



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

## September 06, 2024

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

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<b>10</b>	Email from Doug Muirhead, to the Clerk of the Board, submitting a public comment to the Board Policy and Monitoring Committee regarding changes to the Board Governance Policies, Policy No. EL-3 Human Resources Executive Limitations Succession Planning.
<b>11</b>	Email to/from Ron Cachopo and Jennifer Codianne, Deputy Operating Officer- Watersheds Operations and Maintenance, (copied to the board), dated 09/01/24, providing an update on the gate located on Saratoga Creek at Bowe Ave. C-24-0212
<b>13</b>	Email from Libby Lucas to the board, dated 08/29/24, concerning the City of San Jose and the Valley Transportation Authority's recent plan to dig a BART tunnel and its effects on Santa Clara Valley drinking water. C-24-0213
<b>14</b>	Email from Adrienne Beatty, CEO ACWA JPIA, to the board, dated 08/30/24, notifying of the passing of Charles "Chuck" Wagenseller, who worked for the ACWA JPIA for 16 years as a risk control advisor and cost estimator.
	<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
<b>18</b>	Email from Director Estremera to Alice Orth, dated 09/03/24, replying to their email regarding Valley Water's water use restrictions.

# **CEO BULLETIN**

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

## Weeks of August 23, 2024 – September 5, 2024

**Board Executive Limitation Policy EL-7:**

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

Item	IN THIS ISSUE
<u>1</u>	Pipeline Maintenance Program Draft Environmental Impact Report
<u>2</u>	Safe, Clean Water Grant Closeout: City of Morgan Hill's West Little Llagas Creek Interpretive Wildlife Trail Project
<u>3</u>	Safe, Clean Water Mini-Grant Closeout: Compasspoint Mentorship FY 2023 F9 Hellyer Park Mural – Velodrome Restroom Project
<u>4</u>	September is National Preparedness Month

### 1. Pipeline Maintenance Program Draft Environmental Impact Report

Valley Water is releasing a Draft Environmental Impact Report (EIR) on the Pipeline Maintenance Program (PMP) for public review beginning September 12, 2024, and ending on October 28, 2024. The preparation of the Draft EIR fulfills Valley Water's lead agency responsibility under the California Environmental Quality Act (CEQA).

The Draft EIR may be reviewed at <https://www.valleywater.org/public-review-documents>.

Written comments on the Draft EIR should be submitted electronically to [PMPCComments@valleywater.org](mailto:PMPCComments@valleywater.org), or by mail to Michael Coleman, Environmental Planner, Santa Clara Valley Water District, 5750 Almaden Expressway, San José, CA 95118, by 5 p.m. on October 28, 2024. At the conclusion of the public review period, Valley Water will prepare a formal response to comments, revise the Draft EIR as necessary, and prepare a Final EIR.

The PMP covers inspection, maintenance, rehabilitation and/or repair of all existing conveyance systems (including pipelines, and tunnels) for raw, treated, and recycled water that are owned and/or operated by Valley Water.

For further information, please contact Emmanuel Aryee at (408) 630-3074.

## **2. Safe, Clean Water Grant Closeout: City of Morgan Hill's West Little Llagas Creek Interpretive Wildlife Trail Project**

In Fiscal Year 2018, Valley Water awarded City of Morgan Hill a \$200,000 Safe, Clean Water Program D3 Grant for their West Little Llagas Creek Interpretive Wildlife Trail Project (Project). The City of Morgan Hill completed the Project on October 31, 2023, and submitted the final invoice items on May 24, 2024, allowing for grant closeout.

The Project established two miles of accessible trails next to the West Little Llagas Creek in Morgan Hill as part of the Upper Llagas Creek Flood Protection Plan. The Project created accessible pathways for pedestrians and cyclists of all ages and provided a safe outdoor space for fitness and recreation. It also offered the community an opportunity to learn about environmental stewardship and observe local wildlife. Various amenities were added to enhance safety and accessibility, including paving and striping the trail as well as installing handrails, binoculars, and waste receptacles. These improvements create public access that's safe for pedestrians and cyclists between Lake Silveira in Morgan Hill and Downtown Morgan Hill.

