



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

May 1, 2020

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

Page		<u>CEO BULLETIN & NEWSLETTERS</u>
		None
3		News Article: Removing 1 Million Homes from Flood Zones Could Save \$1 Trillion.
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
5		BMR/IBMR Weekly Reports: 04/30/20
6		Memo from Nina Hawk, COO, Water Utility Enterprise, to the Board of Directors, dated 4/28/20, regarding Voting Thresholds in Sample Joint Exercise of Power Agreements (IBMR I-20-0007).
13		Memo from Nina Hawk, COO, Water Utility Enterprise, to the Board of Directors, dated 4/28/20, regarding Sites Project Authority to "Right Size" the Project, Announces Plan to Recirculate EIR.
		<u>INCOMING BOARD CORRESPONDENCE</u>
16		Board Correspondence Weekly Report: 04/30/20
17		Email from Dhruv Khanna, to the Board of Directors, dated 4/27/20, regarding South County Ground Water Usage and Rates (C-20-0056).
19		Email from Brandon McLoskey, to the Board of Directors, dated 4/29/20, regarding Homeless and Fire in Guadalupe Creek Area (C-20-0057).
		<u>OUTGOING BOARD CORRESPONDENCE</u>
		None

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

From: [Michele King](#)
To: [Michelle Critchlow](#)
Subject: Article for Non-Agenda
Date: Thursday, April 30, 2020 7:58:30 AM

Removing 1 Million Homes from Flood Zones Could Save \$1 Trillion

<https://www.scientificamerican.com/article/removing-1-million-homes-from-flood-zones-could-save-1-trillion/>

Thanks for the work you all are doing in our communities.

Patrick Ferraro, Former Valley Water Board Member (1972-1995)
Adjunct Water Professor at Santa Clara University and San Jose State University

Thanks,
Michele
Clerk of the Board
Santa Clara Valley Water District
408-630-2711 (office)
408-593-5803 (cell)

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-20-0008	04/06/20	Hsueh	Callender	Gibson	Create a joint resolution from Our Board, County of Santa Clara, City of Gilroy and the SLDMWA in recognition of Sig Sanchez 100 year birthday and service to the county.	04/26/20		
I-20-0009	04/22/20	Kremen	Camacho	Taylor	Provide the following information for the 4/28 water rate hearing and budget discussion: Obtain from all retailers, the percent, dollar amounts, and late and none payments of water bill accounts affected under the current COVID-19 situation versus what is their standard non-payment numbers.	05/12/20		

TO: Board of Directors**FROM:** Nina Hawk**SUBJECT:** Voting Thresholds in Sample
Joint Exercise of Powers Agreements
(IBMR No. I-20-0007)**DATE:** April 28, 2020

This information is provided in response to Informal Board Member Request (IBMR) No. I-20-0007 03/06/20, by Director Kremen, stated as follows:

“Provide information on voting thresholds required at typical water JPAs for cost allocation, general resolutions within South of Delta Central Valley. Include a couple of GSA, canal sharing agreements, flood control, etc. Focus on when is a super-majority required rather than a quorum.”

The table that follows (six pages) provides summary information from eight sample agreements pursuant to Joint Exercise of Powers Act (JPA Agreements) formed by entities in Central and Southern California:

- [Temperance Flat Reservoir Authority – Joint Exercise of Powers Agreement](#)
- [Joint Powers Agreement -- San Joaquin River Exchange Contractors Water Authority](#)
- [Central Coast Water Authority – Joint Exercise of Powers Agreement](#)
- [Friant Water Authority -- Amended and Restated Joint Power Agreement](#)
- [San Luis Delta Mendota Water Authority -- Amended and Restated Joint Exercise of Powers Agreement](#)
- [Colorado River Joint Powers Authority – Joint Exercise of Powers Agreement](#)
- [Sacramento Area Flood Control Agency -- Joint Exercise of Powers Agreement](#)
- [Kern Groundwater Authority for the Tulare Lake Basin Portions of Kern County – Second Amended and Restated Joint Powers Agreement](#)

The above listed agreement titles are hyperlinked to copies of the agreements.



