



Santa Clara Valley Water District

CONFORMED COPY

File No.: 25-0658

Agenda Date: 10/28/2025

Item No.: 3.4.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Proposed Updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program.

RECOMMENDATION:

Approve staff's proposed updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program.

SUMMARY:

In November 2020, voters in Santa Clara County overwhelmingly approved Measure S, a renewal of Santa Clara Valley Water District's (Valley Water) Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program or Program).

The voter-approved measure allows the Board of Directors (Board) to direct that proposed projects in the Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of CEQA environmental review and permitting by state and federal regulatory agencies. However, Paragraph "Fourth", Section N of the Board resolution adopting Measure S provides that the Board must hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before adoption of any such decision to modify or not implement a project. The full text of the resolution adopting Measure S can be found in Attachment 1.

Valley Water follows an established, Board-approved Change Control Process (Attachment 2) when the Board is considering whether to modify or not implement a proposed project in the Program. This Change Control Process was originally developed and approved as part of the 2012 Safe, Clean Water Program and has been updated several times to incorporate feedback and direction from the Board, to address audit recommendations, and to align with the renewed Safe, Clean Water Program.

To implement the Board's recent direction provided at the June 10, 2025 Valley Water Board Meeting (Attachment 3), staff is recommending updates to the existing Change Control Process to allow more time and opportunities for the communities or interested parties to provide input on proposed project

modifications. Staff is also proposing some minor updates to the Change Control Process to promote public participation and improve transparency.

Recommended Process Improvements

Staff is proposing changes to the public hearing process by which a project modification or non-implementation decision is made. These proposed changes are incorporated in the draft Revised Change Control Process (Attachment 4). Staff has also prepared an “At-A-Glance” version that offers a concise summary of the process, making it easily accessible to the public (Attachment 5). In addition to proposing extending the duration of the public hearing, staff is recommending the following improvements to enhance Valley Water’s current practice of providing notice of public hearings, and to better inform the public about decisions made on adjustments and modifications to projects:

- 1. Noticing for Public Hearings.** Under the current Change Control Process, Valley Water provides notices of Safe, Clean Water Program public hearings applying the provisions of California Government Code Section 6066. However, there is no legal requirement to follow the provisions of Section 6066; rather, this is a self-imposed practice. To further promote transparency and to align with notices for other Valley Water hearings, staff proposes that Valley Water comply with the notice requirements set forth in the Santa Clara Valley Water District Act (District Act), Section 12(a), which applies to engineers’ reports. Similar to Gov’t Code Section 6066, Section 12(a) of the District Act requires publication of two notices in two consecutive weeks in a newspaper of general circulation. Aligning with the District Act will ensure consistency with other Valley Water project public notices and outreach.
- 2. Outreach for Public Hearings.** Valley Water’s current practice already includes a wide range of outreach efforts to promote public engagement. These include publication of our hearing notices in newspapers of general circulation as well as local papers, posting notices on Valley Water’s website and via social media, and sending e-blasts to IMC members, the Safe, Clean Water list of interested parties, and applicable project email lists. For public meetings covering Safe, Clean Water Program changes, staff will include a Quick Response (QR) code in presentations linking to the sign-up form for email notifications. Further, staff proposes to enhance the public hearing outreach by increasing the frequency of social media promotions and blog posts, as needed, and by conducting annual messaging to stakeholders on Valley Water’s Newsletter email list. Social media promotion involves amplifying the exposure of social media content, sometimes through paid advertising, with the goal of broadening Valley Water’s reach and encouraging interaction.
- 3. Documentation of Project Schedule or Funding Adjustments.** Under the existing Change Control Process, after the Board approves an adjustment to a project schedule or funding, Valley Water posts the information on the Program’s web page and includes the information in the Program’s 5-year implementation plan and annual report. Staff proposes to add clarifying language to the Change Control Process to specify what information will be reported and where the information will be made publicly available, after the adjustment decision is made.

ENVIRONMENTAL JUSTICE IMPACT:

There are no environmental justice impacts associated with this item.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: SCVWD 20-64 Resolution Adopting Measure S
Attachment 2: Existing Board-approved Change Control Process
Attachment 3: June 10, 2025 Board Agenda Memo
Attachment 4: Draft Revised Change Control Process
Attachment 5: Revised Change Control Process At-A-Glance
Attachment 6: Proposed Public Hearing Process Timelines
Attachment 7: PowerPoint

UNCLASSIFIED MANAGER:

Luz Penilla, 408-630-2228

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

RESOLUTION NO. 20-64

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- G. Land use categories for each parcel of land in Valley Water are defined and established as follows:
- Group A: Land used for commercial or industrial purposes.
 - Group B: Land used for institutional purposes such as churches and schools or multiple dwellings in excess of four units, including apartment complexes, mobile home parks, recreational vehicle parks, condominiums, and townhouses.
 - Group C: (1) Land used for single-family residences and multiple-family units up to four units and (2) the first 0.25 acre of a parcel of land used for single-family residential purposes.
 - Group D: (1) Disturbed agricultural land, including irrigated land, orchards, dairies, field crops, golf courses, and similar uses and (2) the portion of the land, if any, in excess of 0.25 acre of a parcel used for single-family residential purposes.
 - Group E: Vacant undisturbed land (1) in urban areas and (2) in rural areas including dry farmed land, grazing and pasture land, forest and brush land, salt ponds, and small parcels used exclusively as well sites for commercial purposes.
 - Group F: Parcels used exclusively as well sites for residential uses are exempt from the special tax.
- H. The special tax amounts applicable to parcels in the various land uses shall be as prescribed by the Board of Directors in each fiscal year (July 1 through June 30) beginning with fiscal year 2021-2022 as set forth in Attachment 3, which is incorporated herein by reference, and as required by law; provided, that the annual basic special tax unit (single-family residential parcel of 1/4 acre or less) shall not exceed a maximum limit of \$67.67 annually (averaging \$0.006 per square foot annually), as adjusted by the compounded percentage increases of the San Francisco-Oakland-San Jose Consumer Price Index (CPI-U) for all Urban Consumers (or an equivalent index published by a government agency) in the year or years after April 30, 2021; provided, however, that appropriate amounts may be increased in any year by up to the percentage increase of the San Francisco-Oakland-San Jose Consumer Price Index for all Urban Consumers in the preceding year or two percent (2%) whichever is greater; provided further, however, that in any period, not exceeding three years, immediately following a year in which the Governor of the State of California or the President of the United States has declared an area of said zones to be a disaster area by reason of flooding or other natural disaster, then to the extent of the cost of repair of Valley Water facilities damaged by such flooding or other natural disaster, the maximum tax rate shall be the percentage increase in CPI-U plus 4.5 percent; and provided, that special taxes for the Safe, Clean Water and Natural Flood Protection Program shall be levied annually until ended by voters.

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- I. In the event that the county or city designated land use for a parcel is different than the actual land use, the CEO of Valley Water may, pursuant to written policies and procedures, cause the special tax to be adjusted based upon any or all of the following:
 - 1. The parcel owner shall provide Valley Water a claim letter stating that the present actual land use is different than the county or city designated land use, including an estimate of the portion of the parcel that is different than the designated land use. Such claim is subject to investigation by Valley Water as to the accuracy of the claim. Parcel owner shall furnish information deemed necessary by Valley Water to confirm the actual uses and areas in question which may include, but not be limited to, a survey by a licensed surveyor.
 - 2. The parcel owner shall request Valley Water to inspect the parcel and reevaluate the parcel tax.
 - 3. The parcel owner shall notify Valley Water after a substantial change in the actual land use occurs, including a new estimate of the portion of the parcel that is different than the designated land use.
 - 4. Valley Water may inspect and verify the actual land use for these parcels on a regular basis and will notify the appropriate parcel owners when it is determined that the actual land use has matched a county or city designated land use. Valley Water shall then correct the special tax rates for these parcels accordingly.
- J. Pursuant to state law, Valley Water may provide an exemption from the special tax for low income owner-occupied residential properties for taxpayer-owners who are 65 years of age or older, the following shall apply:

Residential parcels where the total annual household income does not exceed 75 percent of the latest available figure for state median income at the time the annual tax is set, and such parcel is owned and occupied by at least one person who is aged 65 years or older is qualified to apply for an exemption from the applicable special tax.
- K. The Safe, Clean Water and Natural Flood Protection Program shall follow 15-year financial planning cycles. This will allow Valley Water to align its budget each year with the projects' key performance indicators as well as long-term financial planning efforts, such as the Capital Improvement Program. Prior to the development of each 15-year financial plan, Valley Water will conduct outreach to engage the community and key stakeholders, including the Safe, Clean Water and Natural Flood Protection Program's independent monitoring committee (IMC) and Valley Water advisory committees, to help ensure that the Safe, Clean Water and Natural Flood Protection Program's priorities remain aligned with the priorities of the residents of Santa Clara County.
- L. After a period of no longer than fifteen (15) years, the Board of Directors shall evaluate the need for the Safe, Clean Water and Natural Flood Protection Program, and make an affirmative determination of whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program. Should the Board of Directors determine that no additional Projects are needed, the Safe, Clean Water and Natural Flood Protection Program special tax will be

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

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

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

Resolution

APPENDIX D

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

AYES:	Directors	Santos, Estremera, Keegan, Kremen, LeZotte, Varela, Hsueh
NOES:	Directors	None.
ABSENT:	Directors	None.
ABSTAIN:	Directors	None.

