



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

# 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      Andrés Quintero

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 Thummaluru, 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.
- 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 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 Penitencia 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. Subcommittee recommendations and notes were presented.

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: 2-8-2023