



Santa Clara Valley Water District SCW Independent Monitoring Committee

HQ. Bldg. Boardroom, 5700 Almaden Expressway, San Jose, California
Join Zoom Meeting: <https://valleywater.zoom.us/j/85611501656>

REGULAR MEETING AGENDA

**Thursday, May 7, 2026
4:00 PM**

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

SAFE, CLEAN WATER PROGRAM
INDEPENDENT MONITORING
COMMITTEE (IMC)

COMMITTEE OFFICERS:
Susan Landry, Committee Chair
Marc Rauser, Committee Vice Chair

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 630-2277.

Dave Leon (Committee
Liaison)
daveleon@valleywater.org
BOARD
REPRESENTATIVES:
Tony Estremera, Board
Chairperson
Richard Santos, Board Vice
Chairperson

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

Santa Clara Valley Water District
SCW Independent Monitoring Committee
REGULAR BOARD MEETING
AGENDA

Thursday, May 7, 2026

4:00 PM

HQ. Bldg. Boardroom, 5700 Almaden
Expressway, San Jose, California

Join Zoom Meeting:

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IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS

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

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

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

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

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

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

Meeting ID: 856 1150 1656

Join by Phone:

1 (669) 900-9128, 85611501656#

1. CALL TO ORDER:

1.1. Roll Call.

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

Notice to the public: Members of the public who wish to address the Board/Committee on matters not listed on the agenda may do so by completing a Speaker Card and submitting it to the Clerk, or by using the "Raise Hand" feature within the Zoom meeting application to request recognition. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and, when recognized, will be granted speaking access to address the Board/Committee.

Public comments shall be limited to three (3) minutes per speaker, or such other time as determined by the Chair. State law does not permit the Board/Committee to take action on, or engage in extended discussion of, any item not appearing on the posted agenda, except as otherwise authorized under applicable law. If Board/Committee action is requested, the matter may be scheduled for consideration at a future meeting.

All public comments requiring a response will be referred to staff for a written reply. The Board/Committee may take action on any item of business appearing on the posted agenda

3. APPROVAL OF MINUTES:

- 3.1. Approve the February 18, 2026 IMC Minutes.

[26-0290](#)

Recommendation: Approve the minutes.

Manager: Wendy Ho, 408-630-3874

Attachments: [Attachment 1: 02182026 Draft IMC Minutes](#)

Est. Staff Time: 5 Minutes

4. REGULAR AGENDA:

- 4.1. Receive Information Regarding the Safe, Clean Water and Natural Flood Protection Program's Draft 5-Year Implementation Plan for Fiscal Years 2027-2031 and Make Recommendations, as Necessary.

[26-0387](#)

Recommendation: Receive information regarding the Safe, Clean Water and Natural Flood Protection Program's Draft 5-Year Implementation Plan for Fiscal Years 2027-2031 and make recommendations, as necessary.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: Draft 5-Year Implementation Plan](#)
[Attachment 2: Project Target Status](#)
[Attachment 3: Recommended Adjustments](#)
[Attachment 4: PowerPoint](#)

Est. Staff Time: 30 Minutes

- 4.2. Discuss Process for Updates to Valley Water's Independent Monitoring Committee (IMC) Member Handbook and Supporting Materials to Enhance Resources for Prospective and Current Members.

[26-0444](#)

Recommendation: Discuss and determine the process for providing input on updating Valley Water's Independent Monitoring Committee (IMC) Member Handbook and supporting materials.

Manager: Luz Penilla, 408-630-2228

Attachments: [Attachment 1: IMC Member Handbook](#)

Est. Staff Time: 15 Minutes

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

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

6. ADJOURN:

6.1. Adjourn.

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Santa Clara Valley Water District

File No.: 26-0290

Agenda Date: 5/7/2026
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM
Safe Clean Water Independent Monitoring Committee (SCW IMC)

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

SUBJECT:

Approve the February 18, 2026 IMC Minutes.

RECOMMENDATION:

Approve the minutes.

SUMMARY:

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

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

ENVIRONMENTAL JUSTICE IMPACT:

There are no environmental justice impacts associated with this item.

ATTACHMENTS:

Attachment 1: 02182026 Draft IMC Minutes

UNCLASSIFIED MANAGER:

Wendy Ho, 408-630-3874

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

DRAFT MINUTES

WEDNESDAY, FEBRUARY 18, 2026

(Paragraph numbers coincide with agenda item numbers)

A regularly scheduled meeting of the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee was held on February 18, 2026 at the Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, CA 95118.

1. CALL TO ORDER

Committee Clerk Dave Leon called the meeting to order at 4:01 p.m.

1.1. ROLL CALL

A quorum was established with nine Members present.

Members in attendance were:

District 2: Erika Laguna, Greg Pollock

District 3: Will Ector, Bill Chuan

District 5: Bill Hoeft, George Fohner

District 6: Patrick Kwok, Rebecca Gallardo

District 7: Forest Peterson

Members absent were:

District 1: Vice Chairperson Marc Rauser

District 4: Chairperson Susan Landry

Board Appointees in attendance were: Director Richard Santos, District 3.

Members of the public in attendance were: Director John Varela, District 1.

Valley Water staff in attendance were: Wade Blackard, Jessica Collins, Meenakshi Ganjoo, Dave Leon, Sophie Padilla, and Luz Penilla.

It was moved by Member Hoeft, seconded by Member Kwok, and unanimously carried to elect Member Fohner as Chairperson Pro Tempore in the absence of Chairperson Landry and Vice Chairperson Rauser. Chairperson Pro Tempore Fohner then took over the meeting.

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

There was no one who wished to speak.

3. APPROVAL OF MINUTES

3.1 APPROVE THE JANUARY 29, 2026 IMC MINUTES

Recommendation: Approve the minutes.

It was moved by Member Chuan, seconded by Member Gallardo, and unanimously carried to approve the January 29, 2026 Committee meeting minutes as submitted.

4. REGULAR AGENDA

4.1 REPORT DRAFTING COMMITTEE PRESENTS FINAL INDEPENDENT MONITORING COMMITTEE (IMC) ANNUAL REPORT FOR FISCAL YEAR 2024-2025

Recommendation: Review, edit, and approve the Final Independent Monitoring Committee (IMC) Annual Report for Fiscal Year 2024-2025 (FY25).

Meenakshi Ganjoo and Jessica Collins reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachments 1, 2, 3 and 4, and were available to answer questions.

Discussion ensued relating to various minor edits to the cover letter, report, and notes for future meetings, a May IMC meeting to discuss the five-year Safe, Clean Water Implementation Plan, and recruitment of individuals to fill vacancies on the Committee.

It was moved by Member Gallardo, seconded by Member Kwok, and unanimously carried to approve all edits and feedback in the cover letter, final report, and notes for future meetings, submit the cover letter and final report to the Board of Directors, and delegate authority to Vice Chairperson Rauser to sign the cover letter on behalf of the Committee.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

The Committee took no formal action.

6. ADJOURN.

Chairperson Pro Tempore Fohner adjourned the meeting at 4:48 p.m.

Dave Leon
Assistant Deputy Clerk II
Office of the Clerk of the Board

Approved:



Santa Clara Valley Water District

File No.: 26-0387

Agenda Date: 5/7/2026

Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM Safe Clean Water Independent Monitoring Committee (SCW IMC)

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

SUBJECT:

Receive Information Regarding the Safe, Clean Water and Natural Flood Protection Program's Draft 5-Year Implementation Plan for Fiscal Years 2027-2031 and Make Recommendations, as Necessary.

RECOMMENDATION:

Receive information regarding the Safe, Clean Water and Natural Flood Protection Program's Draft 5-Year Implementation Plan for Fiscal Years 2027-2031 and make recommendations, as necessary.

SUMMARY:

On November 3, 2020, Santa Clara County voters overwhelmingly approved Measure S, a renewal of Valley Water's Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program or Program).

The renewed Safe, Clean Water 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

The Program is implemented through a structured framework designed to ensure transparency, accountability, and alignment with voter-approved priorities. The Safe, Clean Water Program's 5-Year Implementation Plan for Fiscal Years 2027-2031 (5-Year Plan or Plan) outlines the approach for delivering Program projects within the broader 15-year financial planning cycle (FY22-36), while addressing evolving financial, regulatory, and implementation conditions.

The Plan reflects progress made during the first five years of implementation (FY22-26) and identifies work planned for the next five years (FY27-31) to achieve key performance indicators (KPIs). It

includes financial information and defines roles and responsibilities for implementing, monitoring, and evaluating Program performance.

