taxed as such parcel is shown on the latest tax rolls.

SECOND: Pursuant to the authority of Section 3 of the District Act, a Combined Zone consisting of the aggregate metes and bounds descriptions of Zones One, Two, Three, Four, and Five is presently existing as generally depicted in Attachment 1.

THIRD: A special Valley Water Election for November 3, 2020 will be called within said District, on the proposition of levy of a special tax.

FOURTH: Subject to approval by two-thirds of the electors of Valley Water voting at such election and pursuant to the authority vested in the Board, there is hereby established a special tax as authorized by this resolution, the proceeds of which shall be used solely for the purpose of supporting the priorities of the Safe, Clean Water and Natural Flood Protection Program. The priorities are summarized in Attachment 2. The Safe, Clean Water and Natural Flood Protection Program Report (hereafter "Report") generally describes the priorities. This tax shall be instituted with the following provisions:

- A. The Chief Executive Officer (CEO) or designee of Valley Water is directed to cause a written Report to be prepared for each fiscal year for which a special tax is to be levied and to file and record the same, all as required by governing law. Said Report shall include the proposed special tax rates for the upcoming fiscal year at any rate up to the maximum rate approved by the voters. Valley Water's Board of Directors shall consider formal acceptance of this Report at a public meeting and shall thereafter make a final determination of special taxes with a confirming resolution. A special fund shall be established into which proceeds from the tax shall be deposited. Proceeds from the tax may be used only for the Safe, Clean Water and Natural Flood Protection Program.

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

- B. The CEO, or designee of Valley Water may cause the special tax to be corrected in the same manner as assessor's or assessee's errors may be corrected but based only upon any or all of the following:
1. Changes or corrections in ownership of a parcel;
 2. Changes or corrections of address of an owner of a parcel;
 3. Subdivision of an existing parcel;
 4. Changes or corrections in the use of all or part of a parcel;
 5. Changes or corrections in the computation of the area of a parcel;
 6. As to railroad, gas, water, telephone, cable television, electric utility right of way, electric line right of way, or other utility right of way properties.

Changes and corrections are not valid unless and until approved by the Board.

- C. The Clerk of the Board shall immediately file certified copies of the final determination of special taxes and confirming resolution with the Auditor-Controller of the County of Santa Clara and shall immediately record with the County Recorder of said County a certified copy of the resolution confirming the special tax.
- D. The special tax for each parcel set forth in the final determination by the Board shall appear as a separate item on the tax bill and shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes. Upon recording of the resolution confirming the special tax such special tax shall be a lien upon the real property affected thereby.
- E. Failure to meet the time limits set forth in this resolution for whatever reason shall not invalidate any special tax levied hereunder.
- F. No special tax for the Safe, Clean Water and Natural Flood Protection Program shall be imposed upon a federal or state or local governmental agency. Where real property owned by a federal, state, or local agency is leased to a private person or private entity, the private interest so created shall be separately assessed as a possessory interest and the special tax for the Safe, Clean Water and Natural Flood Protection Program shall be levied on all holders of such possessory interests. With said exceptions, a Safe, Clean Water and Natural Flood Protection Program special tax is levied on each parcel of real property in the five Flood Control Zones of Valley Water subject to this resolution for the purposes stated in the Report and in this resolution. Except for the minimum special tax as hereinafter indicated, the special tax for each parcel of real property in each such zone is computed by determining its area (in acres or fractions thereof) and land use category (as hereinafter defined) and then multiplying the area by the special tax rate applicable to land in such land use category. A minimum special tax may be levied on each parcel of real property having a land area up to 0.25 acre for Groups A, B, and C, up to 10 acres for Groups D and E Urban and, for Group E Rural, the minimum special tax shall be that as calculated for the E Urban category.

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

G. Land use categories for each parcel of land in Valley Water are defined and established as follows:

Group A: Land used for commercial or industrial purposes.

Group B: Land used for institutional purposes such as churches and schools or multiple dwellings in excess of four units, including apartment complexes, mobile home parks, recreational vehicle parks, condominiums, and townhouses.

Group C: (1) Land used for single-family residences and multiple-family units up to four units and (2) the first 0.25 acre of a parcel of land used for single-family residential purposes.

Group D: (1) Disturbed agricultural land, including irrigated land, orchards, dairies, field crops, golf courses, and similar uses and (2) the portion of the land, if any, in excess of 0.25 acre of a parcel used for single-family residential purposes.

Group E: Vacant undisturbed land (1) in urban areas and (2) in rural areas including dry farmed land, grazing and pasture land, forest and brush land, salt ponds, and small parcels used exclusively as well sites for commercial purposes.

Group F: Parcels used exclusively as well sites for residential uses are exempt from the special tax.

H. The special tax amounts applicable to parcels in the various land uses shall be as prescribed by the Board of Directors in each fiscal year (July 1 through June 30) beginning with fiscal year 2021-2022 as set forth in Attachment 3, which is incorporated herein by reference, and as required by law; provided, that the annual basic special tax unit (single-family residential parcel of 1/4 acre or less) shall not exceed a maximum limit of \$67.67 annually (averaging \$0.006 per square foot annually), as adjusted by the compounded percentage increases of the San Francisco-Oakland-San Jose Consumer Price Index (CPI-U) for all Urban Consumers (or an equivalent index published by a government agency) in the year or years after April 30, 2021; provided, however, that appropriate amounts may be increased in any year by up to the percentage increase of the San Francisco-Oakland-San Jose Consumer Price Index for all Urban Consumers in the preceding year or two percent (2%) whichever is greater; provided further, however, that in any period, not exceeding three years, immediately following a year in which the Governor of the State of California or the President of the United States has declared an area of said zones to be a disaster area by reason of flooding or other natural disaster, then to the extent of the cost of repair of Valley Water facilities damaged by such flooding or other natural disaster, the maximum tax rate shall be the percentage increase in CPI-U plus 4.5 percent; and provided, that special taxes for the Safe, Clean Water and Natural Flood Protection Program shall be levied annually until ended by voters.

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

- I. In the event that the county or city designated land use for a parcel is different than the actual land use, the CEO of Valley Water may, pursuant to written policies and procedures, cause the special tax to be adjusted based upon any or all of the following:
1. The parcel owner shall provide Valley Water a claim letter stating that the present actual land use is different than the county or city designated land use, including an estimate of the portion of the parcel that is different than the designated land use. Such claim is subject to investigation by Valley Water as to the accuracy of the claim. Parcel owner shall furnish information deemed necessary by Valley Water to confirm the actual uses and areas in question which may include, but not be limited to, a survey by a licensed surveyor.
 2. The parcel owner shall request Valley Water to inspect the parcel and reevaluate the parcel tax.
 3. The parcel owner shall notify Valley Water after a substantial change in the actual land use occurs, including a new estimate of the portion of the parcel that is different than the designated land use.
 4. Valley Water may inspect and verify the actual land use for these parcels on a regular basis and will notify the appropriate parcel owners when it is determined that the actual land use has matched a county or city designated land use. Valley Water shall then correct the special tax rates for these parcels accordingly.
- J. Pursuant to state law, Valley Water may provide an exemption from the special tax for low income owner-occupied residential properties for taxpayer-owners who are 65 years of age or older, the following shall apply:
- Residential parcels where the total annual household income does not exceed 75 percent of the latest available figure for state median income at the time the annual tax is set, and such parcel is owned and occupied by at least one person who is aged 65 years or older is qualified to apply for an exemption from the applicable special tax.
- K. The Safe, Clean Water and Natural Flood Protection Program shall follow 15-year financial planning cycles. This will allow Valley Water to align its budget each year with the projects' key performance indicators as well as long-term financial planning efforts, such as the Capital Improvement Program. Prior to the development of each 15-year financial plan, Valley Water will conduct outreach to engage the community and key stakeholders, including the Safe, Clean Water and Natural Flood Protection Program's independent monitoring committee (IMC) and Valley Water advisory committees, to help ensure that the Safe, Clean Water and Natural Flood Protection Program's priorities remain aligned with the priorities of the residents of Santa Clara County.
- L. After a period of no longer than fifteen (15) years, the Board of Directors shall evaluate the need for the Safe, Clean Water and Natural Flood Protection Program, and make an affirmative determination of whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program. Should the Board of Directors determine that no additional Projects are needed, the Safe, Clean Water and Natural Flood Protection Program special tax will be

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

- reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with Safe, Clean Water and Natural Flood Protection Program funds. This evaluation process shall include the Valley Water advisory committees and the Program's IMC, which will be charged with making recommendations to the Board of Directors on the determination of whether the special tax should be reduced, repealed, or maintained. Following the first fifteen-year determination of continued need for the special tax, the determination shall be made every fifteen (15) years thereafter.
- M. As projects under the Program are completed, the Board of Directors shall identify and prioritize new projects for inclusion in the Program. These new projects may be identified and proposed for Board approval at a public meeting through the Board's review and approval of the Program's five-year implementation plans, the first of which will be produced by the CEO or designee of Valley Water in year one of the Program and every five years thereafter; or, as directed by the Board.
- N. The Board of Directors may direct that proposed projects in the Safe, Clean Water and Natural Flood Protection Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of CEQA environmental review and permitting by state and federal regulatory agencies. The Board of Directors must hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before adoption of any such decision to modify or not implement a project.
- O. The Chief Financial Officer or designee of Valley Water shall file a fiscal year report with the Board of Directors no later than January 1 of each year for the prior fiscal year. The annual report shall contain both of the following: (a) the amount of funds collected and expended; and (b) the status of any project required or authorized to be funded under this resolution.
- P. An external, independent monitoring committee (IMC) shall be appointed by the Valley Water Board of Directors to conduct an annual review of Valley Water's fiscal year report and provide an annual report from the IMC to the Board of Directors regarding implementation of the intended results of the Program. The IMC shall also review each proposed five-year implementation plan prior to its submittal for Board approval. Through review of both the annual reports and five-year implementation plans, the IMC may make recommendations to the Valley Water Board of Directors regarding reasonably necessary measures to meet the priorities of the Safe, Clean Water and Natural Flood Protection Program. Every fifteen years, the IMC will review, and recommend to the Board and general public, whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program as described in Paragraph L of this resolution.
- Q. While the Safe, Clean Water and Natural Flood Protection Program is in effect, the Board of Directors shall conduct independent professional audits of the Program to provide for accountability and transparency at least every five years.
- R. Grants and partnerships offered through the Safe, Clean Water and Natural Flood Protection Program, where aligned with the District Act and permitted by law, may

RL14541

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

extend to state and local governmental organizations; organized community groups with an established structure; nonprofit organizations as defined by Internal Revenue Code subsections (c) or (d); schools, community colleges, or universities (public or nonprofit; non-profit organizations as defined under Internal Revenue Code section 501(c); religious or apostolic associations as defined under Internal Revenue Code section 501(d); for-profit organizations; and persons.