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

cc: N. Camacho, G. Hall

Table of Selected Information on Eight Sample JPA's

(Reference to the full JPA Agreements is required for a definitive reading of the information summarized here)

JPA Name/Purpose	Members	Board Composition	Board Quorum	Voting, Regular Matters	Voting, Budget	Action, Special Matters	Amendment of Agreement
<p>Temperance Flat Reservoir Authority – Joint Exercise of Powers Agreement</p> <p>Purpose is to develop and operate the Temperance Flat project and associated facilities.</p>	<p>City of Fresno, Friant Water Authority, San Joaquin River Exchange Contractors Water Authority, San Luis & Delta Mendota Water Authority, Westlands Water District</p>	<p>Five Members. One Director per Member</p>	<p>Three Directors</p>	<p>Affirmative vote by majority of Directors present</p>	<p>Affirmative vote by majority of Directors present</p>	<p>Approve Project Agreements</p>	<p>Requires unanimous vote of all Members</p>
<p>San Joaquin River Exchange Contractors Water Authority – Joint Exercise of Powers Agreement</p> <p>Primary purpose is to administer and protect the water rights of the four "Entities" and develop facilities to distribute water to the four Entities.</p>	<p>Central California Irrigation District, Firebaugh Canal Water District, Columbia Canal Company, San Luis Canal Company -- (the four "Entities")</p>	<p>Four "Entities." One Director per Entity</p>	<p>Three Directors</p>	<p>Affirmative vote by three Directors</p>	<p>Affirmative vote by three Directors</p>	<p>Unanimous vote on matters affecting water rights or delivery of water to any of the Entities.</p>	<p>By agreement executed by all four Entities</p>
<p>Central Coast Water Authority – Joint Exercise of Powers Agreement</p> <p>Purpose is to study, plan, develop, finance, acquire, design, construct, maintain, repair, manage, operate</p>	<p>Buellton Community Services District, Carpinteria County Water District, Casmalia Community Services District, City of Guadalupe, Goleta Water District,</p>	<p>One Director per Member</p> <p>(Participation Percentages are the ratios of each Member's Project allotment under its Water Supply Agreement to the</p>	<p>Directors representing a majority of Participation Percentages</p>	<p>Affirmative vote by majority of Directors present representing a majority of</p>	<p>Affirmative vote by majority of Directors present representing a majority of</p>		<p>Requires written approval of by Members representing a majority of the Participation</p>

JPA Name/Purpose	Members	Board Composition	Board Quorum	Voting, Regular Matters	Voting, Budget	Action, Special Matters	Amendment of Agreement
and control, alone or collaboratively with others defined facilities, including the Mission Hills and Santa Ynez extensions to the Coastal Branch II Extension of the California Aqueduct.	Montecito Water District, City of Santa Barbara, City of Santa Maria, Santa Ynez River Water Conservation District, Improvement District #1, Summerland County Water District	total of all Member Project allotments under their respective Water Supply Agreements.)		Participation Percentages	Participation Percentages		Percentages. Also requires a resolution of the governing body of each Member providing approval.
<p>Friant Water Authority -- Amended and Restated Joint Power Agreement</p> <p>Primary purposes are to acquire, protect, preserve and enhance water supplies and water rights; enter into contracts, obligations and commitments, including with the USA and State of California, to develop, design, finance, acquire, construct, operate and maintain specified facilities; and to accept an assignment of the contract between Reclamation and the Friant Water Users Authority, to operate and maintain the Friant-Kern Canal system.</p>	<p>Various irrigation districts, other districts and public entities listed in "Exhibit A" of the Agreement.</p> <p>Distinguishes between "General Members" and "O&M Project Members."</p>	<p>One Director per Member.</p> <p>General Members vote on actions involving General Members' business.</p> <p>O&M Project Members vote on actions involving O&M business</p>	<p>A majority of General Members</p> <p>A majority of O&M Project Members</p>	<p>Affirmative vote of 75% of General Members present</p> <p>Affirmative vote of 75% of O&M Project Members present</p>	<p>Affirmative vote of 75% of General Members present</p> <p>Affirmative vote of 75% of O&M Project Members present</p>	<p>Membership of a Member may be terminated by Affirmative vote of 75% of all General Members, subject to certain procedures.</p>	<p>Concurrence by 75% of all General Members</p> <p>Concurrence by 75% of all O&M Project Members</p>

