



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

August 2, 201

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

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12	Memo from David Cahen to the Board, dated 7.24.19, regarding Risk Management Communications
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	<u>INCOMING BOARD CORRESPONDENCE</u>
17	Board Correspondence Weekly Report: 08/01/19
18	Email from Manon Demers to the Board, dated 7.22.19, regarding Justice for the Survivors of the 2017 Coyote Creek Flood (C-19-0176)
19	Email from Nancy Chace to the Board, dated 7.22.19, regarding Justice for the Survivors of the 2017 Coyote Creek Flood (C-19-0177)
20	Email from SJSU Library Liaison Peggy Cabrera to the Board, dated 7.25.19, regarding GreenLatinos Climate Flooding Micro Solutions Grant - Deadline Extension (C-19-0180)
24	Email from Yu Yang to the Board, dated 7.26.19, regarding Justice for the Survivors of the 2017 Coyote Creek Flood (C-19-0181)
25	Email from Katja Irvin to the Board, dated 7.26.19, regarding San Luis Low Point Improvement Project Draft Environmental Impact Statement/Environmental Impact Report (C-19-0182)
27	Email from Walter Bridgewater to the Board, dated 7.27.19, regarding Justice for the Survivors of the 2017 Coyote Creek Flood (C-19-0183)
28	Email from Teresa Pedrizco to the Board, dated 7.30.19, regarding Justice for the Survivors of the 2017 Coyote Creek Flood (C-19-0184)
29	Email from Julie Zepeda to the Board, dated 7.30.19, regarding Justice for the Survivors of the 2017 Coyote Creek Flood (C-19-0185)

- 30 Email from Tess Rosenberg to the Board, dated 7.31.19, regarding Justice for the Survivors of the 2017 Coyote Creek Flood (C-19-0186)
- 31 Email from Kathryn Hedges to Councilmember Peralez (c.c. OOC, fwd. to the Board), dated 7.31.19, regarding Coyote Flood (C-19-0187)
- 32 Email from Trina Hineser to the Board, dated 7.31.19, regarding Rebate Program for Well Owners (C-19-0188)

OUTGOING BOARD CORRESPONDENCE

- 36 Email from Director(s) Estremera and Keegan to the following listed *constituents, dated 8.1.19 regarding "Justice for the Survivors of the 2017 Coyote Flood": T. Rosenberg C-19-0186, J. Zepeda C-19-0185, T. Pedrizco C-19-184, W. Bridgewater C-19-0183, Y. Yang C-19-181, N. Chace C-19-0177, M. Demers C-19-0176

CEO BULLETIN/ NEWSLETTERS



To: Board of Directors
From: Norma J. Camacho, CEO

Chief Executive Officer Bulletin Week of July 26 – August 1, 2019

Board Executive Limitation Policy EL-7:

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

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<u>3</u>	Internship Program Update
<u>4</u>	Uvas Creek Levee Rehabilitation Project Delayed Pending Gilroy Shooting Investigation
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Central Valley Project Improvement Act Annual Best Management Practice Reporting Update

The U.S. Bureau of Reclamation (Reclamation) requires all Central Valley Water (CVP) contractors to adopt a water conservation plan based on a specific set of reporting criteria developed by Reclamation per the Reclamation Reform Act of 1982 (RRA) and the Central Valley Project Improvement Act of 1992 (CVPIA). Failure to adopt a water conservation plan that meets Reclamation's criteria could jeopardize continued delivery of CVP water. A CVPIA Water Management Plan must be submitted to the Bureau every 5 (five) years, and updates on implementation of Municipal and Industrial (M&I) and Agricultural Best Management Practices (BMPs) submitted annually.

Valley Water continues to be in compliance as it submitted a Management Plan in 2017 and recently provided Reclamation with updates on BMP implementation for 2018. The M&I BMP update was submitted in March 2019 and the Agricultural BMP update in July 2019.