- S. Pursuant to the State California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4), adoption of this resolution for continuation of the parcel tax and as a government funding mechanism, is not a project subject to the requirements of CEQA. Prior to commencement of any project included in the Safe, Clean Water and Natural Flood Protection Program, any necessary environmental review required by CEQA shall be completed.
- T. Upon entering into effect, the Safe, Clean Water and Natural Flood Protection Program parcel tax authorized by this resolution and placed on the ballot by RESOLUTION NO. 20-63, shall repeal and replace the Safe, Clean Water and Natural Flood Protection Program parcel tax approved by the voters in 2012. On the date that the parcel tax authorized by this resolution and RESOLUTION NO. 20-63 goes into effect, the updated Safe, Clean Water and Natural Flood Protection Program (the priorities of which are summarized in Attachment 2) will replace in its entirety the previously approved Safe, Clean Water and Natural Flood Protection Program. Any tax payments already made by voters and collected for use by Valley Water for the prior Safe, Clean Water and Natural Flood Protection Program will be used to achieve priorities identified in this updated Safe, Clean Water and Natural Flood Protection Program. Funding for capital projects currently identified in the prior Safe, Clean Water and Natural Flood Protection Program, will continue under this updated Safe, Clean Water and Natural Flood Protection Program to meet previous commitments. All other projects and programs identified in the prior Safe, Clean Water and Natural Flood Protection Program will be replaced by comparable projects or programs with similar or expanded obligations under the updated Safe, Clean Water and Natural Flood Protection Program. Commitments for incomplete non-capital projects or programs carried forward from the 2012 Safe, Clean Water and Natural Flood Protection Program, shall continue at no less than the current levels (funding or key performance indicators) as identified in the comparable replacement projects or programs under the updated Safe, Clean Water and Natural Flood Protection Program, until such time as they are completed. Changes to funding levels or key performance indicators may only be made by the Board as set forth under Paragraphs K and L or through Board decisions via a Board-approved Change Control Process.

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on July 21, 2020:

AYES: Directors Santos, Estremera, Keegan, Kremen, LeZotte, Varela, Hsueh

NOES: Directors None.

ABSENT: Directors None.

ABSTAIN: Directors None.

SANTA CLARA VALLEY WATER DISTRICT



NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC



Clerk, Board of Directors

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

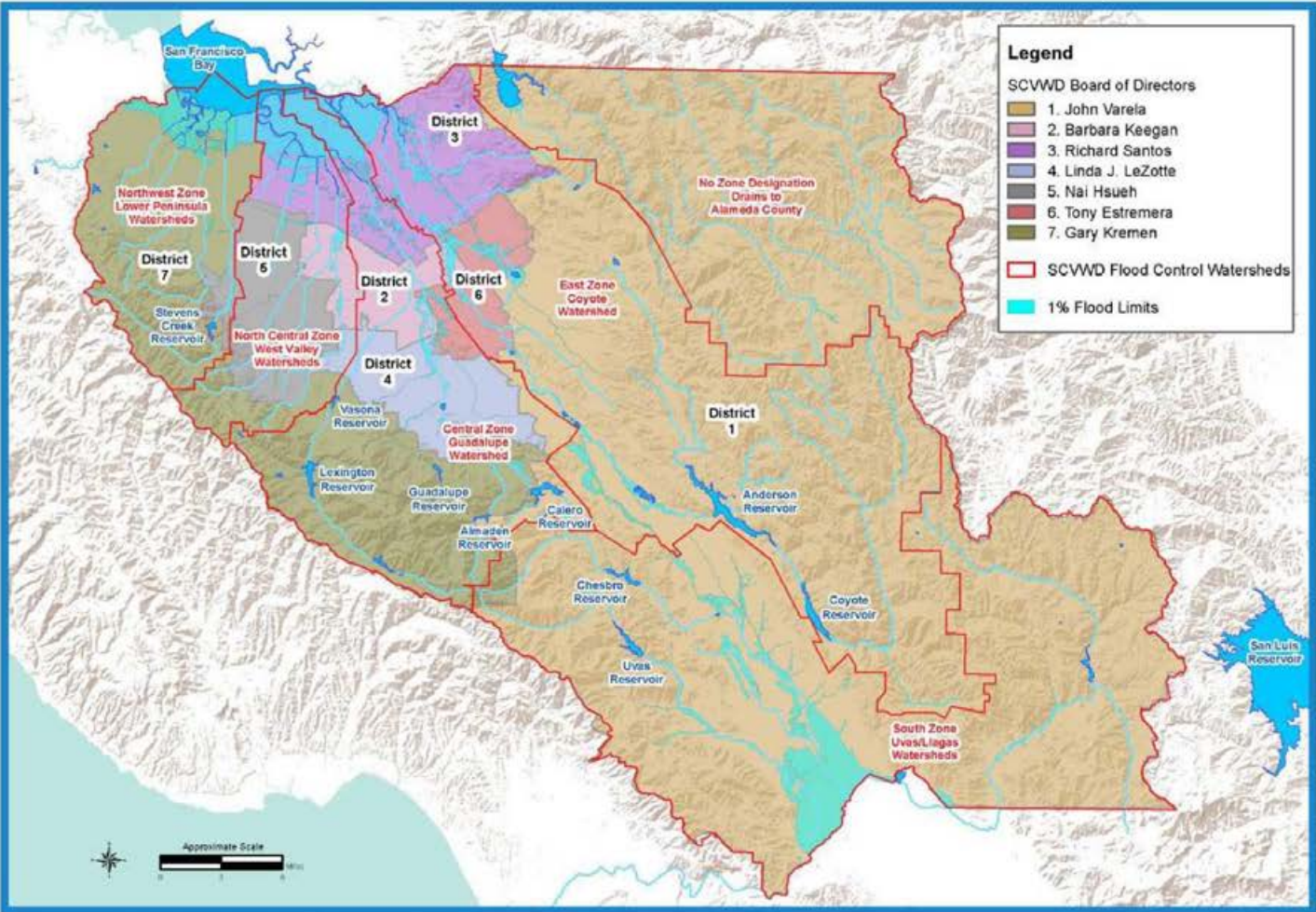
ATTACHMENT 1 COVERSHEET

SCVWD FLOOD CONTROL ZONES AND BOARD DISTRICTS IN SANTA CLARA COUNTY

No. of Pages: 1

Additional Items: None.

SCVWD Flood Control Zones and Board Districts in Santa Clara County



GIS themes are for illustration and general analysis purposes only and are not accurate to surveying or engineering standards. Information is not guaranteed to be accurate, current, or complete and use of this information is your responsibility.

0003100112016_000161010_WaterSheds_v1_ansiA.mxd 11x8.5 5/27/2016



Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

ATTACHMENT 2 COVERSHEET

SUMMARY OF KEY PERFORMANCE INDICATORS FOR THE FIRST 15 YEARS OF PROGRAM

No. of Pages: 5

Additional Items: None.

Summary of Key Performance Indicators for the First 15 Years of Program

Project	Key Performance Indicator
Priority A: Ensure a Safe, Reliable Water Supply	
A1 Pacheco Reservoir Expansion	1. Provide a portion of funds, up to \$10 million, to help construct the Pacheco Reservoir Expansion Project.
A2 Water Conservation Rebates and Programs	1. Award up to \$1 million per year toward specified water conservation program activities, including rebates, technical assistance and public education within the first seven (7) years of the Program.
A3 Pipeline Reliability	1. Install four (4) new line valves on treated water distribution pipelines.

Project	Key Performance Indicator
Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways	
B1 Impaired Water Bodies Improvement	<ol style="list-style-type: none"> 1. Investigate, develop and implement actions to reduce methylmercury in fish and other organisms in the Guadalupe River Watershed. 2. Prepare and update a plan for the prioritization of surface water quality improvement activities, such as addressing trash and other pollutants. 3. Implement at least two (2) priority surface water quality improvement activities identified in the plan per 5-year implementation period.
B2 Inter-Agency Urban Runoff Program	<ol style="list-style-type: none"> 1. Address trash in creeks by maintaining trash capture devices or other litter control programs. 2. Maintain Valley Water's municipal stormwater compliance program and partner with cities to address surface water quality improvements, including participation in at least three (3) countywide, regional or statewide stormwater program committees to help guide regulatory development, compliance, and monitoring. 3. Support at least one (1) stormwater quality improvement activity per 5-year implementation period in Santa Clara County, including providing up to \$1.5 million over 15 years to support implementation of green stormwater infrastructure consistent with Santa Clara Basin and South County Stormwater Resource Plans.
B3 Hazardous Materials Management and Response	<ol style="list-style-type: none"> 1. Respond to 100% of hazardous materials reports requiring urgent on-site inspection in two (2) hours or less.
B4 Support Volunteer Cleanup Efforts	<ol style="list-style-type: none"> 1. Fund Valley Water's creek stewardship program to support volunteer cleanup activities such as annual National River Cleanup Day, California Coastal Cleanup Day, the Great American Litter Pick Up; and the Adopt-A-Creek Program.

Project	Key Performance Indicator
Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters	
C1 Anderson Dam Seismic Retrofit	1. Provide portion of funds, up to \$54.1 million, to help restore full operating reservoir capacity of 90,373 acre-feet.