The Plan:

- Breaks down KPIs into 5-year targets and proposes measures to gauge progress toward them.
- Identifies Program challenges and strategies to continue advancing priority infrastructure.
- Supports flood protection, water supply reliability, and environmental stewardship goals.

In accordance with the Program requirements, staff is presenting the draft 5-Year Plan (Attachment 1) to the Independent Monitoring Committee (IMC) for review and recommendations prior to Board consideration and approval in June 2026.

Data Limitation

This draft Plan has been prepared prior to the completion of FY26, the final year of the first 5-Year Implementation Plan (FY22-26). It is based on preliminary financial and outcome data available as of March 2026 and is therefore subject to change.

An updated Plan will be published after FY26 closes in July 2026 and audited financial statements become available in December 2026/January 2027.

Change Control Process

As the Program progresses, adjustments or modifications to projects and sometimes the KPIs may be necessary due to inflation, regulatory changes, or evolving project conditions. Valley Water follows a Board-approved Change Control Process that distinguishes among the following three types of project changes, last updated by the Board on February 24, 2026.

- **Adjustments:** Changes to the Safe, Clean Water Program's project text or funding allocation that do not impact the delivery of any project KPI, or changes to a project schedule. Adjustments may include change(s) to a KPI when the purpose of such change(s) is to clarify the project KPI to be consistent with the applicable project description in the approved Program.
- **Modifications:** Changes to the project description, project KPI, or funding allocation that impact the delivery of any KPI.
- **Non-Implementation:** A decision by the Board to not implement a project.

While modifications require noticed public hearings, adjustments can be approved by the Board during a regular agenda item without a hearing. The Change Control Process is available on Valley Water's website at the following URL:

<https://www.valleywater.org/safe-clean-water-and-natural-flood-protection-program/safe-clean-water-program-archive>. Please refer to the section titled “Board-Approved Change Control Process.”

5-Year Plan Improvements

In prior annual report reviews, the IMC noted that year-by-year reporting does not provide a comprehensive multi-year perspective. To address this concern, the 5-Year Plan includes:

- A summary of progress toward the five-year targets.
- An overview of modifications, decisions not to implement a project, and adjustments to text, schedule, funding, and KPIs.
- Appendix D, which provides the cumulative status of all projects for FY22-26.

The Plan also includes visual comparisons of:

- Initial 15-year funding.
- Board-adjusted funding.
- Current funding forecast.

These comparisons are presented at both the project and priority levels.

Additionally, contributions from the Watersheds and Stream Stewardship Fund and the Water Utility Fund are illustrated to show how they support KPI achievement.

Funding Adequacy and Computational Capacity for Project F3

During the FY25 annual review of the Safe, Clean Water Program, the IMC requested an evaluation of the remaining funds for Project F3: Flood Risk Assessment Studies, including whether sufficient resources are available for high-performance computing.

Staff determined that:

- The project is adequately funded to deliver its existing KPIs.
- Existing computational capacity and software are sufficient for advanced modeling.
- Current tools support regional-scale predictive analysis beyond FEMA flood maps.

Valley Water will continue monitoring computational needs; however, no additional funding for high-performance computing is anticipated at this time.

FY22-26 (Q1-Q3) Key accomplishments

Water Supply

- ***Project A2: Water Conservation Rebates and Programs***

Converted nearly 4.1 million square feet (sq ft) of lawn to low-water-use landscaping; exceeded \$5.4 million.

- ***Project A3: Pipeline Reliability***

Began construction on two of the four planned line valves. Work is underway on West Pipeline valves near Quito Road in Saratoga and near Granada Avenue in Cupertino.

Flood Protection

- ***Project E6: Upper Llagas Creek Flood Protection Project***

Completed construction of the first two phases of the three-phase project, with the third and final phase currently under construction. Secured \$80 million in grant funding from the Natural Resources Conservation Service (NRCS), of which Valley Water has already received approximately \$21 million in reimbursements.

- ***Project E1: Coyote Creek Flood Protection Project***

Completed the Coyote Creek Flood Management Measures Project (Phase 1) of the project. Phase 1, part of the Anderson Dam Federal Energy Regulatory Commission (FERC) Order Compliance Project for Anderson Dam Seismic Retrofit, is funded by the Water Utility Enterprise Fund.

The Board approved advertisement of the Coyote Creek Flood Protection Project (Phase 2) for construction bids in April 2026.

Stewardship

- ***Project D6: Restoration of Natural Creek Functions***

Completed the project and delivered the KPI with the construction of the Hale Creek Enhancement Pilot Project and the Bolsa Road Fish Passage Improvements Project.

- ***Project D7: Partnerships for the Conservation of Habitat Lands***

On track to complete the project and deliver the KPI in FY26 by contributing \$3.95 million to support Peninsula Open Space Trust's 2,284-acre Sargent Ranch acquisition. In FY24, Valley Water contributed \$4 million toward the Santa Clara Valley Habitat Agency's 3,653-acre Richmond Ranch purchase.

- ***Project F5: Good Neighbor Program: Encampment Cleanup***

Managed 18,090 acres between FY22-FY26 (Q1-Q3) to clean up encampment-generated trash, debris, and hazardous pollutants, exceeding the KPI of managing 300 acres annually.

- ***Project F9: Safe, Clean Water Grants and Partnerships***

Awarded approximately \$5.2 million in grants and partnerships for stewardship activities.

- ***Project D4: Fish Habitat and Passage Improvement***

Completed the construction of the large woody debris and gravel augmentation project to improve the fish habitat along Uvas Creek in Gilroy.

Outcome Performance

At the end of the first five years, the Safe, Clean Water Program included 31 projects, following the Board's FY24 decision not to implement Project A1: Pacheco Reservoir Expansion. Of these, 30 projects were active, while Project E3: Lower Berryessa Flood Protection is scheduled to begin in FY32. Among the active projects:

- Projects that met their targets: 20 (67%)
- Projects that partially met their targets: six (20%)
- Projects that did not meet their targets: four (13%)

See Attachment 2, which lists the projects and their status toward achieving the 5-year targets.

Transparency and Accountability

To ensure transparency and accountability, the Safe, Clean Water Program requires the Board to conduct independent professional audits at least every five years. Additionally, the program mandates that a Board-appointed Independent Monitoring Committee (IMC) perform annual reviews and provide annual reports assessing progress toward achieving the Program's intended results.

Although an independent audit is required at least every five years, the Independent Monitoring Committee (IMC) requested an earlier review of the Program, and the Board concurred.

In FY23, the Board initiated the Program's first independent audit, covering its first three years of implementation (FY22-24). The audit, presented to the Board on Nov. 12, 2025, commended Valley Water for an established and transparent governance structure, adherence to annual reporting requirements, public access to information, a comprehensive capital project management framework, effective performance of operational projects, and strategic use of tiered KPIs for risk management.

The audit report includes nine (9) findings, two of which recommend that Valley Water evaluate whether to change certain project KPIs to ensure they are financially sustainable, remain aligned with current project activities, and that their descriptions clearly articulate the project's scope and deliverables.

Valley Water is actively addressing all nine audit recommendations. To access the audit report, including management response to the recommendations, visit tinyurl.com/SCWauditFY22-24.

Recommended Adjustments

As part of Finding #9, the audit identified two projects for which their existing KPIs do not fully reflect project activities that are currently undertaken. These two projects are Project D1: Management of

Riparian Planting and Invasive Plant Removal, and Project F3: Flood Risk Assessment Studies. The Auditor noted that the KPIs for these two projects could be enhanced for clarity and scope to better align with current project activities and deliverables. In response to audit recommendations, staff has recommended KPI revisions for these two projects. As per the Board's direction, the proposed revisions were presented to the Board Policy and Monitoring Committee (BPMC) on April 21, 2026, for review before they are presented to the full Board.

Additionally, as part of its 5-Year Plan development, staff identified the need to revise the project description of two other projects to update outdated information - D5: Ecological Data Collection and Analysis and Project E8: Upper Guadalupe River Flood Protection.

The above revisions meet the definition of "adjustment" pursuant to the Change Control Process and would not require formal public hearings prior to adoption. These adjustments are incorporated into the Draft 5-Year Plan, which will be considered for approval by Valley Water Board in June 2026. Details of the proposed adjustments are included in Attachment 3, with deletions shown in strikethrough and additions indicated in red font.

Proposed Modifications

In Finding #7, the audit noted misalignment between the KPI for Project E5: San Francisquito Creek Flood Protection and Valley Water's role and authority. The auditor recommended evaluating the project KPI for potential revisions. In response to audit recommendations, staff has recommended revisions to shift the KPI from an outcome-based metric to one that measures Valley Water's funding contribution to the project. The proposed revisions were presented to and supported by the BPMC on April 21.

