



## **Santa Clara Valley Water District Board Policy and Planning Committee Meeting**

Board Conference Room A-124

### **REGULAR MEETING AGENDA**

**Monday, May 21, 2018  
2:00 PM**

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

#### **BOARD POLICY AND PLANNING COMMITTEE**

Nai Hsueh - District 5, Committee  
Chair

Barbara Keegan - District 2,  
Committee Vice Chair

John L. Varela - District 1

All public records relating to an 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 for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, 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 attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

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



**Santa Clara Valley Water District  
Board Policy and Planning Committee  
REGULAR MEETING  
AGENDA**

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Monday, May 21, 2018

2:00 PM

Board Conference Room A-124

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**1. CALL TO ORDER:**

1.1. Roll Call.

1.2. Time Open for Public Comment on any Item not on the Agenda.

*Notice to the public: This item is reserved for persons desiring to address the Committee on any matter not on this agenda. Members of the public who wish to address the Committee on any item not listed on the agenda should complete a Speaker Card and present it to the Committee Clerk. The Committee Chair will call individuals in turn. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*

**2. APPROVAL OF MINUTES:**

2.1. Approval of Minutes.

[18-0375](#)

Recommendation: Approve the April 23, 2018, Minutes.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: 042318 BPPC Draft Minutes](#)

**3. NEW BUSINESS:**

3.1. Untreated Surface Water Program Update.

[18-0368](#)

Recommendation: Receive information and provide input.

Manager: Kurt Arends 408-630-2284

Attachments: [Attachment 1: 3/22/16 Board Agenda Memo](#)

**4. OLD BUSINESS:**

4.1. Maintenance Work on Non-District Property. [18-0373](#)

Recommendation: Receive information from and provide direction to staff relating to policy and approach to performing maintenance work on non-district owned property.

Manager: Sue Tippetts, 408-630-2253

4.2. Board Strategic Plan Outline. [18-0376](#)

Recommendation: Review draft Board Strategic Plan Outline document and provide input and direction to staff.

Manager: Michele King, 408-630-2711

4.3. Work Plan, Meeting Schedule and Accomplishments Report. [18-0374](#)

Recommendation: A. Review the Board Policy and Planning Committee's Work Plan and Accomplishments Report and incorporate any new tasks; and

B. Schedule Committee meetings as appropriate.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: FY18 Work Plan](#)

**5. ADJOURN:**

5.1. Clerk Review and Clarification of Board 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.*

5.2. Adjourn to Regular Meeting at 2:00 p.m., on June 25, 2018, in the Santa Clara Valley Water District Headquarters Building Conference Room A-124, 5700 Almaden Expressway, San Jose, California.

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**File No.:** 18-0375

**Agenda Date:** 5/21/2018  
**Item No.:** 2.1.

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## COMMITTEE AGENDA MEMORANDUM

### Board Policy and Planning Committee

**SUBJECT:**

Approval of Minutes.

**RECOMMENDATION:**

Approve the April 23, 2018, 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.

**ATTACHMENTS:**

Attachment 1: April 23, 2018, Minutes

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711.



**MONDAY, April 23, 2018  
2:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1.1. CALL TO ORDER/ROLL CALL**

A meeting of the Santa Clara Valley Water District Board Policy and Planning Committee (Committee) was called to order at 2:00 p.m. on April 23, 2018, at the District Headquarters Building Board Conference Room A-124, 5700 Almaden Expressway, San Jose, California.

Board Members in attendance were: Director Nai Hsueh-District 5; Director John L. Varela-District 1; and Director Barbara Keegan-District 2 constituting a quorum.

Staff members in attendance were: Kurt Arends, Sami Buglewicz, Anil Comelo, Vincent Gin, Mike Heller, Tracy Hemmeter, Felicia Hernandez, Michele King, Brian Mendenhall, Meda Okelo, Afshin Rouhani, and Darin Taylor.

**1.2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON AGENDA**

Chairperson Hsueh declared time open for public comment on any item not on the agenda. There was no one present who wished to speak.

Chairperson Hsueh reviewed two letters from Mr. Richard McMurtry, Attachments 1.2-A and 1.2-B. Copies of the letters were included in the agenda packet. The committee referred letter labeled 1.2-A to the FAHCE Committee, and letter labeled 1.2-B to the Capital Improvement Program (CIP) Committee.

**2. Approval of Minutes**

**2.1 Approval of Minutes – February 26, 2018.**

The Committee considered the February 26, 2018 minutes. It was moved by Director Varela, seconded by Director Keegan, and unanimously carried to approve the February 26, 2018 minutes as presented.

**3. New Business**

**3.1 Board Strategic Plan Outline.**

Michele King, Clerk of the Board, reviewed the information on this item, per the attached Committee Agenda Memo. The Committee provided following feedback on the layout and format:

- Plan should provide direction/information on the topics the Board is either interested in or wants to highlight.
- Plan is an evolving document, including long-term strategies.
- Plan should include simple icons/graphics and each goal should be color-coded.
- All goals should be listed, even if there are no associated Board directives.
- Reconsider the term “Board Directive”.
- Write plan in a manner that will show constituents that the Board is engaged.

The Committee expressed a desire to have a draft ready for the Board to review in June/July timeframe, and requested that staff return with an updated version in May.

### **3.2 Board Performance Measures and Report.**

Ms. King reviewed the information on this item, per the attached Committee Agenda Memo.

The Committee supported the current document and recognized that reviewing the performance measures and identify areas that can be revised to better reflect the outcomes of the Board’s work will take substantial time to completed, and requested that staff ask the District audit consultant to review and provide some suggestions on the measures and report.

## **4. Old Business**

### **4.1 Pro-Active Right-of-Way Acquisition to Support One Water Objectives**

Afshin Rouhani, Water Policy and Planning Manager; Brian Mendenhall, Project Manager; Tracy Hemmeter, Senior Project Manager; and Vincent Gin, Deputy Operating Officer, reviewed the information on this item, per the attached Committee Agenda Memo.

The Committee provided supportive feedback on the draft process outline, plan, and proposed criteria, including renaming the process as Future Right-of-Way Acquisition instead of Pro-Active Right-of-Way Acquisition.

Arthur Keller, Environmental and Water Resources Committee member, stated that identification and prioritization criteria should be developed to ensure that a consistent process is followed.

The Committee requested that staff develop draft criteria and bring back to the Committee for review and input.

### **4.2 Work Plan, Meeting Schedule and Accomplishments Report.**

The Committee reviewed the work plan, meeting schedule and accomplishments report, and provided revisions based on on-going and upcoming tasks for this year, and completed tasks for last year.

The Committee requested that staff schedule items for the next meeting to review:

- Maintenance work on non-district property prior to the start of the maintenance season
- Untreated surface water program

The Committee agreed to move the May meeting to Monday, May 21 at 2:00 p.m. due to the Memorial Day Holiday.



5. **Adjourn**

Committee Chair Hsueh adjourned the meeting at approximately 4:00 p.m.

Michele L. King, CMC  
Clerk of the Board

Approved:



**File No.:** 18-0368

**Agenda Date:** 5/21/2018

**Item No.:** 3.1.

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## COMMITTEE AGENDA MEMORANDUM

### Board Policy and Planning Committee

**SUBJECT:**

Untreated Surface Water Program Update.

**RECOMMENDATION:**

Receive information and provide input.

**SUMMARY:**

In 1968 the District's predecessor agency adopted Resolution No. 68-5 establishing Rules and Regulations for the Service of Surface Water (Rules) by the Santa Clara County Flood Control and Water Conservation District for direct Irrigation. This resolution authorized conservation of groundwater for the benefit of all users through the use of imported water and water released from storage. Under the Rules, Qualified Users, who are issued permits to divert District Untreated Surface Water, were required to use surface water in lieu of pumping groundwater, making additional groundwater available to others.

Since 1968, urbanization of the County, increased regulation, increased demand for water and increasing costs have caused the need to revise the Rules. Resolutions 70-28 and 74-28 provided updates to the original 1968 Rules with the 1974 version being the current Rules governing the program. In the early days of the program, with new imported supplies coming on line, the District had adequate supplies of water and the challenge was the ability to recharge enough water into the groundwater basin. There was also sufficient capacity within the newly built pipelines to meet all the demands within the system. However, over time, demands have increased and supplies have not been adequate to meet all demands all the time, resulting in the suspension of surface water deliveries during the recent drought. Conveyance facilities have also reached capacity resulting in increased pumping costs and impacts to water deliveries.

On April 12, 2016, the Board directed staff to update the 1974 Rules with input from stakeholders, using eight principles that are listed below and described in the attached Board Agenda Memo, Item No. 5.2:

1. Align with current Board policies, CEO strategies and CEO direction;
2. Support water conservation;
3. Improve administration and cost management;
4. Better reflect the interruptible nature of Service;
5. When possible, facilitate conversion or convert service to recycled water service;
6. Avoid duplicative water service when there is water retailer service available;

7. Avoid committing supplies for fire suppression; and
8. Avoid impacts to the District's environmental obligations.

In addition, in support of the Board's Ends Policy E-2, the Board adopted Objective 2.2.1 "Raw water transmission and distribution assets are managed to ensure efficiency and reliability". In support of this, CEO Direction D 2.2.1.3.a states "Due to potential negative environmental and operational impacts of surface water usage, no new turnouts on District raw water transmission pipelines will be permitted unless determined by the District to have a positive impact on overall system operations or water supply reliability."