The BMP updates show that Valley Water continues to implement applicable BMPs to achieve water conservation through a variety of financial incentive and technical assistance programs, strong public outreach and school education programs, tracking and managing water loss, metering potable water turnouts, and encouraging the use of recycled water.

For further information, please contact Jerry De La Piedra (408) 630-2257.

Emergency Protections for Workers Exposed to Wildfire Smoke Approved at Quarterly Water Retailer Meeting

In June 2019, Valley Water reported that California Assembly Bill 1124, regarding employee protection against wildfire smoke, was fast-tracked for approval. The Bill was prompted by a petition by several labor groups following 2 (two) of the worst wildfire seasons in California history, sending thick clouds of wildfire smoke over metropolitan and rural areas alike. The California Occupational Safety and Health Standards Board has now unanimously approved the emergency protections for workers exposed to wildfire smoke.

Like many California Occupational Safety and Health Administration (Cal/OSHA) regulations, this is the first standard of its kind in the nation. It applies to workplaces where the Air Quality Index (AQI) reaches 151, unhealthy, and when employers “should reasonably anticipate” that employees may be exposed to wildfire smoke. Exempted are indoor workplaces and enclosed vehicles with filtered air, firefighters engaged in wild-land firefighting, and employees with short-term exposure to the wildfire smoke (no more than 1 (one) hour).

Employers will have to monitor their worksites during fire season to check for particulate matter 2.5, the pollutant of concern. Employers would then have to move workers to an indoor location with filtered air or move them to a location where the AQI is below 151. If that is not feasible, they will have to provide workers with respirators, such as N95s, for voluntary use and train them on the new regulation. Only in extreme situations, an AQI above 500, will respirator use be mandatory.

The regulation now goes to the Office of Administrative Law (OAL) for approval under the Administrative Procedures Act, and assuming it is deemed compliant, will go into effect 10 days after OAL receives it. Cal/OSHA intends to begin working on a permanent version of the regulation quickly, starting with advisory committee talks on August 27, 2019, in Oakland, CA.

For further information, please contact Tina Yoke at (408) 630-2385.

Internship Program Update

On July 25, 2019, Valley Water met with Floor Koudijs, Executive Director at Silicon Valley Talent Partnership Initiative, to discuss ways in which the organization can assist Valley Water with expanding our internship program. Ms. Koudijs is preparing a proposal of the project scope for Valley Water to review in the next few weeks. Valley Water will bring details of this project as well as other internship updates to the Board of Directors when all members are present in September 2019.

For further information, please contact Anna Noriega at (408) 630-3089.

Uvas Creek Levee Rehabilitation Project Delayed Pending Gilroy Shooting Investigation

The City of Gilroy has instructed Valley Water to cease all construction activities related to the Uvas Creek Levee Rehabilitation Project (Levee Project) through at least August 2, 2019. This delay is due to the ongoing investigation of the Gilroy Garlic Festival shooting incident by the Federal Bureau of Investigation and other law enforcement agencies. The festival grounds and surrounding area remain on lockdown as an active crime scene.

Valley Water's contractor staging area for the Levee Project is situated on City of Gilroy property that had been granted by easement to Valley Water. During the festival, organizers used this staging area as an overflow/volunteer parking lot. The shooter may have accessed the staging area, crossed the levee near the project site, and then crossed the creek. He allegedly cut through a fence on the other side to gain entrance to the festival area.

Valley Water is in constant contact with the City of Gilroy. Work will resume once the investigation has closed and the City of Gilroy allows Valley Water to proceed. In the meantime, Valley Water has contacted the California Department of Fish and Wildlife to extend the permit deadline by 1 (one) week. If work cannot resume on Monday, August 5, 2019, Valley Water will request additional extensions as necessary.

For further information, please contact Ngoc Nguyen at (408) 630-2632.