JPA Name/Purpose	Members	Board Composition	Board Quorum	Voting, Regular Matters	Voting, Budget	Action, Special Matters	Amendment of Agreement
<p>San Luis Delta Mendota Water Authority -- Amended and Restated Joint Exercise of Powers Agreement</p> <p>Primary purpose is to study, plan for, develop, finance, acquire, construct, maintain, repair, manage, operate and control defined facilities, alone or collaboratively with the USA, State of California or specified others, to provide information on water supply and other specified water related matters ..., and to preserve and protect the rights and benefits of the Members in the Central Valley Project.</p>	<p>Thirty-six Parties executed in 1992 including Valley Water. Currently there are 29 Members.</p>	<p>Nineteen Directors, drawn from five geographical Divisions. Members included in four of the Divisions select four Directors; one Division selects five Directors.</p>	<p>Majority of Directors</p>	<p>Majority of Directors present</p>	<p>Majority of Directors present</p>	<p>Vote of 85% of Directors present required to authorize support of any legislation or participation in any lawsuits or administrative proceedings (except to defend the Authority).</p>	<p>Requires written approval of any amendment by a majority of all Members.</p>
<p>Colorado River Joint Powers Authority – Joint Exercise of Powers Agreement</p> <p>Purpose is to disseminate information to Members and others on development of Colorado River resources and on California's rights relating to the Colorado River, including contractual</p>	<p>Coachella Valley Water District, Department of Water and Power of The City of Los Angeles, Imperial Irrigation District, Metropolitan Water District of Southern California, Palo Verde Irrigation District and the San Diego County Water Authority</p>	<p>One representative from each Member serves as a Director</p>	<p>Majority of Directors</p>	<p>Affirmative vote by majority of Directors present</p>	<p>Affirmative vote by majority of Directors present</p>		<p>Requires execution of any amendment by a majority of all Members.</p>

JPA Name/Purpose	Members	Board Composition	Board Quorum	Voting, Regular Matters	Voting, Budget	Action, Special Matters	Amendment of Agreement
rights pursuant to the Boulder Canyon Project Act.							
<p>Sacramento Area Flood Control Agency (Agency) -- Joint Exercise of Powers Agreement</p> <p>Purpose is to study, plan and provide a reasonable program and plan of operation for the control of waters within or flowing into the boundaries of the Parties; to exercise the powers conferred by the Sacramento Area Flood Control Act (1990); to acquire, construct, manage, maintain, and replace any specified projects, facilities or works; to enter into agreements with the USA, State of California, or any other governmental agency to provide a portion of local contribution required for any specified projects, facilities or works constructed by the USA or the State.</p>	Parties: City of Sacramento, County of Sacramento, Reclamation District 1000, American River Flood Control District, County of Sutter, Sacramento County Water Agency, and Sutter County Water Agency	Board comprised of 13 Directors: 5 from Sacramento County Board of Supervisors, 3 Council Members from the City, 2 Trustees from the American River Flood Control District, 2 Trustees from Reclamation District 1000, 1 Board Member from Sutter County Board of Supervisors	Simple majority of the Directors with at least four fifths of the Parties represented by at least one Director.	Affirmative vote of the majority of all 13 Directors		Veto powers are accorded to Parties on some proposed Agency actions relative to construction within a Party's boundaries; assumption by the Sacramento Area Flood Control Agency of O&M responsibilities for currently existing levees, or works; imposition of charges within a Party's boundaries for projects; and a	The Agreement may be amended by the unanimous vote of all Parties.

JPA Name/Purpose	Members	Board Composition	Board Quorum	Voting, Regular Matters	Voting, Budget	Action, Special Matters	Amendment of Agreement
						specific facility construction limitation within RD 1000 boundaries.	
<p>Kern Groundwater Authority for the Tulare Lake Basin Portions of Kern County – Second Amended and Restated Joint Powers Agreement</p> <p>Purposes are to cooperatively carry out the purposes of SGMA and develop, adopt and implement a legally sufficient GSP covering those portions of Kern County Subbasin that are within the jurisdictional boundaries of the Members. The purposes also allow for “General Members” or a group of General Members to become a GSA individually or collectively, approve the portion, section, or chapter of the GSA adopted by the Authority, and implement SGMA and the GSA adopted by the Authority</p>	<p>General Members, as listed in “Exhibit A” of the Agreement are within the broader group of Members; Directors of the Board are drawn from General Members.</p> <p>General Members are: Arvin Community Services District, Arvin-Edison Water Storage District, Cawelo Water District, City of Shafter, Kern County Water Agency on behalf of the Pioneer GSA, Kern-Tulare Water District, North Kern Water Storage District, Rosedale-Rio Bravo Water Storage District, Semitropic Water Storage District, Shafter-Wasco Irrigation District, Southern San Joaquin Municipal Utility</p>	Each General Member’s governing board selects a representative to serve as a Director on the Authority’s Board	Directors holding two thirds of the voting power of the entire Board of Directors constitute a quorum for the transaction of the Authority’s business.	<p>Affirmative vote of the majority of Directors present and entitled to vote on a matter.</p> <p>A General Member’s Director is entitled to vote on any matter that would affect the General Member or would impact any land or land-owners within the boundaries of the General</p>	Affirmative vote of the majority of Directors present.	75% affirmative vote required on matters including restricting or otherwise limiting the extraction of native ground-water other than through economic incentives or disincentives , and funding capital construction projects.	The Agreement may be amended by concurrence of 75% of the General Members.