With the direction provided above, the District is not approving any new surface water turnout requests. As a result of old permits being terminated, due to the sale of property or other reasons, the number of approved surface water permits has declined from 99 in 2016, to 96 today.

However, the District continues to receive request for surface water delivery from new and existing customers. Although these requests have been denied, the Rules allow a requestor to appeal this decision to the Board. As a result, several individuals have requested such an appeal and an item is being prepared for Board consideration.

The District will revise the Rules following the eight principles listed above and approved by the Board on April 12, 2016. Recommendations will attempt to balance the use of public resources, equity, the District's retail role, and other service issues through a stakeholder input and Rules revision process.

In developing proposed revisions to the Rules, several basic questions will determine how the rules are revised. The following are issues that the Committee may consider for future discussion.

- Program Future - should the program expand or constrict?
- Should the District operate and maintain a retail water system?
- Use of Water - Should there be restrictions on the use of surface water. E.g. Residential landscaping.
- Should all costs of service be passed onto surface water customers.
- Transition of existing customers to revised Rules

**ATTACHMENTS:**

Attachment 1: Agenda Item No. 5.2 dated March 22, 2016

**UNCLASSIFIED MANAGER:**

Kurt Arends 408-630-2284

## CONFORMED COPY

File No.: 16-0109

Agenda Date: 3/22/2016

Item No.: 5.2.

### BOARD AGENDA MEMORANDUM

#### SUBJECT:

District Untreated Surface Water Service - Consideration for Revisions to the July 1974 Rules and Regulations for the Service of Surface Water (Res. 74-28).

#### RECOMMENDATION:

- A. Receive information on the issues and concerns related to the District's service of untreated surface water; and
- B. Direct staff that revisions to the Rules and Regulations for the Service of Surface Water should solicit input from stakeholders, including current district surface water users, and support the proposed Principles:
  - 1. Align with current Board Policies, CEO Strategies and CEO Direction;
  - 2. Support water conservation;
  - 3. Improve administration and cost management;
  - 4. Better reflect the interruptible nature of untreated surface water service;
  - 5. When possible, facilitate conversion or convert untreated water service to recycled water service;
  - 6. Avoid duplicative water service when there is water retailer service available;
  - 7. Avoid committing supplies for fire suppression; and
  - 8. Avoid impacts to District's environmental obligations.

#### SUMMARY:

Since July 1, 1974, the District has offered untreated surface deliveries through Resolution No. 74-28, "Rules and Regulations for the Service of Surface Water" (Rules). Under these Rules the District currently has 99 active permits; 73 for parties who divert water from the District's large diameter, raw water pipeline system; and 26 users who divert District surface water (as opposed to their own riparian rights water) from local creeks, canals, or reservoirs. The combined water usage from these deliveries range from about 2,000-5,000 AF annually.

The District's primary purpose for providing untreated surface water to qualified users is to reduce groundwater pumping, thereby conserving water in the groundwater basins for the benefit of all users of the basins. Thus, when surface water supplies are limited, such as during the current drought, groundwater storage can be drawn upon by those who have producing wells.

District operations have changed greatly over the past 40 years since the Rules were last adopted,

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and revisions to the Rules are now being considered to reflect those changes. While the District's primary objective of protecting the groundwater basins remains unchanged; it is necessary to revise the Rules to reflect the complexity of the District's untreated water operations, the impacts of urbanization, environmental considerations, and the District's role as a water wholesaler and the service to its primary customers, the water retailers. The Rules also need to reflect changes in County imported water supplies, recycled water, and water conservation.

For these reasons, and for improvement in water supply management and operations, staff recommends that the Rules be revised in ways that support the proposed Principles.

### **Background:**

As the number of untreated surface water permits has grown by about 20% over the past 20 years, and as the operation of the untreated water system has become more complex, diversions from the system are having greater impacts on the District's ability to manage water efficiently and effectively. This has been most evident during the current drought when surface water supplies have been severely limited; during San Luis Reservoir "low point" events that can impair San Felipe Division deliveries; and during unplanned pipeline or pumping plant outages that impact deliveries to the pipeline surface water customers.

In addition, the staff time and resources required to administer the increased number of untreated water accounts is disproportionate to the contribution of untreated surface water deliveries to overall County water needs. Increasingly, the District finds itself acting in a "retailer role" through these accounts, rather than as the County's water wholesaler, impacting our ability to effectively and efficiently manage the District's water supply system.

An increased number of accounts results in increased administration costs as well. While the Water Master charge has been increased in recent years, it still does not recoup the revenue necessary to offset the costs related to managing, operating, and billing the surface water diversion accounts. The Water Master Charge pays for the costs that are specific to surface water users only, including the work to operate the surface water accounts, and maintain surface water accounts.

Delivering water to the 99 surface water customers is a fairly small part of the District's business in comparison to the District's primary role as a water wholesaler to retailers who serve approximately two million residents in the County. Of the total County pre-drought water use of about 371,000 AF per year, District untreated surface water deliveries range from about 2,000-5,000 AF annually. Untreated water deliveries currently meet approximately one percent of the municipal and industrial water demands and five percent of the agricultural water demands in Santa Clara County. For the 73 permit holders that can divert from the District's large diameter, raw water pipeline system, these deliveries provide a relatively inexpensive source of water supply at a desirable pressure range of 25 to 60 pounds per square inch.

Another 26 users have permits to divert District surface water (as opposed to their own riparian rights water) from local creeks, canals, or reservoirs. Many of these users are land owners who are able to take diversions of riparian supply as well. The in-stream diversions of District supplies can have

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environmental consequences and make it more challenging, especially in dry years, for the District to manage in-stream flow requirements for fish habitat.

As a result of the drought and limited imported and local surface water supplies in 2014, the District notified the untreated surface water customers to cease diversion of surface water deliveries by May 1, 2014 unless an extension of time was issued. In February, 2015, the District notified the customers that due to continuing shortages, District surface water would not be available for diversion in 2015. These customers have the ability under the Rules to appeal curtailment of supply, and fourteen commercial and agricultural customers appealed in the spring and summer of 2015. District staff spent considerable time administering the surface water curtailments in 2014 and 2015, as well as on the curtailment appeal process in 2015. This effort diverted staff resources away from other critical drought-related activities.

### **Principles for Considering Changes to Rules**

As staff has managed the surface water program and adhered to the Rules over the years, areas for possible revisions to the Rules have been identified. Any changes to the Rules should be driven by the following proposed Principles as listed and described below:

1. Align with current Board Policies, CEO Strategies and CEO Direction
2. Support water conservation
3. Improve administration and cost management
4. Better reflect the interruptible nature of untreated surface water service
5. When possible, facilitate conversion or convert untreated water service to recycled water service
6. Avoid duplicative water service when there is water retailer service available
7. Avoid committing supplies for fire suppression.
8. Avoid impacts to District's environmental obligations

#### 1. Align with current Board Policies, CEO Strategies and CEO Direction

The current Board Governance Policy and CEO Strategy and CEO Directions for management of the raw water system reflect the ongoing concerns with untreated surface water diversions:

**Board Ends Policy E-2.** There is a reliable, clean water supply for current and future generations.

**Board Objective 2.2.1.** Raw water transmission and distribution assets are managed to ensure efficiency and reliability.

#### CEO Strategies:

S 2.2.1.1. Manage, operate and maintain raw water transmission and distribution assets to maximize reliability, to minimize life-cycle costs and to minimize impacts to the environment.

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S2.2.1.3. Develop and implement updated “Rules and Regulations for Service of Surface Water.”

CEO Direction:

D2.2.1.3.a. Due to potential negative environmental and operational impacts of surface water usage, no new turnouts on District raw water transmission pipelines will be permitted unless determined by the District to have a positive impact on overall system operations or water supply reliability.

D2.2.1.3.b. Due to potential negative environmental and operational impacts of surface water usage, any expansion of surface water use at existing District raw water turnouts will not be permitted unless determined by the District to have a positive impact on overall system operations or water supply reliability.

The current Rules allow for new “Qualified Users” to divert District water from a District conduit with an approved permit. However, new turnouts have been found to have an increasingly negative impact on the District’s ability to manage its primary operations of untreated water deliveries to the District’s treatment plants and recharge facilities. Each turnout connection off of the District’s large distribution lines creates additional locations requiring maintenance. As the turnout flows are operated by the customers, the District doesn’t control their timing or flowrate, which can have increasing operational impacts.

The District has recognized these impacts in the current policy and CEO direction. Therefore, staff recommends that the Rules be modified to align with Board Governance Policy, CEO Strategy and CEO Directions.

2. Support water conservation

The current Rules do not address water conservation efforts or requirements for the several classes of customers that exist.