SANTA CLARA VALLEY WATER DISTRICT



NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC



Clerk, Board of Directors

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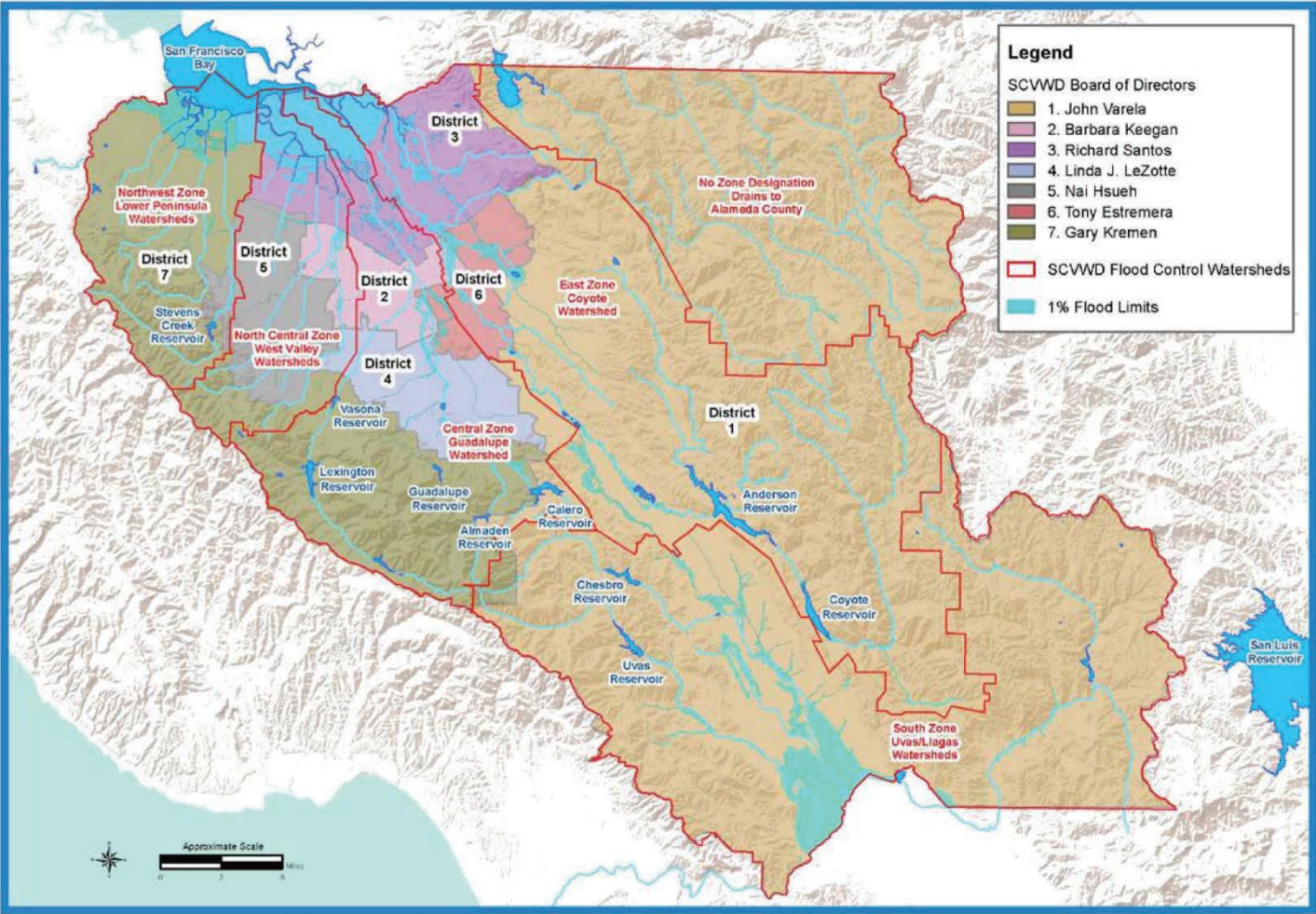
ATTACHMENT 1 COVERSHEET

SCVWD FLOOD CONTROL ZONES AND BOARD DISTRICTS IN SANTA CLARA COUNTY

No. of Pages: 1

Additional Items: None.

SCVWD Flood Control Zones and Board Districts in Santa Clara County



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

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ATTACHMENT 2 COVERSHEET

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

No. of Pages: 5

Additional Items: None.

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

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

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

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

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

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

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

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

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

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

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

Resolution No. 20-64

ATTACHMENT 3 COVERSHEET

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

No. of Pages: 1

Additional Items: None.

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

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

Change Control Process Update

As the renewed Safe, Clean Water and Natural Flood Protection Program progresses, there may be a need to adjust and modify the Program due to changing conditions and circumstances, including funding, economic and regulatory issues, etc. As with the 2012 Program, the renewed Program was developed to adjust, modify, or not implement a project. To modify or not implement a project, Resolution No. 20-64, Section N (Attachment 1) requires that the Board must hold a formal public hearing on the matter:

“The Board of Directors may direct that proposed projects in the Safe, Clean Water and Natural Flood Protection Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of CEQA environmental review and permitting by state and federal regulatory agencies. The Board of Directors must hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before adoption of any such decision to modify or not implement a project.”

On April 26, 2016, the Board approved the Change Control Process that identified the processes for Adjustments (changes to a project text, funding, or schedule that don't impact Program KPIs), Modifications (changes to project KPIs or funding allocations that will impact a Program KPI), and Not Implementing a project.

By distinguishing between project adjustments and modifications, Valley Water is able to clearly define the project changes that trigger the requirement for a public hearing. In addition, by identifying the processes for making adjustments and formalizing a clear process for annual public hearings, Valley Water can implement the voter-approved programs as intended.

In general, adjustments are made by the Board during public board meetings, and the approved changes are incorporated into subsequent annual reports and 5-year implementation plans. Modification or non-implementation of a project requires a public hearing before the Board's decision at a public meeting. The Board-approved modification or non-implementation of a project is incorporated into subsequent annual reports and 5-year implementation plans.

Recommended Updates

With time and passage of the renewed Program, the process requires revision and enhancements to align with the renewed Program and changed circumstances and refine the language for greater precision. For instance, unlike the 2012 Program, the renewed Program does not have a sunset date. Instead, it is implemented on a 15-year financial cycle, with the Board determining whether to reduce, repeal, or maintain the special tax every 15 years. Resolution No. 20-64, Section L (Attachment 1) states:

“After a period of no longer than fifteen (15) years, the Board of Directors shall evaluate the need for the Safe, Clean Water and Natural Flood Protection Program, and make an affirmative determination of whether the special tax should be reduced or repealed, or is needed to build additional Projects to achieve related programmatic benefits in accordance with the priorities of the Safe, Clean Water and Natural Flood Protection Program. Should the Board of Directors determine that no additional Projects are needed, the Safe, Clean Water and Natural Flood Protection Program special tax will be reduced accordingly, to reflect a transition from funding new Projects to funding operation, maintenance and replacement of Projects that were constructed with Safe, Clean Water and Natural Flood Protection Program funds. This evaluation process shall include the Valley Water advisory committees and the Program’s IMC, which will be charged with making recommendations to the Board of Directors on the determination of whether the special tax should be reduced, repealed, or maintained. Following the first fifteen-year determination of continued need for the special tax, the determination shall be made every fifteen (15) years thereafter.”

Accordingly, the process must be updated to reference the renewed Program and the 15-year financial cycles. Similarly, a change in the process is required to reference the appropriate appendix in the renewed Program. Furthermore, it is also an opportunity to streamline the process. Among the proposed changes is to remove the requirement to email the public notices to the “Blue-Ribbon Committee.” Like the 2012 Program, during the development of the renewed Program, Valley Water hosted a virtual Blue-Ribbon Forum solely to receive feedback while developing the renewed Program. It was part of the comprehensive and extensive public outreach effort to engage residents, community members, and stakeholders to develop the Program. The forum was discontinued once the Program was developed and put on the ballot.

Adjustments versus Modifications

Adjustments

Over the course of the Program, there may be cases in which adjustments may be necessary for project or program funding, resource allocation, or KPIs. In these cases, the Board will provide staff direction on its preferred strategy based on staff analyses and recommendations and any additional information brought forward by the community, stakeholders, or the Independent Monitoring Committee.

The Board will make adjustments to the Program and the changes will be reflected in subsequent annual reports and five-year implementation plans. Table 1 below captures the types of changes and the proposed updates defining Adjustments and Table 2 reflects the updates to the process for Adjustments, with strikethrough text for removed text and red font for added text.

Table 1 Types of Changes		
Types of Changes	Adjustments (Publicly noticed meetings)	Modifications (Formal public hearing required)
Text	Edits to text to correct errors, information/data updates, and overall readability.	Changes to a project's KPI.
Schedule	Adjustments to project schedules provided for each 15-year funding cycle of the renewed Safe, Clean Water and Natural Flood Protection Program (renewed Program), approved by voters in November 2020.	
Funding	Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project KPIs in the renewed Program.	Changes to funding allocations that will impact any project's KPIs in the renewed Program.