While not part of the audit findings, staff also proposed expanding the scope of a KPI for Project F6: Good Neighbor Program - Graffiti and Litter Removal and Public Art to allow implementation or funding of eligible public art projects throughout Santa Clara County, without limiting public art projects to be located on Valley Water-owned infrastructure and property. Similarly, the BPMC supported staff's recommended revisions to the KPI for Project F6.

The above revisions meet the definition of "modification" pursuant to the Change Control Process. As noted, modifications require noticed public hearings and will be brought forward to the Board at a later date in accordance with the updated public outreach process and timeline outlined in the Change Control Process.

For more information on staff recommendations to the BPMC, visit <https://scvwd.legistar.com/LegislationDetail.aspx?ID=7980009&GUID=C8253948-44BA-4D33-87E3-D9C2512AFAD2&FullText=1>

Addressing Financial Challenges

During the first five years of the Safe, Clean Water Program, capital project costs rose significantly, straining overall financial health due to a combination of factors. As projects advanced, evolving scopes, updated regulatory and environmental requirements, and increased public input expanded work beyond initial estimates. At the same time, market inflation, rising material and labor costs,

supply chain constraints, and procurement challenges drove up construction expenses. Additional pressures from jurisdictional complexities, schedule delays, and site-specific issues further increased costs and required higher contingencies.

Confronted with cost increases, in November 2025, staff presented to the Board a potential path to financial stability and strategic changes to balance the CIP, including the Safe, Clean Water Program. The Plan outlines *Watershed Project Implementation Pathways*, which emphasize:

- Risk-based prioritization
- Phased project delivery
- External funding opportunities
- Strategic use of Watershed and Stream Stewardship funds

Key Funding Decisions

Additionally, to maintain the Program's financial health while continuing to deliver Safe, Clean Water flood protection projects that are nearing or currently under construction, no additional transfers are planned for Project C1: Anderson Dam Seismic Retrofit (ADSRP) at this time. The Program has already transferred \$12.8 million to the Water Utility Enterprise for the project, meeting the FY22-26 implementation plan targets. However, the project remains eligible for future funding, which will be evaluated annually based on available funding capacity and Program priorities. This funding approach does not impact the progress of ADSRP.

Similarly, Project E3: Lower Berryessa Flood Protection, including Tularcitos and Upper Calera Creeks, which was scheduled to begin in FY32, has been placed On Hold, with its funding deferred through FY46. Valley Water will reevaluate Program funding annually and, based on available resources, may prioritize advancing the project schedule.

ENVIRONMENTAL JUSTICE IMPACT:

There are no environmental justice impacts associated with this item.

ATTACHMENTS:

Attachment 1: Draft 5-Year Implementation Plan
Attachment 2: Project Target Status
Attachment 3: Recommended Adjustments
Attachment 4: PowerPoint

UNCLASSIFIED MANAGER:

Luz Penilla, 408-630-2228

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Fiscal Years 2027-2031

5-Year Implementation Plan

Click Link to View Document: tinyurl.com/SCW5YrPlanFY27-31

Attachment 1
Page 1 of 1

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Figure 1. FY22-26 Implementation Plan – Project Target Status

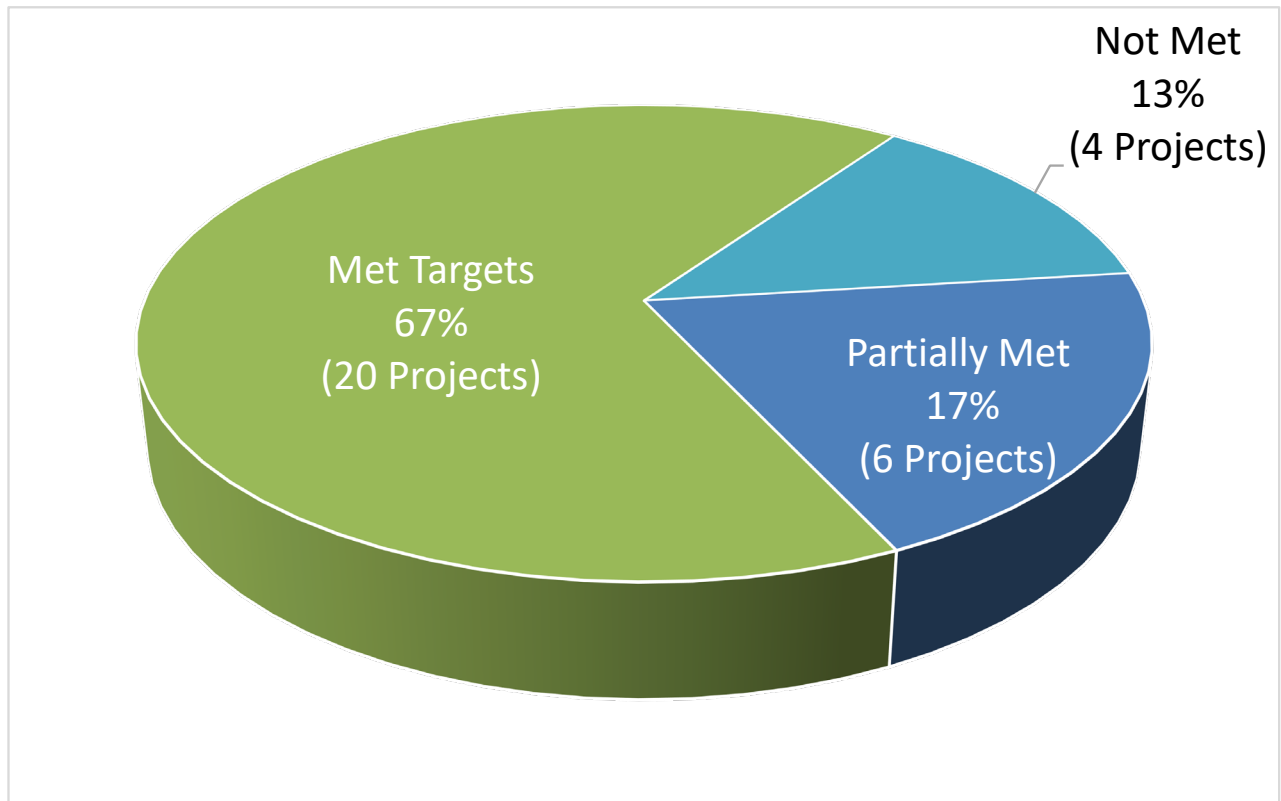


Figure 2. FY22-26 Implementation Plan – Detailed Project Target Status

5-Year Implementation Plan - FY22-26 Project Target Status	
Project Name	Target Status
Project A1: Pacheco Reservoir Expansion	NOT IMPLEMENT
Project A2: Water Conservation Rebates and Programs	Met
Project A3: Pipeline Reliability	Partially Met
Project B1: Impaired Water Bodies Improvement	Met
Project B2: Inter-agency Urban Runoff Program	Met
Project B3: Hazardous Materials Management and Response	Met
Project B4: Support Volunteer Cleanup Efforts	Met
Project C1: Anderson Dam Seismic Retrofit	Met
Project D1: Management of Riparian Planting and Invasive Plant Removal	Partially Met
Project D2: Revitalize Riparian, Upland and Wetland Habitat	Met
Project D3: Sediment Reuse to Support Restoration Projects	Not Met
Project D4: Fish Habitat and Passage Improvement	Partially Met
Project D5: Ecological Data Collection and Analysis	Met
Project D6: Restoration of Natural Creek Functions	Met
Project D7: Partnerships for the Conservation of Habitat Lands	Met
Project E1: Coyote Creek Flood Protection	Not Met
Project E2: Sunnyvale East and Sunnyvale West Channels Flood Protection	Partially Met
Project E3: Lower Berryessa Flood Protection	N/A
Project E4: Upper Penitencia Creek Flood Protection	Not Met
Project E5: San Francisquito Creek Flood Protection	Not Met
Project E6: Upper Llagas Creek Flood Protection	Met
Project E7: San Francisco Bay Shoreline Protection	Met
Project E8: Upper Guadalupe River Flood Protection	Met
Project F1: Vegetation Control and Sediment Removal for Capacity	Met
Project F2: Emergency Response Planning and Preparedness	Met
Project F3: Flood Risk Assessment Studies	Met
Project F4: Vegetation Management for Access and Fire Safety	Met
Project F5: Good Neighbor Program: Encampment Cleanup	Met
Project F6: Good Neighbor Program: Graffiti and Litter Removal and Public Art	Partially Met
Project F7: Emergency Response Upgrades	Met
Project F8: Sustainable Creek Infrastructure for Continued Public Safety	Met
Project F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	Partially Met

Recommended Adjustments

Project D1: Management of Riparian Planting and Invasive Plant Removal Section: KPI

Justification: The project has three KPIs, including KPI #3 to “Targeted control of 25 acres of damaging non-native, invasive plant species, such as *Arundo donax*, throughout the county over a 15-year period.”