Supplying untreated water service for residential landscapes has proved to be a disincentive to outdoor water conservation. Over 25% of these residential landscape customers use 2 to 4 times more water than what the District’s Table of Average Uses shows they should be using. In other words, some customers are using from 7 to 13 acre-feet per acre per year when the District’s Table of Average Uses indicates that the typical use should be 3.5 acre-feet per acre per year. All District M&I surface water customers using untreated water for residential landscaping ultimately had diversions suspended in 2014. Those customers have irrigated with alternate supplies since then, or discontinued irrigation.

The District’s efforts to meter the untreated surface water accounts supports water conservation goals as well as meeting federal metering requirements. Much of the surface water delivered to these customers is sourced from the federal Central Valley Project, pursuant to the Districts’ contract with the Bureau of Reclamation, which includes metering requirements.



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Given the importance of water conservation, staff recommends that proposed revisions to the Rules support water conservation.

### 3. Improve administration and cost management

Additional turnouts draw upon the time and resources of District's personnel who operate and maintain the raw water facilities delivering untreated water to the District's treatment plants and recharge facilities, as well as the staff that administer each customer account. As the current surface water permits do not have a term, they can be more difficult to administer due to outdated contact information and change of ownership of the properties served

Staff recommends revisions to the Rules that improve administration and cost management of the surface water program.

### 4. Better reflect the interruptible nature of untreated surface water service

Although the current Rules (Section 18.2) state that all water furnished is subject to "... shortage, fluctuation in flow, and interruption in service," many untreated surface water users have become highly reliant on this supply due to its low cost and convenience. Some surface water users who have groundwater wells have failed to keep their wells in operating condition. In general, the surface water customers have foregone the development of other supplies that may have been available.

The prospect of causing impacts to untreated surface water customers, and the labor-intensive, time-consuming process of implementing curtailments, has limited the District's actions to effectively and efficiently carry out our annual operations and water management efforts. As some of the surface water customers have not developed alternate supplies, curtailments of surface water deliveries may have impacts on these customers. Consideration of untreated surface water deliveries, and possible alternate supplies, or minimization of shutdown periods, has also been an issue for the planning and coordination of Water Utility capital and maintenance projects, such as the upcoming Anderson Dam seismic retrofit project, when operation of the District's untreated water system will be more constrained. In addition, planned pipeline maintenance projects can require pipeline shutdowns from 4 to 16 weeks, interrupting surface water deliveries to customers.

Staff recommends that proposed revisions to the Rules better emphasize the interruptible nature of surface water deliveries to the customers.

### 5. When possible, facilitate conversion or convert untreated water service to recycled water service

Since the current Rules were written over 40 years ago, they do not address and support the District's recycled water goals. Recycled water goals can be supported by requiring a conversion from untreated surface water use to recycled water when available and suitable for the proposed use. A few of the golf course irrigation customers, recognizing the interruptible nature of untreated surface water, have requested or are supporting efforts for recycled water service in the future instead of untreated surface water.

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**6. Avoid duplicative water service when there is water retailer service available**

County urbanization has resulted in some situations where untreated surface water is delivered for municipal and industrial purposes to customers located within a retailer's service area, or to properties that are also served potable water by a retailer's distribution system. For the District to provide water service in the service area of a private utility can entail a potential legal risk (Public Utilities Code Sec. 1503); it is a situation that should be remedied in revisions to the Rules.

The current Rules do not limit the type of use allowed for surface water diversions. While the program was originally established primarily for agricultural water users, the program now includes commercial users as well as many residential M&I customers who use the untreated surface water to irrigate landscape at their homes. As those customers rely on either a well or a retailer connection for their potable needs, there is a potential health risk due to cross-connection of the supplies.

Supplying untreated surface water for residential landscape purposes generates other concerns as well. It has led to disparity in the type and cost of water service for neighboring properties within a retailer's service area.

**7. Avoid committing supplies for fire suppression**

During the efforts to curtail water deliveries to surface water customers due to the drought, staff discovered that some accounts have connected fire suppression systems to the District's untreated water system without the District's knowledge. As water deliveries from the District's raw water pipelines are subject to service interruption due to maintenance outages, lack of water during droughts, or emergencies (for example, as occurred with the Santa Clara Pipeline failure in August 2015), these deliveries are not suitable for fire protection. Connections of such supplies to fire hydrants and fire suppression systems could cause human safety issues and potential property loss. District staff is working with County Fire officials to address these situations.

As an interruptible supply, the District's untreated surface water is not generally suitable as a source that meets the public's health and safety needs. Staff recommends that this aspect of untreated water service should be reflected in proposed revisions to the Rules.

**8. Avoid impacts to District's environmental obligations**

As the surface water diversions from streams are controlled by the customers, and not District staff, it can be challenging to operate District reservoir releases to efficiently maintain necessary streamflow for recharge and the environment. District in-stream flows released to meet recharge needs and regulatory flow requirements that support fish habitat and life cycles, can be suddenly diminished by customer's surface diversions, resulting in environmental consequences.

Staff recommends that proposed revisions to the Rules support avoiding impacts to the District's environmental obligations.

**Next Steps:**

Staff will engage surface water customers and other stakeholders in a public input process this spring and summer. Staff will then bring proposed revised Rules, reviewed under CEQA, to the Board for approval in the fall of 2016.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

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

**ATTACHMENTS:**

Attachment 1: Rules and Regulations

Attachment 2: PowerPoint

**UNCLASSIFIED MANAGER:**

Garth Hall, 408-630-2750

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# Santa Clara Valley Water District

5750 Almaden Expressway, San Jose 95118, Phone 265-2600



## RULES AND REGULATIONS FOR THE SERVICE OF SURFACE WATER July 1, 1974

### SECTION 1

#### DEFINITIONS

- BOARD:** Means the Board of Directors of Santa Clara Valley Water District.
- CONDUITS:** Includes canals, laterals, ditches, flumes, pipes, and their appurtenances, and natural stream channels where used as conduits by the District.
- DISTRICT:** Means the Santa Clara Valley Water District.
- DISTRICT WATER:** Refers to waters which are owned or controlled by the District and includes waters which have been stored and waters which have been imported.
- DIVERSION:** Means the act of transferring water from a District conduit to a private conduit or property.
- HOLDER OF TITLE:** Includes a holder of evidence of title and, also, a holder of land under a possessory right acquired by entry or purchase from the United States or the State of California.
- GENERAL MANAGER:** Means the General Manager of Santa Clara Valley Water District.
- OPERATE:** Includes use, maintain and repair.
- QUALIFIED USER:** Means any holder of title to a parcel of land who has complied with all the requirements of these Rules and Regulations and obtained a permit to divert District water.
- WATER YEAR:** Means the period from July 1st of one year to June 30 of the following year, both inclusive.

NOTE: The words "he", "him" and "his" as used herein include "she", "her" and "hers" and "it" and "its".

# Rules and Regulations for the Service of Surface Water

## SECTION 2

### PURPOSE OF DISTRICT

2.1 It is one of the primary purposes of the District to make available an adequate supply of water for all users within the boundaries of the District. It is considered that any appropriate means by which the pumping draft is reduced operates to this end. Therefore, in order to conserve the underground supply for the benefit of all, the District will permit the diversion and use of imported water and/or water released from storage for use within the District, pursuant to these Rules and Regulations.

## SECTION 3

### CONTROL OF SYSTEM

3.1 The operation of the works of the District shall be under the management and control of the General Manager, appointed by the Board, and no other person except his employees and assistants shall have any right to interfere with said works in any manner except by order of the Board.

## SECTION 4

### DIVERSION OF DISTRICT WATER

4.1 Qualified users will be allowed to pump or otherwise divert District water from any District conduit in which the District can release District water; provided, however, that no diversion will be allowed if the same unreasonably interferes with the operation of a District conduit or results in the waste of water.

## SECTION 5

### DISTRICT PERSONNEL

5.1 The District staff will distribute the water available in a fair and impartial manner to all persons qualified to receive such water, and will apply these Rules and Regulations without fear or favor, and will promptly report any infraction thereof.

5.2 Any complaint regarding releases or apportionment should be referred to the Water Resources Technician and, if it is not satisfactorily settled by him, it may then be taken up with the Water Operations Supervisor. If not satisfactorily settled by him, it may then be appealed to the Board.

# Rules and Regulations for the Service of Surface Water

## SECTION 6

### DISTRIBUTION OF WATER

6.1 Whenever, through lack of capacity in a District conduit, or for any other reason, it is impossible to distribute the amount of water desired by qualified users in any or all portions of the District, such supply as can be delivered will be equitably prorated among qualified users until such time as delivery of a full supply is possible.

## SECTION 7

### CONTINUITY OF USE

7.1 Qualified users shall be required to use water on a continuous basis, that is, 24 hours per day during all days including Sundays and holidays. Where a qualified user is located on a distribution facility subject to schedule of use and fails to take water when available at the time scheduled for him, he shall be placed at the end of the schedule and shall forfeit his right to water until all other qualified users on the distribution facility have been served.