Project	Key Performance Indicator
Priority D: Restore Wildlife Habitat and Provide Open Space	
D1 Management of Riparian Planting and Invasive Plant Removal	<ol style="list-style-type: none"> 1. Maintain a minimum of 300 acres of riparian planting projects annually to meet regulatory requirements and conditions. 2. Maintain a minimum of 200 acres of invasive plant management projects annually to meet regulatory requirements and conditions. 3. Remove 25 acres of <i>Arundo donax</i> throughout the county over a 15-year period.
D2 Revitalize Riparian, Upland and Wetland Habitat	<ol style="list-style-type: none"> 1. Revitalize at least 21 acres over a 15-year period through native plant revegetation and/or removal of invasive exotic species. 2. Develop an Early Detection and Rapid Response Program Manual. 3. Identify and treat at least 100 occurrences of emergent invasive species over a 15-year period, as identified through the Early Detection and Rapid Response Program. 4. Develop at least eight (8) information sheets for Early Detection of Invasive Plant Species.
D3 Sediment Reuse to Support Shoreline Restoration	<ol style="list-style-type: none"> 1. Maintain partnership agreements to reuse sediment to improve the success of salt pond and tidal marsh restoration projects and activities. 2. Provide up to \$4 million per 15-year period to support activities necessary for sediment reuse.
D4 Fish Habitat and Passage Improvement	<ol style="list-style-type: none"> 1. Complete planning and design for one (1) creek/lake separation. 2. Construct one (1) creek/lake separation project in partnership with local agencies. 3. Use \$8 million for fish passage improvements by June 30, 2028. 4. Update study of all major steelhead streams in the county to identify priority locations for fish migration barrier removal and installation of large woody debris and gravel as appropriate. 5. Complete five (5) habitat enhancement projects based on studies that identify high priority locations for large wood, boulders, gravel, and/or other habitat enhancement features.
D5 Ecological Data Collection and Analysis	<ol style="list-style-type: none"> 1. Reassess and track stream ecological conditions and habitats in each of the county's five (5) watersheds every 15 years. 2. Provide up to \$500,000 per 15-year period toward the development and updates of five (5) watershed plans that include identifying priority habitat enhancement opportunities in Santa Clara County.
D6 Restoration of Natural Creek Functions	<ol style="list-style-type: none"> 1. Construct the Hale Creek Enhancement Pilot Project, which includes restoration and stabilization of a 650-foot section of concrete-lined channel on Hale Creek, between Marilyn Drive and North Sunshine Drive on the border of Mountain View and Los Altos. 2. Construct the Bolsa Road Fish Passage Project along 1,700 linear feet of Uvas-Carnadero Creek in unincorporated Santa Clara County, which includes geomorphic design features that will restore stability and stream function. 3. Identify, plan, design, and construct a third geomorphic-designed project to restore stability and stream function by preventing incision and promoting sediment balance throughout the watershed.

Priority D: Restore Wildlife Habitat and Provide Open Space cont...	
D7 Partnerships for the Conservation of Habitat Lands	1. Provide up to \$8 million per 15-year period for the acquisition or enhancement of property for the conservation of habitat lands.

Project	Key Performance Indicator
Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways	
E1 Coyote Creek Flood Protection, Montague Expressway to Tully Road – San Jose	1. Construct flood protection improvements along Coyote Creek between Montague Expressway and Tully Road to provide protection from floods up to the level that occurred on February 21, 2017, approximately a 5% (20-year) flood event.
E2 Sunnyvale East and Sunnyvale West Channels Flood Protection, San Francisco Bay to Inverness Way and Almanor Avenue – Sunnyvale	1. Provide 1% (100-year) flood protection for 1,618 properties and 47 acres (11 parcels) of industrial land, while improving stream water quality and working with other agencies to incorporate recreational opportunities.
E3 Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3) – Milpitas	1. With local funding only: Complete the design phase of the 1% (100-year) flood protection project to protect an estimated 1,420 parcels.
E4 Upper Penitencia Creek Flood Protection, Coyote Creek to Dorel Drive – San Jose	1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 8,000 parcels. 2. With local funding only: Construct a 1% (100-year) flood protection project from Coyote Creek confluence to Capital Avenue to provide 1% (100-year) flood protection to 1,250 parcels, including the new Berryessa BART station.
E5 San Francisquito Creek Flood Protection, San Francisco Bay to Upstream of Highway 101 – Palo Alto	1. Preferred project with federal, state and local funding: Protect more than 3,000 parcels by providing 1% (100-year) flood protection. 2. With state and local funding only: Protect approximately 3,000 parcels by providing 1% (100-year) flood protection downstream of Highway 101, and approximately 1.4% (70-year) protection upstream of Highway 101.

Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways cont...	
E6 Upper Llagas Creek Flood Protection, Buena Vista Avenue to Llagas Road – Morgan Hill, San Martin, Gilroy	<ol style="list-style-type: none"> 1. Preferred project with federal and local funding: Plan, design and construct flood protection improvements along 13.9 miles of Upper Llagas Creek from Buena Vista Avenue to Llagas Road to provide flood protection to 1,100 homes, 500 businesses, and 1,300 agricultural acres, while improving stream habitat. 2. With local funding only: Construct flood protection improvements along Llagas Creek from Buena Vista Avenue to Highway 101 in San Martin (Reaches 4 and 5 (portion)), Monterey Road to Watsonville Road in Morgan Hill (Reach 7a), approximately W. Dunne Avenue to W. Main Avenue (portion of Reach 8), and onsite compensatory mitigation at Lake Silveira.
E7 San Francisco Bay Shoreline Protection – Milpitas, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale	<ol style="list-style-type: none"> 1. Provide portion of the local share of funding for planning, design and construction phases for the Santa Clara County shoreline area, EIAs 1-4. 2. Provide portion of the local share of funding for planning and design phases for the Santa Clara County shoreline area, EIAs 5-9.
E8 Upper Guadalupe Flood Protection, Highway 280 to Blossom Hill Road – San Jose	<ol style="list-style-type: none"> 1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 6,280 homes, 320 businesses and 10 schools and institutions. 2. With local funding only: Construct flood protection improvements along 4,100 feet of Guadalupe River between the Southern Pacific Railroad (SPRR) crossing, downstream of Willow Street, to the Union Pacific Railroad (UPRR) crossing, downstream of Padres Drive, and provide gravel augmentation along approximately 800 linear feet of the Upper Guadalupe River in San Jose, from approximately the Union Pacific Railroad Bridge to West Virginia Street Bridge to improve aquatic habitat for migrating steelhead and channel stability.

Project	Key Performance Indicator
Priority F: Support Public Health and Public Safety for Our Community	
F1 Vegetation Control and Sediment Removal for Capacity	<ol style="list-style-type: none"> 1. Maintain completed flood protection projects for flow conveyance.
F2 Emergency Response Planning and Preparedness	<ol style="list-style-type: none"> 1. Coordinate with local municipalities to merge Valley Water-endorsed flood emergency processes with their own emergency response plans and processes. 2. Complete five (5) flood management plans/procedures per 5-year period, selected by risk priorities. 3. Train Valley Water staff and partner municipalities annually on disaster procedures via drills and exercises before testing the plans and procedures. 4. Test flood management plans/procedures annually to ensure effectiveness.
F3 Flood Risk Assessment Studies	<ol style="list-style-type: none"> 1. Complete engineering studies on three (3) creek reaches to address 1% (100-year) flood risk. 2. Annually, update floodplain maps on a minimum of three (3) creek reaches in accordance with new FEMA standards.

Priority F: Support Public Health and Public Safety for Our Community cont...	
F4 Vegetation Management for Access and Fire Safety	1. Provide vegetation management for access and fire risk reduction on an average of 495 acres per year, totaling 7,425 acres along levee, property lines and maintenance roads over a 15-year period.
F5 Good Neighbor Program: Encampment Cleanup	1. Perform 300 annual cleanups to reduce the amount of trash and pollutants entering the streams. 2. Provide up to \$500,000 per year in cost-share with other agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the homelessness crisis with the goal of reducing the need for encampment cleanups.
F6 Good Neighbor Program: Graffiti and Litter Removal and Public Art	1. Cleanup identified trash and graffiti hotspots at approximately 80 sites four (4) times per year. 2. Respond to requests on litter or graffiti cleanup within five (5) working days. 3. Provide up to \$1.5 million over 15 years to implement public art projects on Valley Water property and infrastructure.
F7 Emergency Response Upgrades	1. Maintain existing capabilities for flood forecasting and warning. 2. Improve flood forecast accuracy and emergency response time working with the National Weather Service and through research and development.
F8 Sustainable Creek Infrastructure for Continued Public Safety	1. Provide up to \$7.5 million in the first 15-year period to plan, design and construct projects identified through Watersheds asset management plans.
F9 Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	1. Provide a grant and partnership cycle each year for projects related to safe, clean drinking water, flood protection and environmental stewardship. 2. Provide annual funding for bottle filling stations to increase drinking water accessibility, with priority for installations in economically disadvantaged communities and locations that serve school-age children and students. 3. Provide annual mini-grant funding opportunity for projects related to safe, clean drinking water, flood protection and environmental stewardship. 4. Provide up to \$3 million per 15-year period for partnerships with small municipalities (defined as under 50,000 people in the most recent census available), or special districts with boundaries substantially within the footprint of small cities, for projects aligned with the District Act and related to safe, clean drinking water, flood protection and environmental stewardship.

Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions

Resolution No. 20-64

ATTACHMENT 3 COVERSHEET

FIGURE 1 ACTUAL FY 2019–20 AND ACTUAL FY 2020–21 SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION SPECIAL TAX RATES

No. of Pages: 1

Additional Items: None.

FIGURE 1
Actual FY 2019–20 and Actual FY 2020–21
Safe, Clean Water and Natural Flood Protection Special Tax Rates

Land Use Categories	Actual FY '19-20	Actual FY '20-21
A - Commercial, Industrial		
Rate (\$/Acre)	\$541.60	\$541.60
Minimum Assessment ⁽¹⁾	\$135.39	\$135.39
B - Apartment, Schools, Churches, Condominiums & Townhouse		
Rate (\$/Acre)	\$406.20	\$406.20
Minimum Assessment ⁽¹⁾	\$101.55	\$101.55
Condominiums & Townhouses (\$/unit)	\$32.95	\$32.95
C - Single Family Residential, Small Multiples (2-4 units) ⁽²⁾		
Minimum Assessment ⁽¹⁾	\$67.67 (Averaging \$0.006 per square foot)	\$67.67 (Averaging \$0.006 per square foot)
D - Utilized Agriculture⁽²⁾		
Rate (\$/Acre)	\$3.47	\$3.47
Minimum Assessment ⁽¹⁾	\$34.70	\$34.70
E - Urban - Nonutilized Agricultural, Grazing Land, Salt Ponds, Well Site in Urban Areas		
Rate (\$/Acre)	\$1.02	\$1.02
Minimum Assessment ⁽¹⁾	\$10.23	\$10.23
E - Rural - Nonutilized Agricultural, Grazing Land, Well Sites in Rural Areas		
Rate (\$/Acre)	\$0.14	\$0.14
Minimum Assessment ⁽¹⁾	\$10.23	\$10.23
⁽¹⁾ The minimum assessments shown for Categories A, B, and C apply to parcels 1/4 acre or less in size. Category C parcels larger than 1/4 acre pay the minimum assessment for the first 1/4 acre and the remaining acreage is assessed at the Category D rate. For Category D, the minimum assessment applies to parcels less than 10 acres. The minimum assessment for Group E parcels is the amount charged for 10 acres of urban undeveloped land; the minimum assessment is the same for both the Urban Category and the Rural Category parcels, however the Rural Category applies to parcels of 80 acres or less. ⁽²⁾ Residential land in excess of 1/4 acre is assessed at the "D" rate.		