Valley Water Receives the GFOA's Certificate of Achievement in Financial Reporting for Fiscal Year 2018

On July 19, 2019, the Government Finance Officers Association of the United States and Canada (GFOA) awarded Valley Water the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ending on June 30, 2018. The Certificate of Achievement is the highest form of recognition a government entity can achieve in the field of governmental accounting and financial reporting.

This is the 21st consecutive year that Valley Water has received this prestigious award. The Certificate of Achievement represents a major accomplishment for Valley Water that shows continued commitment of the Board of Directors, executive management, and Valley Water employees towards financial excellence.

For further information, please contact Darin Taylor at (408) 630-3068.

Valley Water Wins Award for Flood Awareness Campaign

The National Association of Flood and Stormwater Management Agencies (NAFSMA) recently announced it is giving Valley Water an Excellence in Communications award for building awareness of flooding with our Multilingual Flood Pamphlet. The award will be received during a ceremony at the 2019 NAFSMA annual meeting taking place on August 22, 2019.

In 2018, Valley Water sent the Multilingual Flood Pamphlets to more than 53,000 homes and businesses located in flood zones in 4 (four) languages: English, Spanish, Vietnamese, and Chinese.

For further information, please contact Rick Callender at (408) 630-2017.

BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-19-0013	07/16/19	Varela	Yoke	Gordon	What has Valley Water planned in the event of a county-wide PG&E interruption of service, what is our contingency plan? Please advise and copy Directors.	08/05/19		
R-19-0009	07/23/19	Varela	Richardson	Gin	Director Varela requested staff to provide information on a potential partnership agreement with the Santa Clara Valley Habitat Agency in the acquisition of Sargent Ranch Property located in the Southern portion of the County	08/14/19		
R-19-0010	07/23/19	Hsueh	Richardson	Nguyen	Director Hsueh requested staff look into using the Upper Guadalupe River Reach 6 Aquatic Habitat Improvement Project as a gravel augmentation site for SCW Guadalupe Watershed.	08/14/19		
R-19-0011	07/23/19	Keegan Kremen	Callender	Gibson	Directors Keegan and Kremen requested staff to provide followup report on SB-268	08/14/19		



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Nina Hawk

SUBJECT: DWR's Oroville Spillways Reimbursement
Appeal Submitted to FEMA

DATE: July 23, 2019

On July 22, 2019, the California Department of Water Resources (DWR) issued a press release (Attachment 1) providing an update that the Governor's Office of Emergency Services (CalOES) submitted DWR's Oroville spillways reimbursement appeal to the Federal Emergency Management Agency (FEMA). Back in March 2019, FEMA notified DWR that it did not consider some spillway reconstruction work to be eligible for reimbursement. DWR has appealed FEMA's determination and provided further information and updated cost estimates to support the appeal. To date, FEMA has approved reimbursement of \$337.4 million of the total estimated \$1.11 billion in costs for the Oroville spillways emergency response and emergency recovery project.

Staff will continue to monitor the appeal process to determine the financial impact to Valley Water.

Additional info on DWR Oroville Spillways Recovery is available at water.ca.gov/Oroville-Spillways.

A handwritten signature in black ink that reads "Nina Hawk".

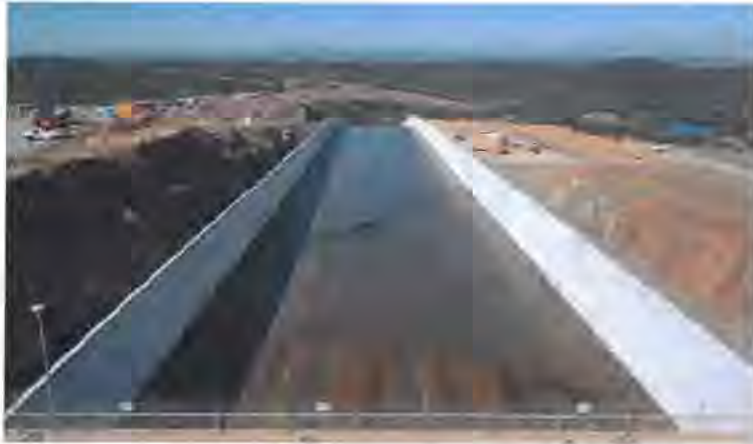
Nina Hawk
Chief Operating Officer
Water Utility Enterprise