The current language of the KPI is too narrowly focused on a single plant species (*Arundo donax*) and does not reflect the broader project description, which states that the project “includes targeted control of especially damaging non-native, invasive plant species, such as *Arundo donax*, throughout the county.”

While the project description cites *Arundo donax* as a primary example, it was never intended to be the sole metric for success. Restricting the KPI to a single species overlooks the essential work performed to control other high-priority invasive plants.

To better reflect the project’s objective of comprehensive invasive species management, staff has proposed the following KPI adjustment:

KPI #3: “~~Remove~~ Targeted control of 25 acres of damaging non-native, invasive plant species, such as *Arundo donax*, throughout the county over a 15-year period.”

Project F3: Flood Risk Assessment Studies Section: KPI

Justification: The project has two KPI’s, including KPI#2 to “Annually, update floodplain maps on a minimum of three (3) creek reaches in accordance with new FEMA standards.”

The Auditor expressed concern that the current phrasing could be misinterpreted as requiring Valley Water to produce official FEMA regulatory maps, which is a task outside of Valley Water’s jurisdiction. The intent of this KPI is to ensure that Valley Water’s internal floodplain maps are updated to remain consistent with FEMA standards.

To eliminate any ambiguity, staff has proposed the following KPI adjustment:

KPI #2: “Annually, update Valley Water’s floodplain maps on a minimum of three (3) creek reaches in accordance with new FEMA standards.”

Project D5: Ecological Data Collection and Analysis

Section: Description

Justification: The text adjustment to the project description removes two outdated parenthetical examples, namely One Water Plan and Stream Corridor Priority Plans, that Valley Water no longer uses.

The One Water initiative has been transitioning over the past several years to a Watershed Master Planning framework to better clarify the purpose and scope of the planning effort. Also, the term “Stream Corridor Priority Plans” is no longer used, and its intended functions are now addressed through Watershed Master Plans and, where applicable, more detailed Native Ecosystem Enhancement Tools. Examples of this transition are available on the Watershed Master Plan webpage <https://www.valleywater.org/project-updates/watershed-master-plan>.

Below is the proposed text adjustment to the description:

“The new and updated information will be used to develop or modernize integrated watershed plans ~~(such as watershed profiles, One Water Plan and Stream Corridor Priority Plans)~~ that identify potential projects, support grant applications, environmental analyses and permits, and are shared with land use agencies, environmental groups, and the public to make efficient and coordinated environmental decisions throughout the county.”

Project E8: Upper Guadalupe River Flood Protection

Section: Description

Justification: FY26, USACE informed Valley Water that additional federal funding will not be available to complete the General Reevaluation Report (GRR) due to broader national funding constraints and evolving federal planning requirements. The GRR study, initiated in January 2021 following an extended period without federal funding, was intended to reassess the project’s scope, benefits, and construction costs to improve its competitiveness for future federal funding.

This decision is not unique to Valley Water and reflects broader national funding constraints and evolving federal planning requirements. Valley Water will explore local-funding-only options while continuing its partnership with USACE on the project.

The project description is updated to remove outdated information on the GRR progress and schedule, as these have changed over the years. Moving forward, current status updates will be provided annually through the Program’s Annual Report.

Below is the proposed text adjustment to the description:

~~“In January 2021, USACE initiated a General Reevaluation Study of the preferred project. The General Reevaluation Report (GRR) is expected to be completed by June 2025. The scope of the project may change as a result of the GRR findings.”~~

Furthermore, the Draft 5-Year Plan reflects the funding and schedule adjustments that take effect with the Board’s approval of the Capital Improvement Program’s (CIP’s) Five-Year Plan for Fiscal Year 2027-31 (CIP FY27-31). These include:

1. **Project D4: Fish Habitat and Passage Improvement.** The schedule for Project D4.2, Ogier Ponds Separation from Coyote Creek, has been accelerated by nearly two years. This schedule remains tied to the Anderson Dam Seismic Retrofit Project (ADSRP) and is dependent on ADSRP’s completion timeline. The design phase has been advanced from FY31 to FY29, enabling a potential construction start in FY29 and completion in FY32, rather than FY34.
2. **Project E4: Upper Penitencia Creek Flood Protection.** The project schedule has been updated to allow for planning targeted risk-reduction measures for flooding hotspots, accelerating design activities, and reviewing phased implementation. The Planning Phase is now scheduled for completion in FY27 rather than FY30. The Design Phase is currently scheduled for completion in FY30; however, the timeline may change based on the recommendations from the Planning Phase.
3. **Project E8: Upper Guadalupe River Flood Protection.** In FY26, following USACE’s communication that no further federal funding is available to complete the General Reevaluation Report (GRR), Valley Water began evaluating options to complete the project. These may include pursuing planning, design, and construction of Reaches 7 and 8 with local funding. The two reaches, stretching from the South Pacific Railroad (SPRR) crossing downstream of Willow Street to Willow Glen Way, have the highest flood risks.

These and other options, such as a smaller scope project to reduce risk until the 100-year project can be implemented, will be evaluated over the next several months (FY27). As a result, the overall project schedule has been extended, with construction now anticipated to be completed in FY36. Meanwhile, Valley Water will also continue to work with USACE to advance the remainder of the project by completing the General Reevaluation Study under Section 203 of the Water Resources Development Act of 2000, which allows a Non-Federal Sponsor to complete a feasibility study using local resources.

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Safe, Clean Water

and Natural Flood Protection

Draft 5-Year Implementation Plan (FY27-31)

Presented by: **Jessica Collins**, Unit Manager

Safe, Clean Water Program Independent Monitoring Committee, May 7, 2026

Agenda

Safe, Clean Water Program Overview

5-Year Implementation Plan

Key Accomplishments & Performance Targets

Next Steps

Community-Preferred Priorities



Transparency and Accountability



Multiple
15-Year
Financial
Planning
Cycles



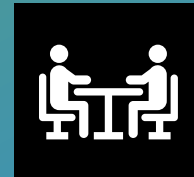
5-Year
Checkpoints and
Implementation
Plans



Annual Reports;
Website
Updates



Independent
Monitoring



5-Year
Professional,
Independent
Audits



Change
Control
Process



Public &
Interested
Parties
Engagement
Process every
15-years

IMC Role

1. Annually (looking back)

- Conduct annual review of the Program
- Report to the Board on Program progress and implementation
- Provide recommendations to improve and meet Program priorities

2. Every 5 Years (looking ahead)

- Review 5-year plans before the Board's consideration and approval

3. Every 15 Years (looking ahead)

- Advise on whether to continue, reduce, or repeal the special tax

Why This Plan Matters

- Supports transparency, accountability, and alignment with voter priorities
- Guides project delivery and funding
- Tracks measurable progress
- Strengthens transparency and accountability

Data Transparency

- Based on preliminary data (as of Mar 2026); subject to change
- Final update after FY26 close and audited financials (Dec. 2026/Jan. 2027)
- Report will be republished with finalized data



Multi-Year Financial & Performance View 8

- Multi-year view in response to IMC feedback
- Comprehensive snapshot of targets, progress, and funding outlook
- Clear tracking of project changes (adjustments, modifications, and non-implementation)
- Alignment with long-term funding strategy

FY22-26 Accomplishments

- Upper Llagas Creek: Phases 1–2 complete; Phase 3 underway
- Secured \$80M (NRCS) & \$2.2M EPA funding
- Coyote Creek: Phase 1 complete; Phase 2 to bid
- Line valves: 2 of 4 under construction



FY22-26 Accomplishments

- Completed Hale Creek Pilot & Bolsa Road Fish Passage projects
- Improved fish habitat along Uvas Creek (Gilroy)
- Invested ~\$8M to acquire ~5,900 acres (Sargent & Richmond Ranch)
- Awarded ~\$5.2M in stewardship grants/partnerships