Key Outcomes:

- Established a two-mile accessible trail serving over 10,000 individuals annually from Morgan Hill and surrounding areas, providing a space for the community to access open space and learn about the environment at Lake Silveira.
- Installation of interpretive and wildlife viewing features, including binoculars, signage, and a bronze art structure of steelhead trout, to enhance the visitor experience and provide better access for observing local wildlife.
- Installation of two safe street crossings, which included a rectangular rapid flashing beacon at Middle Avenue and a high intensity activated crosswalk beacon at Watsonville Road, both located along West Little Llagas Creek Trail.

For further information, please contact Rachael Gibson at (408) 630-2884.

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## **3. Safe, Clean Water Mini-Grant Closeout: Compasspoint Mentorship FY 2023 F9 Hellyer Park Mural – Velodrome Restroom Project**

In Fiscal Year 2023, Valley Water awarded Compasspoint Mentorship a \$5,000 Safe, Clean Water Program F9 Mini-Grant for their Hellyer Park Mural - Velodrome Restroom (Project). Compasspoint Mentorship completed the Project on November 5, 2023, and submitted the final invoice items on June 13, 2024, allowing for grant closeout.

Compasspoint Mentorship is a 501(c)(3) non-profit organization that provides summer camp programs in Alviso and at Santa Clara University, and works on public art initiatives, having installed murals in various parks throughout Santa Clara County. The mini-grant provided funding to install a mural at Hellyer Park in San José that was designed by artist Xiangfei (Simon) Bai with feedback from the community. The Grantee collaborated with the Santa Clara County Parks & Recreation Department to obtain permits and develop the scope and budget for the Project. The mural helps beautify the park and educate parkgoers by displaying elements of local flora and fauna. The Project included a two-week long youth camp in June 2023, that incorporated activities like mural painting and discussions on environmental stewardship. The Grantee held a ribbon-cutting ceremony on November 5, 2023, to unveil the finished mural and administered a post-installation survey to collect the public's response towards the initiative.

### Key Outcomes:

- Engaged over 30 students in the mural planning, design, and installation.
- Hosted a ribbon-cutting ceremony with approximately 50 participants, including Valley Water Director Estremera, representatives from the County of Santa Clara Parks and Recreation, and the City of San José.
- Reported that all post-installation respondents expressed satisfaction with the mural's beautification of the park restroom.
- Published a video on the mural creation process (link to video: <https://youtu.be/NUpTxLTV08k?si=bLyHkidxNEK9sWc>)

For further information, please contact Rachael Gibson at (408) 630-2884.

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#### **4. September is National Preparedness Month**

Since 2004, the Federal Emergency Management Agency (FEMA) has sponsored National Preparedness Month each September. It's evident that the County of Santa Clara, State of California, the United States of America, and the World continue to experience major disasters such as flooding and wildfires, and with the ongoing potential of a major earthquake occurring in the San Francisco Bay Region, there's no better time than September to be involved in emergency preparedness.

Valley Water has the responsibility to maintain ongoing critical services to the public, including during times of emergency and disaster. By focusing on preparedness efforts at the individual staff level, Valley Water is providing tools for staff and their families to become more resilient during these challenging events. This increased resiliency allows staff to return to work and continue public service.

This year's National Preparedness Month focus is "Preparing Asian American, Native Hawaiian and Pacific Islander Communities for Risks and Disasters."

The National Preparedness Month theme for 2024 is "Start a Conversation," where the annual campaign is to remind everyone that preparing for emergencies and disasters can keep them, their families, and their communities safe.

Each week in September, Valley Water's internal campaign will address different aspects of preparedness for individuals, families, and communities. With that, weekly preparedness messages will be shared with staff.

For further information, please contact Alexander Gordon at (408)-630-2637.