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 21-10

**PROVIDING FOR A SAFE, CLEAN WATER AND NATURAL FLOOD
PROTECTION PROGRAM INDEPENDENT MONITORING COMMITTEE
OF THE SANTA CLARA VALLEY WATER DISTRICT**

RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

I. GENERAL

- A. Resolution 20-64, approved by the voters of Santa Clara County by the passage of the November 3, 2020, Safe, Clean Water and Natural Flood Protection Program (Program) (ballot Measure S), requires that the Santa Clara Valley Water District (Valley Water) Board of Directors (Board) appoint an external Independent Monitoring Committee (Committee) to: (1) conduct an annual review of Valley Water's fiscal year report on the Program; (2) provide an annual report from the Committee to the Board regarding implementation of the intended results of the Program; (3) review each five-year implementation plan for the Program prior to its submittal to the Board for approval; and (4) review and recommend to the Board and Public every fifteen years whether the special tax should be reduced or repealed, or is needed to build additional projects to achieve related programmatic benefits in accordance with the priorities of the Program. The Committee also may, through its review of the annual reports and five-year implementation plans, make recommendations to the Board regarding reasonably necessary measures to meet the priorities of the Program.
- B. The Committee shall be comprised of 14 members who reside within Santa Clara County: two members to be nominated by each member of the Board. In nominating Committee members, Board members shall strive to ensure fair treatment and meaningful involvement of all peoples regardless of race, color, gender identity, disability status, national origin, tribe, culture, income, immigration status, English language proficiency, or religion.
- C. In order to provide continuity, each Board member shall nominate one Committee member to serve a three-year term, and one Committee member to serve a two-year term. The terms of office of Committee members shall begin on July 1 of a given year and are subject to reappointment by the full Board.
- D. Committee members shall be subject to Valley Water's Conflict of Interest Code (Code), including its filing requirements for statements of economic interest, if the Code is subsequently amended to specifically include them.
- E. Independent of Valley Water's Conflict of Interest Code, Committee members shall have an obligation to promptly disclose to Valley Water and the Committee Chair any existing membership, employment, management, or governance relationship with any entity actively seeking or receiving monetary grants from the Program.

- F. Meetings of the Committee shall be governed by the Ralph M. Brown Act, Government Code Sections 54950-54961.

II. PURPOSE

- A. The Committee will provide for a regular meeting to be held not less than once per year.
- B. Between December and February every year beginning in December 2022, the Committee shall conduct an annual review of the Program's prior fiscal year annual report and prepare and submit a summary of its findings to the Board, which shall be made available to Santa Clara County residents, regarding the Committee's review of the implementation of the intended results of the Program.
- C. The Committee shall review each five-year implementation plan for the Program prior to its submittal to the Board for approval. In this review, the Committee will reasonably inform itself to the extent necessary to determine the degree to which Valley Water's five-year implementation plans for the Program are being accomplished.
- D. Through its review of the annual reports and five-year implementation plans, the Committee may make recommendations to the Board regarding reasonably necessary measures to meet the priorities of the Program.
- E. Every fifteen years, starting in 2035, the Committee shall review and recommend to the Board and Public whether the special tax should be reduced or repealed, or is needed to build additional projects to achieve related programmatic benefits in accordance with the priorities of the Program.
- F. Valley Water shall fund clerical support.

III. CONDUCT OF MEETINGS

- A. A majority of the Committee will be determined based upon the simple majority of the number of Committee members holding office.
- B. The Chairperson or a majority of the Committee membership may call for a special meeting of the Committee from time to time in accordance with Section 54956 of the Government Code. Such meetings shall be held at the Valley Water Headquarters or such other place and time as the Chairperson may designate. Valley Water may request the Chairperson or Committee to convene a special meeting.
- C. Notices of each Committee meeting, together with an agenda thereof and the draft minutes of the preceding meeting, shall be electronically mailed or sent by first class mail, postage prepaid, to each Committee member, and made available to the public in accordance with the Ralph M. Brown Act.
- D. The Committee may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time.

- E. The powers of the Committee shall be vested in the members thereof in office from time to time. A majority of the full membership of the Committee shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. With the exception above specified, actions of the Committee may be taken upon the affirmative vote of not less than a majority of a quorum present and voting.
- F. The voting on all matters shall be by voice vote unless a roll call vote is called for by any member of the Committee.
- G. Discussion on any particular matter by either Committee members or by any member of the general public may be limited, in the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.
- H. Whenever the Committee authorizes and instructs the Chairperson to appoint a subcommittee of the Committee or a committee composed of persons who are not members of the Committee, the members of such subcommittee or committee shall serve at the pleasure of the Chairperson. The Chairperson of such subcommittees and committees shall be appointed by the Chairperson of the Committee. All subcommittee meetings shall be conducted in accordance with the Ralph M. Brown Act.
- I. All meetings of the Committee shall be open and public.
- J. The Committee may be adjourned sine die by the Chairperson at the close of consideration of the business before it and may thereafter be returned to a course of regular meetings upon the call of the Chairperson or of a majority of the Committee membership in the manner prescribed for a call a special meeting.

IV. OFFICERS

- A. The officers of the Committee shall be a Chairperson and Vice Chairperson, both of whom shall be members of the Committee. The Committee shall elect its officers at the first meeting of the Committee's annual review cycle. The Chairperson and Vice Chairperson shall serve a term of one year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.
- B. The Chairperson shall preside at all meetings of the Committee. The Chairperson shall sign all resolutions and all other instruments made or promulgated by the Committee and he or she shall perform such other duties as the Committee may prescribe consistent with the purpose of the Committee.
- C. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation of or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed upon the Chairperson until such time as a new Chairperson is elected by the Committee.

- D. Should the office of Chairperson or Vice Chairperson become vacant during the term of such office, the Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable, and such election shall be for the unexpired term of such office.
- E. In the event the Chairperson and Vice Chairperson are both absent from a meeting, the Committee may elect a Chairperson Pro-tempore to preside over the meeting during the absence of the Chairperson and Vice Chairperson.
- F. Additional bylaws may be adopted for the purpose of conducting the business of the Committee.

V. AMENDMENT

- A. Amendment of this resolution consistent with or necessary to carry out or support the purpose of the Committee may be proposed by vote of the Committee or by Valley Water's Board of Directors. The Board will consider and act upon the proposed amendment without delay but following not less than three calendar days (72 hours) written notice to each Committee member of the time and place when and where the proposed amendment is to be acted upon.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on February 23, 2021:

AYES: Directors Hsueh, Santos, Keegan, Kremen, LeZotte, Varela, Estremera

NOES: Directors None

ABSENT: Directors None

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT


TONY ESTREMER
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC


Clerk, Board of Directors



Fiscal Year 2022-23 Annual Report

Presented by: Meenakshi Ganjoo, Program Administrator

Safe, Clean Water Program Independent Monitoring Committee, December 6, 2023



Agenda

Renewed Safe, Clean Water Program

Program Implementation

FY23 Annual Report Improvements

FY23 Program Performance

FY23 IMC Review Schedule

History of Voter-Approved Measures

2000

Two-thirds of voters approved the 15-year Clean, Safe Creeks and Natural Flood Protection Plan

2012

74% of voters approved the 15-year Safe, Clean Water and Natural Flood Protection Program focused on five (5) priorities

2020

75% of voters approved the renewal of the Safe, Clean Water and Natural Flood Protection Program focused on six (6) priorities

Community-Preferred Priorities



Transparency and Accountability



Multiple
15-Year
Financial
Planning
Cycles



5-Year
Checkpoints and
Implementation
Plans



Annual Reports;
Website
Updates



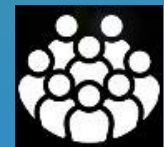
Independent
Monitoring



5-Year
Professional,
Independent
Audits



Change
Control
Process



Public &
Stakeholder
Engagement
Process every
15-years

Program Implementation



Valley Water Board Roles & Responsibilities

- Approve implementation strategies, project budget, and budget adjustments.
- Conduct an annual detailed review of the Safe, Clean Water Program performance, financial analysis, and strategies.
- Direct project adjustments or modifications, including not implementing a project due to funding or other limitations.
- Initiate professional, independent audits of the program every five years.
- Appoint the Independent Monitoring Committee (IMC).
- Evaluate the need for the Safe, Clean Water Program at 15-year intervals.

