



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

February 7, 2020

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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9	Memo from Sue Tippetts, DOO, to Melanie Richardson, COO, dated 1/31/20 regarding Large Woody Debris Fact Sheet.
10	Memo from Darin Taylor, CFO, to Director LeZotte, dated 2/10/20, regarding BMR Request R-20-001, Information on Independent Auditor's Attendance at the 2019 Board Meeting, Including Purpose for Attendance and Cost to Valley Water.
	<u>INCOMING BOARD CORRESPONDENCE</u>
18	Board Correspondence Weekly Report: 02/06/20
19	Email from Richard McMurtry to Director Estremera, dated 02/04/20 regarding the Singleton Road Crossing (C-20-0021).
21	Letter from Daniel Finau, Audit Manager, CC to the Board of Directors, dated 01/17/2020, regarding the Audit of the Flood Control Subventions Program Lower Silver Creek Watershed Flood Control Project for the Period of August 1, 2012, through May 12, 2016.
	<u>OUTGOING BOARD CORRESPONDENCE</u>
24	Email from Director Varela, to Joanie Lewis regarding Concern for Proposed New Water Benefit Zone Costs (C-20-0016).

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN/ NEWSLETTERS

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

Week of January 31 – February 6, 2020

Board Executive Limitation Policy EL-7:

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

Item	IN THIS ISSUE
<u>1</u>	Industry Benchmark - Valley Water Occupational Illness and Injury Rates
<u>2</u>	Flood Emergency Action Plans Posted on Valleywater.org
<u>3</u>	Joint Emergency Action Plan (EAP) Tabletop Exercise

1. Industry Benchmark - Valley Water Occupational Illness and Injury Rates

Every calendar year, Valley Water calculates the three-year average of their occupational injury and illness incidence rates and benchmarks that data with the national average rates for organizations within the same industry. The national rates are compiled by the Bureau of Labor Statistics (BLS) through its annual Survey of Occupational Injuries and Illnesses. The latest BLS data published is for calendar year 2018; therefore, the incidence rates calculated for the three-year data comparisons are for calendar years 2016 through 2018.

The three metrics calculated for comparison are:

1. Total Recordable Case rate, which are injuries/illnesses that require medical treatment beyond Cal/OSHA's enumerated first-aid treatments,
2. Lost Workday Case rate, which are experienced when an employee is directed by a physician to take one or more days off from work, other than the day of injury or illness, and
3. Days Away Restricted Transfer or DART rate, which are total cases with days away from work, combined with cases experiencing job transfers or work restrictions.

To allow for this comparison, The North American Industry Classification System (NAICS) is the standard used by the BLS in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical occupational injury and illness data. Valley Water's NAICS code is 221310 - Water Supply and Irrigation Systems, which is comprised of establishments primarily engaged in operating water treatment plants and/or operating water supply systems. The water supply system may include pumping stations, aqueducts, and/or distribution mains. The water may be used for drinking, irrigation, or other uses.

As indicated below, Valley Water's performance shows rates better than industry average in all three occupational illness and injury metrics compared:

Total Recordable Case Rate:

BLS Data 3-YEAR AVG. – 3.90

Valley Water 3-YEAR AVG. – 2.72; <1.18 (Better)

Lost Workday Case Rate:

BLS Data 3-YEAR AVG. – 1.90

Valley Water 3-YEAR AVG. – 0.30; <1.60 (Better)

DART Rate:

BLS Data 3-YEAR AVG. – 2.47

3-YEAR AVG. – 0.89; <1.58 (Better)

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

4. Flood Emergency Action Plans Posted on Valleywater.org

On January 31, 2020, Emergency Services and Security posted online versions of the Emergency Action Plans (EAPs) for Floods. These EAPs are public versions with redacted information regarding protected data, such as, personnel home contact information and critical material and equipment locations. The posted EAPs include the Joint EAP with City of San Jose, San Francisquito Creek EAP, West Little Llagas Creek EAP, and the Uvas EAP. The Board of Directors requested these EAPs be posted online, which was supported by the Chief Operating Officer of Watersheds, Melanie Richardson, and the Chief Operating Officer of Information Technology and Administrative Services, Tina Yoke. These EAPs include inundation maps, roles and responsibilities between Valley Water and local jurisdictions, and coordination and communication guidance during a potential or actual flood scenario.