7.2 Where a qualified user is located on a stream or canal and has ordered District water for a specified period, and has caused waste of water (a) by failing to take it when agreed, (b) by failing to take it continuously, or (c) by failing to notify the District at least 24 hours in advance of termination of his irrigation if terminated sooner than originally agreed, he shall be charged for the period or periods during which water went to waste as if he had taken water continuously during the agreed period.

7.3 Qualified users expecting to divert water on a basis other than 24 hours a day shall make arrangements for adequate storage to hold the requested flow without causing waste. If waste of water occurs as a result of a user's failure to comply, the user will be billed for the total requested and delivered flow regardless of amount diverted. If it can be demonstrated that no waste of water will occur, special written permission may be given to use water non-continuously.

## SECTION 8

### PERMITTED DIVERSIONS INCLUDE STORAGE

8.1 Diversion of District water may include both direct use and the temporary storage of such water for subsequent use.

# Rules and Regulations for the Service of Surface Water

## SECTION 9

### INTERRUPTIONS OR IRREGULARITIES IN SCHEDULES

9.1 A diligent effort will be made by the District to maintain a reasonably uniform flow in accordance with the schedules set up on the District conduit under its control. Whenever an interruption of service occurs, the District will, with reasonable diligence, notify qualified users affected thereby of any change in schedule. Unless otherwise determined by the General Manager, the distribution of water under rotation schedules will commence from the upper end of each conduit and progress downstream.

## SECTION 10

### APPLICATION FOR PERMIT

10.1 Applicants for permits to divert District water from a natural water course who claim riparian rights to the use of water from such natural water course, shall sign and return to the District an agreement on forms to be supplied by the District. If irrigation is intended the applicant shall indicate thereon among other things the number of acres of each type of crop to be irrigated, the number of such acres for which he claims riparian rights, and the intended rate of diversion.

10.2 Applications must be signed by the holder of title to the land on which water is to be used. Applications shall be filed with the District. Applications will be received at any time, but any period used for allowance of a riparian entitlement credit as specified in Section 11 herein shall begin on the first day of the month next following the date of the application.

10.3 With the exception of a minimum user as hereinafter defined, an applicant to divert water may sign an application and agreement to divert District water for a period of indefinite term extending beyond the ensuing diversion season and terminable (a) by proper and lawful action of the District or (b) by a notice of termination given the District by the landowner or (c) automatically upon a transfer of title to the subject property; provided, that upon such termination all charges due to the District shall be immediately payable and shall be and remain the obligation of said applicant unless, with the consent of the District, such charges are assumed by the new owner.

10.4 An applicant to divert water who is a minimum user as hereinafter defined shall file his application annually.

10.5 Where two or more persons divert water from a common pump or diversion works, each must file a separate application for his own land.



## Rules and Regulations for the Service of Surface Water

10.6 Applications requiring application fees must be accompanied by such fees as specified in Section 11.

10.7 Applicants shall agree to abide by the decision of the District whenever allocation of water is necessary.

10.8 On April 1st or as soon thereafter as reasonably possible, the District will apportion among the qualified applicants the available supply on each District conduit. Delivery schedules will be prepared, based on requested delivery dates and quantities insofar as possible. Where it is impracticable to correlate all requests, rotation schedules will be set up as outlined in Section 9.

### SECTION 11

#### FEEES AND CHARGES

11.1 An applicant who is a minimum user as hereinafter defined shall pay a minimum charge to the District at the time of filing his annual application as aforesaid. The charge shall be established by the District in each year for the ensuing water year.

11.2 Other applicants will pay a charge based on the applicant's diversion of District water at a rate per acre-foot which shall be established by the Board in each year for the ensuing water year. The charge so made shall be computed and paid as follows:

- (a) On or after January 1st in each water year, the District will determine the amount of water applicant has diverted hereunder between July 1st and December 31st and on or after July 1st in each water year, the District will determine the amount of water applicant has diverted hereunder between January 1st and June 30. If on December 31st it is determined that the amount of water applicant has used during the first period falls within the definition of "minimum use" as hereinafter defined, an invoice will not be issued until the end of the second period (June 30th). When economically practical, the District will meter diverted surface water. The determination of unmetered surface water will be consistent wherever practicable with methods used to determine unmetered groundwater. In the case of a surface water diversion facility to which no meter is attached, the production will be determined by a method reasonably available to the District and most likely to be accurate. The acceptable methods of determining such production graded as to preference from highest to lowest are as follows:

## Rules and Regulations for the Service of Surface Water

1. By use of an efficiency or flow test determining the rate of diversion of the facility together with a device which accurately records the duration of operation of the facility within the reporting period.
2. By use of an efficiency or flow test determining the kilowatt hours of electrical power necessary to produce an acre-foot or other quantity of water together with a device that accurately records the consumption of kilowatt hours within the reporting period.
3. By use of standard methods of measuring irrigation water together with total hours of diversion to determine total consumption for the reporting period.
4. By reference to a crop factor, being the average or normal irrigation requirements per acre of the crop or crops irrigated by the facility in question, as shown in the current "Table of Water Factors" as adopted by Resolution of the Board.
5. By special agreement between the applicant and the District.

The number of acre-feet so found will be multiplied by the established rate. The applicant will be billed for the amount due less any credit due applicant on account of his diversion of water from a natural water course to which he has an entitlement, as hereinafter described. The user will pay that charge for water which is either calculated upon his diversion or is the minimum charge, whichever is greater. If the amount due is not paid within thirty (30) days of billing, no further water delivery shall be made until the same is paid. Withholding of water will be in addition to any other lawful right of collection by the District of the sum due, or assessment of interest and penalties thereon.

- (b) If any user shall fail to pay the amount found due within thirty (30) days of billing, the District shall make a late charge at the rate of one percent (1%) each month on the delinquent amount.
- (c) Should any person divert District water contrary to this Resolution, the District shall, in addition to making the late charge provided herein, assess a penalty charge against such person in an amount of Fifty

## Rules and Regulations for the Service of Surface Water

Dollars (\$50.00) or ten percent (10%) of the amount found by the District to be due, whichever shall be greater.

- (d) Applicants for permits to divert District water from a natural water course who claim prior rights to the use of water from such natural water course shall be permitted an entitlement as found by the District. Such an entitlement is the amount of water an applicant may divert without charge from the natural flow of a stream, defined as the flow which would have occurred therein as to both time and quantity in the absence of storage or importation. The amount is the portion of the natural flow the applicant could divert to beneficial use without waste and subject to the prior or correlative rights of all others.

- (e) In the case of claimed riparian rights for other than an irrigation use, the District will determine and compute applicant's riparian entitlement upon the basis of availability of natural flow therefor. In the case of claimed riparian rights for irrigation, the District will determine and compute applicant's riparian entitlement in terms of a percentage of the natural flow by dividing the total riparian irrigated acreage on the stream into applicant's riparian irrigated acreage. This is expressed in the following:

$$E_r = \frac{A_a}{A_t} \times 100$$

$E_r$  = riparian entitlement, or percentage of natural flow to which applicant is entitled,

$A_a$  = applicant's irrigated riparian acreage,

$A_t$  = total irrigated riparian acreage on stream for application period.

- (f) Anything herein to the contrary notwithstanding, the District can give no credit for an entitlement if in fact and without the fault of the District natural flow of the stream did not reach the applicant's point of diversion.

- (g) To obtain a riparian entitlement credit, a qualified user shall maintain an accurate log of diversion periods which shall be available to the District upon request.

## Rules and Regulations for the Service of Surface Water

11.3 Where a pumping plant or plants have been constructed by either the District or a group of users and are operated by said District, each applicant shall assume his share of the pumping costs, as determined by the District, when the plant is used for pumping water for applicant's use.

11.4 Annually the Board shall set a minimum fee, payable in advance for the water year, or any part thereof, for any active facility diverting District water by a minimum user. A minimum user is defined as a user who diverts District water for use,

- (a) which does not exceed one-half(1/2) acre of irrigated land, or
- (b) whose diversion in each water year does not exceed three-quarters of one acre-foot.

The District shall have the option to require such user to pay at the regular established rate, if, upon investigation, it is determined that the water user would produce a greater amount of revenue than the minimum fee.

11.5 Maintaining adequate flows to qualified users may cause some waste of water attributable to the surface water program as a whole. When such waste can be determined, the cost thereof will be apportioned among qualified users, excluding minimum users, in proportion to their diversion. This apportionment will be charged at the appropriate unit cost for water and will be included in the billing for the six-month period.

11.6 Any protest regarding quantities of water diverted and charges made shall be made within fifteen (15) days following mailing of the invoice in question. Such protest, unless resolved by the Operations Branch, shall be made to the Board of Directors who shall, upon notice to the protester, hear and determine the same.

## SECTION 12

### REFUNDS

12.1 No refund or any other monetary adjustment will be made in the event of shortage in delivery.

## SECTION 13

### DISTRICT CONTROL OF DIVERSION AND ACCESS TO LAND AND DITCHES

13.1 An applicant proposing to divert water by pumping shall provide a means of locking pump, which means is acceptable to the District. The lock to be used shall be a District lock.