Staff Roles & Responsibilities

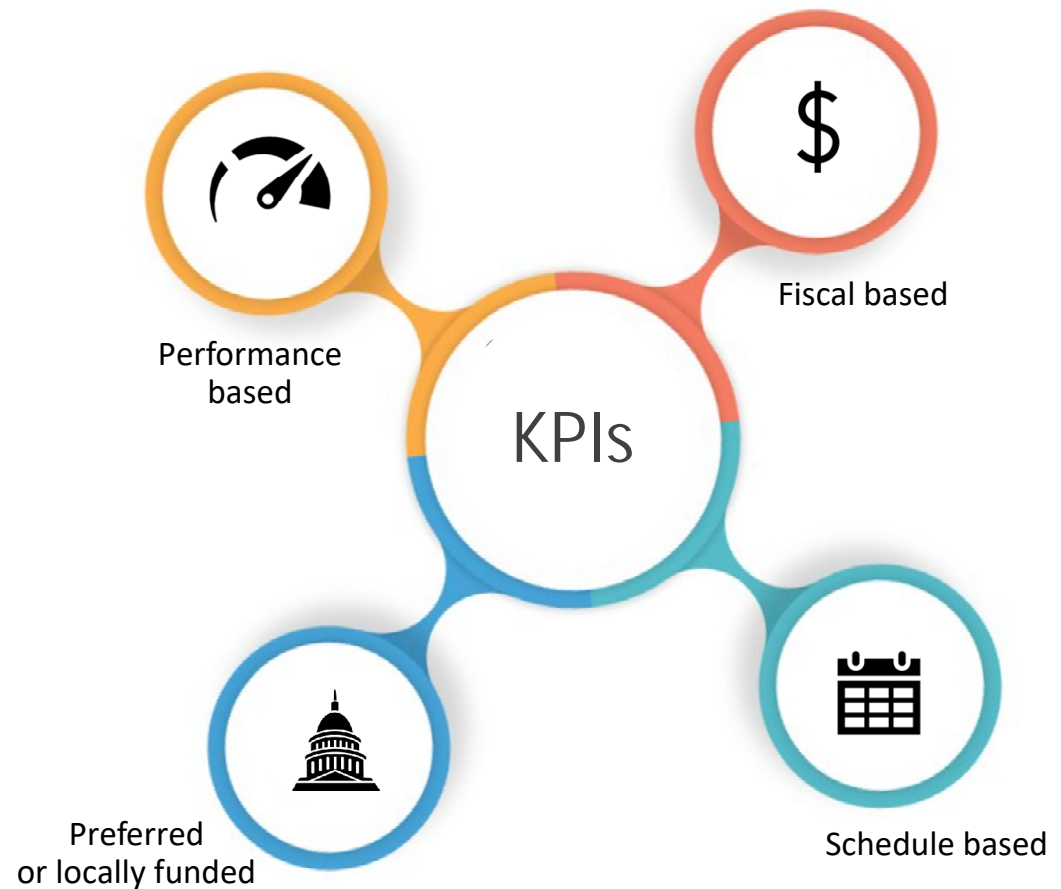
- Plan Program implementation.
- Develop 5-year implementation plans with targets for the Board's consideration.
- Implement projects to meet project-specific KPIs.
- Track and report on the Program's progress through annual reports.
- Ensure project adjustments and modifications are carried out per the Board-approved Change Control Process.
- Maintain Program webpages.
- Support the work of the IMC.

IMC Roles & Responsibilities

1. Conduct an annual review of Valley Water's fiscal year report on the Program.
2. Provide an annual report to the Board regarding the implementation of the Program's intended results.
3. Review each five-year implementation plan for the Program before it is submitted to the Board for approval.
4. Review and recommend to the Board and Public every 15 years whether the special tax should be reduced or repealed or is needed to build additional projects to achieve related programmatic benefits in accordance with the priorities of the Program.
5. Through its review of the annual reports and five-year implementation plans, make recommendations to the Board regarding reasonably necessary measures to meet the Program's priorities.

Monitoring Projects & Program Performance

- KPIs are contained in the election resolution approved by the voters
- Board may modify KPIs as per the Change Control Process
- IMC may recommend to the Board KPI modification



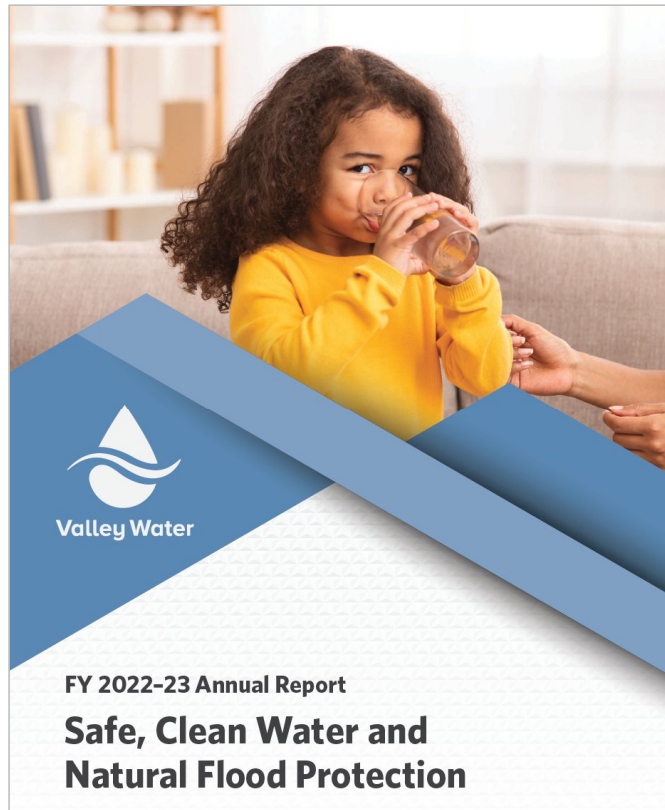
Change Control Status Categories

Adjustment (publicly noticed meeting)	Changes to a project text, funding, or schedule that don't impact Program KPIs
Modification (formal public hearing)	Changes to KPIs or changes that impact any Program KPIs
Non-Implementation (formal public hearing)	Decision to not implement a project

Annual Report Improvements

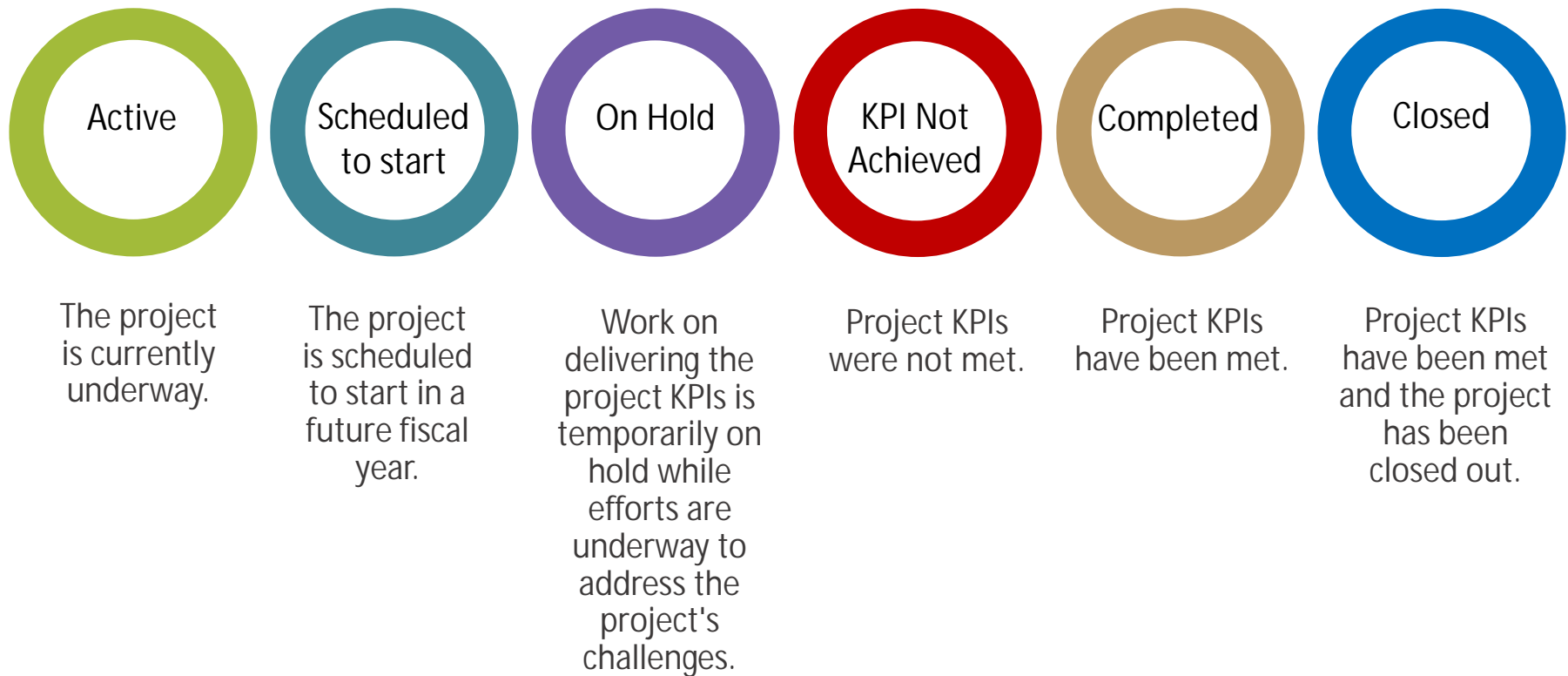


Improved Data Presentation



1. Developed milestone-based and more nuanced Confidence Levels scale for all capital projects
2. Added 5-year project status history tables, including change control indicators, to all projects
3. Included cumulative annual adjusted budget vs. expenditure data for all projects
4. Added a new appendix providing cumulative annual and change control status for all projects
5. Added flooding history and background to all flood protection projects, with details added on project web pages