Table 2 Process for Adjustments	
Text: Edits to text to correct errors, information/data updates, and overall readability	<ol style="list-style-type: none"> 1. Board approval will be sought at the time the renewed Program Annual Report (Annual Report) is presented for approval. 2. Board-approved adjustments to text will be updated in the 5-Year Implementation Plan and included in future Annual Reports, which will be posted on the website.
Schedule: Adjustments to project schedules provided for each 15-year funding cycle of the renewed Program, approved by voters in November 2020	<ol style="list-style-type: none"> 1. Capital project schedules will be approved by the Board through the adoption of the Capital Improvement Program Five-Year Plan. 2. Schedule adjustment updates will take place at the end of the fiscal year or as needed. 3. Schedule comparison of the original project schedule provided for each 15-year funding cycle of the renewed Program to the project's current schedule will be included in the Annual Report 4. This information will be posted to the renewed Program's web page and updated in the current 5-Year Implementation Plan.
Funding: Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project deliverables in the renewed Program	<ol style="list-style-type: none"> 1. Comply with Valley Water processes for budget adjustments. 2. Approval for changes to project appropriations per the renewed Program Report, Appendix E, will follow Valley Water's annual budget process, with analysis provided as to the impact on the overall program fund to ensure that any project KPIs in the renewed Program will not be impacted. 3. Annual and Cumulative Financial Summary information will be included in the Annual Report. 4. This information will be posted to the renewed Program's web page and updated in the 5-Year Implementation Plan.

Note: See Attachment 2 for the renewed Safe, Clean Water Program Report Appendix E.

Table 3 below provides the process for Modification and Non-Implementation with minimal proposed updates.

Table 3: Process for Modification and Non-Implementation	
Text: Changes to a project's KPIs	<ol style="list-style-type: none"> 1. Public hearing 2. Approved modifications will be included in the Annual Report, posted to the renewed Program's web page and updated in the current 5-Year Implementation Plan.
Funding: Changes to project funding allocations that will impact any project's KPIs in the renewed Program	<ol style="list-style-type: none"> 1. Public hearing. 2. Approved modifications will be included in the Annual Report, posted to the renewed Program's web page and updated in the current 5-Year Implementation Plan.
Decision to not implement a project	<ol style="list-style-type: none"> 1. Public hearing. 2. Approved non-implementation of a project will be included in the Annual Report, posted to the renewed Program's web page and updated in the current 5-Year Implementation Plan.

Public Hearing Processes

The process also established a timeframe to conduct a public hearing during each fiscal year, which is no later than April and before the Board's adoption of the next fiscal year budget. This timing has been established so that if the need for project modifications or non-implementation arises for multiple projects, the following is accomplished:

1. Reduced costs for public notice placements in newspapers by holding one public hearing for multiple projects;
2. Consistency for interested stakeholders who wish to participate on an annual basis;
3. Acceptance or rejection of proposed modifications prior to the budget hearings, allowing for the Board's direction to be incorporated in the next fiscal year budget; and
4. An annual opportunity for project managers to propose modifications that incorporate the Board's review of the Annual Report (November) and the Board-accepted recommendations of the Independent Monitoring Committee (March).

The public hearing will be scheduled for a certain date and time. However, if the Board feels their decision on a proposed modification would be better informed by reviewing the budget and/or CIP, the Board has two options:

1. Keep the public hearing open until the Board has reviewed the budget and/or CIP; or
2. Close the public hearing but hold the decision on a proposed modification until the Board has reviewed the budget and/or CIP.

Although having the Board set a public hearing date was not a requirement of the Program, it was incorporated to ensure transparency and provide additional notice to the public. The process requires:

1. Placement of public notice consistent with California Government Code § 6066. The outreach goal for the public notices is to be inclusive and transparent in describing the proposed project modifications.
2. Notice will be emailed/communicated to stakeholders, including but not limited to:
 - a. The renewed Program's Independent Monitoring Committee (IMC).
 - b. Project stakeholders, including local government entities.



Santa Clara Valley Water District

CONFORMED COPY

File No.: 25-0424

Agenda Date: 6/10/2025
Item No.: *5.2.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes ☐ No ☐
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Receive Information and Provide Direction on Safe, Clean Water and Natural Flood Protection Program Proposed Process Improvements.

RECOMMENDATION:

Receive information and provide direction on staff's proposed process improvements for the implementation of the Safe, Clean Water and Natural Flood Protection Program.

SUMMARY:

In November 2020, Santa Clara County voters approved Measure S, renewing Santa Clara Valley Water District's (Valley Water) Safe, Clean Water and Natural Flood Protection Program. The Safe, Clean Water Program (SCW Program or Program) addresses the following six community priorities:

Priority A: Ensure a Safe, Reliable Water Supply

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

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

Priority D: Restore Wildlife Habitat and Provide Open Space

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

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

Each priority includes specific operational and capital projects with key performance indicators (KPIs) to ensure accountability in meeting the SCW Program priorities. As changes may be required throughout the implementation of the SCW Program, Valley Water developed and followed a change control process, which outlines the differences between adjustments and modifications to the Program and identifies the different processes for implementing both.

As project costs rise due to inflation and regulatory changes, adjustments or modifications to funding allocations are often required. In compliance with the change control process, the Board has in the

past held Public Hearings and approved staff recommendations to reduce or reallocate funding for some projects.

Board Direction

On February 11 and February 25, 2025, the Board held Public Hearings to consider staff's recommendation to modify the KPI for the San Francisco Bay Shoreline Protection Project E7 (Shoreline Project), to reallocate funds from Economic Impact Areas (EIA) 1-4 to EIA 11 within the Shoreline Project. After receiving comments from municipalities, the public, and extensive Board discussions, the Board did not approve the proposed modifications and decided to hold a Public Hearing on the matter during next year's Capital Improvement Program (CIP) annual development cycle to align with the development of the CIP FY 2027-31 Five-Year Plan. The Board also assigned the Board Planning and Monitoring Committee (BPMC) to work with staff to review Valley Water's integrated process and develop recommendations to address concerns heard by Valley Water during the Public Hearing.

BPMC Review and Feedback

On April 14, 2025, staff presented proposed conceptual process improvements for the BPMC's review and feedback. The BPMC supported staff's proposal and recommended that staff bring the approach forward to the full Board for its consideration. Below is a description of the process improvements reviewed and supported by the BPMC, with additional information generated by staff following the April 14, 2025, BPMC meeting.

Proposed Process Improvements

At the recent Public Hearings Valley Water held to modify planned funding for the Shoreline Project, some jurisdictions and members of the public raised concerns that they were not given sufficient advance notice or opportunities to provide input on Valley Water's proposed funding modifications. In addition, some of the public comments suggest that Valley Water's approach to evaluating funding allocation modifications and decision-making is not well understood. To address these two issues, staff is proposing the following conceptual process revisions when Valley Water is considering making funding modification decisions in the future.

Stakeholder Outreach

To address the first issue relating to stakeholder outreach, staff proposes extending the duration of the public hearing that Valley Water is required to hold to consider funding modifications for SCW projects. The extended Public Hearing process would be similar to the current process that Valley Water follows for setting groundwater charges. The revised process would offer multiple opportunities for stakeholders to provide input on Valley Water's proposed funding changes. Staff proposes that Valley Water incorporate the following steps from the groundwater rate setting process into the SCW Program Public Hearing process, as follows:

1. Staff presentation of analysis and proposed funding modifications to the Board and

- Board discussions prior to Public Hearing
- 2. Notification of Public Hearing
- 3. Open Public Hearing
- 4. Continue Public Hearing: Engagement with the Board, Board advisory committees, municipalities, the public, etc., as appropriate, along with staff reporting comments received to the Board
- 5. Close Public Hearing
- 6. Board deliberations and decision-making

To implement the above steps in a manner that would improve transparency, provide meaningful engagement opportunities, and align with Valley Water's established planning and budgeting cycles, staff have developed two sample process timelines shown in Figures 1 and 2 below for illustration purposes.

In most cases, the standard process, which is estimated to take 2-3 months (as illustrated in Figure 1), would be followed. However, there may be exceptions to this process if reallocating funds is necessary to prevent project delays. For example, additional funds might be required for a project to proceed with awarding a construction contract after bids have been opened. In those instances, Valley Water would follow an expedited process, as shown in Figure 2, with an estimated timeline of as few as 4 weeks and up to 6 weeks, to seek the Board's approval of a recommended funding modification.

Whether the Board would be considering a proposed funding modification following the standard or expedited process, the actual duration of the process would differ depending on a number of factors such as the complexity of the proposed modifications; the number of projects or jurisdictions affected; and the level of stakeholder engagement required based on public interests in the proposal.

As shown in the following sample timelines, the extended Public Hearing duration would allow the public to raise issues and comment on a proposed funding modification both to the Board during board meetings and through other stakeholder engagement that Valley Water staff would be undertaking while the Public Hearing is continuing. To the extent possible, staff would align the SCW funding modification process with other Valley Water processes such as the Capital Improvement Program (CIP) and budget development processes. In addition to board meetings, a recommended funding modification may also be brought to applicable Board Committees as informational items.