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

5. Joint Emergency Action Plan (EAP) Tabletop Exercise

On January 16, 2020, Emergency Services and Security hosted a Joint Emergency Action Plan (EAP) Tabletop Exercise that included Valley Water and City of San Jose. Prior to this exercise, Valley Water conducted an internal training on the Joint EAP and participated in a Field Drill with San Jose at Ross Creek and Cherry Avenue. The Tabletop Exercise focused on an evolving storm/flooding scenario where coordination and communication capabilities were discussed between agencies. This exercise was very productive in identifying communication flows from the field, to Department Operations Center (DOC)/Emergency Operations Center (EOC), and between agencies as well. Also prevalent were the clear identification of different roles and responsibilities between agencies. Executive representation during the exercise included Tina Yoke, Valley Water Information Technology and Administrative Services Chief, and Kip Harkness, Deputy City Manager for San Jose. With the presence of Yoke and Harkness, Valley Water and the City of San Jose were very engaged and open to discuss current operations and future needs.

Some key takeaways from this exercise included the following:

- Need to further determine coordination needs between DOC and EOC operations, and how they communicate during an incident.
- Need to explore operational cross-training opportunities between Valley Water and San

- Jose to better understand creek and reservoir dynamics, and potential impacts to residents
- Need to explore if Valley Water and San Jose field personnel should or should not be cross-trained to support and share Field Information Team (FIT) assessment responsibilities between agencies. Field staff would include Valley Water's FIT within Watersheds and San Jose Public Works FIT.
 - Common messaging detailed in the Joint EAP needs to be reviewed and potentially updated by San Jose and Valley Water Public Information Officers (PIO).
 - Valley Water and San Jose need to continue efforts to share mapping files prior to and during storm/flooding incidents.
 - Both agencies need to further discuss the need and utilization of Agency Representatives or Liaisons in the EOCs during these incidents. Subject Matter Experts as Liaisons to both San Jose and Valley Water EOC were discussed in detail during the exercise.

Valley Water is developing an After Action Plan which will include improvement opportunities for the Joint EAP, as well as Valley Water and City of San Jose operations.

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

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-20-0002	01/30/20	Varela	Callender	Broome	Verbal request from Director Varela for acquiring information to arrange a panel discussion at the ACWA Spring Conference. Director Varela and Director Estremera are engaged in creating an ACWA effort to support Latino causes in the water industry. Director Varela is the ACWA Region 5 Vice-Chair and recently presented the proposed effort and panel to the region members. The proposal was well received and Director Varela is interested in moving forward.	02/19/20		
R-19-0014	11/12/19	Varela	Camacho	Chinte	Director Varela requesting the CEO provide a report to the Directors via one-on-one meetings or confidential memo on the cancellation of the October 28, 2019 Joint SCVWD/Morgan Hill/Gilroy Board/Council meeting.	12/04/19		
R-20-0001	01/14/20	Lezotte	Camacho	Taylor	Staff is to provide Director LeZotte with information on the Independent Auditor's attendance at Board Meetings during 2019, including purpose for attendance and cost to District.	02/11/20		
R-20-0002	01/28/20	Lezotte	Callender	Lugo	Provide a breakdown and process chart on the staff services for the Safe, Clean Water Renewal Project budget adjustment	02/18/20		
R-20-0003	01/28/20	Santos	Hawk	Hall	Agendize the South County	02/18/20		

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
		Varela			Recycled Water Master Plan for Board discussion			

TO: Melanie Richardson**FROM:** Sue Tippets**SUBJECT:** Large Woody Debris Fact Sheet**DATE:** January 31, 2020

At its November 26, 2019 meeting, the Board received information from the Board Policy and Planning Committee (BPPC) and discussed a Policy Regarding Maintenance on Non-Valley Water Owned Property. Recommendations from the BPPC presented to the Board included an outreach component. Fact sheets developed by staff describing Stream Maintenance, Trees and Valley Water's right-of-way, and Invasive Plant Management were provided to the Board. A fourth fact sheet, regarding Large Woody Debris, which was under development at that time was to be provided to the Board upon completion. The fact sheet on Large Woody Debris is attached. (Attachment 1).