Annual Project Status Categories

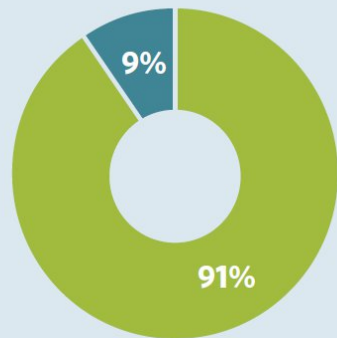


FY2022-23 Program Performance



FY23 Program Status

Figure 1. FY23 Status: 32 Projects Total



Project Status as of June 30, 2023

Project	Project Description	Annual Status	Adjustment/Modification
Priority A: Ensure a Safe, Reliable Water Supply			
A1	Pacheco Reservoir Expansion*	SCHEDULED TO START	NONE
A2	Water Conservation Rebates and Programs	ACTIVE	NONE
A3	Pipeline Reliability	ACTIVE	NONE
Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways			
B1	Impaired Water Bodies Improvement	ACTIVE	NONE
B2	Inter-Agency Urban Runoff Program	ACTIVE	NONE
B3	Hazardous Materials Management and Response	ACTIVE	NONE
B4	Support Volunteer Cleanup Efforts	ACTIVE	NONE
Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters			
C1	Anderson Dam Seismic Retrofit*	SCHEDULED TO START	NONE
Priority D: Restore Wildlife Habitat and Provide Open Space			
D1	Management of Riparian Planting and Invasive Plant Removal	ACTIVE	NONE
D2	Revitalize Riparian, Upland and Wetland Habitat	ACTIVE	NONE
D3	Sediment Reuse to Support Shoreline Restoration	ACTIVE	MODIFIED & ADJUSTED
D4	Fish Habitat and Passage Improvement	ACTIVE	MODIFIED & ADJUSTED
D5	Ecological Data Collection and Analysis	ACTIVE	NONE
D6	Restoration of Natural Creek Functions	ACTIVE	MODIFIED
D7	Partnerships for the Conservation of Habitat Lands	ACTIVE	NONE
Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways			
E1	Coyote Creek Flood Protection	ACTIVE	ADJUSTED
E2	Sunnyvale East and Sunnyvale West Channels Flood Protection	ACTIVE	MODIFIED & ADJUSTED
E3	Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3)	SCHEDULED TO START	NONE
E4	Upper Penitencia Creek Flood Protection	ACTIVE	MODIFIED & ADJUSTED
E5	San Francisco Creek Flood Protection	ACTIVE	ADJUSTED
E6	Upper Llagas Creek Flood Protection	ACTIVE	ADJUSTED
E7	San Francisco Bay Shoreline Protection	ACTIVE	NONE
E8	Upper Guadalupe River Flood Protection	ACTIVE	ADJUSTED
Priority F: Support Public Health and Public Safety for Our Community			
F1	Vegetation Control and Sediment Removal for Capacity	ACTIVE	NONE
F2	Emergency Response Planning and Preparedness	ACTIVE	NONE
F3	Flood Risk Assessment Studies	ACTIVE	NONE
F4	Vegetation Management for Access and Fire Safety	ACTIVE	NONE
F5	Good Neighbor Program: Encampment Cleanup	ACTIVE	NONE
F6	Good Neighbor Program: Graffiti and Litter Removal and Public Art	ACTIVE	NONE
F7	Emergency Response Upgrades	ACTIVE	NONE
F8	Sustainable Creek Infrastructure for Continued Public Safety	ACTIVE	NONE
F9	Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	ACTIVE	NONE

*The project annual status is only in terms of the Safe, Clean Water Program KPI of providing funding for the project and is not reflective of the overall project schedule.

Projects Modified in FY23

Following the close of the public hearing on Jan. 24, 2023, the Board approved modifying the following projects:

- D4: Fish Habitat and Passage Improvement
- D6: Restoration of Natural Creek Functions,
- E2: Sunnyvale East and Sunnyvale West Channels Flood Protection
- E4: Upper Penitencia Creek Flood Protection
- D3 Sediment Reuse to Support Shoreline Restoration

Public Hearing link:

<https://scvwd.legistar.com/LegislationDetail.aspx?ID=6003386&GUID=9F2E6492-072A-4DAE-BE49-79807CC3DA74>

FY23 Program Highlights



Constructing underground box culverts to divert floodwaters away from downtown Morgan Hill

1. Made significant progress in the construction of the Anderson Dam Tunnel Project (ADTP)
2. Completed construction of a 2,300-foot-long underground tunnel as part of the Upper Llagas Creek Project
3. Began construction of the Coyote Creek Flood Mitigation Measures Project
4. Provided \$1 million towards the water conservation efforts, including rebates to help convert about 2 million sq ft of lawns into low-water use landscapes

FY23 Program Highlights...cont.



Hale Creek Enhancement Pilot Project

5. Awarded nearly \$1.35 million in grants and partnerships for 33 projects
6. Completed the construction of the Hale Creek Enhancement Pilot Project in Los Altos
7. Completed the construction of the project to improve fish habitat along Uvas Creek in Gilroy
8. Began construction of the Bolsa Road Fish Passage Project on Uvas-Carnadero Creek, south of Gilroy
9. Removed 1,546 tons of trash from local waterways

FY23 Program Highlights...cont.



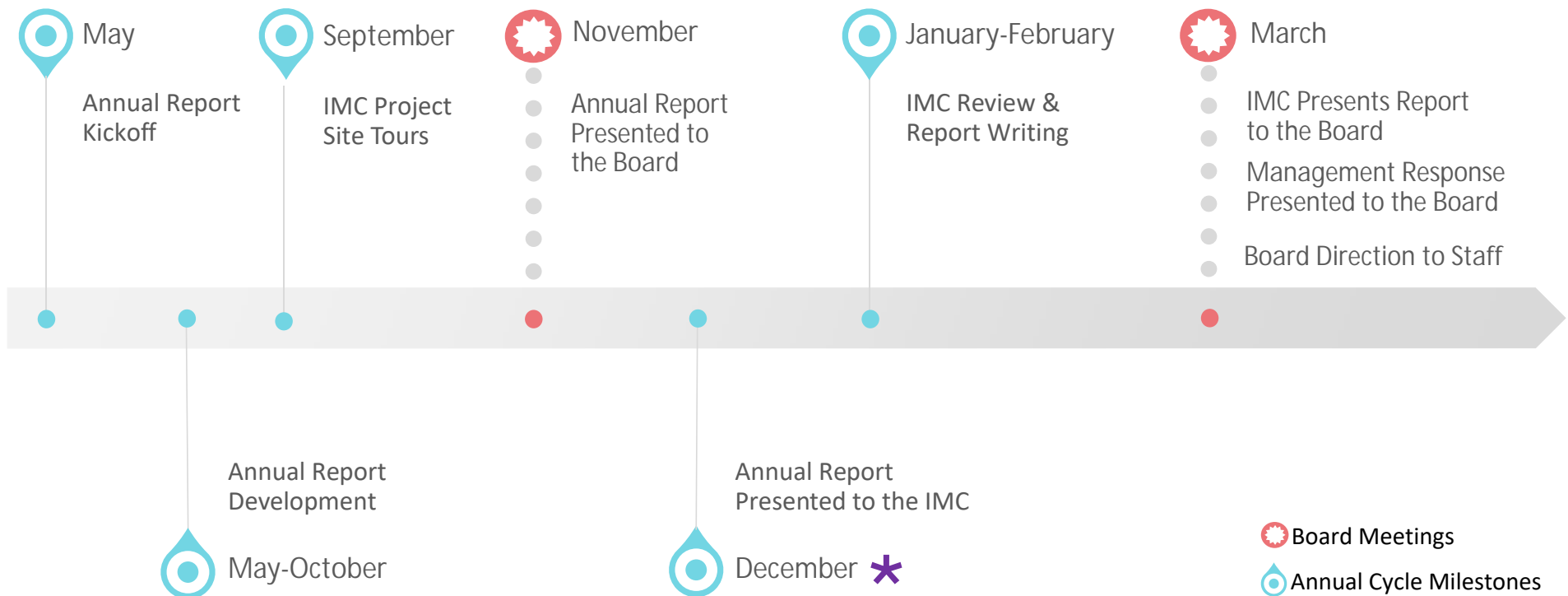
Uvas Fish Habitat Improvement Project

- 10. Removed about 811 cubic yards of vegetation and 14,832 cubic yards of sediment from local creeks to reduce flood risks
- 11. Managed nearly 2,576 acres to clean up encampment- generated trash, debris, and hazardous pollutants
- 12. Completed the Pilot Mural Art Project under the Public Art Program

Annual Report Review Timeline



Next Steps: Annual Report & IMC Review Timeline



Determine IMC Review Process

FY22 ANNUAL REPORT SUB-COMMITTEE MEMBERS

➤ Priority A & C	George Fohner, Jeffrey Hare, Hon. Patrick S. Kwok (Subcommittee Chair), and Forest Peterson, Ph.D.
➤ Priority B	Bill Hoeft, Kathy Sutherland, Cari Templeton, and Will Ector (Subcommittee Chair).
➤ Priority D	Jean Marlowe, Marc Rauser, Hon. Barbara Spector, Kathy Sutherland (Subcommittee Chair), and Cari Templeton.
➤ Priority E	Will Ector, Jeffrey Hare, and Forest Peterson, Ph.D. (Subcommittee Chair).
➤ Priority F	George Fohner (Subcommittee Chair), Jeffrey Hare, and Hon. Barbara Spector.
➤ Financial	Bill Hoeft (Subcommittee Chair), Hon. Barbara Spector, and Kathy Sutherland.

IMC Review: Tentative Schedule

- Sept. 13, 2023 - Site visits✓
- Dec. 6, 2023 - IMC Review Kickoff Meeting*
- Jan. 2-12, 2024 - IMC project review via priority subcommittees
- Jan. 24 - Subcommittee chairs report findings to IMC
- Jan. 25 - IMC Report drafting meeting
- Feb. 2 - Draft report mailed to IMC members
- Feb. 7 - IMC meeting to review/finalize the report
- Feb. 9 - IMC Report finalized (with chair's signature)
- Mar. 12 - IMC Report presented to the Board
- Mar. 12 - Management Response presented to the Board

QUESTIONS



This Page Intentionally Left Blank




Santa Clara Valley Water District

File No.: 23-1174

Agenda Date: 12/6/2023

Item No.: 5.3.

		
	Meeting Date:	12/6/2023
	Item No.	5.3
	Unclassified Manager:	Luz Penilla, 408-630-2228
RENEWED SAFE, CLEAN WATER INDEPENDENT MONITORING COMMITTEE		

SUBJECT:

Outcome of the Public Hearing on Modifying the Safe, Clean Water Program.

RECOMMENDATION:

Receive Information on the Outcome of the January 24, 2023, Public Hearing on Modifying Projects within the renewed Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program).

SUMMARY:

On January 24, 2023, following a public hearing, the Valley Water Board of Directors (Board) approved modifications to the renewed Safe, Clean Water Program, specifically projects D4: Fish Habitat and Passage Improvement, D6: Restoration of Natural Creek Functions, E2: Sunnyvale East and Sunnyvale West Channels Flood Protection, and E4: Upper Penitencia Creek Flood Protection. For more information and to view the public meeting, visit <http://tinyurl.com/2023Jan24BoardMtg>.

The modifications were proposed in response to significant infrastructure construction cost increases, impacting the Safe, Clean Water fund's financial health. Among the projects with a major cost escalation was Project E1: Coyote Creek Flood Protection (Coyote Creek Project), with an approximately \$162 million increase.

The Coyote Creek Project, extending from Montague Expressway to Tully Road, is designed to provide protection from floods up to the level that occurred on February 21, 2017. Upstream of the Coyote Creek Project, Valley Water is implementing another major project, the Anderson Dam Seismic Retrofit Project (ADSRP). To minimize risk to the communities along Coyote Creek, Valley Water needed to move forward with the planned construction schedule for the Coyote Creek Project

to align with the completion of the high-level outlet for the Anderson Dam Seismic Retrofit Project.

These increased costs impacted the Safe, Clean Water fund's financial health, resulting in staff's recommendation that the Valley Water Board of Directors provide direction on balancing the overall fund and delivering the voter-approved Safe, Clean Water Program. Furthermore, Valley Water staff had also identified the need to modify Project D3: Sediment Reuse to Support Shoreline Restoration due to changed circumstances.

