

February 2, 2023

**TO: SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM,
INDEPENDENT MONITORING COMMITTEE****Jurisdiction**District 1
District 2
District 3
District 4
District 5
District 6
District 7**Member**Kathleen Sutherland
Will Ector
Hon. Barbara Spector
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, February 8, 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, February 6, 2023**, by contacting Glenna Brambill at 1-408-630-2408, or gbrambill@valleywater.org.

Enclosures



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

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

Meeting ID: 856 1150 1656

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Meeting ID: 856 1150 1656



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

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

Alternate Addresses: 8016 Greenwood Ave N, Seattle, WA 98103
250 Hamilton Ave, Palo Alto, CA 94301
3770 Las Vegas Blvd, Las Vegas NV 89109

FINAL FY22 REPORT MEETING AGENDA

**Wednesday, February 8, 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 Program Independent Monitoring Committee (SCW PROGAM IMC)
FINAL FY22 REPORT MEETING
AGENDA

Wednesday, February 8, 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 at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the “Raise Hand” tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board 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=ToJpYCxXm0>

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 <https://emma.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, 856 1150 1656#

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 Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to two minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If 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 Committee may take action on any item of business appearing on the posted agenda.

3. APPROVAL OF MINUTES:

3.1. Approval of Minutes.

[23-0174](#)

Attachments: [Attachment 1: 01252023 SCW Program IMC DRAFT Mins](#)

Est. Staff Time: 5 Minutes

4. REGULAR AGENDA:

- 4.1. Report Drafting Committee Presents Draft Final IMC Report

[23-0175](#)

Attachments: [Attachment 1: SCW IMC Letter to Board DRAFT](#)
[Attachment 2: Report](#)
[Attachment 3: SCW IMC FY22 Notes DRAFT 012723](#)

Est. Staff Time: 60 Minutes

5. NEXT STEPS:

- a. February 28, 2023, SCW PROGRAM IMC Chair presents Final IMC Report to Board

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.



Santa Clara Valley Water District

File No.: 23-0174

Agenda Date: 2/8/2023

Item No.: 3.1.

A horizontal graphic showing a dynamic splash of blue water with white foam and bubbles, set against a white background.		
	Meeting Date:	02-08-2023
	Item No.	3.1.
	Unclassified Manager:	Candice Kwok-Smith 1-408-630-3193
SAFE, CLEAN WATER INDEPENDENT MONITORING COMMITTEE		

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve 01252023 SCW Program 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: 01252023 SCW Program IMC Draft Mins



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

DRAFT MINUTES

WEDNESDAY, JANUARY 25, 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 January 25, 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 4:07 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	Cari Templeton

Members not in attendance were:

<u>Jurisdiction</u>	<u>Representative</u>
District 3	Jean Marlowe (participated as a member of the public)
District 6	Hon. Patrick S. Kwok

Board Member in attendance was: Director Barbara F. Keegan (District 2, Board Alternate).

Staff members in attendance were: Andrés Acevedo, Cameron Arnett, Erin Baker, Lisa Bankosh, Ricardo Barajas, Wade Blackard, Rechelle Blank, James Bohan, John Bourgeois, Glenna Brambill, Rolando Bueno, Justin Burks, Jennifer Codianne, Jessica Collins, Zooey Diggory, James Downing, Stephen Ferranti, Amy Fonseca, Meenakshi Ganjoo, Laura Garrison, Alexander Gordon, Andrew Gschwind, Christopher Hakes, Nicholas Ingram, Navroop Jassal, Chris Komlos, Juan Ledesma, Jay Lee, Robert Marmito, Caitlin McAlpine, Greg Meamber, Brian Mendenhall,

Elizabeth Mercado, Devin Mody, Judy Nam, Carmen Narayanan, Karl Neuman, Julianne O'Brien, Carlos Orellana, Leslie Orta, Sophie Padilla, Peter Park, Luz Penilla, Ashley Shannon, Kevin Sibley, Kirsten Struve, Darin Taylor, Paul Thomas, Madhu Thummalur, Doug Titus, Sherilyn Tran, Gabriel Valin, Kristen Yasukawa, Bhavani Yerrapotu, and Emily Zedler.

Public in attendance were: SJ, John, Julie Lee, and Jean Marlowe (SCW Program IMC Member).

2. PUBLIC COMMENT

Kristen Yasukawa reported on Valley Water's Safe, Clean Water and Natural Flood Protection Grants and Partnership Program, which is open to accept applications until March 10, 2023. The Program offers various grants to qualified organizations looking to make a lasting change in our communities that would like to promote water conservation, pollution prevention, wildlife habitat restoration, increase access to trails and open space, help with creek cleanups, educating students or the public with those issues noted. Partnerships such as schools, businesses, government agencies, nonprofits and other organizations can help Valley Water accomplish these goals. The Mini-Grants Program accepts applications year-round. To learn more, visit the website at: <https://www.valleywater.org/learning-center/grants-partnerships/standard-grants-program>

3. APPROVAL OF MINUTES

3.1 APPROVAL OF MINUTES, DECEMBER 7, 2022

It was moved by Marc Rauser, seconded by Bill Hoeft, and carried by unanimous vote, to approve the minutes of the December 7, 2022, Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee meeting with one correction on page one Members note in attendance to read Members not in attendance.

4. OUTCOME OF SUBCOMMITTEE MEETINGS

4a. REVIEW PRIORITY SUBCOMMITTEE DISCUSSIONS AND SUPPLEMENTAL RESPONSES

4b. SUBCOMMITTEE CHAIRS REPORT OUT ON THE KEY AREAS OF DISCUSSION AND RECOMMENDATIONS FOR FULL COMMITTEE CONSIDERATION

Committee Chair Jeffrey Hare introduced each Subcommittee Chair who reported out on key areas of discussions and recommendations from the subcommittee meetings:

Priority A IMC Chair reported:

Committee Chair Jeffrey Hare for Subcommittee Chair Hon. Patrick S. Kwok in his absence did a quick overview of Priorities A1-A3.