Attachment 1: DWR News Release July 22, 2019



CalOES Submits Oroville Spillways Reimbursement Appeal

Published: Jul 22, 2019



A view of the Lake Oroville main spillway in Butte County, California.

SACRAMENTO – The Department of Water Resources (DWR) was notified today that the Governor’s Office of Emergency Services (CalOES) submitted DWR’s Oroville spillways reimbursement appeal to the Federal Emergency Management Agency (FEMA).

In March 2019, FEMA notified DWR that it does not consider some spillway reconstruction work to be eligible for reimbursement based on information DWR had previously submitted at the end of 2018. DWR has appealed this initial reimbursement determination and provided further information and updated cost estimates to support the department’s appeal. To date, FEMA has approved reimbursement of \$337.4 million. For a copy of the appeal, contact DWR at erin.mellon@water.ca.gov.

In its appeal and cost submittals, DWR included updated reimbursement requests totaling an estimated \$1.11 billion to cover the costs of the Oroville spillways emergency response and emergency recovery efforts. This updated estimate is based on actual costs through Dec. 31, 2018 and anticipated costs for ongoing and future work to finalize the repairs. Final costs won’t be known until all project work is complete. This overall cost estimate remains essentially unchanged from DWR’s last update on costs in October 2018. Specific projects and costs may have been shifted to other categories, as noted in the explanations below.

Spillways Response and Recovery Project Categories	Estimated Cost
Emergency Response	\$194 million
Main Spillway Recovery	\$580 million
Emergency Spillway Recovery	\$291 million
Other Recovery Projects	\$43 million
Total Current Estimate	\$1.108 billion

- Emergency response activities includes erosion mitigation for both spillways during the incident, diversion pool sediment and debris removal, installation of temporary transmission lines, staff time, technical consultants and inter-agency support.
 - All work associated with removal of debris in the diversion pool has been moved to emergency response. Previous cost estimates included some debris removal in 'other recovery'.
- Main spillway recovery includes all work to remove and reconstruct the new main spillway, which includes all construction, engineering and technical consultant time, and all DWR staff and inter-agency support.
 - Some DWR staff and inter-agency costs were previously included in 'other recovery'.
- Emergency spillway recovery includes the construction of an underground concrete secant pile wall, a concrete splashpad (or apron), and a concrete buttress and cap to bolster the existing emergency spillway weir structure. This work includes all construction, engineering and technical consultant time, and all DWR staff and inter-agency support.
 - Some DWR staff and inter-agency costs were previously included in 'other recovery'.
- Other recovery projects include installation of permanent powerlines, building on-site access roads, improvements to DWR-owned public roads, and repairs to the Feather River Fish hatchery, Thermalito Diversion Dam, feather river spawning beds, Spillway Boat Ramp parking lot, Oroville Dam toe drain, and the Oroville Wildlife Area.

Since the Oroville Spillways Emergency Recovery Project is ongoing, DWR will continue to update invoices or estimates of work for construction to FEMA until the full project is completed. Reimbursement costs may change slightly based on final invoices at the completion of the project.

FEMA's Public Assistance program reimburses applicants 75 percent of eligible costs associated with a federally declared disaster. The reimbursement determination from FEMA in March 2019 is based on its eligibility categories and policies. It is not a statement on the quality of the reconstruction work or whether the work was necessary. All costs not reimbursed by FEMA will be paid by beneficiaries of the State Water Project.

To view photos and video of the Oroville spillways construction, visit DWR's [Oroville spillway photo gallery](#) and [YouTube channel](#).