Consequently, staff recommended modifying projects D3: Sediment Reuse to Support Shoreline Restoration, D4: Fish Habitat and Passage Improvement, D6: Restoration of Natural Creek Functions, E2: Sunnyvale East and Sunnyvale West Channels Flood Protection, and E4: Upper Penitencia Creek Flood Protection. The modifications are detailed below:

Project D3: Sediment Reuse to Support Shoreline Restoration (Project D3)

The Board approved modifying KPI #1 to "Reuse sediment meeting applicable screening criteria at available Valley Water or partnership project sites to support restoration." Valley Water had been delivering sediment to Salt Pond A8 of the South Bay Salt Ponds Restoration Project (SBSRP) via an agreement with the U.S. Fish and Wildlife Service (USFWS). However, Salt Pond A8 had received 100% of the material needed for the ecotone habitat that was designed and permitted as part of SBSRP. The KPI was modified to support continued sediment reuse for restoration beyond SBSRP.

Because of the modification, the Board also approved adjusting the project name, description, and benefits to better align the project with the changing conditions and to accurately capture its purpose of supporting restoration projects beyond Shoreline Restoration. The text adjustment did not require a public hearing. Attachment 1 shows the modification to KPI #1 as well as the text adjustments with all changes displayed with strikethrough for removed text and red font for new text.

Project D4: Fish Habitat and Passage Improvement (Project D4)

This project helps restore and maintain healthy fish populations, especially steelhead, by improving fish passage and habitat. Sites may include Alamitos Creek at Almaden Lake and County of Santa Clara-owned Ogier Ponds, where humanmade creek alterations disrupt fish migration. Project D4, which includes coordinating and partnering with other external parties, incorporates studies of streams throughout the county to determine what and where habitat improvements will most benefit steelhead. Regional partners can use these studies to implement complementary habitat enhancements.

The Board approved modifying KPI #2 to "Partially fund the construction of one (1) creek/lake separation project in partnership with local agencies." The modification was necessitated due to construction cost escalations impacting the Program's financial health.

The Board also changed the project selections for KPI #1 and KPI #2. The Board selected the

Almaden Lake Improvements Project to deliver KPI #1 to complete planning and design for one (1) creek/lake separation. Since previously selecting the Almaden Lake Improvements Project to be constructed under KPI #2 in 2021, Almaden Lake Improvements Project construction cost estimates had nearly tripled, making project construction unfeasible. As a result, the Board selected the Ogier Ponds-Coyote Creek Separation Project (Ogier Ponds Project) to deliver KPI #2 to partially fund the construction of one (1) creek/lake separation project in partnership with local agencies. The Ogier Ponds Project is now part of the Anderson Dam Seismic Retrofit Project (ADSRP) as a conservation measure. As part of ADSRP, the Ogier Ponds Project construction is funded by several sources, which reduces its financial impact on the Safe, Clean Water Fund. Attachment 1 shows Project D4 modification to KPI #2, with all proposed changes displayed with strikethrough for removed text and red font for new text.

Project D6: Restoration of Natural Creek Functions (Project D6)

This project is to develop, compile, and use local hydrologic and geomorphic data to identify, design, and construct projects to restore and improve the natural functions and stability of stream channels. Geomorphically appropriate channels will be more resilient to damage from more intense rainfall patterns caused by climate change.

Project D6 had three KPIs, requiring Valley Water to construct three geomorphic-designed projects. Valley Water completed the construction of the Hale Creek Enhancement Pilot Project (KPI #1) in FY23 and is on track to complete the Bolsa Road Fish Passage Project (KPI #2) construction in FY24. However, Valley Water had not identified the third project required under KPI #3.

As a result of construction cost escalations, the Board modified the project, removing KPI #3 and reallocating the placeholder project funding to the Safe, Clean Water Program's Operating and Capital (Fund 26 Reserves), thus supporting the fund's financial health.

Attachment 1 shows Project D6 modification to remove KPI #3, with the proposed change displayed with a strikethrough for removed text.

Project E2: Sunnyvale East and Sunnyvale West Channels Flood Protection (E2)

This project is to upgrade approximately 6.4 miles of the existing Sunnyvale East Channel to provide 1% flood protection (100-year event) to 1,618 parcels and approximately three (3) miles of the existing West Channel to provide 1% flood protection for 47 acres of highly valuable industrial lands, including the Onizuka Air Force Base.

Project E2 is being constructed in two phases, with Sunnyvale West Channel constituting Phase 1 and Sunnyvale East Channel being Phase 2. Following the January 24, 2023, public hearing, the Board approved modifying and reducing the project's construction funding allocation and reallocating the Sunnyvale East Channel construction-related planned expenditures to the Safe, Clean Water Program's Operating and Capital Reserves, thus supporting the fund's financial health. As a result, funding for Phase 1 construction is fully secured. Phase 2 remains a commitment under the Safe, Clean Water Program, and Valley Water is determining additional funding sources to advance construction. The reduction in funding allocation became effective on July 1, 2023 (FY24).

Attachment 1 shows the modification to Project E2's 15-year (FY2022-2036) funding allocation, with the table providing the modified funding allocations finalized through the Board-approved Capital Improvement Program's FY2024-28 Five-Year Plan.

Project E4: Upper Penitencia Creek Flood Protection (Project E4)

This project continues a partnership with the U.S. Army Corps of Engineers (USACE) to plan, design, and construct improvements along 4.2 miles of Upper Penitencia Creek from the confluence with Coyote Creek to Dorel Drive. Part of the project will protect the area around the Bay Area Rapid Transit's (BART) Berryessa station near King Road, which would otherwise be subject to flooding. In addition to providing flood protection, this multi-objective project will provide ecological restoration and recreation benefits while preserving the water supply.

As of FY23, there was no federal funding from USACE for the project and Valley Water focused on the local funding only KPI. Valley Water completed the Planning Study in FY22.

As a result of construction cost escalations, the Board modified Project E4 funding allocation to reallocate construction-related planned expenditures to the Safe, Clean Water Program's Operating and Capital Reserves, thus supporting the fund's financial health. The reduction in funding allocation became effective on July 1, 2023 (FY24).

While the Design and Permitting phase funding is secured, Valley Water will reassess construction funding availability annually as part of the Capital Improvement Program's (CIP's) financial planning process.

Attachment 1 shows the modification to Project E4's 15-year (FY2022-2036) funding allocation, with the table providing the modified funding allocations finalized through the Board-approved Capital Improvement Program's FY2024-28 Five-Year Plan.

ATTACHMENTS:

Attachment 1: Modifications and Adjustments Redlined

PROJECT D3

SEDIMENT REUSE TO SUPPORT ~~SHORELINE~~ RESTORATION PROJECTS

This project reuses local sediment removed through Valley Water’s Stream Maintenance Program, capital projects and other local sources to create and restore tidal marsh, **riparian or wetland** habitats. Sediment may be reused to support the South Bay Salt Pond Restoration project or other environmental enhancement and restoration projects. Valley Water removes sediment from streams to maintain their capacity to carry floodwaters. To secure environmentally appropriate reuse sites, **partnership agreements may be required**. ~~this project continues the existing partnership with the U.S. Fish and Wildlife Service (FWS) and explores partnerships with others.~~ This project also funds site improvements necessary to facilitate sediment delivery to the reuse sites.

Beneficial reuse of sediment has become a key component in tidal marsh, **riparian or wetland** restoration around the ~~Bay~~ **bay and throughout the county**. As sea levels rise, natural sedimentation and vegetation rates cannot keep up and tidal zones are in danger of being submerged, erasing environmental gains from restoration work. By delivering clean sediment from local creeks that would have naturally flowed into the San Francisco **or Monterey** Bays, this project accelerates natural marsh-building processes and helps to keep up with sea-level rise. Activities necessary for sediment reuse may include testing, transport, cover material, and site improvements required for access.

Benefits

- Accelerates progress of important tidal wetland restoration projects, **including tidal marsh, wetland, and riparian habitat**
- Reduces disposal costs for sediment that has been removed from local channels
- Reduces disposal of clean fill into local landfills
- Addresses climate change

Key Performance Indicators (FY22–36)

1. ~~Maintain partnership agreements to reuse sediment to improve the success of salt pond and tidal marsh restoration projects and activities.~~ **Reuse sediment meeting applicable screening criteria at available Valley Water or partnership project sites to support restoration.**
2. Provide up to \$4 million per 15-year period to support activities necessary for sediment reuse.

Geographic Area of Benefit: Countywide

PROJECT D3

SEDIMENT REUSE TO SUPPORT RESTORATION PROJECTS

This project reuses local sediment removed through Valley Water’s Stream Maintenance Program, capital projects and other local sources to create and restore tidal marsh, riparian or wetland habitats. Sediment may be reused to support the South Bay Salt Pond Restoration project or other environmental enhancement and restoration projects. Valley Water removes sediment from streams to maintain their capacity to carry floodwaters. To secure environmentally appropriate reuse sites, partnership agreements may be required. This project also funds site improvements necessary to facilitate sediment delivery to the reuse sites.

Beneficial reuse of sediment has become a key component in tidal marsh, riparian or wetland restoration around the bay and throughout the county. As sea levels rise, natural sedimentation and vegetation rates cannot keep up and tidal zones are in danger of being submerged, erasing environmental gains from restoration work. By delivering clean sediment from local creeks that would have naturally flowed into the San Francisco or Monterey Bays, this project accelerates natural marsh-building processes and helps to keep up with sea-level rise. Activities necessary for sediment reuse may include testing, transport, cover material, and site improvements required for access.

Benefits

- Accelerates progress of important tidal wetland restoration projects, including tidal marsh, wetland, and riparian habitat
- Reduces disposal costs for sediment that has been removed from local channels
- Reduces disposal of clean fill into local landfills
- Addresses climate change

Key Performance Indicators (FY22–36)

1. Reuse sediment meeting applicable screening criteria at available Valley Water or partnership project sites to support restoration.
2. Provide up to \$4 million per 15-year period to support activities necessary for sediment reuse.

Geographic Area of Benefit: Countywide

PROJECT D4

FISH HABITAT AND PASSAGE IMPROVEMENT

This project helps restore and maintain healthy fish populations, especially steelhead, by improving fish passage and habitat. Sites may include Alamitos Creek at Almaden Lake and County of Santa Clara-owned Ogier Ponds, where human-made creek alterations disrupt fish migration. Project D4, which includes coordinating and partnering with other external parties, incorporates studies of streams throughout the county to determine what and where habitat improvements will most benefit steelhead. These studies can be used by regional partners to implement complementary habitat enhancements.