A1-Pacheco Reservoir Expansion, adjusted, recommendation to provide more information on project's progress.

A2-Water Conservation Rebates and Programs, on target, no recommendation.

A3-Pipeline Reliability Project, adjusted, no recommendation.

Discussion/comments:

- Issues with KPI's wording, noted outputs instead of outcomes.

Attachment 1
Page 2 of 7

- Referred to the 2017 Moss Audit.
- KPI's be modified to be more accurate and have meaningful outcomes.
- Agreed on adjustments for Project A1.
- Water Conservation efforts for Project A2 doesn't show what Valley Water is doing and how water is conserved, possibly show trending.
- A3 No recommendation.

Committee action taken:

It was moved by Forest Peterson, seconded by Hon. Barbara Spector and unanimously approved adopting the subcommittee's recommendations on Projects A1-A3, with the ability to reflect the KPI's accomplishments, operational outcome measures, supplemental project progress, and possible modifications, if warranted.

Priority C IMC Chair reported:

Committee Chair Jeffrey Hare for Subcommittee Chair Hon. Patrick S. Kwok in his absence did a quick overview of Priority C1- Anderson Dam Seismic Retrofit, adjusted, recommendations: create a table that provides the original cost and a breakdown of cost increases by various components, develop 5D Building Information Model (BIM), provide details of the various sub-projects, project by project, where we are, where the money's being spent, and where we're going, modify the KPI in terms of reporting whether or not you're making progress toward the ultimate goal. Program-wide recommendations: develop a more nuanced "Confidence Level's" system that succinctly captures the project's status and the obstacles it is running into so that we can start picking out the systematic problems these projects face and that the public needs to understand. Provide more details on jurisdiction complexities and maintain an ongoing scorecard of what's happened to these projects and why and highlight the systematic issues and how Valley Water is addressing those. The systemic issues could be captured in a table form.

Discussion/comments:

- C1-Anderson Dam Seismic Retrofit-hasn't begun, modified schedule, adjusted, recommendations are project-wide, capture the project's status, obstacles, more detailed on jurisdiction complexities, and how Valley Water addresses issues. (KPI's need to reflect progress more accurately). Indicator is ambiguous, overall-no significant issues with staff recommendations, overlapping status categories should be displayed distinctly, percentage of funds transferred, and alignment of the sub-projects with milestones.

Suggestion that the committee come up with a general approach for staff to take.

Committee action taken:

It was moved by Marc Rauser, seconded by Kathy Sutherland and unanimously approved adopting the subcommittee's recommendations, to create a table that provides the original cost and a breakdown of cost increases by various components, develop 5D Building Information Model (BIM), provide details of the various sub-projects, project by project, where we are, where the money's being spent, and where we're going, modify the KPI in terms of reporting whether or not you're making progress toward the ultimate goal. Program-wide: to develop a more nuanced "Confidence Level's" system that succinctly captures the project's status and the obstacles it is running into so that we can start picking out the systematic problems these projects face and that the public needs

Attachment 1
Page 3 of 7

to understand, provide more details on jurisdiction complexities and maintain an ongoing scorecard of what's happened to these projects and why and highlight the systematic issues and how Valley Water is addressing those. The systemic issues could be captured in a table form.

Jessica Collins, Christopher Hakes, and Kirsten Struve were available to answer questions.

Priority B IMC Chair reported:

Will Ector did a quick overview 4 Priorities all on target with 1 recommendation for project B3.

B1-Impaired Water Bodies Improvement, on target, note; explain the sorbent treatment method at its first reference and include the technical terminology in the Glossary section, no recommendation.

B2-Inter-Agency Urban Runoff Program, on target, no recommendation.

B3-Hazardous Materials Management and Response. on target, recommendation: provide information on what workflow looks like when calls originate through another system, what is the workflow on the back end, how do municipalities know who to contact, and how does Valley Water ensure nothing is going to dead end.

B4-Support Volunteer Cleanup Efforts, on target, no recommendation.

Committee action taken:

It was moved by Will Ector, seconded by Bill Hoeft, and carried unanimously adopting the subcommittee's recommendation agrees with the status of the projects and to provide information on what workflow looks like when calls originate through another system, what is the workflow on the back end, how do municipalities know who to contact, and how does Valley Water ensure nothing is going to dead end.

Priority D Subcommittee Chair reported:

Kathy Sutherland noted overall, projects are on target.

D1-Management of Revegetation Projects, on target, no recommendation.

D2-Revitalize Stream, Upland and Wetland Habitat, on target, recommendation to provide brief visual presentations to accompany project updates to the subcommittees. Short presentations that hit the key points and help the audience focus.

D3-Sediment Reuse to Support Shoreline Restoration, on target, no recommendation.

D4-Fish Habitat and Passage Improvement, adjusted, no recommendation.

D5-Ecological Data Collection and Analysis, on target, no recommendation.

D6-Creek Restoration and Stabilization, adjusted no recommendation.

D7-Partnerships for the Conservation of Habitat Lands, on target, no recommendation.

Discussion/comments:

- Nonprofit partners' focus areas outlined to give them sense of direction
- D2 funds

Committee action taken:

It was moved by Marc Rauser, seconded by Cari Templeton to unanimously adopt the subcommittee's recommendation that they agree with the status of the projects.

Priority E Subcommittee Chair reported:

Forest Peterson reviewed the subcommittee's discussion points.

E1-Coyote Creek Flood Protection, not on target should be adjusted, recommendation: project be adjusted and will make some recommendations for clarification for the report itself to provide a more accurate picture of the status.

E2-Sunnyvale East and Sunnyvale West Channels Flood Protection, adjusted, no Recommendation.

E3-Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3) no discussion or questions, project scheduled to start 2032.