Figure 1: Standard Process Timeline

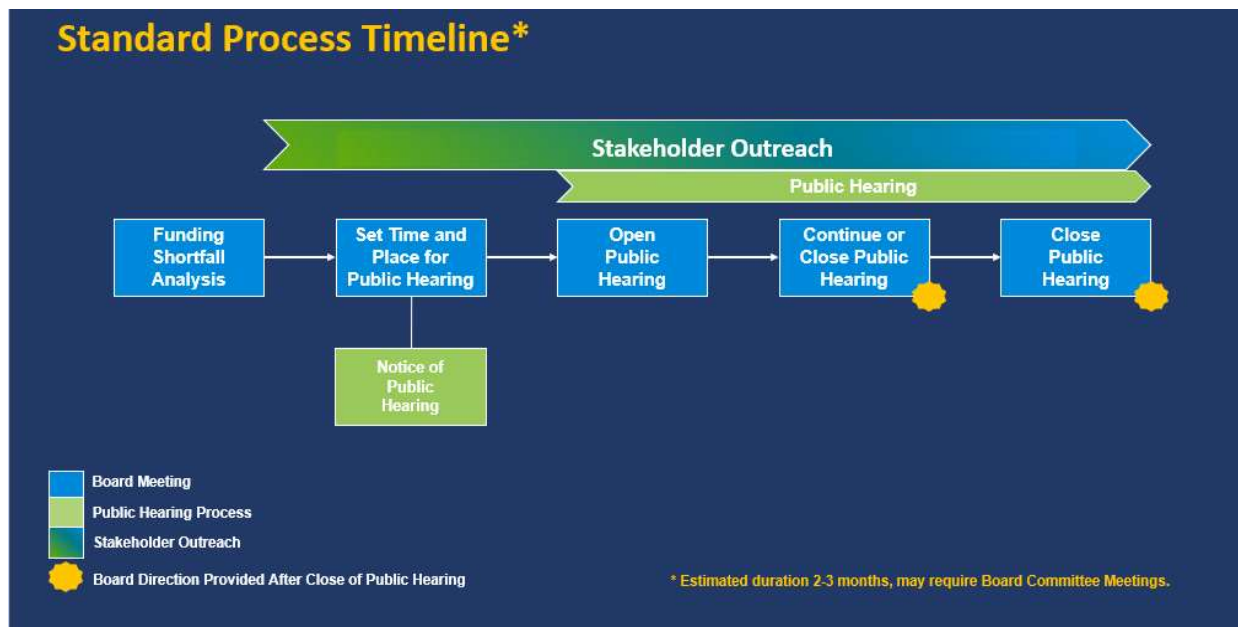
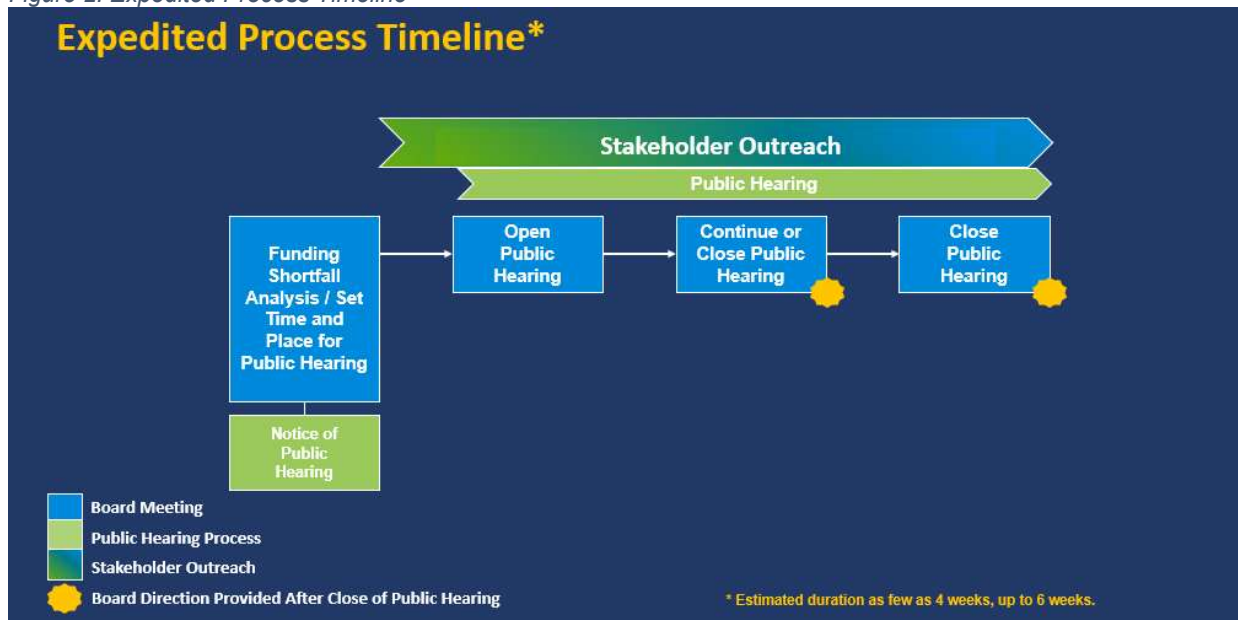


Figure 2: Expedited Process Timeline



Criteria for Funding Modifications Recommendations

As described above, comments received during prior Public Hearings suggest that the public is seeking more explanation about Valley Water's rationale and criteria leading to the proposed funding modifications. Increasing the public's understanding of Valley Water's priorities and criteria used to make funding recommendations, as well as our integrated process, would facilitate more meaningful public participation and promote Valley Water's ability to fulfill its obligation to serve Santa Clara

County as a whole. Therefore, staff may clarify or elaborate on the criteria and processes used for recommended funding modifications at Board meetings and Public Hearings as deemed appropriate.

The CIP planning process, long-range financial planning process, and Board strategic planning process will continue to be utilized to identify and present potential funding gaps for projects and proposed solutions. The potential funding gaps and proposed solutions would become inputs for the Board discussions before the Public Hearing. The Board will have opportunities to provide feedback and directions to staff before the Public Hearing.

Next Steps

Following Board review and direction, staff will work on updating the Change Control Process and return to the Board for final review and approval.

ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:

There are no environmental justice and equity impacts associated with receiving information and providing feedback regarding the proposed process improvements for the Safe, Clean Water Program. This action is unlikely to or will not result in human health or environmental effects and is not associated with an equity opportunity.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: PowerPoint

*Handout 5.2-A: City of Palo Alto

*Handout 5.2-B: City of Mountain View

UNCLASSIFIED MANAGER:

Luz Penilla, 408-630-2228

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Safe, Clean Water and Natural Flood Protection Program Change Control Process

1. PURPOSE

To define and standardize the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program or Program). This document outlines the Change Control Process for the Safe, Clean Water Program.

2. BACKGROUND

In November 2020, voters in Santa Clara County approved Measure S, a renewal of Valley Water's Safe, Clean Water Program. The Program was first passed by voters in 2000 as the Clean, Safe Creeks and Natural Flood Protection Plan, then again in 2012 as the Safe, Clean Water and Natural Flood Protection Program.

The Safe, Clean Water Program was developed to allow for adjustments to projects as needed over the course of the Program, to track and ensure that key performance indicators (KPIs) are delivered. The voter-approved measure allows the Board of Directors (Board) to direct that proposed projects in the Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of environmental reviews and permitting by state and federal regulatory agencies. However, the measure requires that the Board first hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before making any decision to modify or not implement a project. Resolution No. 20-64, Section N.

Valley Water follows an established, Board-approved Change Control Process when the Board is considering whether to adjust, modify, or not implement a proposed project in the Program. This Change Control Process was originally developed and approved as part of the 2012 Program and has been updated several times to incorporate feedback and direction from the Board, to address audit recommendations, and to align with the latest Program after its approval by the voters in 2020.

3. DEFINITIONS

The Change Control Process distinguishes between the following types of changes:

Adjustments: Changes to the Safe, Clean Water project text, schedule, and/or funding that do not impact the delivery of any KPI.

Modifications: Changes to project KPIs or funding allocations that impact the delivery of a KPI.

Non-Implementation: Decisions by the Board not to implement a project.

Safe, Clean Water and Natural Flood Protection Program Change Control Process

Table 1 Types of Changes		
Types of Changes	Adjustments	Modifications / Non-Implementation
Text	Edits to text to correct errors, information/data updates, and overall readability.	Changes to a project's KPI.
Schedule	Adjustments to project schedules provided for each 15-year funding cycle of the Program	
Funding	Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project KPIs in the Program.	Changes to funding allocations that will impact any project's KPIs in the Program.

By distinguishing between project adjustments and modifications, Valley Water can clearly define the project changes that trigger the requirement for a public hearing. Additionally, by identifying the processes for making adjustments and formalizing a clear process for annual public hearings, Valley Water can implement the Safe, Clean Water Program as intended. The following Section 4, Change Control Process Framework, describes the processes by which Valley Water will consider and make decisions on whether to adjust, modify, or not implement a project within the Program.

4. CHANGE CONTROL PROCESS FRAMEWORK

A. Process for Adjustments

After determining that an adjustment to a project may be necessary, staff will provide the analysis and recommendations to the Board, and the Board will provide direction based on staff's analysis and input from the community or others who might be interested in the project. Adjustments to the Program will be made by the Board and the changes will be reflected in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page. Table 2 outlines the processes for making adjustments to the Program.