## Rules and Regulations for the Service of Surface Water

13.2 An applicant proposing to divert without pumping shall install a suitable headgate or other device acceptable to the District which can be locked by a District lock.

13.3 Employees and agents of the District shall have access at all times to all lands irrigated with District water, and to all diversion devices or structures, and to all streams, creeks, or conduits for the purpose of inspection, examination, measurement, survey or other necessary purposes of the District. The District shall have the right to install, maintain and examine a measuring device upon an applicant's line used for diversion of District water.

### SECTION 14

#### MAINTENANCE AND OPERATION OF DISTRICT CONDUITS

14.1 The maintenance and operation of all conduits belonging to the District shall be exclusively the responsibility of the District. No person shall be allowed to make any changes whatever in the flow of water in these conduits except when specifically authorized to do so by an employee or an authorized agent of the District.

14.2 No person shall be allowed to make any opening in, cut, plow down or otherwise interfere with or weaken any canal or ditch bank, or cut, tap or in any way interfere with any pipeline or any other conduit of the District, unless specific authority has been granted in writing by the District.

14.3 The maintenance and operation of all conduits, pumping plants or other diversion facilities belonging to private parties shall be the exclusive responsibility of the owner. The District will not maintain or operate any such diversion facility where such facility is used for private purposes.

14.4 Private diversion facilities shall be so maintained that they do not unnecessarily waste water. The District shall be permitted to inspect and examine such facilities and if, upon examination, it is found that they will unnecessarily waste water, the District may refuse to permit the diversion of District water until the required repairs are made.

14.5 No structures of any kind shall be placed in, on, across or over any conduit of the District by any landowner or water user except those facilities approved in writing both as to location and character of construction, by the District.

## Rules and Regulations for the Service of Surface Water

### SECTION 15

#### RIGHTS OF WAY

15.1 No buildings, corrals or other structures will be permitted on any District right of way without written permission of the District. Use of such rights of way for pasturing, grazing, or other agricultural purposes by adjoining property owners shall be subject to District's superior right to use this land for the purpose or purposes for which such right of way was acquired.

### SECTION 16

#### WATER RIGHTS

16.1 The District, in the administration of these Rules and Regulations, shall not interfere with any established water rights. The District does, however, exercise complete control over waters delivered into District conduits or which have been stored in District reservoirs and subsequently released and the District expressly asserts the right to recapture and release and/or reuse all waters which pass from the premises in which it was alleged they were to be used.

16.2 No user who diverts water from the District acquires any proprietary right therein by reason of such diversion or use, nor does such user acquire any right to sell such water, nor to divert it for use on premises other than those indicated on his application.

### SECTION 17

#### ABATEMENT OF NUISANCE

17.1 No material or substance that will become offensive to the senses or injurious to health or injuriously affect the quality of the water, or obstruct the flow of water, or result in the scattering of seeds of noxious weeds, plants, or grasses, shall be placed or dumped in or along any conduit or reservoir, or be placed or left so it could by any means be deposited in any conduit or reservoir. Any violation of this Section will subject the offender to prosecution. All employees of the District will promptly report any violation of this Section. The property owners within the District are especially urged to cooperate in its enforcement.

### SECTION 18

#### NON-LIABILITY OF DISTRICT

18.1 The District will not be liable for any damage of any kind or nature resulting directly or indirectly from the use of

## Rules and Regulations for the Service of Surface Water

any privately-owned conduit or diversion facility, or the water flowing therein, or by reason of lack of capacity therein or for negligent, wasteful or other use or handling of water by the users thereof.

18.2 All water furnished by the District flows through many miles of open creek channels, canals, ditches or pipelines and is therefore subject to pollution, shortage, fluctuation in flow, and interruption in service. District employees are forbidden to make any agreements binding the District to serve an uninterrupted, constant flow of water. All water furnished by the District will be for a use or uses specified in the application and every user putting the water to other uses does so at his own risk and by doing so assumes all liability for, and agrees to hold the District and its officers and employees free and harmless from liability and damages that may occur as a result of defective water quality, shortages, fluctuation in flow, and interruptions in service.

18.3 The District will not be liable for the quality of water, shortage of water either temporary or permanent, or for failure to deliver such water.

18.4 Diverting by users of District water is done at the user's risk and the District assumes no liability for damages to pumping equipment or other damages as a result of turbulent water or shortage or excess of water, or other causes.

18.5 The District assumes no liability for damages to persons or property occasioned through defective conduits or other works.

## SECTION 19

### UNAUTHORIZED TAKING OF WATER OR INTERFERENCE WITH REGULATION OF WATER

19.1 It is contrary to these Rules and Regulations for any qualified user to divert more water than he has applied for by making an opening in any District conduit, or by tampering with any control gate, box valve, measuring device or structure diverting water from any District stream, creek, or conduit, or by inserting any pipe, hose, pump or other diverting device into any District conduit or any stream or creek in which District water is flowing, or causing the same to be done without consent of the District.

19.2 It is also contrary to these Rules and Regulations for anyone who has not fulfilled the prescribed requirements for a qualified user to divert District water by any means from a stream, creek or conduit.

19.3 It is also contrary to these Rules for anyone to divert water which he has received for lands within the District to any lands outside the District's boundaries.

## Rules and Regulations for the Service of Surface Water

19.4 Anyone found violating the terms of this Section or of Sections 14.1 or 14.2 hereof shall be liable to criminal prosecution and, upon order of the General Manager, shall forfeit his right to take District water for the balance of that water year, or to take District water for the next succeeding water year, or both such forfeitures. Upon any such order imposing forfeiture of right to divert District water, the recipient may appeal the same to the Board which shall hear the appeal at its next regular meeting. At such hearing or at any time to which such hearing shall be regularly continued, the Board shall grant or deny the appeal and shall impose such forfeiture, if any, as it shall decide upon; provided, however, that any forfeiture so imposed shall not exceed suspension of the right to divert District water for a period beyond the next succeeding water year.

19.5 Anyone not a qualified user who has violated the terms of this Section and who thereafter seeks to become a qualified user shall not be deemed an eligible applicant therefor unless he shall first have paid to the District all such fees, together with such interest and penalties, as he would have paid had he been a qualified user hereunder at the time of such violation.

### SECTION 20

#### WASTE OF WATER

20.1 A qualified user who wastes water, either wilfully, carelessly, or due to defective or inadequate, privately owned conduits, pumps, or other facilities and/or structures, or due to inadequate preparation of the land for irrigation, may be refused permission to divert District water until the conditions are remedied. The provisions of Section 7.1 will then apply to determine when water can be delivered.

### SECTION 21

#### REPEAL OF CONFLICTING RESOLUTIONS

21.1 All resolutions or parts of resolutions inconsistent with the provisions thereof are hereby repealed.

### SECTION 22

#### VALIDITY

22.1 If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the remainder of the Resolution and the application of such provision to other persons or circumstances shall not be affected thereby.

SOURCE: Resolution No. 74-28 heretofore adopted by the Board of Directors of Santa Clara Valley Water District on April 2, 1974. (Effective July 1, 1974)



# Untreated Surface Water Program

March 22, 2016

Santa Clara Valley  
Water District



Attachment 2  
Page 1 of 10

# Overview

SUBTITLE

- ▶ Background
- ▶ Current Program
- ▶ Board Policy
- ▶ CEO Strategies and Direction
- ▶ Surface Water Program Issues
- ▶ Proposed Revisions to Rules
- ▶ Next Steps

# Background

SUBTITLE

- ▶ Current Surface Water Rules and Regulations adopted in 1974
- ▶ Allows for delivery of District's untreated (raw) surface water from streams and large distribution pipelines
- ▶ Surface water use can beneficially reduce groundwater pumping
- ▶ Currently, 99 active surface water permit holders
  - ▶ 73 Pipeline turnout permits
  - ▶ 26 Stream Diversion turnout permits
- ▶ Annual delivery of 2,000 – 5,000 AF for M&I landscape, commercial, and agricultural uses

# Current Program

SUBTITLE

- ▶ In 2014, District suspended most surface water diversions due to drought and surface water shortages
- ▶ Most surface water diversions are still curtailed
- ▶ Appeal process in 2015 and 2016 for commercial and agricultural users
- ▶ 14 appeals for temporary diversions in 2015
- ▶ Limited relief granted subject to conditions, including conservation efforts and commitment to develop an alternate supply

# Board Policy

SUBTITLE

- ▶ Board Ends Policy E-2
  - ▶ There is a reliable, clean water supply for current and future generations.
- ▶ Board Objective 2.2.1
  - ▶ Raw water transmission and distribution assets are managed to ensure efficiency and reliability.

# CEO Strategies

SUBTITLE

- ▶ S 2.2.1.1. Manage, operate and maintain raw water transmission and distribution assets to maximize reliability, to minimize life-cycle costs and to minimize impacts to the environment.
- ▶ S 2.2.1.3. Develop and implement updated “Rules and Regulations for Service of Surface Water”.