E4-Upper Pentiencia Creek Flood Protection, adjusted, no recommendation.

E5-San Francisquito Creek Flood Protection, adjusted, note; on page 100, in the project map (Figure E5.1) add reference to the two bridges, no recommendation.

E6-Upper Llagas Creek Flood Protection, on target, no recommendation.

E7-San Francisco Bay Shoreline Protection, on target, no recommendation.

E8-Upper Guadalupe River Flood Protection, adjusted, no recommendation.

Bhavani Yerrapotu gave a verbal presentation on the E projects.

Discussion/comments:

E1-timelines, flood protection, not on target, bidding process, project's progress, sum of annual ratings do not add up to the cumulative.

E2-vegetation removal, project on hold.

E4-Board approved modification.

E5-project delayed, Newell Bridge.

E6-completion of reach-Butterfield Rd-Lake Silvera-nice project.

E8-keep watch on project-confidence level is low.

Jessica Collins, Meenakshi Ganjoo, and Christopher Hakes were available to answer questions.

Committee action taken:

It was moved by Jeffrey Hare, seconded by Hon. Barbara Spector, and carried by majority vote to adopt the subcommittee's notes and recommendation to adjust this project and address the concerns to get project E1 on target by next session. 5 Ayes (Kathy Sutherland, Hon. Barbara Spector, Forest Peterson, Cari Templeton and Jeffrey Hare), 2 Nays (Bill Hoeft and Marc Rauser), 2 Abstains (Will Ector and George Fohner).

Committee action taken:

It was moved by Forest Peterson, seconded by Marc Rauser, and carried unanimously to adopt the subcommittee's notes and recommendation agreeing that project E2 is on target.

Committee action taken:

It was moved by Will Ector, seconded by Kathy Sutherland, and carried unanimously to adopt the subcommittee's notes and recommendations agreeing on the project status for projects E3-E8.

Priority F Subcommittee Chair reported:

George Fohner noted that all projects are on target except for Project F5, and did not have the presentation.

F1-Vegetation Control and Sediment Removal for Capacity, subcommittee held off until the full IMC meeting on January 25, 2023, when staff will bring additional information, note; provide volumes of vegetation removed, no recommendation.

F2-Emergency Response Planning and Preparedness, on target, note; explain terminologies such as tabletop exercises, artificialities, etc., no recommendation.

F3-Flood Risk Assessment Studies, on target, no recommendation.

F4-Vegetation Management for Access and Fire Policy, on target, recommendations, graphics and more details to show how the overall fire safety targets are being met; explain Valley Water is trying to reduce the ladders that cause these fires. Either with a graphic or in a narrative, show areas that Valley Water is focused on to improve fire safety.

F5-Good Neighbor Program: Encampment Cleanup, modified, recommendations: provide better data and more details; not just how much trash was collected, but more information on how much is out there vs. how much has been collected and explore KPI modification.

F6-Good Neighbor Program: Graffiti and Litter Removal and Public Art, on target, no recommendation.

F7-Emergency Response Upgrades, on target, note; report on maintaining existing flood forecasting and warning capabilities beyond the seven flood-prone reaches mentioned in FY22 annual report, also, there should be some education, especially to show that you are looking at the Coyote Creek system, no recommendation.

F8-Sustainable Creek Infrastructure for Continued Public Safety, on target, no recommendation.

F9-Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship, on target, note; add a footnote to figure F9.1, the annual financial summary table, explaining the difference between annual expenditure and the total dollar amount of grants awarded during the year, no recommendation.

Discussion/comments:

Project F1's use of the KPI metrics not viewed as reflective of maintaining capacity, status rating, process for moving forward, annual accomplishments, Moss Adams audit did not call out progress made on outputs, conveyance information needs to be included. Vegetation cleanup, and labor standards for contractors/subcontractors.

Devin Mody and Jennifer Codianne were available to answer questions.

Committee action taken:

It was moved by George Fohner, seconded by Jeffrey Hare, and carried unanimously to adopt subcommittee's notes, staff ratings, findings, and comments.

Financial Subcommittee Chair reported:

Bill Hoeft noted the subcommittee reviewed the appendices and everything was in alignment and they had no financial recommendations and approved as presented.

Discussion/comments:

The report was made easy to understand.

Committee action taken:

It was moved by Bill Hoeft, seconded by Jeffrey Hare, and carried unanimously to adopt the subcommittee's recommendation to receive the financial report as presented.

5. NEXT STEPS:

Committee Chair Jeffrey Hare reviewed the agenda items below:

5a. January 26, 2023, IMC Report Drafting Meeting (IMC Chair and Subcommittee Chairs)

5b. February 8, 2023, Full Committee Meeting Report
i. Approve Final IMC Report

5c. February 28, 2023, IMC Chair presents Final IMC Report to Board
The Independent Monitoring Committee took no action.

6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

The Independent Monitoring Committee took nine action items under Agenda Items 4a and 4b.

The SCW Program IMC voted unanimously and/or by majority vote to adopt the subcommittees' recommendations, notes, and comments along with additional requests made by the SCW Program IMC Members.

Priority A, Priority B, Priority C, Priority D, Priority E, Priority F, and Financial.

7. ADJOURNMENT

Committee Chair Jeffery Hare adjourned the meeting at 8:04 p.m. to the next scheduled meeting on Wednesday, February 8, 2023, at 4:00 p.m.

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

Approved:




Santa Clara Valley Water District

File No.: 23-0175

Agenda Date: 2/8/2023

Item No.: 4.1.

		
	Meeting Date:	2-8-2023
	Item No.	4.1.
	Unclassified Manager:	Melanie Richardson 1-408-630-2035
SAFE, CLEAN WATER PROGRAM INDEPENDENT MONITORING COMMITTEE		

SUBJECT:

Report Drafting Committee Presents Draft Final IMC Report.