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# **BOARD MEMBER REQUESTS and Informational Items**

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-24-0012	08/09/24	Eisenberg	Orellana	Hopper	Can Valley Water implement a match charitable donation program like many other employers in the Bay Area? If so, how?	08/29/24		

# **INCOMING BOARD CORRESPONDENCE**

Board Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-24-0211	08/28/24	08/28/24	All	DOUG MUIRHEAD	Public Comment from Doug Muirhead to the BPMC regarding EL-3 Succession Planning.	Refer to Staff	Yoke	Mcelroy	09/05/24	-	n/a	09/11/24
C-24-0213	08/29/24	08/30/24	All	LIBBY LUCAS	Email from Libby Lucas to the board, dated 08/29/24, concerning the City of San Jose and the Valley Transportation Authority's recent plan to dig a BART tunnel and its effects on Santa Clara Valley drinking water.	Refer to Staff	Hakes	Infante Bourgeois	09/07/24	-	n/a	09/13/24

083024 BPMC Meeting

Handout 1 - Public Comment re: Item 4.4

D. Muirhead

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**From:** Doug Muirhead

**Sent:** Wednesday, August 28, 2024 7:07 PM

**To:** Clerk of the Board <[clerkoftheboard@valleywater.org](mailto:clerkoftheboard@valleywater.org)>

**Subject:** comment Board Policy and Monitoring Committee August 30 Item 4.4 EL-3 Succession Planning

Greetings Board Policy and Monitoring Committee,

I wish to comment for your meeting on August 30, 2024 Agenda Item 4.4 Changes to Board Governance Policies Policy No. EL-3 Human Resources Executive Limitations Succession Planning.

In previous years I have complained that there is not rigorous pursuit of institutional knowledge capture by all employees. In a previous life, as I inherited computer server rooms without documentation on what was there and changes that had been made, I experienced job stress and crashed servers when I made "improvements" which conflicted with other undocumented changes.

The last time I remember hearing of knowledge capture, the District was asking retirees to come back part time to provide some of that knowledge to the remaining staff.

So I find the following to be at best aspirational and lacking specificity:

3.15. Assure there are capable employees with knowledge and expertise in subject matter integral to the future of water resource management in Santa Clara County.

3.16. Have no fewer than two other unclassified employees familiar with Board and BAO issues and processes in order to protect the Board from sudden loss of BAO services.

How will you measure adequacy of knowledge and expertise? Will the "at least two other unclassified employees" be different for each BAO office? Will they be formally identified?

I applaud the goal of these Executive Limitations. But how will you verify that these objectives are being met?

Thank you for your consideration,  
Doug Muirhead, Morgan Hill

**From:** [Jennifer Codianne](#)  
**To:** [Ron Cachopo](#)  
**Cc:** [Cecilia Rocha](#); [Board of Directors](#); [Diana Martin](#)  
**Subject:** RE: Update on Bowe Ave - Saratoga Creek Encampment  
**Date:** Tuesday, September 3, 2024 4:09:37 PM

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Thanks for the update Ron,

We will be there September 6<sup>th</sup> to abate this encampment, clean the area and ensure that the gate is locked once the crew leaves the site.

Jen

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**From:** Ron Cachopo [REDACTED]  
**Sent:** Sunday, September 1, 2024 11:40 AM  
**To:** Jennifer Codianne <JCodianne@valleywater.org>  
**Cc:** Cecilia Rocha <CRocha@valleywater.org>; Board of Directors <board@valleywater.org>; Diana Martin <dmartin@commoninterest.com>  
**Subject:** Re: Update on Bowe Ave - Saratoga Creek Encampment

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

Hi Jen,

Sunday Morning 09-01-24 Update:

Double checked the New Gate Lock. (Correction: the Gate is currently Unlocked.)

Looks like the person behind the Fence has a Large Tent set up, a Bicycle and Many other Items.

I will continue to Monitor and Inform You of any further Developments.

Thank you, Ron P. Cachopo

[REDACTED]  
Santa Clara, CA 95051  
[REDACTED]

On Saturday, August 31, 2024 at 05:39:02 PM PDT, Ron Cachopo [REDACTED] wrote:

Hi Jen,

Noticed Saturday Morning 08-31-24 the New Gate looks like it is locked; however, there is much debris inside the fence including a bicycle and someone is living inside the fence along the Saratoga Creek.

Just wanted to provide an additional update.

I will continue to monitor.

Thank you, Ron P. Cachopo

Santa Clara Hampton Place

[REDACTED]  
Santa Clara, CA 95051  
[REDACTED]

**From:** [Jack Lucas](#)  
**To:** [Board of Directors](#)  
**Subject:** Santa Clara Aquifer and BART tunnel complex  
**Date:** Thursday, August 29, 2024 6:12:10 PM

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Valley Water Board of Directors,  
August 29, 2024

In regards the City of San Jose and Valley Transportation Authority recent decision to excavate a 54 foot diameter BART tunnel deep in the Santa Clara Valley, I can't help but wonder what impacts this will have on your Santa Clara Valley drinking water aquifers. The destination of the Diridon Station is the very heart of the prime percolation zone of Los Gatos Creek's confluence with the Guadalupe River.