# CEO Direction

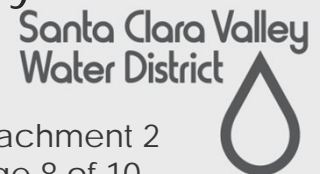
SUBTITLE

- ▶ D2.2.1.3.a. Due to potential negative environmental and operational impacts of surface water usage, no new turnouts on District raw water transmission pipelines will be permitted unless determined by the District to have a positive impact on overall system operations or water supply reliability.
- ▶ D2.2.1.3.b. Due to potential negative environmental and operational impacts of surface water usage, any expansion of surface water use at existing District raw water turnouts will not be permitted unless determined by the District to have a positive impact on overall system operations or water supply reliability.

# Surface Water Program Issues

## SUBTITLE

- ▶ More turnouts require additional District personnel resources to administer, operate, and maintain
- ▶ Turnout flowrates not controlled by District staff
- ▶ Stream diversions impact management of in-stream flow requirements
- ▶ Current Rules don't address or support District's recycled water and conservation goals
- ▶ Untreated water service for residential landscape use has been a disincentive to outdoor conservation
- ▶ Providing untreated water service to customers also served by a retailer
- ▶ Unpermitted connections to private fire suppression systems





# Proposed Revisions to Rules

1. Align with current Board Policies, CEO Strategies and CEO Direction
2. Support water conservation
3. Improve administration and cost management
4. Better reflect the interruptible nature of untreated surface water service
5. When possible, facilitate conversion or convert untreated water service to recycled water service
6. Avoid duplicative water service when there is water retailer service available
7. Avoid committing supplies for fire suppression
8. Avoid impacts to District's environmental obligations

# Next Steps

SUBTITLE

- ▶ Engage Surface Water customers and other stakeholders in public input process
- ▶ Bring proposed revised Rules and Regulations to the Board for approval

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**File No.:** 18-0373

**Agenda Date:** 5/21/2018

**Item No.:** 4.1.

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## COMMITTEE AGENDA MEMORANDUM

### Board Policy and Planning Committee

**SUBJECT:**

Maintenance Work on Non-District Property.

**RECOMMENDATION:**

Receive information from and provide direction to staff relating to policy and approach to performing maintenance work on non-district owned property.

**SUMMARY:**

The following provides a discussion of:

- stream maintenance and management activities commonly referenced as “maintenance”;
- activities commonly performed on District property and easements; and
- current constraints, practices and approaches for work on non-district owned property.

**Maintenance** is defined as routine, recurring and usual work for the preservation, protection, and keeping of a publicly-owned or operated facility for its intended purpose in a safe and continually usable condition for which it was designed, improved, constructed, altered or repaired. In broad terms, maintenance is performed on completed flood protection works and **management** activities are performed on District property outside the limits of a constructed project. Management activities may be performed for safety, aesthetics, water quality, erosion repair, fire suppression and mitigation purposes. The scope of these activities to improve flow capacity is limited.

Because the District’s Watersheds Operations and Maintenance Division performs these stream maintenance and management activities, they are commonly and collectively referenced as “maintenance”.

The scope of activities performed on property where the District owns fee title differs from activities performed on property where the District has an easement.

**On District owned lands (fee title)**, maintenance is performed to maintain the functionality of flood protection projects that have been constructed and accepted by the District to ensure these significant investments in infrastructure continue to provide the flood protection benefits as designed. The District also performs work on its property as a land owner both on capital projects and on lands where capital improvements have not been constructed. These management activities include weed abatement, hazardous tree removal, access pruning, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal.

**Easements** are generally acquired for flood protection or water management and storm drainage purposes, and grant the District rights (not obligations) to take actions in accordance with those purposes. Easements are typically on unmodified, “natural” channels. The District does not perform activities such as weed abatement, erosion repair, graffiti or trash removal on easements as these are landowner responsibilities. Removal of fallen trees or other obstructions to flow are flood protection activities that may be performed by the District.

**Stream Stewardship:** Stream stewardship activities that remove invasive plants along streams are conducted by District maintenance staff. This work may occur on District property and easements with permission from the property owner. Because it is important to eradicate invasive plants on a broad creek wide and watershed wide basis and the Clean Safe Water program provides funding for this activity, District staff may also seek permission and a right of entry to perform this work on private property.

**Property Owner’s Responsibility for Stream Maintenance:** Every property owner has a duty under the law to maintain his or her property in a reasonably safe condition and in a manner, that does not interfere with a neighbor’s ability to enjoy their property. This may include activities along a stream similar to the District’s actions as a property owner, such as vegetation management, erosion repair, and removal of trash, debris, graffiti and fallen trees.

### **District Role in Maintenance on Non-District Owned Property**

In determining the District’s role on conducting work on private property, consideration must be given to the California Constitution’s prohibition of the gift of public funds. Gifts include all appropriations of public money for which there is no authority or enforceable claim. Generally, public funds may not be given to individuals, corporations or other governmental agencies where the public funds do not serve a public purpose. If an expenditure serves a primary public purpose, it is not a gift even if it incidentally benefits an individual.

This distinction supports expenditure of funds on private property for limited flood protection or health of the watershed activities. Activities that serve a public purpose include fallen tree obstructions that pose a flooding threat, debris/trash raft removal, and invasive plant removal. Establishment of criteria is necessary to ensure actions by the District serve a public purpose and a purpose related to the District’s objects and purposes under the District Act. Implementation of an activity necessitates adequate access, appropriate rights of entry and terms, resource availability and consideration of ancillary regulatory permit compliance and mitigation requirements. The District must also ensure that its activities are not so extensive that it has essentially created a “project” for which there will be implied obligations of ongoing maintenance.

Other options to address non-district owned property include development of cost and permit sharing program under which private property owners could conduct certain specific activities such as invasive plant and fallen tree obstruction removal on their property pursuant to regulatory permits issued to the District. In this model the property owner could enter into an agreement with the District that would identify the property owner as a sub-permittee and include sharing of costs for the District

to provide biological services and permit compliance oversight.

**Emergency and Urgent Work:** The District may perform emergency flood protection work on other public or private property where a public purpose is endangered subject to written permission to enter from the property owner.

Staff established a QEMS procedure several years ago that identifies criteria for specific situations where the District may perform flood management on private property:

- 1) A declared emergency by the state or federal government requiring immediate repairs to public facilities to maintain service.
- 2) Immediate work is necessary to protect life and property; a situation that if allowed to continue, would cause imminent flooding or significant damage to public property or infrastructure.

The criteria are:

- Proposed work on private property must primarily result in flood damage reduction benefit to the community at large. Individual property benefit does not meet this criterion.
- Obstructions to flow may be removed if they are likely to dislodge and adversely affect District or public facilities.
- Site must have safe and adequate access to the problem area.
- Work is limited to tree and debris dam removal, and emergency erosion prevention measures.
  - *Tree Removal Constraint:* Trees subject to removal must have a clear and present likelihood of causing a debris dam within the channel in their present location.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Sue Tippets, 408-630-2253



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**File No.:** 18-0376

**Agenda Date:** 5/21/2018

**Item No.:** 4.2.

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## COMMITTEE AGENDA MEMORANDUM

### Board Policy and Planning Committee

**SUBJECT:**

Board Strategic Plan Outline.

**RECOMMENDATION:**

Review draft Board Strategic Plan Outline document and provide input and direction to staff.

**SUMMARY:**

At the April 23, 2018, Board Policy and Planning Committee meeting, the committee provided feedback on the layout and format of the draft Board Strategic Plan outline; expressed a desire to have a draft ready for the Board to review in June/July timeframe; and requested that staff return with an updated version in May.

Feedback provided by the committee included:

- Plan should provide direction/information on the topics the Board is either interested in or wants to highlight.
- Plan is an evolving document, including long-term strategies.
- Plan should include simple icons/graphics and each goal should be color-coded.
- All goals should be listed, even if there are no associated Board directives.
- Reconsider the term "Board Directive".
- Write plan in a manner that will show constituents that the Board is engaged.