Deputy Operating Officer
Watersheds Operations & Maintenance

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Attachment 1: Large Woody Debris



Example of Large Woody Debris.

Fallen Tree or Large Woody Debris?

Many creeks and rivers throughout Santa Clara County are lined with large trees. These trees may die, break, or fall over due to erosion or storms and enter the stream channel. Some trees may be removed and some become large woody debris. Large woody debris (LWD) can be an entire tree, a stump or just a large branch that has fallen into the creek. But how big must a branch or tree be to be considered large woody debris? At Valley Water, the Stream Maintenance Program (SMP) classifies LWD as a piece of woody material with a diameter of 12 inches or more and a minimum length of 6 feet. This classification applies to fallen trees located in streams that support sensitive fish species including many major streams and tributaries in Santa Clara County. This definition was adapted from the California Salmonid Stream Restoration Manual created by the California Department of Fish and Wildlife. Woody material that size or larger generally has the most effect (ecologically and hydraulically) on rivers and creeks.

valleywater.org



LWD during storm event.

How is Large Woody Debris Beneficial?

LWD promotes a complex and diverse aquatic habitat within creeks in the following ways:

- Provides escape cover for juvenile and adult fish from predators and high winter flows.
- Traps organic material providing food areas for insects to reproduce, which in turn provides food for fish and other aquatic organisms.
- Traps gravels, providing areas for fish and insects to reproduce and feed.
- Maintains and creates complex channel features like pools, riffles and runs through energy dissipation and scour.

All of these are essential natural components created by LWD, which provide habitat for sensitive species such as Steelhead trout, California Red Legged Frog, and Western Pond Turtle.

Clean Water • Healthy Environment • Flood Protection



Los Gatos Creek LWD.

Large Woody Debris and Valley Water

Although a common inclination would be to remove the fallen tree from the stream, Valley Water strives to promote a balance between flood protection and environmental protection. Whenever possible, LWD is left and maintained in place. However, LWD can cause harm such as unwanted erosion of flood protection infrastructure or debris jams in vulnerable areas. When LWD is identified, qualified staff, including engineers and biologists, assess the wood for its habitat value. If there is potential to cause harm, Valley Water attempts to modify the LWD by removing branches or repositioning the wood in the channel. If modification cannot alleviate the threat, then complete removal may be necessary. Under the SMP, removal of LWD requires mitigation to offset the loss of habitat provided by the LWD. Mitigation comprises the replacement of the LWD in kind within the same watershed. Removal is generally the last approach taken due to the loss of habitat on site.

When possible, Valley Water incorporates LWD in bank stabilization projects. Several projects throughout the county have included the installation of LWD structures to replenish woody debris and to increase habitat complexity in areas that will provide the most ecological benefit.

Valley Water's right-of-way defined

This sheet provides information about Valley Water's treatment of LWD on Valley Water's property and easements. Valley Water's right-of-way includes:

- Property owned by Valley Water in fee title which is managed with available resources consistent with federal, state and local laws and ordinances;
- Property where Valley Water has an exclusionary easement, meaning that the underlying fee property owner is effectively excluded from actively using the property; and
- Property where Valley Water has an easement for flood protection, storm drainage or water conservation purposes.



Installed Large Woody Debris.

CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, email **Joe Chavez** at **(408) 630-2276** or use our **Access Valley Water** customer request system at <https://deliver.com/2yukx>.



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TO: Director LeZotte

FROM: Darin Taylor

SUBJECT: Response to Board Member Request, BMR# R-20-0001: Information on Independent Auditor's Attendance at the 2019 Board Meeting, including purpose for attendance and cost to Valley Water

DATE: February 10, 2020

In 2017, the Santa Clara Valley Water District (Valley Water) Board of Directors approved the selection of its first independent auditor, TAP International. TAP International is an independent firm that reports to and is accountable to the full Board of Directors and the Board Audit Committee. The Board of Directors initiated an independent audit function to support their efforts to advance open and accountable government through accurate, independent, and objective audits and assessments that seek to improve the economy, efficiency, and effectiveness of Valley Water.