Tom Iwamura was most protective of this unique deep drinking water aquifer that supplies Santa Clara County and I would hope that you would have contacted him for his assessment of the safety of the deep aquifer from this excavation. Did he believe that sufficient protective measures could be incorporated into engineering designs for this rather massive tunnel project? Have they been implemented to his satisfaction?

I continue to be amazed by the lack of knowledge of Santa Clara Valley aquifer geology and of irreversible impacts that subsidence continues to cause in percolation potential and watershed runoff. Please ensure that this BART tunnel does not do damage to County's fragile water resources that can never be replicated.

Thank you,

Libby Lucas

  
Los Altos, CA 94022

**Adelina Del Real**

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**From:** ACWA JPIA <communications@acwajpia.com>  
**Sent:** Friday, August 30, 2024 2:56 PM  
**To:** Board of Directors  
**Subject:** In Memory of Charles Wagenseller

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Dear ACWA JPIA Members,

It is with deep sadness that we inform you of the passing of our dear colleague and friend, Charles "Chuck" Wagenseller. Chuck served as both the Cost Estimator and Risk Control Advisor at the ACWA JPIA for the past 16 years, and his loss is felt deeply throughout our organization.

Chuck brought with him 36 years of invaluable experience in utility operations, having held various engineering and construction roles at Pacific Gas and Electric Company (PG&E). During his tenure at PG&E, he served in many key positions, including Sr. Project Manager, Associate Distribution Engineer, Distribution Engineer, Substation Engineer, Load Resource Analyst, Field Operations Manager, and Marketing Manager. His expertise and leadership extended beyond his professional career, as he also dedicated 20 years as a Director at the Mid-Peninsula Water District. Chuck further contributed his knowledge by representing the District as a commissioner on the Utility and Trenching committees at ACWA. Chuck was a proud graduate of San Jose State University, where he earned a Bachelor of Science Degree in Civil Engineering.

Chuck's commitment to excellence and passion for his work left a mark on all who worked with him. We will remember Chuck not only for his professional contributions but also for the wisdom and kindness he shared. His legacy will continue to inspire us.

Our thoughts and prayers are with Chuck's family during this difficult time.

For additional information or to request details about Chuck's services, scheduled for September 3 & 4, 2024, please contact [communications@acwajpia.com](mailto:communications@acwajpia.com)

Sincerely,  
Adrienne Beatty  
CEO  
ACWA JPIA



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You are receiving this email as our records indicate you are affiliated with an ACWA JPIA member agency, or opted into ACWA JPIA emails via request or our website.

**Our mailing address is:**

ACWA JPIA  
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Roseville, CA 95661-9082

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# **OUTGOING BOARD CORRESPONDENCE**

**From:** [Candice Kwok-Smith](#)  
**To:** [Emelia Lamas](#); [Aaron Baker](#)  
**Cc:** [Michele King](#); [Board of Directors](#)  
**Subject:** FW: Removal of Water Restrictions  
**Date:** Tuesday, September 3, 2024 2:07:45 PM

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Good afternoon,

C-24-0208 has been approved, sent and closed.

Thanks,  
Candice

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**From:** Candice Kwok-Smith **On Behalf Of** Board of Directors  
**Sent:** Tuesday, September 3, 2024 2:07 PM  
**To:** [REDACTED]  
**Subject:** re: Removal of Water Restrictions

***Sent on Behalf of Director Estremera:***

Dear Alice Orth,

Thank you for your email regarding Valley Water's water use restrictions. We greatly appreciate Millpond Mobile home Community's ongoing efforts to support water conservation within our county and acknowledge your concerns regarding the irrigation of trees. We're grateful to hear that you successfully resolved the instigating leak.