The project also continues funding to place instream gravel, boulders, large wood, or other features to enhance fish habitat at appropriate locations. By adding natural stream features such as large wood, we can create habitat to provide refuge during fish migration, prolonged drought, or extreme rainfall events. Additionally, habitat restoration can improve ecosystem function and increase resiliency to climate change. By restoring natural functions, issues such as water quality may be less exacerbated and native species can continue to flourish and adapt.

Benefits

- Improves habitat and passage for steelhead and other native fish within Santa Clara County watersheds
- Contributes to required mitigation for environmental impacts of reservoir and recharge operations and countywide Stream Maintenance Program
- Maintains investment in earlier habitat improvements
- Addresses climate change

Key Performance Indicators (FY22–36)

1. Complete planning and design for one (1) creek/lake separation.
2. ~~Partially fund the construction of~~ Construct one (1) creek/lake separation project in partnership with local agencies.
3. Use \$8 million for fish passage improvements by June 30, 2028.
4. Update study of all major steelhead streams in the county to identify priority locations for fish migration barrier removal and installation of large woody debris and gravel as appropriate.
5. Complete five (5) habitat enhancement projects based on studies that identify high priority locations for large wood, boulders, gravel, and/or other habitat enhancement features.

Geographic Area of Benefit: Countywide

PROJECT D4

FISH HABITAT AND PASSAGE IMPROVEMENT

This project helps restore and maintain healthy fish populations, especially steelhead, by improving fish passage and habitat. Sites may include Alamitos Creek at Almaden Lake and County of Santa Clara-owned Ogier Ponds, where human-made creek alterations disrupt fish migration. Project D4, which includes coordinating and partnering with other external parties, incorporates studies of streams throughout the county to determine what and where habitat improvements will most benefit steelhead. These studies can be used by regional partners to implement complementary habitat enhancements.

The project also continues funding to place instream gravel, boulders, large wood, or other features to enhance fish habitat at appropriate locations. By adding natural stream features such as large wood, we can create habitat to provide refuge during fish migration, prolonged drought, or extreme rainfall events. Additionally, habitat restoration can improve ecosystem function and increase resiliency to climate change. By restoring natural functions, issues such as water quality may be less exacerbated and native species can continue to flourish and adapt.

Benefits

- Improves habitat and passage for steelhead and other native fish within Santa Clara County watersheds
- Contributes to required mitigation for environmental impacts of reservoir and recharge operations and countywide Stream Maintenance Program
- Maintains investment in earlier habitat improvements
- Addresses climate change

Key Performance Indicators (FY22–36)

1. Complete planning and design for one (1) creek/lake separation.
2. Partially fund the construction of one (1) creek/lake separation project in partnership with local agencies.
3. Use \$8 million for fish passage improvements by June 30, 2028.
4. Update study of all major steelhead streams in the county to identify priority locations for fish migration barrier removal and installation of large woody debris and gravel as appropriate.
5. Complete five (5) habitat enhancement projects based on studies that identify high priority locations for large wood, boulders, gravel, and/or other habitat enhancement features.

Geographic Area of Benefit: Countywide

PROJECT D6

RESTORATION OF NATURAL CREEK FUNCTIONS

This project will develop, compile and use local hydrologic and geomorphic data to identify, design and construct projects to restore and improve natural functions and stability of stream channels.

Geomorphically appropriate channels will be more resilient to damage from more intense rainfall patterns caused by climate change.

Benefits

- Uses scientific principles to improve sediment balance and reduce erosion, enhance percolation and reduce instability and sedimentation in creeks
- Can help reduce annual maintenance cost for sediment removal where erosion and incision problems can be addressed
- Improves native aquatic habitat
- Improves the aesthetic value of a stream
- Addresses climate change

Key Performance Indicators (FY22–36)

1. Construct the Hale Creek Enhancement Pilot Project, which includes restoration and stabilization of a 650-foot section of concrete-lined channel on Hale Creek, between Marilyn Drive and North Sunshine Drive on the border of Mountain View and Los Altos.
2. Construct the Bolsa Road Fish Passage Project along 1,700 linear feet of Uvas-Carnadero Creek in unincorporated Santa Clara County, which includes geomorphic design features that will restore stability and stream function.
3. ~~Identify, plan, design, and construct a third geomorphic designed project to restore stability and stream function by preventing incision and promoting sediment balance throughout the watershed.~~

Geographic Area of Benefit: Countywide

PROJECT D6

RESTORATION OF NATURAL CREEK FUNCTIONS

This project will develop, compile and use local hydrologic and geomorphic data to identify, design and construct projects to restore and improve natural functions and stability of stream channels.

Geomorphically appropriate channels will be more resilient to damage from more intense rainfall patterns caused by climate change.

Benefits

- Uses scientific principles to improve sediment balance and reduce erosion, enhance percolation and reduce instability and sedimentation in creeks
- Can help reduce annual maintenance cost for sediment removal where erosion and incision problems can be addressed
- Improves native aquatic habitat
- Improves the aesthetic value of a stream
- Addresses climate change

Key Performance Indicators (FY22–36)

1. Construct the Hale Creek Enhancement Pilot Project, which includes restoration and stabilization of a 650-foot section of concrete-lined channel on Hale Creek, between Marilyn Drive and North Sunshine Drive on the border of Mountain View and Los Altos.
2. Construct the Bolsa Road Fish Passage Project along 1,700 linear feet of Uvas-Carnadero Creek in unincorporated Santa Clara County, which includes geomorphic design features that will restore stability and stream function.

Geographic Area of Benefit: Countywide

PROJECT E2

SUNNYVALE EAST AND SUNNYVALE WEST CHANNELS FLOOD PROTECTION

This project is to upgrade approximately 6.4 miles of the existing Sunnyvale East Channel to provide 1% flood protection (100-year event) to 1,618 parcels and approximately three (3) miles of the existing West Channel to provide 1% flood protection for 47 acres of highly valuable industrial lands, including the Onizuka Air Force Base.

The Sunnyvale West Channel (Phase 1) and Sunnyvale East Channel (Phase 2) improvement projects have been combined into a single flood protection project with a single Environmental Impact Report (EIR) to improve efficiencies. Both projects decrease channel turbidity and sediment by repairing erosion sites, thereby improving water quality and reducing sediment to the San Francisco Bay.

Benefits

- Provides 1% flood capacity for approximately 6.4 miles of channel along Sunnyvale East and approximately three (3) miles of channel along Sunnyvale West within the City of Sunnyvale, protecting 1,618 properties (Sunnyvale East) and 47 acres (11 properties) of industrial land (Sunnyvale West)
- Improves channel water quality by providing erosion control measures to decrease sediment and turbidity
- Identifies recreational opportunities that can be integrated by the City of Sunnyvale and others as appropriate
- Addresses climate change accounting for 2-foot of sea level rise

Key Performance Indicator (FY22-36)

1. Provide 1% (100-year) flood protection for 1,618 properties and 47 acres (11 parcels) of industrial land, while improving stream water quality and working with other agencies to incorporate recreational opportunities.

Geographic Area of Benefit: Sunnyvale

Modified Funding Allocation

Project E2: Sunnyvale East and Sunnyvale West Channels Flood Protection Financial Summary (\$ Thousand)	
15-Year Allocation	Modified 15-Year Allocation*
\$52,539	\$37,808

Funding allocations were finalized through the Board-approved Capital Improvement Program’s FY 2024-28 Five-Year Plan.

PROJECT E4

UPPER PENITENCIA CREEK FLOOD PROTECTION

Preferred project: A federal-state-local partnership

This project continues a partnership with the U.S. Army Corps of Engineers (USACE), to plan, design and construct improvements along 4.2 miles of Upper Penitencia Creek from the confluence with Coyote Creek to Dorel Drive. Part of the project will protect the area around the Bay Area Rapid Transit's (BART) Berryessa station near King Road, which would otherwise be subject to flooding.

In addition to providing flood protection, this multi-objective project will provide ecological restoration and recreation benefits while preserving the water supply. The natural creek channel will be preserved while adjacent existing open space and parkland will remain as recreational areas, only rarely taking the role as a temporary floodplain so that floodwaters do not enter surrounding neighborhoods and commercial areas. Proposed construction measures may include modified floodplains, limited levees/floodwalls, a bypass channel, and fish passage improvements.

Local-funding-only project

The original local-funding-only project was to acquire all necessary rights-of-way and construct a 1% (100-year event) flood protection project from Coyote Creek confluence to King Road, which would have protected 450 parcels. In December 2019, the Valley Water Board directed staff to use the available local funding to complete the design and construction of the locally funded project as well as build the reaches of the preferred project that can be constructed with the available funding. This approach extends the local-funding-only project from King Road to Capitol Avenue and provides 1% flood protection for an additional 800 parcels. As a result, the new local-funding-only project would be to construct flood improvements along Upper Penitencia Creek from the confluence of Coyote Creek to Capitol Avenue to increase the 1% flood protection provided with local available dollars to 1,250 parcels, including the new Berryessa BART station.

Benefits

- Preferred project provides up to 1% flood protection to approximately 8,000 homes, schools and businesses.
- Local-funding-only project provides 1% flood protection to 1,250 parcels, including the new Berryessa BART station.
- Restores/enhances ecological and riparian habitat
- Reduces sedimentation and maintenance requirements
- Improves water quality in Upper Penitencia and Coyote creeks
- Provides opportunities for recreation improvements consistent with the City of San José and Santa Clara County Park master plans
- Addresses climate change

Key Performance Indicators (FY22-36)

1. Preferred project with federal and local funding: Construct a flood protection project to provide 1% (100-year) flood protection to 8,000 parcels.
2. With local funding only: Construct a 1% (100-year) flood protection project from Coyote Creek confluence to Capitol Avenue to provide 1% (100-year) flood protection to 1,250 parcels, including the new Berryessa BART station.

Modified Funding Allocation

Project E4: Upper Penitencia Creek Flood Protection Financial Summary (\$ Thousand)	
15-Year Allocation	Modified 15-Year Allocation*
\$26,106	\$9,207

* Funding allocations finalized through the Board-approved Capital Improvement Program's FY 2024-28 Five-Year Plan.