JPA Name/Purpose	Members	Board Composition	Board Quorum	Voting, Regular Matters	Voting, Budget	Action, Special Matters	Amendment of Agreement
within the General Member's boundaries.	District, Tejon-Castaic Water District, West Kern Water District, Westside District Water Authority, and Wheeler Ridge-Maricopa Water Storage District.			Member or its management area(s)			

TO: Board of Directors**FROM:** Nina Hawk**SUBJECT:** Sites Project Authority to “Right Size” the Project, Announces Plan to Recirculate EIR**DATE:** 4/28/2020

On April 22, 2020, The Sites Project Authority (Authority) announced its intent to revise and recirculate its environmental document for the Sites Reservoir project. Over the past several months, the Authority has undertaken a rigorous Value Planning effort to review the project’s proposed operations and facilities in an effort to develop a project that is “right sized” for current participants while still providing water supply reliability and enhancing the environment. As a result of optimizing the Sites Reservoir, the project will include facilities and operations that are different than originally proposed in the Draft Environmental Impact Report (EIR) released for public review in 2017. Due to these changes, the Authority plans to publicly release its revised and recirculated EIR in the Summer of 2021. The Authority is coordinating with the Bureau of Reclamation on how best to move forward with the Environmental Impact Statement (EIS) with the goal of remaining a joint EIR/EIS to facilitate the public review process.

A copy of the Authority press release announcing its intent to revise and recirculate its environmental document for the Sites Reservoir project is included as Attachment 1.

Valley Water continues to evaluate the Sites Reservoir project and is currently analyzing the updated project description. Valley Water staff plans to bring this latest analysis to our Board of Directors for discussion in the near future.



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

Attachment 1: Sites Press Release

For Immediate Release:

April 22, 2020

Contact: Sara M. Katz

(619) 813-9551

Sites Project Authority to “Right size” Sites Reservoir to Meet Current and Future Water Supply Needs
Revised Environmental Documents Slated for Recirculation in 2021

Sacramento, Calif. – The Sites Project Authority (Authority) today announced its intent to revise and recirculate its environmental document for the Sites Reservoir project. Over the past several months, the Authority has undertaken a rigorous Value Planning effort to review the project’s proposed operations and facilities in an effort to develop a project that is “right sized” for current participants while still providing water supply reliability and enhancing the environment.

The process has resulted in a project that includes facilities and operations that are different than originally proposed in the Draft Environmental Impact Report (EIR) released for public review in 2017. Due to these changes, the Authority as the California Environmental Quality Act lead agency will revise and recirculate its Draft EIR and work with landowners, tribes, stakeholders, non-governmental organizations, and local communities to conduct a collaborative environmental review process. The Authority will also coordinate with the Bureau of Reclamation to confirm the appropriate approach to comply with the National Environmental Policy Act.

“The Value Planning process was responsive to input from our investors, state and federal agencies, non-governmental organizations, elected officials, landowners and local communities. By optimizing our plans for Sites Reservoir, we can design a water storage project that meets the needs of our participants and the environment today and in the future.” said Fritz Durst, chairman of the Sites Project Authority.

Sites Reservoir is a generational opportunity to construct a multi-benefit water storage project that helps restore flexibility, reliability, and resiliency to our statewide water supply. Located 10 miles west of Maxwell in rural Glenn and Colusa counties, Sites Reservoir would be an off-stream storage facility that captures and stores stormwater flows in the Sacramento River—after all other water rights and regulatory requirements are met—for release primarily in dry and critical years for environmental use and for California communities, farms and businesses when it is so desperately needed.

“By creating a resilient and reliable water supply for people and the environment during dry periods, Sites Reservoir provides a unique benefit that closely aligns with Governor Newsom’s Water Resiliency Plan,” said Jerry Brown, executive director for the Sites Project Authority.

Sites Reservoir would provide federal and state resource agencies with a dedicated and reliable supply of water they can manage to provide environmental benefits, especially during drier years. A substantial portion of the project’s water would be dedicated to environmental flows, which would help to improve conditions for Delta smelt, and help preserve the cold-water pool in Lake Shasta later into the summer months to support salmon development, spawning and rearing. In addition, it would improve the Pacific Flyway habitat for migratory birds and other native species.

Revisions to the EIR are underway. A revised and recirculated EIR is expected to be released for public review in Summer 2021. The Authority is coordinating with the Bureau of Reclamation on how best to move forward with the Environmental Impact Statement (EIS) with the goal of remaining a joint EIR/EIS to facilitate the public review process.

Sites is an off-stream reservoir proposed north of the Sacramento-San Joaquin Delta, where it would provide unique water supply and environmental benefits during dry and critical water years, and especially during extended drought periods. Additional information can be found at www.sitesproject.org or on Facebook and Twitter at @SitesProject.