Contact:

Erin Mellon, Assistant Director, Public Affairs, Department of Water Resources
 (916) 651-2440 | erin.mellon@water.ca.gov

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For more information, follow us on [Twitter](#) and [Facebook](#), read our [news releases](#) and visit our [Oroville Spillways webpage](#).



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: July 24, 2019

The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with individuals that have filed a claim against the District.

Please find the following attachments:

- 1) July 12, 2019 confirmation letter to Mr. Philip Robinette (District 2)
- 2) July 24, 2019 confirmation letter to Mr. Lincoln Tran on behalf of Jay Richter (District 4)

For additional information, please contact me at 408-630-2213.

A handwritten signature in black ink, appearing to read "David Cahen", written over a horizontal line.

David Cahen
Risk Manager

July 12, 2019

Philip Robinett
411 Park Ave Unit 309
San Jose, CA 95110

Regarding: Receipt of Claim – L1890022

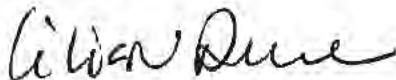
Dear Mr. Robinett,

We received your claim regarding the damages to your personal vehicle for the incident which occurred on March 5, 2019.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2652.

Sincerely,



Lilian Dennis
Management Analyst II
Risk Management
ldennis@valleywater.org

July 24, 2019

Lincoln Tran, Esq.
Great Oaks Lawyers
22 Great Oaks Blvd. Suite 245
San Jose, Ca. 95119

Regarding: Receipt of Claim – L1780023

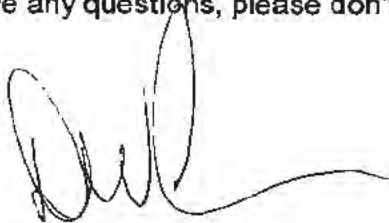
Dear Mr. Tran,

We received the claim and the settlement demand package on behalf of your client, Jay Richter in connection with the February 22, 2019 vehicle accident.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Nina Hawk

SUBJECT: United States Bureau of Reclamation released the Draft Feasibility Report and Draft Environmental Impact Statement /Environmental Impact Report regarding the San Luis Low Point Improvement Project

DATE: July 31, 2019

The United States Bureau of Reclamation (Reclamation) and Santa Clara Valley Water (Valley Water) released the San Luis Low Point Improvement Project (SLLPIP) Draft Feasibility Report (FR) on April 9, 2019. The FR examined various alternatives to address the "low point" problem in San Luis Reservoir, a problem that occurs when San Luis Reservoir falls below 300,000 acre-feet storage in the late summer and fall. The low water level fosters algae growth, making the water unsuitable for municipal and industrial use by Valley Water and other contractors of Reclamations' San Felipe Division, including San Benito County Water District. The FR identified Valley Water's Pacheco Reservoir Expansion Project as the preliminary National Economic Development (NED) Plan, with a benefit-cost ratio of 1.2, to address water supply reliability and schedule certainty issues related to low point. No comments were received to the FR by Reclamation or Valley Water.

Reclamation and Valley Water released the draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on July 26, 2019. The public is invited to attend the following two workshops to learn more about the Project:

- Gilroy: Monday, August 12, 2019, 6:00 – 8:00 p.m., Gilroy Library, 350 W. Sixth Street
- Sacramento: Friday, August 16, 2019, 1:30 – 3:30 p.m., Federal Building, 2800 Cottage Way, Café Conference Rooms C1001-C1002

Written comments on the draft environmental documents will be accepted by Reclamation and Valley Water until September 24, 2019. FR and EIS/EIR documents and other reports related to the Low Point Project are available at Reclamation's website: <https://www.usbr.gov/mp/sllpp/index.html> and EIS/EIR is provided at Valley Water website: <https://www.valleywater.org/project-updates/public-review-documents>

Nina Hawk
Chief Operating Officer
Water Utility Enterprise