Staff is incorporating the committee's feedback and will present an updated draft plan outline at the meeting.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

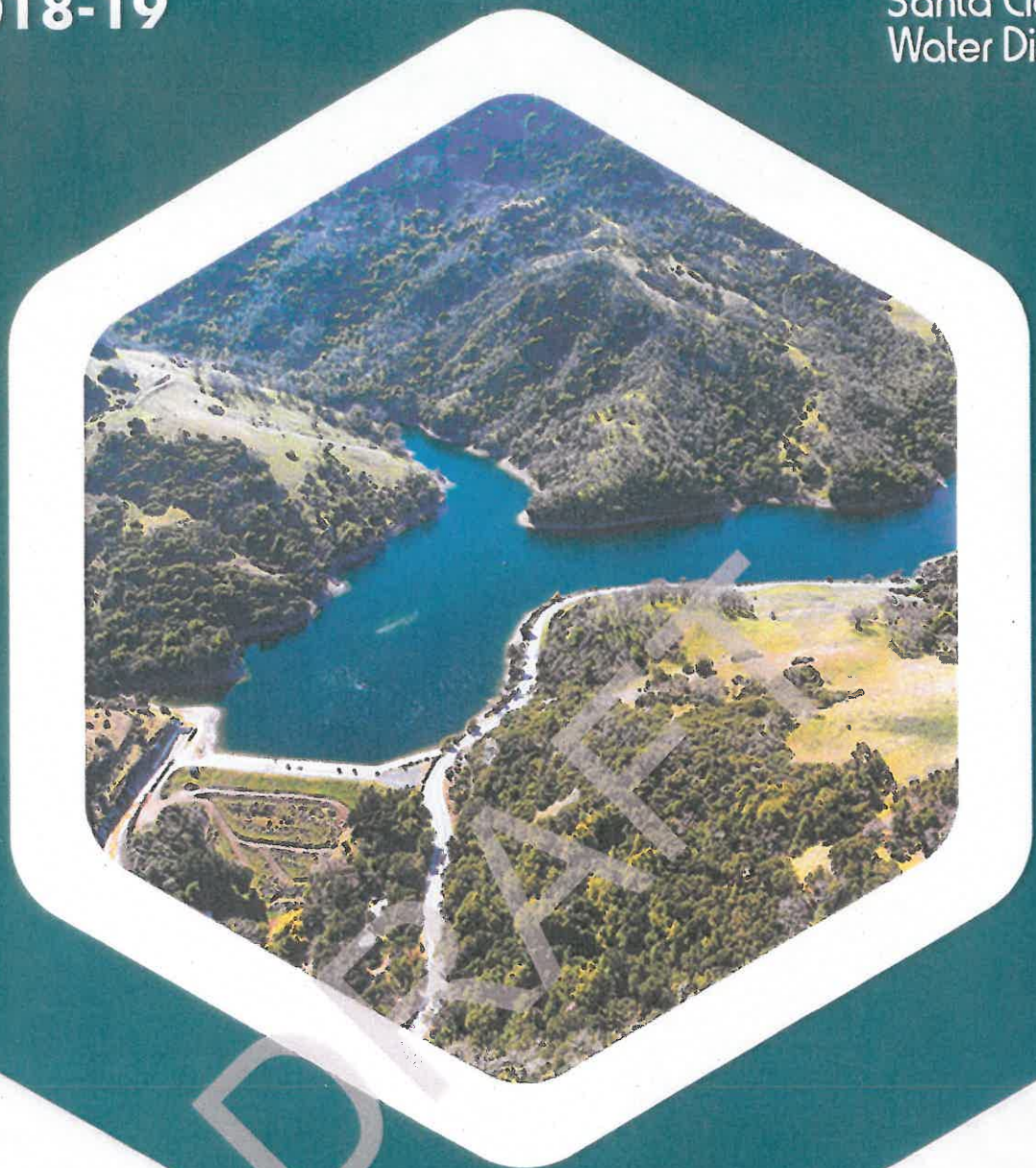
Michele King, 408-630-2711





**FY 2018-19**

Santa Clara Valley  
Water District



# **Board Strategic Plan**



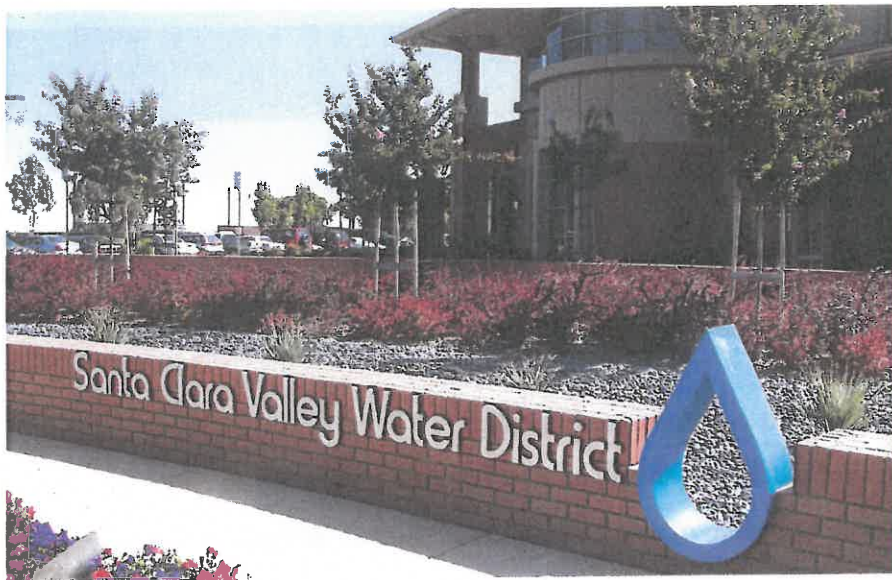
Message from the Board Chair of the  
**Santa Clara Valley Water District**



*Richard P. Santos*

**Richard P. Santos**  
Board Chair  
Santa Clara Valley Water District





## SANTA CLARA VALLEY WATER DISTRICT

Founded in 1929, the Santa Clara Valley Water District (District) is the primary water resources agency for Santa Clara County, with key water supply, water quality, flood protection, and environmental stewardship responsibilities.

## BOARD OF DIRECTORS

The Santa Clara Valley Water District Board of Directors (Board) is comprised of seven members, each elected from equally-divided districts drawn through a formal process. The purpose of the Board, on behalf of Santa Clara County, is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.

The Board governs with an emphasis on outward vision, encouragement of diversity in viewpoints, strategic leadership more than administrative detail, and proactivity rather than reactivity





## PURPOSE OF THE BOARD STRATEGIC PLAN

The Santa Clara Valley Water District is currently well-positioned to provide reliable water supply, flood protection, and water resources stewardship services. However, the Board Strategic Plan is focused on the future, addressing the risks, needed investments, and opportunities, likely to arise both in the short and long-term.

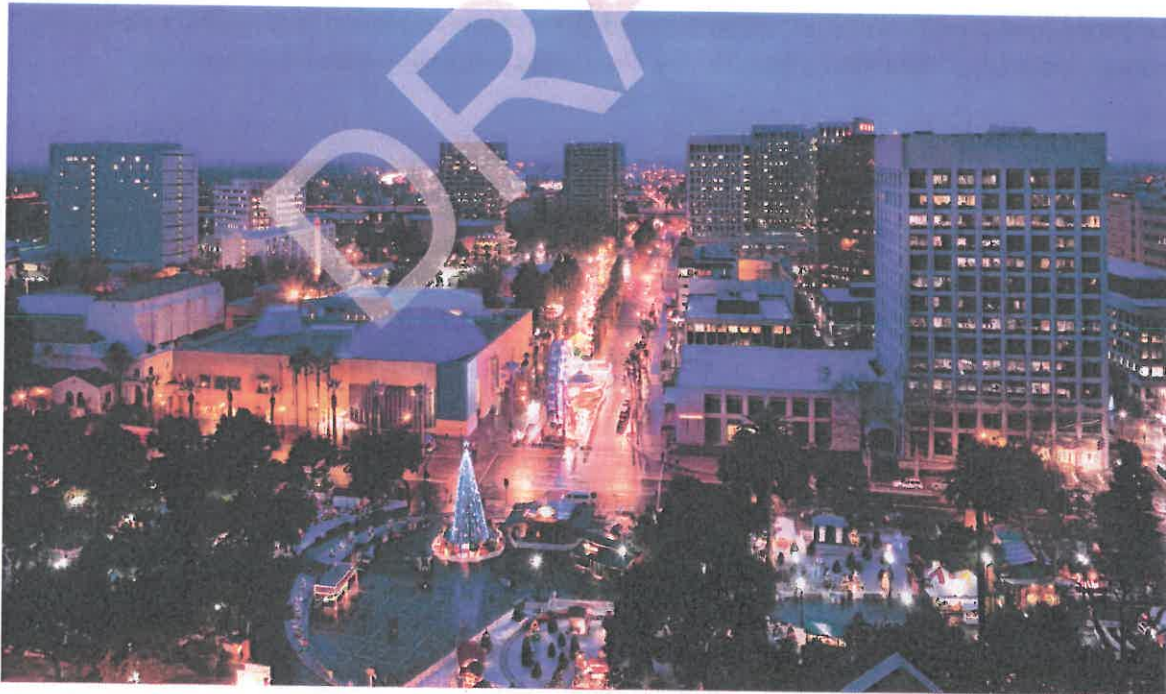
Specifically, this Strategic Plan is designed to achieve the following:

- Identify specific goals, objectives, and Board directions to further the District's Mission
- Use the identified priorities Board directions in development of the District's budget
- Increase confidence among Santa Clara County's residents, businesses, and visitors that the District is prepared to address our responsibilities, opportunities, and challenges today and into the future

The Board led the development of this Strategic Plan.

## SANTA CLARA VALLEY WATER DISTRICT MISSION

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



## BOARD ENDS POLICIES

Ends E-2: There is a reliable, clean water supply for current and future generations.

Ends E-3: There is a healthy and safe environment for residents, businesses, and visitors, as well for future generations.

Ends E-4: There is water resources stewardship to protect and enhance watersheds and natural resources and to improve the quality of life in Santa Clara County.