Safe, Clean Water and Natural Flood Protection Program Change Control Process

Table 2 Process for Adjustments	
Text: Edits to text to correct errors, information/data updates, and overall readability	<ol style="list-style-type: none"> 1. Board approval will be sought at the time the Program Annual Report (Annual Report) is presented for approval. 2. Board-approved adjustments to text will be reflected in the annual report, the current Safe, Clean Water Program five-year implementation plan (five-year implementation plan), via addendum, the subsequent five-year plans, and the Program web page.
Schedule: Adjustments to project schedules provided for each 15-year funding cycle of the Program	<ol style="list-style-type: none"> 1. Capital project schedules will be approved by the Board through the adoption of the Capital Improvement Program (CIP) Five-Year Plan or at the end of the fiscal year. 2. All schedule adjustments, including those approved through the CIP Five-Year Plan, will be presented to the Board at the end of the fiscal year. 3. Schedule comparison of the original project schedule provided for each 15-year funding cycle of the Program to the project's current schedule will be included in the annual report 4. The adjustments will be included in the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.
Funding: Fiscal Year budget adjustments and changes to project funding allocations that do not impact any project deliverables in the Program	<ol style="list-style-type: none"> 1. Comply with Valley Water processes for budget adjustments. 2. Approval for changes to project appropriations per the Program Report, Appendix E, will follow Valley Water's annual budget process, with analysis provided as to the impact on the overall program fund to ensure that any project KPIs in the Program will not be impacted. 3. Annual and Cumulative Financial Summary information will be included in the Annual Report. 4. All funding allocation adjustments, including those approved through the CIP Five-Year Plan, will be included in the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.

Safe, Clean Water and Natural Flood Protection Program Change Control Process

B. Process for Modifications and Non-Implementation

Table 3 outlines the process for making modifications or non-implementation decisions. A more detailed description of the steps to implement this process is provided below.

Table 3: Process for Modification and Non-Implementation	
Text: Changes to a project's KPIs	<ol style="list-style-type: none"> 1. Public hearing 2. Approved modifications will be included in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.
Funding: Changes to project funding allocations that will impact any project's KPIs in the Program	<ol style="list-style-type: none"> 1. Public hearing. 2. Approved modifications will be included in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.
Decision to not implement a project	<ol style="list-style-type: none"> 1. Public hearing. 2. Approved non-implementation of a project will be included in the annual report, the current five-year implementation plan, via addendum, the subsequent five-year plans, and the Program web page.

1) Public Hearing: Process and Timeline

- a. Once staff determines that a project modification or non-implementation may be necessary, staff will consider options and perform analysis on the proposed modification and options.
- b. Staff will present their analysis and the proposed modification at a Board meeting. The Board will discuss and receive public comments during the meeting. The analysis will likely include a financial analysis, an impact assessment on project KPI(s), proposed options to mitigate the impacts on projects if feasible, along with the justifications for the recommended changes. Before presenting the analysis to the Board, staff may bring the information to Board committees, as appropriate, for input.
- c. After Board discussion and public input and pursuant to Board's direction, staff may (i) not move forward with proposing the modification; (ii) return to the Board with further analysis; or (iii) return to the Board and recommend that the Board set a public hearing date to consider the proposed

Safe, Clean Water and Natural Flood Protection Program Change Control Process

modification. The timing for the Board to set the public hearing can occur in two ways:

- Standard Process - In most cases, staff will return to the Board at the next regular board meeting and seek the Board's approval to set the public hearing date to occur at the following regular board meeting.
 - Expedited Process – In some instances, a decision may need to be made more expeditiously (e.g., reallocation of funding may be required to award a construction contract to avoid project delay). In such a case, staff may seek the Board's approval to set a public hearing date at the same board meeting where staff present the analysis.
- d. The Board will open the public hearing at the scheduled public hearing date and time and hear public comments. The Board will continue the public hearing without closing the public hearing.
- e. After the Board sets the public hearing date (see 1.c above) and while the public hearing is continued, staff will identify and pursue opportunities as appropriate to engage with the community and other interested parties (e.g., cities, county, community groups). These opportunities may include presenting the proposed modification at one or more Board committees (e.g., Capital Improvement Program Committee, Environmental Creek Cleanup Committee) and meeting with communities directly to answer questions and collect input. Staff will collect input gathered during these outreach meetings and provide the information to the Board as the public hearing continues.
- f. At the close of the public hearing, the Board will deliberate before making a decision on the matter.

Two timelines are available for use depending on the urgency and complexity of the proposed modification or non-implementation. The standard process, which allows extended public input, community engagement, and municipal outreach, is estimated to last 2-3 months. The expedited process will also incorporate public outreach and engagement, but the process will be shortened to take place over a period of 1-2 months.

The preferred timeframe to conduct a public hearing during each fiscal year is no later than April and before the Board's adoption of the next fiscal year budget. This timing has been established so that if the need for project modifications or non-implementation arises for multiple projects, the following is accomplished:

- Reduced costs for public notice placements in newspapers by holding one public hearing for multiple projects;
- Consistency for the community and other interested parties who wish to participate on an annual basis;



Safe, Clean Water and Natural Flood Protection Program Change Control Process

- Acceptance or rejection of proposed modifications prior to the budget hearings, allowing for the Board's direction to be incorporated in the next fiscal year budget; and
- An annual opportunity for project managers to propose modifications that incorporate the Board's review of the Annual Report (November).

2) Public Hearing: Noticing and Outreach

Once the Board sets a public hearing date to consider whether to modify or not implement a project, Valley Water will provide notice of the scheduled public hearing consistent with the applicable requirements set forth in Section 12(a)¹ of the Santa Clara Valley Water District Act (District Act). Specifically, notice of the public hearing will be given by publication once per week for two consecutive weeks before the hearing, the last publication of which notice will be at least seven days before the hearing, in a newspaper of general circulation.

In addition to the above, Valley Water will implement measures to encourage public participation and expand its outreach on the public hearing if needed, including the following:

- Publications** in local papers (e.g. Vietnam Daily, El Observador, Palo Alto Daily Post, etc.)
- Online** – Posting the public hearing notice in the District News section of the website and on social media (e.g. Facebook, LinkedIn, NextDoor, and X).
- Email** – Sending E-blasts to the IMC members, the Safe, Clean Water list of interested parties, and applicable project email lists. Presentations regarding the Safe, Clean Water Program at public meetings include a Quick Response (QR) code linking to the sign-up form for email notifications.

5. CHANGE HISTORY

DATE	REV	SIGNIFICANT CHANGE	COMMENTS
TBD	A	Yes	Revised Safe, Clean Water Program (SCW) Change Control Process (2025) Document (Extended public hearings, public advertisement requirements and clarification of rationale for recommendations)

6. ADDENDA

APPENDIX A: Flowcharts for SCW Change Control: Public Hearing for Modifications and Non-Implementation

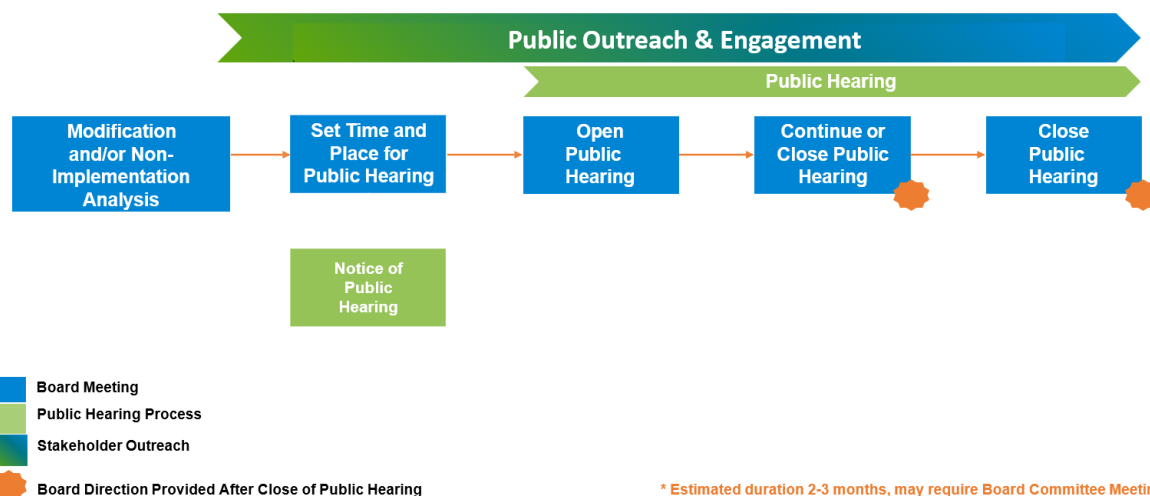
¹ Section 12(a) of the District Act provides the requirements for noticing public hearings for the Board's consideration of engineer reports. Valley Water will follow a similar process for noticing public hearings for SCW Program changes.