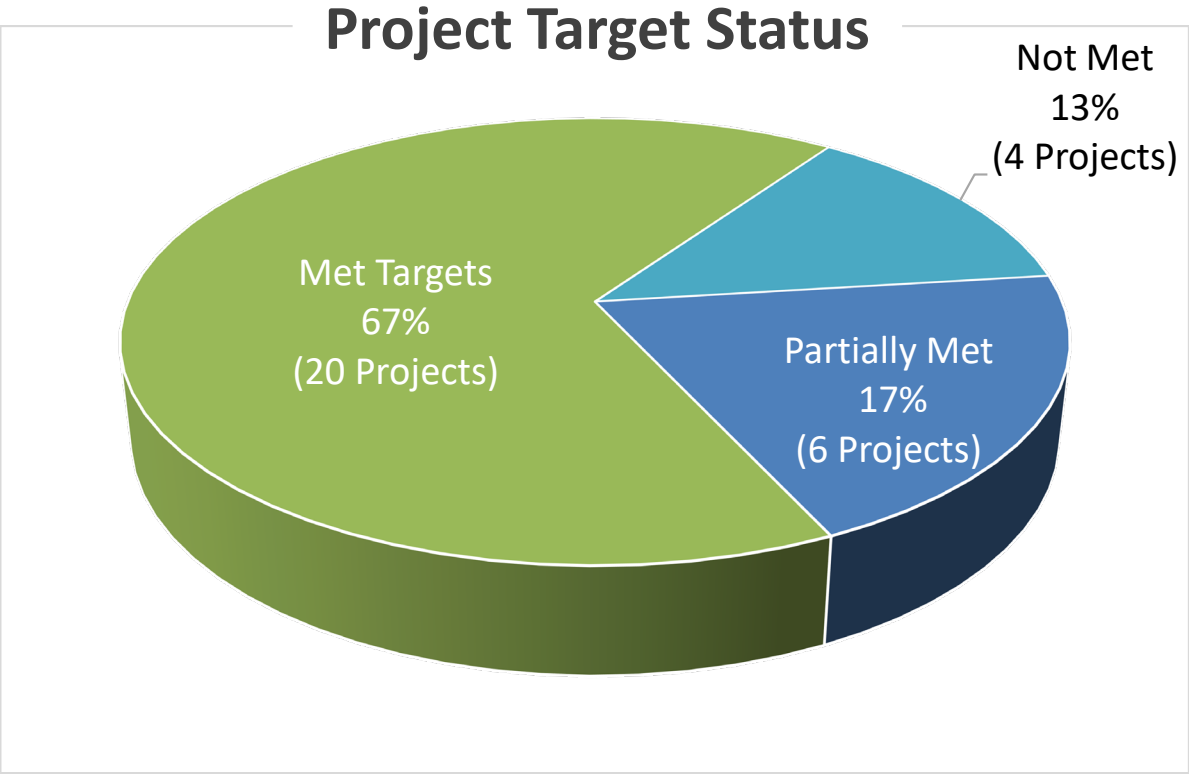


FY22-26 Accomplishments

- Converted ~4.1M sq ft of lawn to drought-tolerant landscape
- Removed 4,062+ tons of trash from waterways
- Managed 18,090 acres to reduce pollution and protect water quality



5-Year Targets: At-a-Glance



5-Year Implementation Plan - FY22-26 Project Target Status	
Project Name	Target Status
Project A1: Pacheco Reservoir Expansion	NOT IMPLEMENT
Project A2: Water Conservation Rebates and Programs	Met
Project A3: Pipeline Reliability	Partially Met
Project B1: Impaired Water Bodies Improvement	Met
Project B2: Inter-agency Urban Runoff Program	Met
Project B3: Hazardous Materials Management and Response	Met
Project B4: Support Volunteer Cleanup Efforts	Met
Project C1: Anderson Dam Seismic Retrofit	Met
Project D1: Management of Riparian Planting and Invasive Plant Removal	Partially Met
Project D2: Revitalize Riparian, Upland and Wetland Habitat	Met
Project D3: Sediment Reuse to Support Restoration Projects	Not Met
Project D4: Fish Habitat and Passage Improvement	Partially Met
Project D5: Ecological Data Collection and Analysis	Met
Project D6: Restoration of Natural Creek Functions	Met
Project D7: Partnerships for the Conservation of Habitat Lands	Met
Project E1: Coyote Creek Flood Protection	Not Met
Project E2: Sunnyvale East and Sunnyvale West Channels Flood Protection	Partially Met
Project E3: Lower Berryessa Flood Protection	N/A
Project E4: Upper Penitencia Creek Flood Protection	Not Met
Project E5: San Francisquito Creek Flood Protection	Not Met
Project E6: Upper Llagas Creek Flood Protection	Met
Project E7: San Francisco Bay Shoreline Protection	Met
Project E8: Upper Guadalupe River Flood Protection	Met
Project F1: Vegetation Control and Sediment Removal for Capacity	Met
Project F2: Emergency Response Planning and Preparedness	Met
Project F3: Flood Risk Assessment Studies	Met
Project F4: Vegetation Management for Access and Fire Safety	Met
Project F5: Good Neighbor Program: Encampment Cleanup	Met
Project F6: Good Neighbor Program: Graffiti and Litter Removal and Public Art	Partially Met
Project F7: Emergency Response Upgrades	Met
Project F8: Sustainable Creek Infrastructure for Continued Public Safety	Met
Project F9: Grants and Partnerships for Safe, Clean Water, Flood Protection and Environmental Stewardship	Partially Met

Strong Oversight and Accountability

13

- Program requires independent audits min. every 5 years
- Early audit requested and completed (FY22–24)
- 9 findings identified and being addressed
- Ongoing IMC Review and Board reporting

Proposed Adjustments

Project D1: Management of Riparian Planting and Invasive Plant Removal

- KPI Adjustment to better reflect the project's objective of comprehensive invasive species management.

Project F3: Flood Risk Assessment Studies

- KPI #3 adjustment to eliminate any ambiguity.

Project D5: Ecological Data Collection and Analysis

- Project description adjustment to remove outdated text.

Project E8: Upper Guadalupe River Flood Protection

- Project description adjustment to remove outdated information.

Managing Cost Pressures Proactively

15

Challenge

- Inflation (materials & labor)
- Evolving project scope
- Supply chain and constraints
- Regulatory complexity

Our Response

- Risk-based prioritization
- Phased project delivery
- External funding
- Strategic fund allocation

Key Takeaways

- Strong progress delivered
- Clear and actionable 5-year roadmap
- Proactive financial management
- Continued transparency and oversight

Next Steps

- Finalize the 5-Year Implementation Plan for Board Review
- Present proposed project adjustments
- Board approval

QUESTIONS

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





Santa Clara Valley Water District

File No.: 26-0444

Agenda Date: 5/7/2026

Item No.: 4.2.

COMMITTEE AGENDA MEMORANDUM Safe Clean Water Independent Monitoring Committee (SCW IMC)

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

SUBJECT:

Discuss Process for Updates to Valley Water's Independent Monitoring Committee (IMC) Member Handbook and Supporting Materials to Enhance Resources for Prospective and Current Members.

RECOMMENDATION:

Discuss and determine the process for providing input on updating Valley Water's Independent Monitoring Committee (IMC) Member Handbook and supporting materials.

SUMMARY:

Valley Water prepares the IMC Member Handbook to support new members' onboarding and provide guidance on IMC roles, responsibilities, and the annual and 5-year Program review processes. The Handbook is updated as needed.

On February 18, 2026, an IMC member expressed interest in discussing potential enhancements to the handbook (Attachment 1) and supporting materials. Discussion may include opportunities to strengthen member recruitment and provide clearer guidance, particularly for new members, to help them fulfill their roles and responsibilities. (*Note: The Change Control Process described in Attachment 1 reflects a prior version and was updated in February 2026. The current process is available at*

[valleywater.org/safe-clean-water-and-natural-flood-protection-program/safe-clean-water-program-archive](https://www.valleywater.org/safe-clean-water-and-natural-flood-protection-program/safe-clean-water-program-archive) <<https://www.valleywater.org/safe-clean-water-and-natural-flood-protection-program/safe-clean-water-program-archive>>, under "Board-Approved Change Control Process.")

The IMC discussion is to determine the process for providing staff input on enhancing the Handbook and other tools, and this could include setting up an IMC subcommittee.

ENVIRONMENTAL JUSTICE IMPACT:

There are no environmental justice impacts associated with this item.

ATTACHMENTS:

File No.: 26-0444

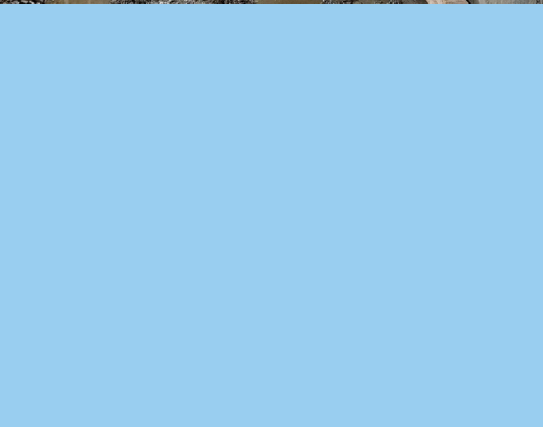
Agenda Date: 5/7/2026
Item No.: 4.2.