RECOMMENDATION:

Review and Approve the Final Independent Monitoring Committee (IMC) Report.

SUMMARY:

On December 7, 2022, the IMC met to begin its first annual review of the 2020 voter-approved renewed Safe, Clean Water and Natural Flood Protection Program that Santa Clara County voters approved overwhelmingly in November 2020.

At the December 7th meeting, the IMC elected a Chair and Vice-Chair and formed five subcommittees to review Valley Water's fiscal year 2021-2022 (FY22) annual program report. The subcommittees met with Valley Water staff in early January 2023 and presented their findings to the full IMC on January 25, 2023.

IMC members agreed that subcommittee chairs, led by the Chair of the IMC, would draft the IMC report to the Board, which took place on January 26, 2023. The FY2022 Draft IMC Annual Report Cover Letter (Attachment 1), the Draft Annual Report (Attachment 2), and the Draft Notes for Staff for

Future Program Annual Reports (Attachment 3), are for review and finalization by the full IMC.

ATTACHMENTS:

Attachment 1: SCW IMC FY22 Draft Annual Report Cover Letter

Attachment 2: SCW IMC FY22 Draft Annual Report

Attachment 3: SCW IMC FY22 Draft Notes for Future Program Annual Reports



Independent Monitoring Committee

Jeffrey Hare, Chair
Cari Templeton, Vice Chair

Hon. Patrick S. Kwok
Hon. Barbara Spector
Will Ector
George Fohner

Bill Hoeft
Jean Marlowe
Forest Peterson

Andres Quintero
Marc Rauser
Kathy Sutherland

February ##, 2023

To: Santa Clara Valley Water District Board of Directors

Subject: IMC Report in Review of Safe, Clean Water and Natural Flood Protection FY2021-22 Annual Report

SUMMARY

The Independent Monitoring Committee (IMC) presents its **first** annual review of the Safe, Clean Water and Natural Flood Protection Program (Program) for Fiscal Year 2021-2022 (FY22) to the Santa Clara Valley Water District (Valley Water) Board of Directors (Board). **This Program, passed by the voters in November, 2020 ("Measure S") and approved by the Board on June 8, 2021, replaced the 15-year Safe, Clean Water and Natural Flood Protection Program passed by the voters in 2012 (2012 Program). The 2012 Program was implemented in response to recommendations by independent auditors, and replaced the Clean, Safe Creeks Program adopted by the voters in 2000. The Measure S Program consolidated and/or reorganized some programs and capital flood protection projects of the 2012 Program into a new Program Priority F.**

PROCESS

The IMC met on December 7, 2022, to begin its FY2021-22 Program review process and elected a Chair and Vice Chair. The IMC set up subcommittees to review the six priorities in the Program report: Priorities A, B, C, D, E and F. To review the document, the IMC combined Priorities A and C. The IMC also established a Finance Subcommittee to review Program-level financial information contained in "Appendices A: Financial Information" and not covered during individual Priority reviews.

The six subcommittees met with Valley Water staff from January 3-12, 2023. Each subcommittee elected a Chair. The subcommittees presented their findings to the full IMC on January 25, 2023.

IMC members agreed that subcommittee chairs led by the Chair of the IMC draft the IMC review to the Board. The draft review was presented to the IMC on February 8, 2023, for final edits and approval. The IMC provided three levels of input: overview concerns/recommendations about the Program included in this letter, specific project recommendations for Board review (Attachment 1) and notes for staff for future Program reports (Attachment 2).

GENERAL RECOMMENDATIONS *(These are overall program recommendations.)*

This section is divided into two sections: A. Procedural Recommendations, and B. Program Recommendations. Measure S expressly authorizes the Committee to make recommendations to the Board regarding reasonably necessary measures to meet the priorities of the Program.

A. Procedural Recommendations:

First, Committee members were overall extremely pleased with the support provided by Staff. However, it was noted that some of the meetings, both in person and virtually on Zoom, involved more Staff than were necessary. In future meetings, we would recommend reducing the number of Staff participants to those essential to address Committee questions, with a process to seek out and relay responses if necessary if those Staff in attendance could not provide adequate information.

Second, two Committee positions were vacant, one from District 1 and the other from District 4. This resulted in a total of only 12 Members of the Committee, which reduced the number of Committee members who could participate in a Subcommittee to six, not seven. With the addition of Program Priority F, there are a total of six (6) Subcommittees, which meant that neither the Chair nor Vice Chair could attend the critical meeting to prepare the draft report without eliminating attendance by one of the Subcommittee Chairs. It is recommended that all Committee positions be filled, or that the IMC Draft Review meeting be posted and conducted as a duly noticed public meeting to allow full attendance.

B. Program Recommendations:

General Comments:

Audits. Both the 2012 Program and the Measure S Program call for audits at least every five years. The last audit was conducted by Moss Adams to cover Fiscal Year 2014 – 2016, and presented to the full Board on June 13, 2017. When Measure S was adopted by the voters, it also required audits at least every five years. However, the Committee was informed that due to the fact that the Measure S Program replaced the 2012 Program, the audit schedule was reset, and no audit is planned until the year 2026. The Committee submits that this revised schedule is not consistent with the intent of these Programs and recommends that a new audit be scheduled immediately to be consistent with the five-year schedule as originally intended.

Key Performance Indicators (KPIs): In the 2017 Audit, Moss Adams made a finding that “some KPIs focus on outputs rather than outcomes and do not address District success in achieving key

objectives.” The recommendation at that time was to consider “revising output-focused KPIs to better demonstrate District success in meeting intended outcomes.” In a number of situations, the Committee recommends modification of KPIs for these same reasons, and/or to align the KPI to track reasonably necessary measures to meet the priorities of the specific Program.

Confidence Levels. Overall, the Committee recommend that the District develop a more nuanced “Confidence Level” system that more succinctly captured the project’s status and the obstacles and challenges.