Safe, Clean Water and Natural Flood Protection Program Change Control Process

APPENDIX A: Flowcharts for SCW Change Control: Public Hearing for Modifications and Non-Implementation

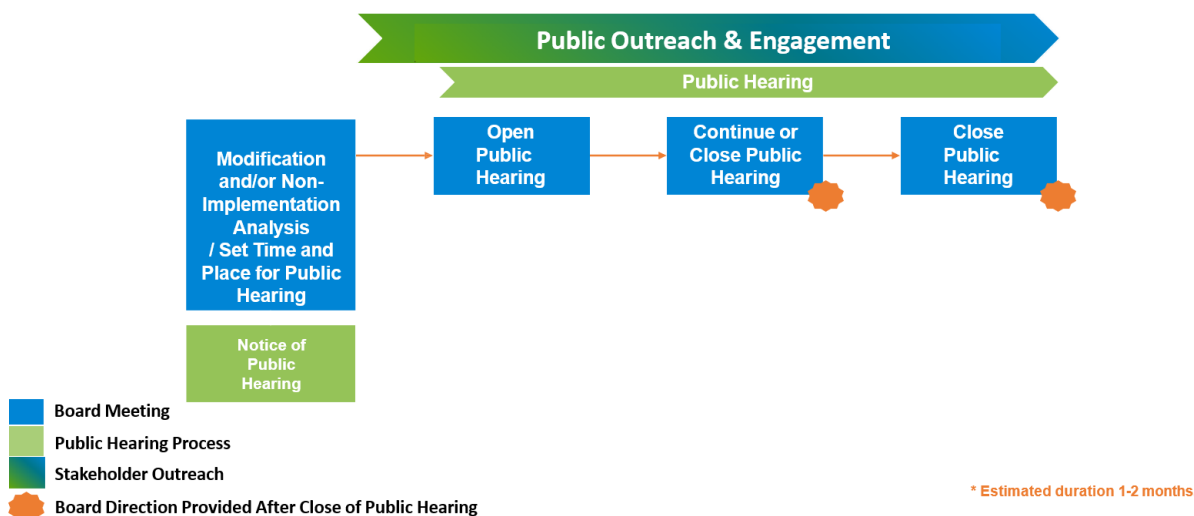
Proposed Improvements

Standard Process*



Proposed Improvements

Expedited Process*



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Safe, Clean Water Program Change Control Process—At-A-Glance

YOUR TAX DOLLARS AT WORK



**Safe,
Clean
Water**
and Natural Flood Protection

What is the Change Control Process?

The Change Control Process is how Valley Water decides whether to **adjust, modify, or not carry out** a Safe, Clean Water project. It ensures projects stay on track, use funds wisely, and meet community needs. Every project has clear outcomes, called key performance indicators (KPIs), that are used to measure progress and results.

Types of Changes

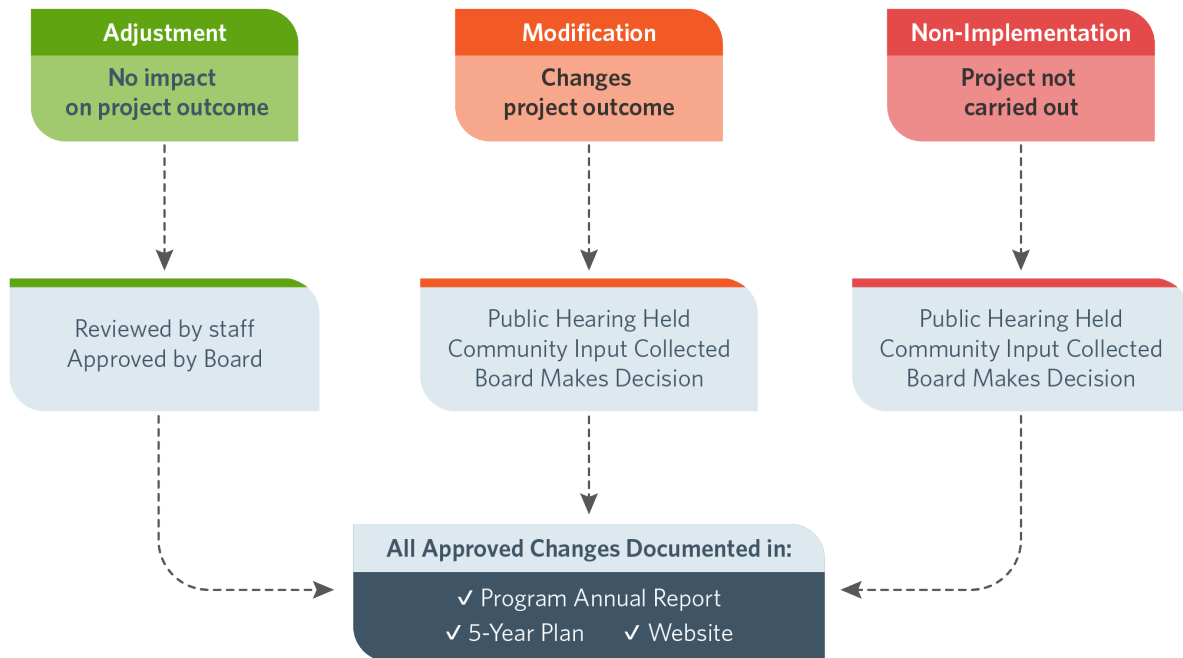
Type of Change	What It Means	Public Hearing Needed?
Adjustment	Changes to text, timelines, or budgets that do not affect any project outcome (KPI).	No hearing—Board approves during regular meetings.
Modification	A change to the project outcome (KPI) or funding that does affect an outcome.	Yes—requires a public hearing.
Non-Implementation	A decision not to carry out a project.	Yes—requires a public hearing.

Public Hearings—Your Role

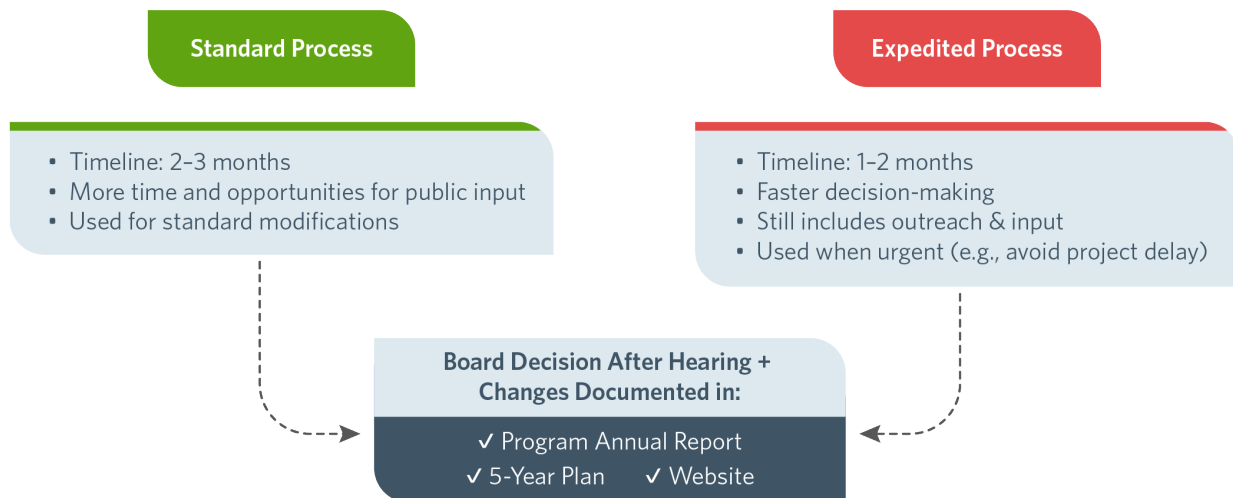
- **When?**
Usually, no later than April.
- **How long?**
Standard process (2–3 months) or expedited process (1–2 months if urgent).
- **How are you notified?**
Notices in local newspapers, Valley Water’s website, social media, and email updates.
- **How can you participate?**
Attend hearings, sign up for email updates, and join public meetings.

Continued on back...

How a Proposed Project Change Flows



Standard vs. Expedited Public Hearing

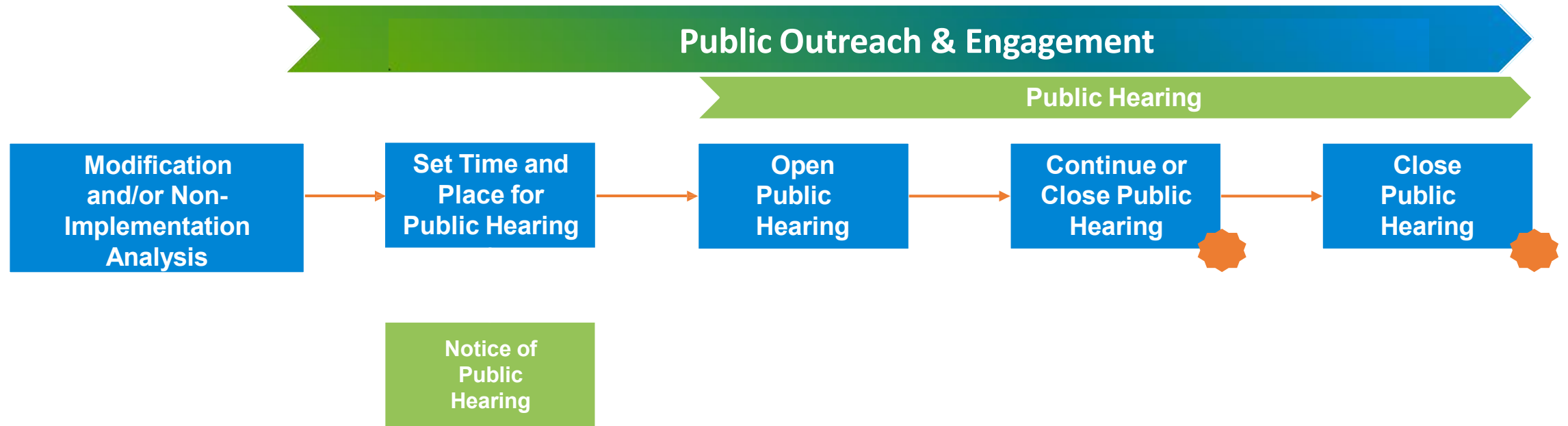


Summary

- Changes with no impact on outcomes happen during Board meetings.
- Changes with any impact on outcomes always come back to the public through a hearing.
- Your voice helps shape the future of Safe, Clean Water projects.