Attachment 1: IMC Member Handbook

UNCLASSIFIED MANAGER:
Luz Penilla, 408-630-2228

Safe, Clean Water

and Natural Flood Protection



Independent Monitoring Committee

MEMBER HANDBOOK (Fiscal Year 2025)



Valley Water

Clean Water • Healthy Environment • Flood Protection

About the Independent Monitoring Committee

Purpose

To ensure accountability to the voters, the renewed Safe, Clean Water and Natural Flood Protection Program measure approved in 2020 also created an Independent Monitoring Committee (IMC) appointed by the Santa Clara Valley Water District Board of Directors (Board). The IMC annually reviews the implementation of the program's intended results and reports its findings to the Board, which makes the IMC report available to the residents and voters of Santa Clara County. The IMC also provides input on the 5-Year Implementation Plan.

Board Representative	Tony Estremera
Board Alternate	Director Richard Santos
Program Liaison	Meenakshi Ganjoo, Program Administrator mganjoo@valleywater.org 408-630-2295
Committee Liaisons	Luz Penilla, Assistant Officer lpenilla@valleywater.org 408-630-2228
IMC website	https://www.valleywater.org/safe-clean-water-and-natural-flood-protection-program/safe-clean-water-natural-flood-protection-independent-monitoring-committee • Committee roster • Meeting schedule, agendas, agenda items, and minutes
Safe, Clean Water Program website	https://www.valleywater.org/safe-clean-water-and-natural-flood-protection-program • Program report • 5-year implementation plans • Annual reports • IMC annual reports and Valley Water management responses • Independent audit results and Valley Water management responses • Project webpages and fact sheets • Program modifications and adjustments • Board-approved Change Control Process

Roles and Responsibilities

Board of Directors

A seven-member elected Board of Directors (Board) governs Valley Water. The Board is the leader and decision maker for the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program) that voters approved in November 2020.

The Board's values are reflected in its policies, which set the direction for all Valley Water activities. This includes reviewing the Safe, Clean Water Program and making decisions regarding its implementation. This responsibility also includes reviewing the program's performance and financial analyses, reviewing reports and updates from staff and the Independent Monitoring Committee, and carefully considering community input. The Board will support its policies by accomplishing a detailed review of all aspects of the Safe, Clean Water Program every year.

The renewed Safe, Clean Water Program came into effect on July 1, 2021, or Fiscal Year 2021-22 (FY22). As the Safe, Clean Water Program progresses, changing conditions and circumstances, including funding, economic, and regulatory issues, may require adjustments and modifications. Resolution No. 20-64, Section N (Attachment 1) allows the Board to make such changes, including not implementing a project.

On October 28, 2025, the Board approved updates to the Change Control Process, consistent with the ballot measure's provisions, identifying the processes for making adjustments, modifying, or not implementing a project. For more information on the updates, please visit <https://scvwd.legistar.com/LegislationDetail.aspx?ID=7708227&GUID=5851453E-3BEE-4E1B-A85C-4D6D0CB69751>. Additionally, a Change Control Process At-A-Glance document is attached for your reference (Attachment 2).

Adjustments are changes to a project description, benefits, geographic area of benefit, funding, or schedule that do not impact a project's performance measures, known as key performance indicators (KPIs). The process requires that the Board make all adjustments during publicly held board meetings.

Modifications are changes to project KPIs or funding changes that impact KPIs. For modifications or a decision not to implement a project, the process requires a formal public hearing on the matter, which is to be noticed by publication and notified to interested parties before adopting any such decision.

The Valley Water Board provides direction on the following Program decisions in open and publicly noticed meetings:

- Adjustments to the Program through the Change Control Process
- If/when a project proceeds without federal funding when the local-funding-only option has become a more viable choice through the Flood Protection Project KPI Selection Process
- Implementation of recommendations made by the Independent Monitoring Committee
- Implementation of recommendations and findings provided by the independent performance audits
- Project budgets and budget adjustments through the annual Valley Water budget process

- Capital flood protection project budgets and schedules through the annual Capital Improvement Program (CIP) process
- Finalization of each Safe, Clean Water Program annual report
- Finalization of each 5-year implementation plan
- Approval of specific selection criteria for each grant and partnership project
- Approval of minimum cost-share requirements for grantees and partners

The Board conducts a detailed review of the Safe, Clean Water Program's performance, financial analyses, and strategies each year, utilizing Valley Water's annual budget documents and the Safe, Clean Water Program annual reports, which are prepared by Valley Water staff.

Additionally, after no more than 15 years, the Valley Water Board will evaluate the need for the Safe, Clean Water Program and determine whether the special tax should be reduced, repealed, or maintained to build additional projects that accomplish the community-identified program priorities.

In addition, the Board will initiate audits of the Safe, Clean Water Program every five (5) years by an independent organization. This provides Valley Water and the residents and businesses of Santa Clara County with another unbiased view into the program and will offer specific recommendations for change if necessary.

Before the implementation of the Safe, Clean Water Program's first year, the Board adopted Resolution No. 21-10 to establish the Independent Monitoring Committee (IMC) and outline its structure, composition, and specific roles and responsibilities. On September 23, 2025, the Board adopted Resolution No. 2025-59, which superseded the previous resolution to establish new conflict of interest disclosure requirements for members of the Safe, Clean Water, and Natural Flood Protection Program's Independent Monitoring Committee (Attachment 3). The new resolution was in response to independent program audits. For details about the need to revise the resolution, see <https://scvwd.legistar.com/LegislationDetail.aspx?ID=7660016&GUID=84F3FF73-7022-47B9-A88C-593A8380671E>.

Independent Monitoring Committee

The Independent Monitoring Committee (IMC) ensures transparency and accountability. It provides a dedicated, independent body to track priorities and projects. The Board-appointed volunteers external to Valley Water provide an independent voice in monitoring the progress of the Safe, Clean Water Program.

The IMC reviews the Safe, Clean Water Program annual reports prepared by Valley Water. The IMC also provides its annual report to the Board regarding the implementation of the intended results of the Program. The IMC determines how it will conduct its annual review and sets its meeting schedule each year. In the past, the IMC has reviewed the report using subcommittees for each priority. The IMC review schedule is aligned with Valley Water's budget process, allowing the Board sufficient time to consider IMC recommendations and, if necessary, provide staff direction before finalizing the next fiscal year's budget.

The IMC also reviews each proposed five-year implementation plan before its submittal to the Board for approval. Through the review of the annual reports and 5-year implementation plans, the IMC may make

recommendations to the Valley Water Board regarding reasonably necessary measures to meet the Program’s priorities. The IMC reviewed the Safe, Clean Water Program 5-Year Implementation Plan for FY2022-26 on May 5, 2021.

Every 15 years, the IMC will review and recommend to the Board and the public whether the special tax should be reduced, repealed, or is needed to build additional projects to achieve related programmatic benefits in accordance with the priorities of the Program. The IMC may also, through its review of Valley Water’s Safe, Clean Water Program reports and five-year implementation plans, make recommendations to the Board regarding reasonably necessary measures to meet the program priorities.

Each of the seven (7) Board Directors appoints two committee members—one to serve a three-year term and another to serve a two-year term. IMC conducts its meetings in accordance with the provisions of the Brown Act (Open Meetings Law), in which all meetings are publicly noticed, open to the public, and provide an opportunity for public comments.

Valley Water Staff

Valley Water staff are responsible for planning and implementing the Safe, Clean Water Program; executing projects to meet pre-established KPIs; tracking and reporting on program progress; conducting financial analysis and recommending budget adjustments and modifications to funding allocations, as necessary; ensuring program adjustments and modifications are carried out per the Board-approved Change Control Process; maintaining program webpages; and supporting the work of the IMC.