As described in Valley Water's Request for Proposal and subsequently required under the contract executed in 2018, the scope of services required of the Independent Auditor include, but is not limited to the following:

- Provide advice and recommendations on audits of government programs
- Develop an annual audit program, calendar, and budget pursuant to Board direction and input
- Conduct audits as directed by the Board Audit Committee
- Prepare and deliver formal and informal audit reports and presentations
- Attend Board Audit Committee and Board meetings
- Meet with District staff as needed
- Provide additional staff resources as determined by the Board Audit Committee
- Conduct certain audits as directed by the Board
- Following the completion of any audit the auditor shall issue a report that contains at a minimum:
 - An executive summary of the audit
 - Methodology and data used
 - An evaluation of program compliance and applicable laws, regulations, voter mandates, and policies
 - Effectiveness of internal controls governing Valley Water operations and finances
 - Key or significant strength and weaknesses of programs reviewed by the auditor
 - Recommended improvements, if any
- Reports will be provided in both a written and an unalterable electronic format for use by Valley Water.

BOARD MEETINGS ATTENDED BY TAP INTERNATIONAL (AUDIT SUPPORT SERVICES)

TAP International attended selected Board Meetings to meet Board Audit Committee expectations and to comply with both Request for Proposal and contractual requirements. In 2019, the Independent Auditor attended 10 Board meetings, as shown in Table 1 below. The primary purpose of Board meeting attendance was to continuously monitor risks to Valley Water, collect data applicable to ongoing or planned audits, and to address agenda items directly applicable to TAP International audit activities.

Table 1: Board Meeting Attendance*

Reason for Attendance	Number of Board Meetings
Agenda item(s) directly related to work performed by TAP International, or the agenda item(s) directly relevant to planning or current audits underway	7
Agenda item(s) was a high or moderate audit risk that required monitoring	3

*See Appendix A for meeting details.

At the January 22, 2020, Board Audit Committee meeting, the Independent Auditor stated that when not in attendance at Valley Water Board Meetings, the Independent Auditor monitored meetings through agenda review, documentation analysis, and video review across another eight meetings. These monitoring activities were not billed to Valley Water, totaling \$10,408. TAP International believes these monitoring tasks are necessary to effectively perform its role as the Board's Independent Auditor and opted to incur charges in excess of the task order budget.

FINANCIAL OVERVIEW

In 2019, TAP International charged Valley Water \$5,685.83 for Board of Director Meeting Attendance. See Appendix A, below, for billed costs associated with meeting attendance.



Chief Financial Officer
Financial Planning & Management Services Division
Office of the Chief Executive Officer

cc: D. Taylor, F. Hernandez, A. Blackmon
DT:FH:AB

Appendix A: 2019 Board of Director Meeting Attendance by TAP International

Meeting Date	Agenda Item	Reason for Attendance	Billed Costs
1.22.19	<ul style="list-style-type: none"> Item 5.3 – Update on California Water Fix. Item 6.1: Real estate transaction – Exchange of property (real estate service was identified by the Board Audit Committee as a priority audit). 	<p>Known risk area regarding potential unfunded liabilities; risk monitoring.</p> <p>Subject matter related to the 2019 planned audit.</p>	\$380.00
2.26.19	<ul style="list-style-type: none"> Item 4.2: Recommendation from Board Audit Committee for the Board to Approve the Implementation of Three Performance Audits by the Board Independent Auditor, TAP International, Inc. 	Agenda item applicable to work to be performed by TAP International.	\$532.15
6.11.19	<ul style="list-style-type: none"> Item 6.2: Amendment No. 1 to Agreement No. A4088A with Ghirardelli Associates, Inc., to Increase the Not-to-Exceed Fee and Extend the Term of Agreement for Construction Management Services for the Watersheds Asset Rehabilitation Program, Project No. 62084001. 	Directly applicable to TAP International's on-going audit	\$285.00
6.25.19	<ul style="list-style-type: none"> Item 4.6: Approve Recommendation from Board Audit Committee to Approve the Fiscal Years 2018-2019 to 2020-2021 Annual Audit Work Plan Prepared by the Board Independent Auditor, TAP International, Inc. 	Directly applicable to work performed by TAP International.	\$570.00
8.27.19	<ul style="list-style-type: none"> Item 4.1: Approve the Board Audit Committee Audit Charter. 	Directly applicable to work performed by TAP International.	\$570.00