Jurisdictional Complexities. In some areas, this category was not clear and the Committee recommends that more details be provided. For example, Project E-1 (Coyote Creek) reports “high confidence” inasmuch as “All local agencies, the City of San Jose and the County of Santa Clara, are fully cooperating due to the significant need for the project.” Given that the Report notes that project easements and CEQA documentation have not been completed, one has to ask if there are other jurisdictions not included here, including Responsible Agencies such as the California Department of Fish and Wildlife, the State Water Resources Control Board, the State Division of Safety of Dams, as well as the Federal agencies, including FERC, the National Marine Fisheries, the EPA, and the USACE.

Specific Recommendations:

Priority A: Ensure a Safe, Reliable Water Supply

For each of the three Projects under Priority A, the Committee agreed with the project status, as set forth in Attachment ## hereto. With respect to Project A1, Pacheco Reservoir Expansion, the Committee recommends that supplemental information about the project progress be provided, and suggested using a link and taking steps to ensure the information is regularly updated and current. If warranted, the Committee recommends that the KPI be modified. It currently states: “Provide a portion of funds, up to \$10 million, to help construct the Pacheco Reservoir Expansion Project.” Nothing in this KPI provides any way for the public to assess progress towards meeting the priority under this Program.

Similarly, the KPI for Project A.2, which is the “Water Conservation Rebate and Programs,” simply states that the it is to “Award up to \$1 Million per year toward specified water conservation program activities,” etc., “within the first seven (7) years of the Program.” This is a classic example of the comment by Moss Adams in the 2017 Audit, in that it is focused on “outputs” not “outcomes,” and needs to be modified to demonstrate District success in meeting the Program objectives. Staff provided the Committee with supplemental information about the District’s conservation program, which underscored why Moss Adams noted that the KPI fails to adequately demonstrate its progress. The Committee recommends that the KPI be modified to reflect the operational outcome objectives necessary to meet program measures.

Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways

The Committee adopted the Subcommittee's findings that the individual Projects under this Priority were On Target, and had no further recommendations.

Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters

Project C.1, Anderson Dam Seismic Retrofit, has only one KPI: Provide portion of funds, up to \$54.1 million, to help restore full operating reservoir capacity of 90,373 acre-feet." The Committee agreed with Staff's assessment that the status of this Project is "Adjusted," but also noted that since the funding is not scheduled to start until FY25, the status is actually "Scheduled to Start." (See "Notes," Attachment XX). As with the Pacheco Reservoir Expansion Project, the Committee also agreed that the public needs more detailed information about this critical project, as noted in the Comments in Attachment XX. Here, also, the Committee recommended modifying the KPI, possibly breaking it down by the various sub-projects, and clarifying where the funds are going, and on what schedule. Here, also, the Committee recommends adding a link and taking steps to ensure that the information is regularly updated and current.

Priority D: Restore Wildlife Habitat and Provide Open Space

The Committee adopted the Subcommittee's findings that the individual Projects under this Priority were "On Target," and had no further recommendations.

Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways

As noted in the Project Recommendations, the Committee does not agree with Staff's assessment that the status of Project E.1, "Coyote Creek Flood Protection," is "On Target." The Committee recommends that the public deserves a more accurate and comprehensive historical context. As currently stated, the single KPI simply states as follows:

"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."

The 2012 Program carried forward a Project from the 2000 Clean, Safe Creeks Program for Coyote Creek. In or around 2005, the District conducted public presentations of proposed flood protection measures that included the construction of berms, bypass channels, and other flood protection measures in the area of Downtown San Jose. When the 2000 program was transitioned to the 2012 Program, the District stated that this project was "on target to meet the project's goals," which included a planning study and "implementing limited construction," with completion by December 2016." However, no additional funding was proposed under the 2012 Program.

Under the 2012 program, this project was one of the Capital Flood Protection Projects, with the objective of planning and design for flood protection of 1,400 businesses and homes from a 1% flood," and the KPI was to "Complete construction of downstream project elements." The project included

“planning, design, and partial construction.” In the first Annual Report for FY2013-2014, the status was listed as “Adjusted,” due to an updated hydrology report that “confirmed that the proposed work at Anderson Dam has the potential of reducing the design flood for the Coyote Creek downstream of the dam.” (p. 90, SCW&NFP Report FY2013-14).

In subsequent reports, the status of this Project was changed several times: “Not On Target” (FY2014-2015); and “Adjusted” (FY2015-2016). In 2016, the Project was placed “On Hold” until 2019, due to the “need for development of other planning projects that impact the Coyote Creek project.” (SCW&NFP FY2015-2016, p. 146). In that year, the District reported that it had only spent 11.0 % of the annual budget, and only a total of 3.0% of the total 15-year budget, on this Project.

Following the flooding which took place immediately after the Presidents’ Day Weekend, on February 21, 2021, the District modified this project in several respects. First, on June 13, 2017, the Board changed the target flood protection level from 1% to a 5% (20-year) flood event, reportedly to replicate the levels measured during the 2017 flood event. Second, it extended the scope of the 6.1 mile reach of the project by 2.9 miles south to Tully Road, to include the Rock Springs area which was impacted by the 2017 floods. Third, the District noted that it still had \$25.8 Million remaining in funds for this Project, and set a target completion date of 2025.

In the SCW&NFP Annual Report for FY2017-2018, the District reported constructed a flood wall in the Rock Springs neighborhood and fixed a levee in the South Bay Mobile Home Park damaged in the 2017 flood, and installed new visible gauge stations. The status was reported as “On Target.” This status did not change in FY2018-2019.

In the Annual Report for FY2019-2020, the Project status was again “Adjusted,” due to an Order issued by the Federal Energy Regulatory Commission (FERC) issued on February 20, 2020. The District had to reallocate \$23 Million from an Upper Penitencia Flood Protection Project to provide local funding for compliance with the FERC Order. Project completion was pushed back to 2026. (SCW&NFP Annual Report FY2019-2020, p. 177).