Annual Report Review

The IMC milestones are included below with FY24 annual review schedule dates:

Milestone	2025 & 2026 Dates
- IMC review kickoff meeting - Elect chair and vice chair - Decide review process and schedule	<i>December 3, 2025</i>
- IMC project review via priority subcommittees - Review the priorities - Questions/responses with project staff - Recommend changes/findings to be included in the IMC report to the Board	<i>January 5-9, 2026</i>
- Subcommittee chairs report findings to IMC - Review findings and recommendations from each subcommittee - Questions/responses with project staff - Committee discusses findings and recommendations to be included in the IMC report to the Board	<i>January 29, 2026</i>

Milestone	2025 & 2026 Dates
• Report drafting meeting ○ IMC chair and subcommittee chairs draft the report to the Board	<i>January 30, 2026</i>
• Draft report emailed to IMC members.	<i>February 11, 2026</i>
• IMC meeting to review/finalize the report	<i>February 18, 2026</i>
• IMC presents its Annual Report to the Board of Directors ○ IMC Chair will present the report and provide an overview of the findings and recommendations	<i>March 10, 2026</i>
• Valley Water Management Response presented to the Board of Directors ○ Staff will respond to the IMC's findings and recommendations ○ Board will vote on which recommendations to implement	<i>March 10, 2026</i>

Resolution

APPENDIX A

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

RESOLUTION NO. 20-64

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolution No. 20-64

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

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

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

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

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

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

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

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

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

Resolution No. 20-64

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

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

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

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

Resolution No. 20-64

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

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

Resolution No. 20-64

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

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

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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

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

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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.

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

Resolution No. 20-64

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

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

NOES: Directors None.

ABSENT: Directors None.

ABSTAIN: Directors None.

SANTA CLARA VALLEY WATER DISTRICT



NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC



Clerk, Board of Directors

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

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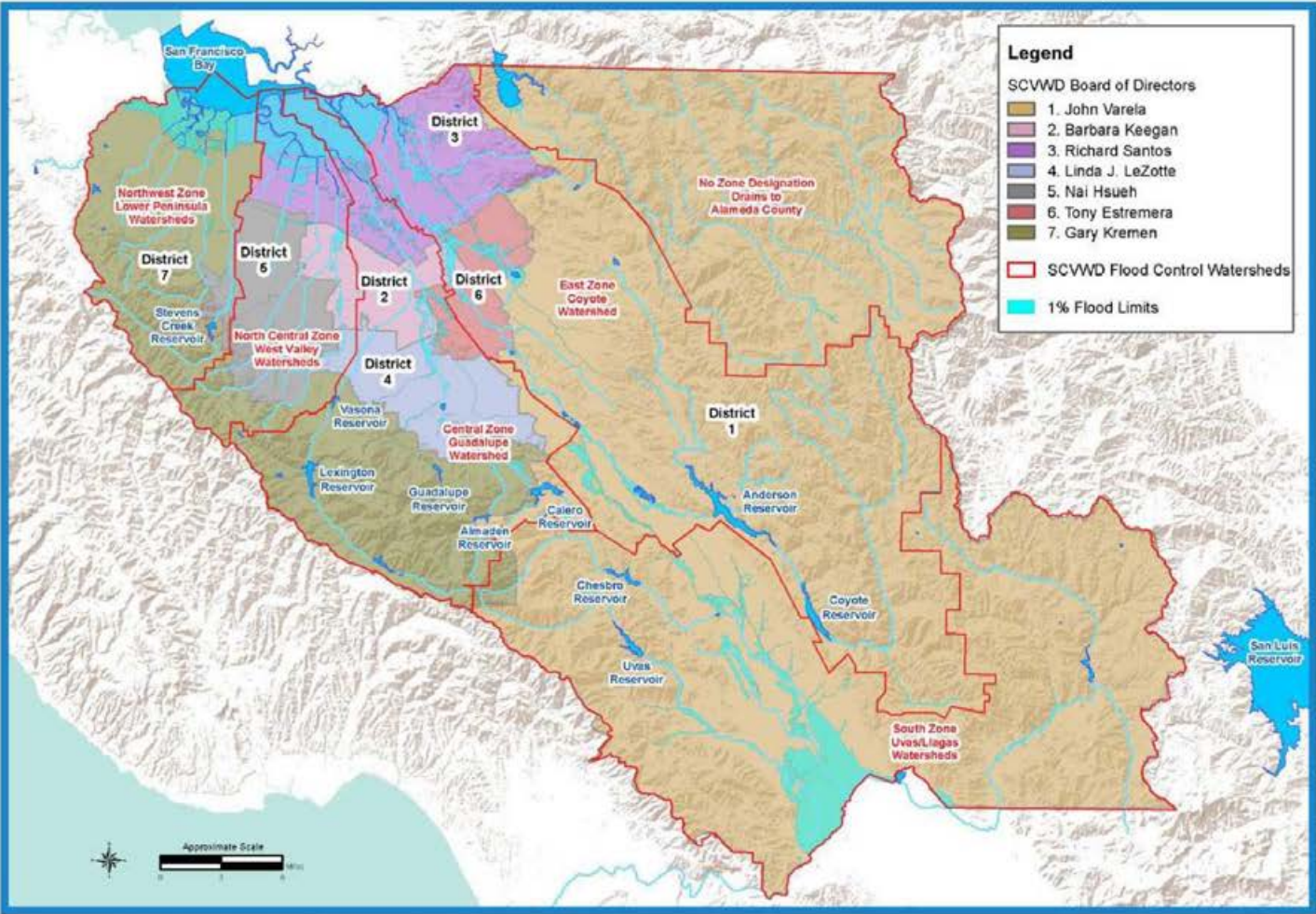
ATTACHMENT 1 COVERSHEET

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

Resolution No. 20-64

ATTACHMENT 2 COVERSHEET

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

No. of Pages: 5

Additional Items: None.

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

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

Project	Key Performance Indicator
Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways	
B1 Impaired Water Bodies Improvement	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	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	1. Respond to 100% of hazardous materials reports requiring urgent on-site inspection in two (2) hours or less.
B4 Support Volunteer Cleanup Efforts	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	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	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	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	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	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	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	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	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	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	1. Maintain completed flood protection projects for flow conveyance.
F2 Emergency Response Planning and Preparedness	1. Coordinate with local municipalities to merge Valley Water-endorsed flood emergency processes with their own emergency response plans and processes. 2. Complete five (5) flood management plans/procedures per 5-year period, selected by risk priorities. 3. Train Valley Water staff and partner municipalities annually on disaster procedures via drills and exercises before testing the plans and procedures. 4. Test flood management plans/procedures annually to ensure effectiveness.
F3 Flood Risk Assessment Studies	1. Complete engineering studies on three (3) creek reaches to address 1% (100-year) flood risk. 2. Annually, update floodplain maps on a minimum of three (3) creek reaches in accordance with new FEMA standards.

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.		

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.

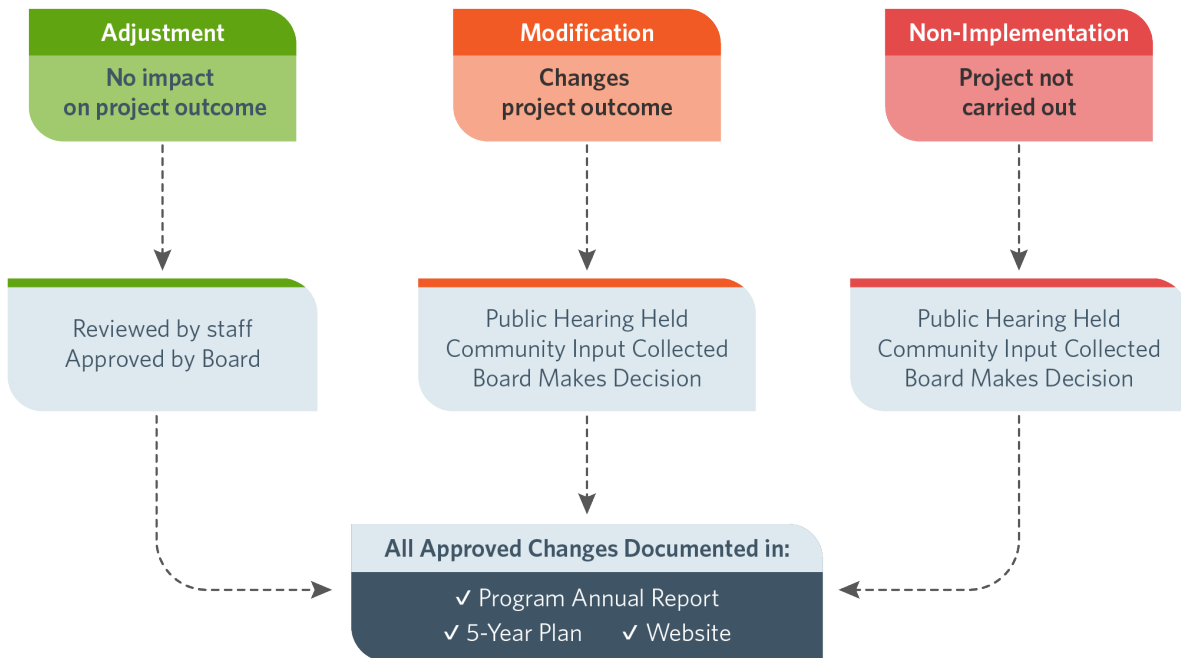
Types of Changes

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.