Proposed Improvements

Standard Process*

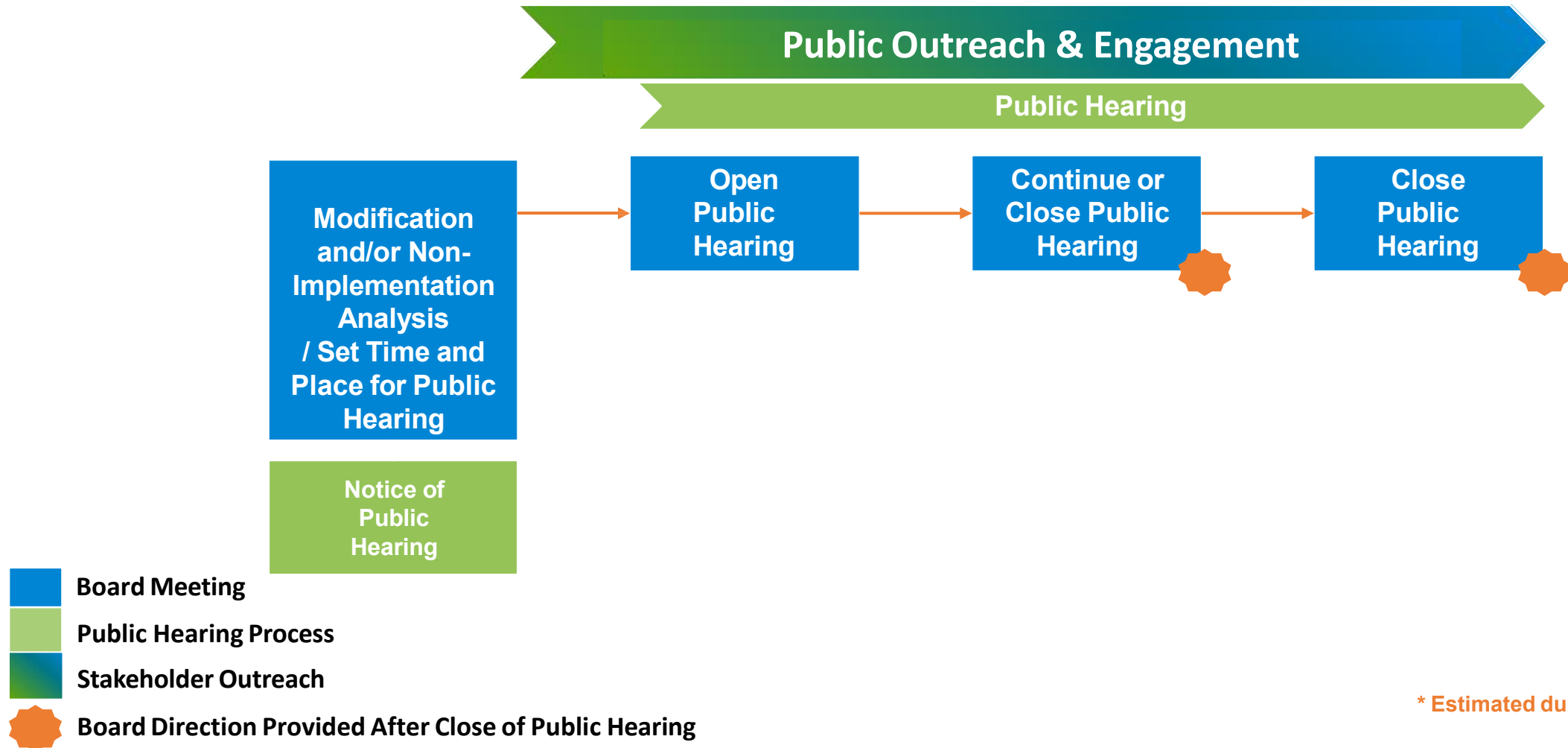


Board Direction Provided After Close of Public Hearing

* Estimated duration 2-3 months, may require Board Committee Meetings.

Proposed Improvements

Expedited Process*



* Estimated duration 1-2 months.



Safe, Clean Water Program Change Control Process Updates

Presented by: Luz Penilla, Assistant Officer – Office of Integrated Water Management



BOARD ACTIONS TODAY

- 1. Approve the proposed updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program**

Agenda

- **SCW Background & Board Authority**
- **Change Control Processes: Framework**
 - Adjustments v. Modifications/Non-Implementation
 - Guidelines for Funding Reallocations
- **Change Control Process: Improvements**
 - Public Hearing Process
 - Noticing & Documentation

History of Voter-approved Measures



Community-Preferred Priorities



Transparency and Accountability



Multiple
15-Year
Financial
Planning
Cycles



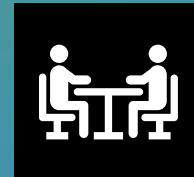
5-Year
Checkpoints and
Implementation
Plans



Annual Reports;
Website
Updates



Independent
Monitoring



5-Year
Professional,
Independent
Audits



Change
Control
Process



Public &
Stakeholder
Engagement
Process every
15-years

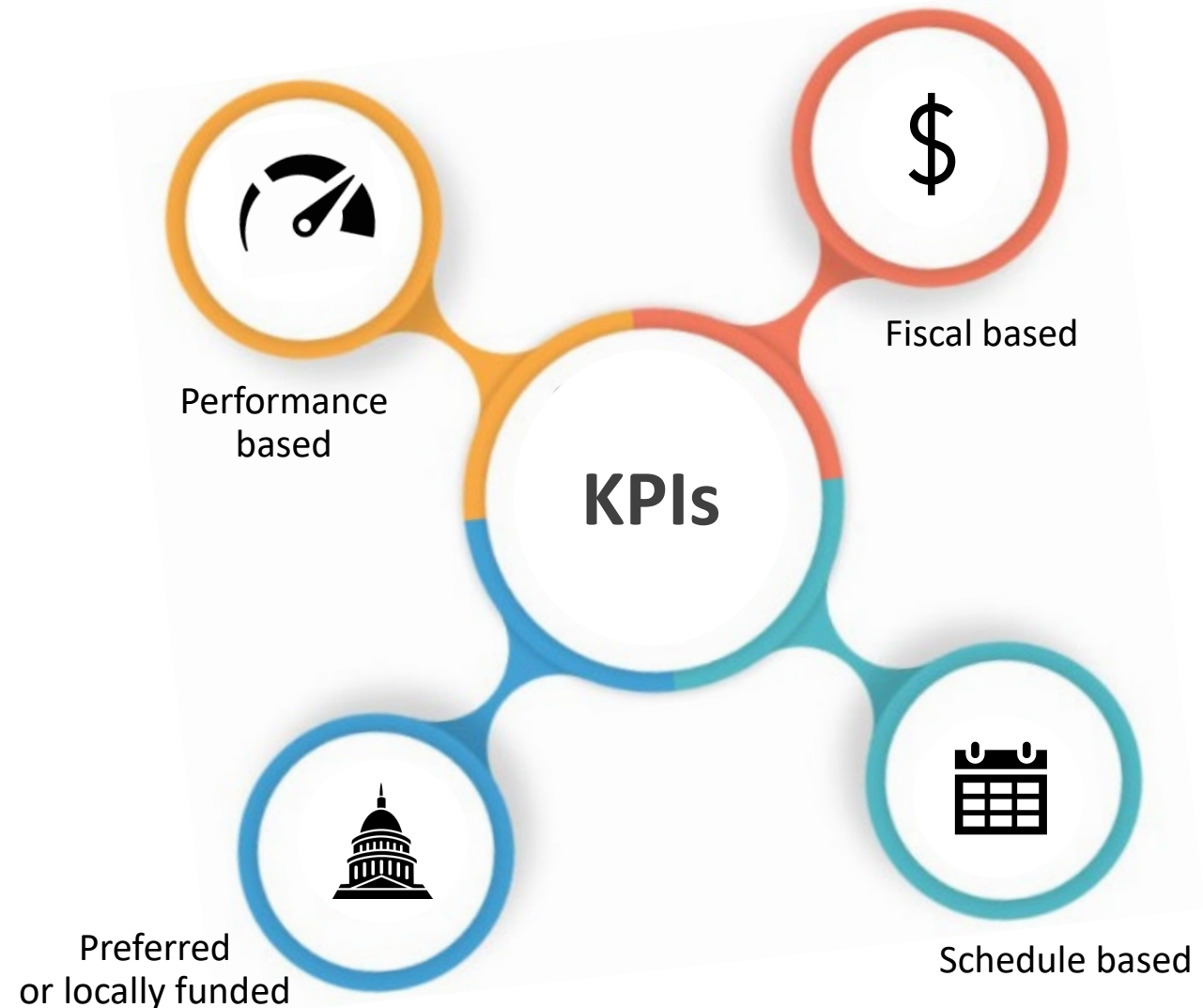
Valley Water Board Roles & Responsibilities