All of which brings us to the current Annual Report under the new Measure S Program, wherein the Coyote Creek Flood Protection Project is now included as Project E.1 under Priority E. In their Report, Staff notes that in FY22, the District completed a 30% design for the Coyote Creek Flood Protection Project (CCFPP), which is one of two aspects of the Coyote Creek project. The other is the Coyote Creek Flood Management Measures Project (CCFMMP), which is funded separately by the Water Utility Fund.

In its Report, Staff noted that it had only expended 77% of the annual budget, noting as follows:

“The under-expenditure was because real estate transaction for project easements were not completed and the agreement for construction management services was not awarded in FY22. Also, the level of CEQA documentation had not been finalized in FY22. (SCW&NFP Annual Report FY 2021-2022, p. 84).”

It goes without saying that these steps – real estate transactions for project easements, construction management agreements, and CEQA compliance – are not trivial matters. Although not included in the FY22 Report, but recently reported to the District at a Board meeting held on January 24, 2023, Staff has announced that Project E.1 is facing additional costs of up to \$162 Million, which made it necessary to modify several other projects, including Project E.4, the Upper Penitencia Creek Flood Protection Project, from which funds were previously transferred under the 2012 Program to pay for Coyote Creek Flood Protection measures. For FY22, Project E.4 is only reported as “Adjusted.” The information that the funds will be transferred will most likely be reported in the FY23 Report.

For the foregoing reasons, the Committee concluded that Project E-1 is Not on Target, and recommends that the full historical context of these changes over the past two decades be made available to the public.

For Projects E-2 through E-8, the Committee adopted Staff’s recommendations that the Projects were “On Target” and made no specific recommendations, other than as stated in the Notes.

Project F: Support Public Health and Public Safety for Our Community

Priority F was added to the SCW&NFP Measure S Program, and consists of a total of nine (9) separate Projects. For the most part, the Committee agrees with Staff’s assessment of the status of these Projects as being “On Target,” and offers some specific recommendations, as follows and as stated in Attachment XX.

Project F.1 – Vegetation Control and Sediment Removal for Capacity. The KPI clearly states that this Project is to “Maintain completed flood protection projects for flow conveyance.” (Emphasis Added). However, the Committee recommends that Staff include HEC-RAS or similar modeling to show the actual flow conveyance achieved (or not) by the measures under this Project. The Committee recommends that the status report include supplemental information to explain how the measures taken by the District are linked to the desired outcomes.

Project F.2 – Emergency Response Planning and Preparedness. The Committee noted that during the recent winter storm event, District Staff demonstrated that their commitment to this objective was very much “On Target,” and commended Staff for their operational response to the real-time event.

Project F.5 – Good Neighbor Program: Encampment Cleanup. Here, the KPI is stated in terms of output (i.e., “manage 300 acres annually;” “provide up to \$500,000 per year in cost-share with local agencies for services ...”) The Committee recommends that Staff should provide better data and more details in terms of showing not just how much trash was collected, but what percentage does this represent of the total amount. Here again, the Committee recommends possibly modifying the KPI to better reflect progress towards Project outcomes based on changing circumstances.

Overall Recommendations and Comments

The Committee generally recommends that the KPIs be modified to reflect more accurate and meaningful outcomes, as previously recommended in the Moss Adams Audit in 2017. The Committee feels that this would not only provide the public with better information with which to measure achievements towards the Program outcomes, but also allow the District and its Staff to more fully report its work towards these outcomes.

Although the role of the Committee is to review each Annual Report, the Committee suggests that such a narrow scope prevents a more realistic approach to evaluating the District's progress in support of the Program objectives. Measure S expressly provides that the Committee may make recommendations to the Board regarding reasonably necessary measures to meet the priorities of the Program (Measure S, Section P). As noted, the Committee no sooner had been provided with Staff's assessment that a particular program (E-1) was "On Target" as of the end of FY22, than Staff turned to the Board to request major modifications to cover unexpected cost increases for this same Project to the tune of \$162 Million. The Committee cannot be expected to turn a blind eye to the reality that these extraordinary cost increases only became apparent since the end of FY22. Even more to the point, if these costs were not anticipated, it underscores the Committee's findings and recommendations that the KPIs need to be modified.

TOURS AND PRESENTATIONS *(To be determined at the Feb. 8 meeting.)*

IMC members gain a greater understanding of Safe, Clean Water projects through tours and presentations. For FY2022-2023, the IMC suggests the following:

Site Tours

1. #####
2. #####
3. #####

Presentations

1. #####
2. #####
3. #####

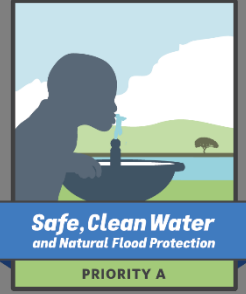
Sincerely,

Jeffrey Hare, Chair
Independent Monitoring Committee

Attachments:

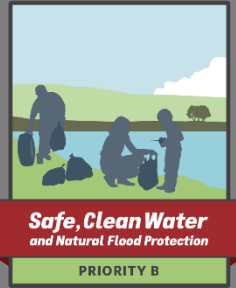
1. IMC Fiscal Year 2021-2022 Annual Report
2. IMC Notes for Future Program Annual Reports

cc: Independent Monitoring Committee Members



Independent Monitoring Committee Report Fiscal Year 2021-2022
Project Recommendations
Priority A - Ensure a Safe, Reliable Water Supply

Project:		KPI:	Status:	Comment:
A1	Pacheco Reservoir Expansion	1. Provide a portion of funds, up to \$10 million, to help construct the Pacheco Reservoir Expansion Project.	Adjusted	IMC agrees with the project status. Recommendation: <ul style="list-style-type: none">• Provide supplemental information about the project progress and, if warranted, modify the KPI.• Add the link to the Pacheco Reservoir project webpage and ensure posted material is updated.
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.	On Target	IMC agrees with the project status. Recommendations: <ul style="list-style-type: none">• Modify the KPI to reflect operational outcome objectives to meet program measures.• (1/25/23 - Need to tie the KPI to the outcome of water being conserved. E.g., show trendline on conservation or how is overall conservation or progress.)
A3	Pipeline Reliability	1. Install four (4) new line valves on treated water distribution pipelines.	Adjusted	IMC agrees with the project status. No recommendations.