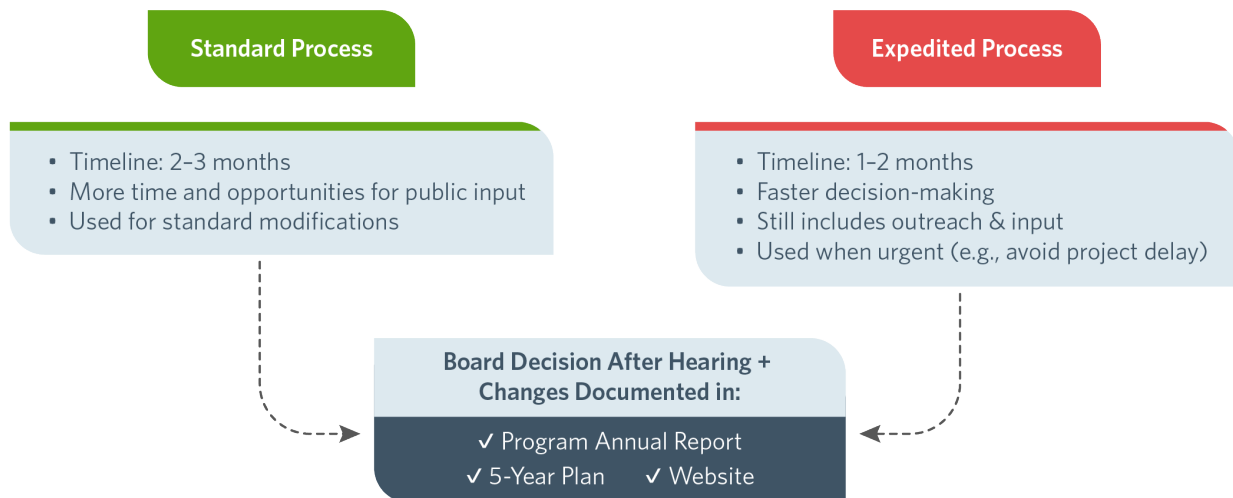
Public Hearings—Your Role

- **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.

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.

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

RESOLUTION NO. 2025- 59

**PROVIDING FOR A SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION
PROGRAM INDEPENDENT MONITORING COMMITTEE OF THE SANTA CLARA
VALLEY WATER DISTRICT – SUPERSEDING RESOLUTION NO. 21-10**

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

I. GENERAL

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

Providing for a Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee of the Santa Clara Valley Water District – Superseding Resolution No. 21-10

Resolution No. 2025-59

- a any real property interest worth \$2,000 or more of the Committee member or their spouse/domestic partner within 1,000 feet of an area affected by a flood mitigation/protection project, or proposed flood mitigation/protection project, being reviewed by the Committee;
- b any source of income to the Committee member or their spouse/domestic partner of \$500 or more from an entity doing work on a Valley Water matter before the Committee and/or concerning an entity which receives grant funding from Valley Water on a matter before the Committee;
- c any ownership or investment interest of the Committee member or their spouse/domestic partner worth \$2,000 or more in a contractor, subcontractor, or consultant that does business with Valley Water or is proposing to do business with Valley Water on a matter being considered by the Committee;
- d any financial interest worth \$500 or more of the Committee member or their spouse/domestic partner relating to any existing or proposed litigation against Valley Water; or
- e a membership, employment, management, or governance position in any entity that is receiving or seeking grant funding from Valley Water or the Safe Clean Water Program involving a matter before the Committee, whether held by the Committee member or her/his spouse/domestic partner.

If a Committee Member has a potential financial conflict of interest with respect to any matter before the Committee, the member must publicly disclose this conflict of interest at a public meeting discussing the matter, including a brief description of the nature of the conflict, but may participate in discussion or debate concerning the matter. The Committee Member must, however, recuse themselves from any Committee vote on the matter. Failure to do so may be grounds for removal from the Committee by the Board of Directors.

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

II. PURPOSE

- A. The Committee will provide for a regular meeting to be held not less than once per year.
- B. Between December and February every year beginning in December 2022, the Committee shall conduct an annual review of the Program's prior fiscal year annual report and prepare and submit a summary of its findings to the Board, which shall be made available to Santa Clara County residents, regarding the Committee's review of the implementation of the intended results of the Program.
- C. The Committee shall review each five-year implementation plan for the Program prior to its submittal to the Board for approval. In this review, the Committee will reasonably inform itself to the extent necessary to determine the degree to which Valley Water's five-year implementation plans for the Program are being accomplished.

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- D. Through its review of the annual reports and five-year implementation plans, the Committee may make recommendations to the Board regarding reasonably necessary measures to meet the priorities of the Program.
- E. Every fifteen years, starting in 2035, the Committee shall review and recommend to the Board and Public whether the special tax should be reduced or repealed, or is needed to build additional projects to achieve related programmatic benefits in accordance with the priorities of the Program.
- F. Valley Water shall fund clerical support.

III. CONDUCT OF MEETINGS

- A. A majority of the Committee will be determined based upon the simple majority of the number of Committee members holding office.
- B. The Chairperson or a majority of the Committee membership may call for a special meeting of the Committee from time to time in accordance with Section 54956 of the Government Code. Such meetings shall be held at the Valley Water Headquarters or such other place and time as the Chairperson may designate. Valley Water may request the Chairperson or Committee to convene a special meeting.
- C. Notices of each Committee meeting, together with an agenda thereof and the draft minutes of the preceding meeting, shall be electronically mailed or sent by first class mail, postage prepaid, to each Committee member, and made available to the public in accordance with the Ralph M. Brown Act.
- D. The Committee may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time.
- E. The powers of the Committee shall be vested in the members thereof in office from time to time. A majority of the full membership of the Committee shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. With the exception above specified, actions of the Committee may be taken upon the affirmative vote of not less than a majority of a quorum present and voting.
- F. The voting on all matters shall be by voice vote unless a roll call vote is called for by any member of the Committee.
- G. Discussion on any particular matter by either Committee members or by any member of the general public may be limited, in the discretion of the Chairperson, to such length of time as the Chairperson may deem reasonable under the circumstances.

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- H. Whenever the Committee authorizes and instructs the Chairperson to appoint a subcommittee of the Committee or a committee composed of persons who are not members of the Committee, the members of such subcommittee or committee shall serve at the pleasure of the Chairperson. The Chairperson of such subcommittees and committees shall be appointed by the Chairperson of the Committee. All subcommittee meetings shall be conducted in accordance with the Ralph M. Brown Act.
- I. All meetings of the Committee shall be open and public.
- J. The Committee may be adjourned sine die by the Chairperson at the close of consideration of the business before it and may thereafter be returned to a course of regular meetings upon the call of the Chairperson or of a majority of the Committee membership in the manner prescribed for a call a special meeting.

IV. OFFICERS

- A. The officers of the Committee shall be a Chairperson and Vice Chairperson, both of whom shall be members of the Committee. The Committee shall elect its officers at the first meeting of the Committee's annual review cycle. The Chairperson and Vice Chairperson shall serve a term of one year. All officers shall hold over in their respective offices after their term of office has expired until their successors have been elected and have assumed office.
- B. The Chairperson shall preside at all meetings of the Committee. The Chairperson shall sign all resolutions and all other instruments made or promulgated by the Committee and he or she shall perform such other duties as the Committee may prescribe consistent with the purpose of the Committee.
- C. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation of or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed upon the Chairperson until such time as a new Chairperson is elected by the Committee.
- D. Should the office of Chairperson or Vice Chairperson become vacant during the term of such office, the Committee shall elect a successor from its membership at the earliest meeting at which such election would be practicable, and such election shall be for the unexpired term of such office.
- E. In the event the Chairperson and Vice Chairperson are both absent from a meeting, the Committee may elect a Chairperson Pro-tempore to preside over the meeting during the absence of the Chairperson and Vice Chairperson.
- F. Additional bylaws may be adopted for the purpose of conducting the business of the Committee.

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V. FUTURE REVISIONS

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

PASSED AND ADOPTED by the Santa Clara Valley Water District Board of Directors by the following vote on September 23, 2025:

AYES: Directors Santos, Varela, Beall, Eisenberg, Estremera

NOES: None

ABSENT: Directors Ballard, Hsueh

ABSTAIN: None

SANTA CLARA VALLEY WATER DISTRICT

DocuSigned by:

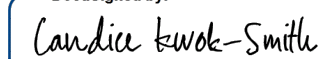


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Chair, Board of Directors

ATTEST:

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CANDICE KWOK-SMITH
Clerk, Board of Directors