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

Change Control Process Framework

Monitoring Projects & Program Performance

- KPIs were approved by the voters as part of Measure S
- Board may modify KPIs through the SCW Change Control Process
- IMC may recommend KPI modifications to the Board



Change Control Process: Types of Changes

Adjustment

(publicly noticed meeting)

Changes to a project text, funding, or schedule that don't impact Program KPIs

Modification

(formal public hearing)*

Changes to KPIs or funding changes that impact any Program KPIs

Not Implement

(formal public hearing)*

Decision to not implement a project

Guidelines for Funding Reallocations

Safe, Clean Water Program Implementation

- **Countywide Parcel Tax:** Project allocations are not based on city contributions
- **Board Authority:** The Board is responsible for prioritizing funding allocations
- **Fund Designation:** Safe, Clean Water funds must support Safe, Clean Water projects
- **Cycle for New Initiatives:** New priorities/projects re-established every 15 years
- **Capital Project Funding Prioritization Tools:** Board tool for project prioritization when funding is constrained

Change Control Process Feedback

Public Outreach

- Insufficient notice on funding modifications
- Limited public input opportunities

Funding Modifications Recommendations

- Lack of clarity on funding evaluation criteria and modification processes

Change Control Process: Public Hearing Engagement Improvements

Proposed Improvements

Public Hearing Timelines for Modifications to Funding Allocations*

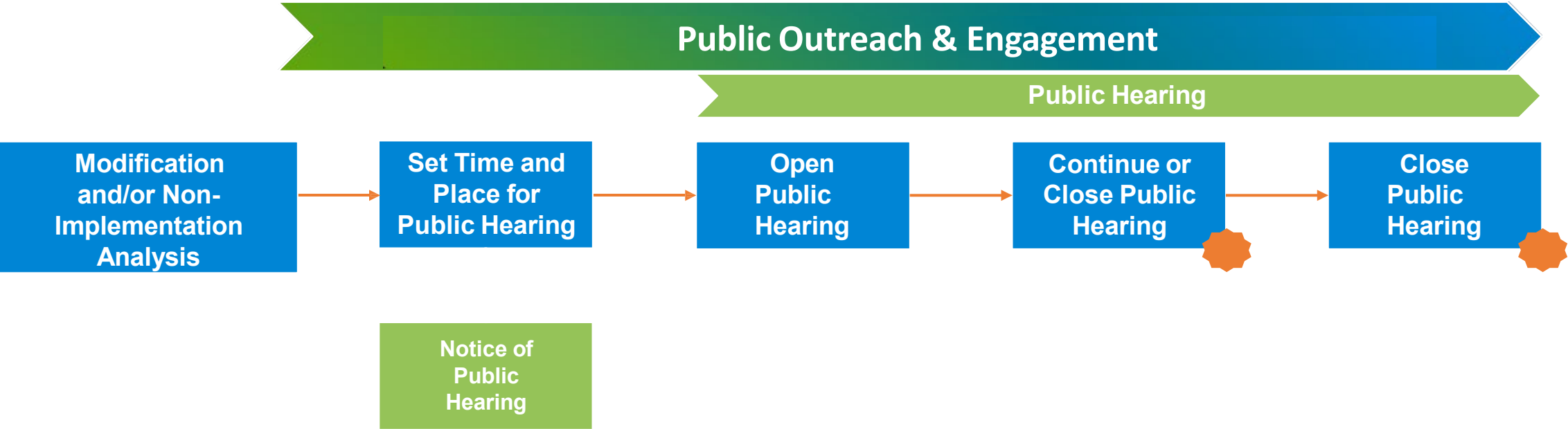
- Standard Process
- Expedited Process



** Both processes will allow for increased stakeholder engagement.*

Proposed Improvements

Standard Process Timeline*



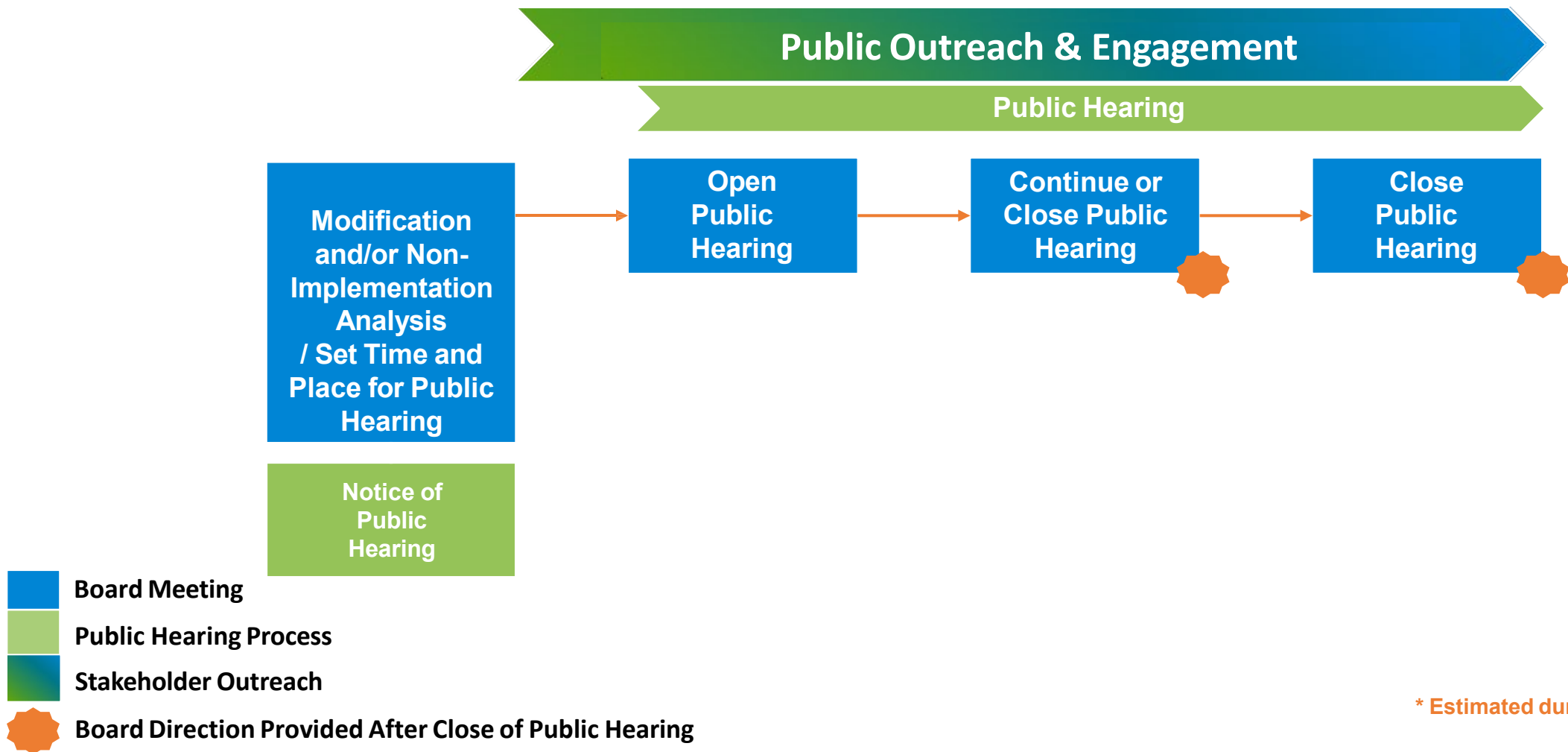
- Board Meeting
- Public Hearing Process
- Stakeholder Outreach

Board Direction Provided After Close of Public Hearing

* Estimated duration 2-3 months, may require Board Committee Meetings.

Proposed Improvements

Expedited Process Timeline*



* Estimated duration 1-2 months.

Change Control Process: Additional Process Improvements

Change Control Process

Additional Process Improvements

1. Noticing for Public Hearings:

- Align with District Act (Section 12(a)) for public notice requirements.
- Publish two notices in two consecutive weeks in a newspaper of general circulation.

2. Outreach for Public Hearings

- Maintain current practices: notices in various newspapers, website postings, and social media
- Include QR codes in presentations for email sign-up notifications.
- Enhance outreach through increased social media promotions and annual messaging via VW Newsletter.

3. Documentation of Project Schedule or Funding Adjustments

- Post adjustments on the Program's webpage after Board approval.
- Include specific reporting clarifications in the Change Control Process.



BOARD ACTIONS and NEXT STEPS

- 1. Approve the proposed updates to the Change Control Process for the Safe, Clean Water and Natural Flood Protection Program**
2. Staff will publish the approved Change Control Process by December 2025 and implement process improvements

QUESTIONS

Stay informed
about
Valley Water
by signing up
for our
eNewsletter.





Valley Water

Clean Water • Healthy Environment • Flood Protection

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