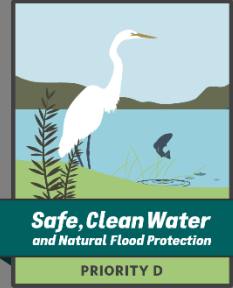
Independent Monitoring Committee Report Fiscal Year 2021-2022

Project Recommendations

Priority B – Reduce Toxins, Hazards, and Contaminants in Our Waterways

Project:		KPI:	Status:	Comment:
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. 	On Target	IMC agrees with the project status. No recommendations.
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. 	On Target	IMC agrees with the project status. No recommendations.
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. 	On Target	IMC agrees with the project status. No recommendations.
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. 	On Target	IMC agrees with the project status. No recommendations.

Project:		KPI:	Status:	Comment:
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.	Adjusted	IMC agrees with the project status. Recommendations: <ul style="list-style-type: none"> Develop a 5D BIM (Building Information Model). Provide details of the various sub-projects, project by project, where we are, where the money’s being spent, and where we’re going. Modify the KPI in terms of reporting whether or not you’re making progress toward the ultimate goal. (1/25: Maintain funds transferred but tie it to a sub-project or sub-projects within the larger project.) Add the link to the Anderson Dam project webpage and ensure posted material is updated.



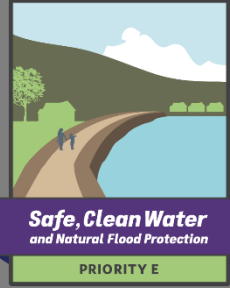
Independent Monitoring Committee Report Fiscal Year 2021-2022

Project Recommendations

Priority D - Restore Wildlife Habitat and Provide Open Space

Project:		KPI:	Status:	Comment:
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 Arundo donax throughout the county over a 15-year period. 	On Target	IMC agrees with the project status. No recommendations.
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. 	On Target	IMC agrees with the project status. No recommendations.
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. 	On Target	IMC agrees with the project status. No recommendations.
D4	Fish Habitat and Passage Improvement	<ol style="list-style-type: none"> 1. Complete planning and design for one (1) creek/lake separations. 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. 	Adjusted	IMC agrees with the project status. No recommendations.
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. 	On Target	IMC agrees with the project status. No recommendations.

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.	Adjusted	IMC agrees with the project status. No recommendations.
D7	Partnerships for the Conservation of Habitat Lands	<ol style="list-style-type: none">1. Provide up to \$8 million per 15-year period for the acquisition or enhancement of property for the conservation of habitat lands.	On Target	IMC agrees with the project status. No recommendations.



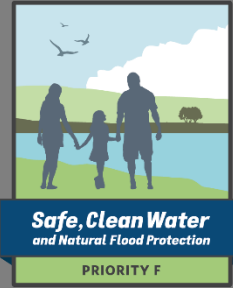
Independent Monitoring Committee Report Fiscal Year 2021-2022

Project Recommendations

Priority E - Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways

Project:		KPI:	Status:	Comment:
E1	Coyote Creek Flood Protection	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.	On Target	IMC does not agree with the project status and considers the project to be “Not on Target.” Recommendations: <ul style="list-style-type: none"> Provide the history of the Coyote Creek Flood Protection Project under the 2002, 2012 and the current 2020 programs. This is the third iteration of the project since initially proposed in 2005. Clarify that the project was changed from a 1% flood protection project to a 5% flood protection project.
E2	Sunnyvale East and Sunnyvale West Channels Flood Protection	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.	Adjusted	IMC agrees with the project status. No recommendations.
E3	Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks (Phase 3)	1. With local funding only: Complete the design phase of the 1% (100-year) flood protection project to protect an estimated 1,420 parcels.	Scheduled To Start	IMC agrees with the project status. No recommendations.
E4	Upper Penitencia Creek Flood Protection	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.	Adjusted	IMC agrees with the project status. No recommendations.
E5	San Francisquito Creek Flood Protection	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.	Adjusted	IMC agrees with the project status. No recommendations.

E6	Upper Llagas Creek Flood Protection	<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. 	On Target	IMC agrees with the project status. No recommendations.
E7	San Francisco Bay Shoreline Protection	<ol style="list-style-type: none"> 1. Provide a 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 a portion of the local share of funding for planning and design phases for the Santa Clara County shoreline area, EIAs 5-9. 	On Target	IMC agrees with the project status. No recommendations.
E8	Upper Guadalupe River Flood Protection	<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 José, from approximately the Union Pacific Railroad Bridge to West Virginia Street Bridge to improve aquatic habitat for migrating steelhead and channel stability. 	Adjusted	IMC agrees with the project status. No recommendations.