Valley Water adopted [Ordinance 23-02](#) on June 13, 2023, which establishes permanent water-use prohibitions throughout Santa Clara County to help make water conservation a way of life in our county and ensure we are resilient to droughts. Under Ordinance 23-02, the irrigation of non-functional turf on commercial, industrial, and institutional properties (including Homeowners' Associations and mobilehome parks) is prohibited. For more information about what qualifies as non-functional turf, please refer to our handout for [Definitions of Functional and Non-Functional Turf](#). This ordinance is consistent with State regulations, and we appreciate your awareness of the need for compliance with those regulations by 2029.

Valley Water recognizes the importance of maintaining tree health due to the multitude of community and environmental benefits trees provide including aesthetics, habitat, cooling effects, and more. The prohibition to irrigate non-functional turf does not apply to irrigating trees and other non-turf landscapes, nor to areas with functional turf which may be used by your community for recreation and is described in the linked handout above. Valley Water encourages Millpond to efficiently irrigate your trees, functional turf, and non-turf plantings as necessary to ensure their health and the benefits they provide to the community and environment.

If Millpond chooses to irrigate non-functional turf and a water waste report is submitted, Valley Water will follow the enforcement procedures in Ordinance 23-02. Since we are not currently in an active drought, Valley Water follows an educational approach to address water waste complaints by sending letters to the property to inform them of the violation and, upon continued non-compliance, Valley Water would refer the matter to your water retailer, San Jose Water, for action. If Millpond irrigates non-functional turf during a drought, then you run the risk of receiving a fine for continued non-compliance.

Valley Water offers several resources to assist Millpond in complying with these water-use prohibitions. You may find the following rebates offered through the [Landscape Rebate Program](#) beneficial:

1. Landscape Conversion Rebates: Provide a rebate for converting turf to low-water use landscapes.
2. Large Landscape Lawn to Mulch Rebates: Provide a rebate for converting turf to landscapes covered in mulch. It's like the landscape conversion rebate but removes the low-water plant requirement and requires appropriate irrigation of any trees in the conversion area.
3. In-Line Drip Irrigation Rebates: Provide a rebate to convert overhead sprinklers to in-line drip to efficiently irrigate trees and other non-turf plantings.

Millpond is eligible for up to \$100,000 in rebate funding for the above projects, but please apply and wait for approval before doing the work in order to qualify. We have additional resources about Ordinance 23-02, water-use prohibitions, and our enforcement process on our [Report Water Waste](#) page. Additionally, we offer many [guides](#) and resources for [efficiently irrigating landscapes](#) on the [Outdoor Conservation](#) page and on [www.watersavings.org](http://www.watersavings.org).

Thank you once again for bringing your concerns to our attention. Please do not hesitate to contact Phil Dolan at (408) 630-2205 or [pdolan@valleywater.org](mailto:pdolan@valleywater.org) should you have any further questions.

Sincerely,



Tony Estremera  
Director, District 6  
C-24-0208

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**From:** Alice Orth [REDACTED]  
**Sent:** Tuesday, August 20, 2024 12:50 PM  
**To:** Philip Dolan <[PDolan@valleywater.org](mailto:PDolan@valleywater.org)>; Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Subject:** Removal of Water Restrictions

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Dear Mr. Dolan, Valley Water Board,

We are elected representatives of the 360 homes in Millpond Mobilehome Community for Older Persons. We are requesting re-evaluation of the water restrictions put on our community by Valley Water. The incident that started all this was from a single resident. The incident (leak) was immediately taken care of when brought to the attention of maintenance. However, the watering restriction on our community landscape was not lifted, resulting in the dying of our green lawns and some of our beautiful Birch trees.

We are aware of AB 1572 - 10608 that will prohibit the watering of non functional areas starting in 2029. However, we would like to get water to our community landscaping now while we devise a plan to replace the current landscape and be in compliance by 2029. Additionally, we are greatly concerned with the fire hazard created by the dried grasses and dead dried trees surrounding us here - also on Communication Hill - which leads onto our property. This fire hazard is of great concern to all residents.

We welcome any member of your Board to come to our community and witness the devastation that the lack of water/irrigation has resulted in Valley Water not allowing our property management to continue watering as it had in the past. As President of MRA, I'd be happy to meet with you and show you around our community. You can contact me through this email or call me. [REDACTED] - [REDACTED] Thank you for your prompt reply.

Sincerely,

MRA (Millpond Resident Association)

President: Alice Orth

Vice President: Shauna Garzee

Secretary/Treasurer: Charlene Carter