10.22.19	<ul style="list-style-type: none"> • Item 2.9: Approve Encroachment Remediation Program. (Item Previously Listed as 2.8) • Item 4.3: Receive Recommendations and Associated Staff Analyses from the Homeless Encampment Ad Hoc Committee, September 30, 2019 Meeting. • Item 7.3: Approve Amendment No. 1 to Agreement A3981R FY2016 Safe, Clean Water and Natural Flood Protection Program Project B3 Grant Agreement Between the Santa Clara Valley Water District and the West Valley-Mission Community College District (Saratoga) (District 5). • Item 7.4: Approve Amendment No. 2 to Agreement A3862R Santa Clara Valley Water District, Safe, Clean Water and Natural Flood Protection Program, FY 2015 Safe, Clean Water Priority D3 Trails Grant Program Between the Santa Clara Valley Water District and the West Valley-Mission Community College District (Saratoga) (District 5). • Item 7.5: Approve Amendment No. 3 to the Safe, Clean Water and Natural Flood Protection Program 2014 Safe, Clean Water Priority B Grant Program. • Agreement No. A3761R Between the Santa Clara Valley Water District and West Valley-Mission Community College District (Saratoga) (District). • Item 8.1: Fiscal Year 2018-19 Updated Preliminary and Unaudited Financial Status Report and Approve Budget Adjustment in the Amount of \$200,000 to the Fiscal Year 2020 Budget of the Pollution Prevention Partnership and Grants Program in the Safe, Clean Water Fund, Project No. 26061006. 	<p>Monitoring of operational risks to Valley Water programs and services. Attendance led to subsequent discussion with Board Audit Committee and tentative plans to perform preliminary work and follow up audit.</p>	\$1,572.08
11.12.19	<ul style="list-style-type: none"> • Item 3.3: Approve the Sale of Santa Clara Valley Water District Surplus Property Located at 110 South Sunset Avenue, San Jose, APN 481-21-055, File No. 4026-131.1 (District 6) (San Jose). 	<p>Directly applicable to TAP International's ongoing audit.</p>	\$541.60
11.20.19	<ul style="list-style-type: none"> • Item 2.3: Water supply master plan 	<p>Monitoring of operational risk.</p>	\$380.00

11.26.19	<ul style="list-style-type: none"> Item 4.1: Board Committees (Summary or Meeting Agenda): Board Audit Committee (BAC) Handout 4.1.3-A: 111819 BAC Summary. 	Directly applicable to work to be performed by TAP International.	\$570.00
12.17.19	<ul style="list-style-type: none"> Item 2.2: Receive Watersheds Operations and Maintenance Program Overview and Review Draft 5-Year Plan. Item 2.3: Receive Updates on Safe, Clean Water and Natural Flood Protection Program Flood Protection Projects and Funding Scenarios. Item 2.4: Review the Draft Preliminary Fiscal Years 2021-2025 Capital Improvement Program for the Watersheds Stream Stewardship Fund. 	Directly applicable to TAP International's ongoing audit.	\$285.00

INCOMING BOARD CORRESPONDENCE

Report Name: Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-20-0014	01/16/20	01/17/20	All	DHRUV KHANNA	Email from Dhruv Khanna to the Board dated 1/16/20 providing questions regarding the proposed 2020 Ballot, Agricultural and groundwater production charges.	Refer to Staff	Camacho Callender	Taylor	01/25/20		n/a	01/31/20
C-20-0017	01/23/20	01/27/20	All	DON WEIDEN	Email from Don Weiden to the Board dated 1/23/20 requested that the District withdraw support for the Delta Conveyance Facility.	Refer to Staff	Hawk	Hall	02/04/20		n/a	02/10/20