Independent Monitoring Committee Report Fiscal Year 2021-2022

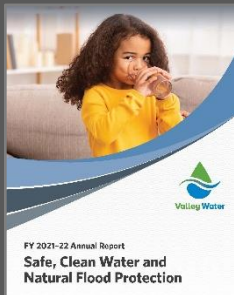
Project Recommendations

Priority F – Support Public Health and Public Safety for Our Community

Project:			Status:	Comment:
F1	Vegetation Control and Sediment Removal for Capacity	1. Maintain completed flood protection projects for flow conveyance.	On Target	IMC agrees with the project status. Recommendations: <ul style="list-style-type: none"> Using HEC-RAS or similar modeling to show flow conveyance. Under the status, provide supplemental information explaining how the actions taken are leading to the desired outcome.
F2	Emergency Response Planning and Preparedness	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.	On Target	IMC agrees with the project status. No recommendations.
F3	Flood Risk Assessment Studies	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.	On Target	IMC agrees with the project status. No recommendations.
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.	On Target	IMC agrees with the project status. No recommendations.
F5	Good Neighbor Program: Encampment Cleanup	1. Manage 300 acres annually to clean up trash, debris, and hazardous pollutants generated from encampments and to reduce the amount of these pollutants entering streams. 2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the socio-environmental crisis with the goal of reducing the need for encampment cleanups.	Modified	IMC agrees with the project status. Recommendations: <ul style="list-style-type: none"> Provide better data and more details; not just how much trash was collected, but more information on how much is out there vs. how much has been collected. If warranted, explore KPI modification based on changing circumstances.

F6	Good Neighbor Program: Graffiti and Litter Removal and Public Art	<ol style="list-style-type: none"> 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. 	On Target	IMC agrees with the project status. No recommendations.
F7	Emergency Response Upgrades	<ol style="list-style-type: none"> 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. 	On Target	IMC agrees with the project status. No recommendations.
F8	Sustainable Creek Infrastructure for Continued Public Safety	<ol style="list-style-type: none"> 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. 	On Target	IMC agrees with the project status. No recommendations.
F9	Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	<ol style="list-style-type: none"> 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. 	On Target	IMC agrees with the project status. No recommendations.
				<p><u>Overall recommendations/comments</u></p> <p>1/3/23 Program-wide recommendation under Priority C subcommittee meeting:</p> <ul style="list-style-type: none"> • Develop a more nuanced “Confidence Levels” system that succinctly captures the project’s status and the obstacles it is running into. So that we can start picking out the systematic problems these projects face and that the public need to understand. • Provide more details on jurisdictional complexities. <p>1/25/23</p> <ul style="list-style-type: none"> • KPIs be modified to reflect more accurate and meaningful outcome. One of the shortcomings is it also doesn’t capture a lot of work Valley Water is doing. • IMC will deal with the KPI issue more generally in its cover letter to the Board. <p>1/26/23</p> <ul style="list-style-type: none"> • Track projects on an ongoing basis, beyond just a single year.

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Independent Monitoring Committee Notes

Fiscal Year 2021-2022

Notes for future Annual Reports

Safe, Clean Water and Natural Flood Protection Program

Subject:	Note:
Program-wide	<ul style="list-style-type: none"> • Provide links to the project webpages. • Provide brief visual presentations to accompany project updates to the subcommittees. Short presentations that hit the key points and help the audience focus.
A2: Water Conservation Rebates and Programs	<ul style="list-style-type: none"> • Email IMC members the Water Conservation Savings Model presentation. <i>(done)</i> • Make links, such as the 2022 Landscape Summit, more accessible both digitally and in the annual report.
B1: Impaired Water Bodies Improvement	<ul style="list-style-type: none"> • Explain the sorbent treatment method at its first reference and include the technical terminology in the Glossary section.
B3: Hazardous Materials Management and Response	<ul style="list-style-type: none"> • Provide information on what the workflow looks like when calls originate through another system. What is the workflow on the back end? How do we make sure those other municipalities know who to contact, etc.? How do we ensure that nothing is going to a dead end?
C1: Anderson Dam Seismic Retrofit	<ul style="list-style-type: none"> • On page 42, under Confidence Levels for ADSR, Jurisdictional Complexity section is missing some text. • The status is Adjusted, with the funding schedule changed. However, since the funding doesn't start until FY25, the "Scheduled to Start" status is also applicable. When status categories are overlapping, they should be displayed distinctly.
E5: San Francisquito Creek Flood Protection	<ul style="list-style-type: none"> • On page 100, in the project map (Figure E5.1) add reference to the two bridges.
F1: Vegetation Control for Capacity & F1.2: Sediment Removal for Capacity	<ul style="list-style-type: none"> • Provide volumes of instream vegetation removed and indicate that it is composted at a green waste facility. • Clarify that workers and supporting resources were diverted from sediment removal to work on erosion repair projects; F1 funds were not. • Show before and after and how does this help.

F2: Emergency Response Planning and Preparedness	<ul style="list-style-type: none"> • Explain terminologies such as a tabletop exercise, artificialities, etc. • Importance of training preparedness needs to be ongoing.
F4: Vegetation Management for Access and Fire Safety	<ul style="list-style-type: none"> • Include graphics and more details to show how the overall fire safety targets are being met (e.g., by including reference to Valley Water’s Fuel Management Policy and Wildfire Resiliency Plan Development in “Opportunities and Challenges” section). • Explain Valley Water is trying to reduce the ladders that cause these fires. • Either with a graphic or in a narrative, show geographic areas that Valley Water is focused on to improve fire safety.
F5: Good Neighbor Program: Encampment Cleanup	<ul style="list-style-type: none"> • Give a presentation to the IMC about the various efforts Valley Water is making to address the issue of encampments, including providing Valley Water’s estimate of the total cost of encampments on Valley Water operations and expenses.
F7: Emergency Response Upgrades	<ul style="list-style-type: none"> • Report on maintaining existing flood forecasting and warning capabilities beyond the seven flood-prone reaches mentioned in FY22 annual report. There should be some education, especially to show that you are looking at the Coyote Creek system.
F9: Grants and Partnerships for Safe, Clean Water, Flood Protection, and Environmental Stewardship	<ul style="list-style-type: none"> • Add a footnote to Figure F9.1, the annual financial summary table, explaining the difference between annual expenditure and the total dollar amount of grants awarded during the year. • Note that this list of grant and partnership projects in the annual report does not include those awarded funds in previous years. In future annual reports clarify again which grants and projects funded under the renewed SCW program are listed and which can be found via on-line complete list.