## VALUES

1. That the District is entrusted to serve the public by carrying out its mission for the benefit of the community.
2. That the District is committed to providing excellent service to all customers.
3. All individuals are unique and important and will be treated with fairness, dignity, and respect.
4. The District takes pride in its work and is accountable to carry out its responsibilities safely with honesty and integrity.
5. Initiative, leadership, personal development, and training are vital for continuous improvement.
6. Open communication, cooperation, and teamwork are shared responsibilities and essential to the successful performance of District work.
7. The District is committed to creating an inclusive work environment, which reflects and supports the diversity of our community and enriches our perspectives.
8. The District strives to support a work culture and workplace environment that attracts and retains superior employees empowered to make decisions about, and take responsibility for, how they do their jobs.
9. The District is committed to its employees and supports market based competitive compensation that is equitable and rewards accomplishment and encourages high performance.
10. This District is committed to sustaining a healthy work-life balance for its employees and places a high value on the things that provide enrichment and fulfillment, including work and career, health and fitness, family and relationships, spirituality, community service, hobbies and passions, intellectual stimulation, rest and recreation.

## GLOSSARY

**Goal:** A general direction provided by the Board. It is expressed as an ideal future related to and end. A goal may be abstract in nature and expressed as a general state. It is generally not quantifiable or time-dependent.

**Objective:** A specified action, either adopted by the Board or provided by the BAOs, that is an intermediate step toward attaining a goal. It may pertain to one particular aspect of a goal or be one of several successive steps toward a goal. It should be achievable and when possible, measurable and time-specific.

**Board Guidance:** A particular course of action, product, or service, identified by the Board, that describes the means to support objectives.



## STRATEGIC PLAN



### WATER SUPPLY

Current and future water supply for municipalities, industries, agriculture, and the environment is reliable. Raw water transmission and distribution assets are managed to ensure efficiency and reliability. Reliable high quality drinking water is delivered.

**Objective:** Raw water transmission and distribution assets are managed to ensure efficiency and reliability.

**Board Guidance:** Advance the Anderson Dam Seismic Retrofit Project. (E.2.1.2)

- As the District's largest reservoir, Anderson serves not just as a critical water supply facility, but also supports the District's mission of flood protection and environmental stewardship. Recently, the Anderson Dam Seismic Retrofit Project's scope has changed dramatically with the discovery of trace faults and other engineering issues related to the dam, which has significantly extended the estimated date for project completion.
- Given Anderson's critical importance to ensuring safe, clean water and flood protection for our communities and to protect public safety, it is imperative that the Anderson Dam Seismic Retrofit Project move forward proactively while ensuring that the planned project achieves all the project's objectives.
- Continue monitoring status of project in the Capital Improvement Program Committee.

**Objective:** Protect, maintain, and develop local surface water. (E.2.1.1)

**Board Guidance:** Finalize the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE)

- For almost 20 years, the District has been working to resolve a water rights complaint surrounding fish, wildlife, water quality, and other beneficial uses in Coyote Creek, the Guadalupe River, and Stevens Creek. We understand that the sheer scope of the actions involved in the resolution of the complaint — including filing water rights change petitions, preparing a Fish Habitat Restoration Plan and Environmental Impact Report and obtaining federal and state permits from several regulatory agencies — is large, but we believe that an adequately funded multi-disciplinary team can complete the planning, permitting, and other actions necessary to finalize resolution of the complaint.
- Continuing strategy development and monitoring in the FAHCE Ad Hoc Committee.

**Board Guidance:** Actively Pursue Efforts to Increase Water Storage Opportunities.

- Water storage capacity is an important tool for the District for capturing lower-value water for higher-value uses later. Such storage aids water supply, flood protection, and recreational uses and helps regulate downstream water quality and supply cold water flows for fish. As such, water storage is important for both human and environmental objectives and must fit within a large and diverse water and environmental portfolio.
- Opportunities include Pacheco Reservoir Expansion Project (District lead), Sites Reservoir (District participation), and Los Vaqueros Expansion Project (District participation).
- Seek and secure additional funding sources.
- Evaluate staff resources needed to successfully implement Board decisions.
- Continue strategy development and monitoring in the Water Storage Exploratory Committee.

**Objective:** Protect, maintain, and develop imported water. (E.2.1.3)

**Board Guidance:** Make key decisions regarding the California WaterFix.

- As part of the budget process, include all resources necessary to ensure that the Board can consider the best possible result and outcome for Silicon Valley if we are to participate in the WaterFix.

**Objective:** Protect, maintain, and develop recycled water. (E.2.1.4)

**Board Guidance:** Advance Recycled and Purified Water Efforts with the City of San Jose and other agencies.

- Given the Board's previous direction to expedite purified water projects, and in light of the key role recycled and purified water will continue to play in the long-term sustainability of

our county's water supplies, the execution of various Memoranda of Understanding (MOU) with appropriate agencies, to expand the use of non-potable and the production and use of advanced purified water, is a high priority.

- Key issues of land, treated wastewater quantity, and reverse osmosis (RO) concentrate management must be resolved with the City of San Jose before design and construction efforts for an expanded advanced purified water facility on Zanker Road can be pursued. In addition, it is expected that efforts to expand the use and availability of non-potable and advanced purified water with other agencies, both in north and south county, will increase in the future.
- Resolve issues with City of San Jose regarding Expedited Recycled Purified Water Program MOU, including escalating concerns to elected officials level if necessary.
- Engage with all cities within the county on Expedited Recycled Purified Water Program to determine county-wide interest and prioritization.
- Develop multi-media communications campaign and engage groups and public on potable reuse public outreach.
- Track direct potable reuse regulations and decide whether/how to implement direct potable reuse projects.
- Identify trigger points to facilitate selection of potable reuse projects.
- Include discussion on upcoming joint City Council/District Board meeting agendas.
- Include communication strategy on the regular Communications update to the Board.
- Continue strategy development and monitoring in the Recycled Water Committee.





## NATURAL FLOOD PROTECTION GOALS

Provide natural flood protection for residents, businesses, and visitors.

**Objective:** Preserve flood conveyance capacity and structural integrity of stream banks, while minimizing impacts on the environment and protecting habitat values. (E.3.1.2).


**Board Guidance:** Provide for a Watershed-Wide Regulatory Planning and Permitting Effort

- Include continued funding to complete planning for a watershed wide look that will assist in expediting our permitting efforts and will provide for a better collaborative approach with regulatory agencies.
- Continue monitoring in the Capital Improvement Program Committee.

**Objective:** Prepare and respond effectively to flood emergencies countywide to protect life and property. (E.3.2.3)

**Board Guidance:** Ensure immediate emergency action plans and flood protection are provided for Coyote Creek.

- With the 2017 President's Day flood event on Coyote Creek, the budget should include all items necessary to address the vulnerabilities encountered during this event. The budget should allow for the review of our Security and Emergency Operations Unit's resources to ensure that we have adequate funding and staffing to accomplish this important work. This budget should move forward the preparing of a joint Emergency Action Plan with the City of San Jose for Coyote Creek. This to include clear and practical thresholds that allow adequate



response time and written actions that are agreed upon between all parties when a key threshold is imminent. In addition, the schedule for the mid Coyote project should be moved forward.

- While the ultimate project may not be possible prior to construction of Anderson Dam retrofits, the Board would like to see an intermediate project that provides protection to some of the most vulnerable communities move forward as soon as possible.
- Increase awareness of property where the District does not have property rights and manage expectations and awareness of owners.
- Emergency action planning for Coyote Creek should be expanded to include other hotspots in the county.
- Staff to develop communication protocols for communications within District-indentured creek hot spots.
- Continuing assigning policy review of maintenance role/responsibility for District-Owned and Non-District Owned improved/natural creeks and creekside land to the Board Policy and Planning Committee.

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## ENVIRONMENTAL STEWARDSHIP

Protect and restore creek, bay, and other aquatic ecosystems. Improved quality of life in Santa Clara County through appropriate public access to trails, open space and District facilities. Strive for zero net greenhouse gas emission or carbon neutrality.

**Objective:** Preserve creeks, bay, and ecosystems through environmental stewardship.  
(E.4.1.1)

**Board Guidance:** Foster a coordinated approach to environmental stewardship efforts.

- The District is a leader in environmental stewardship. These efforts, whether they relate to the Water Utility or Watersheds activities, should be coordinated under one division to maximize their positive impact. It is understood that such a consolidation of efforts will take time to phase in, and budgets should take that effort into consideration.
- Continue monitoring in the Capital Improvement Program Committee, specifically, monitoring of fish passage removal capital projects.



## BUSINESS MANAGEMENT


The Board and the Board Appointed Officers shall promote practices, activities, decisions, and organizational circumstances that are lawful and supportive of commonly accepted business and professional ethics. The Board and the Board Appointed Officers shall operate consistently with the District Values Statement.

**Objective:** The BAOs shall promote conditions that ensure a work environment that is diverse and inclusive, free of discrimination and harassment, and that provides equal opportunity employment.

**Board Guidance:** Advance Diversity and Inclusion Efforts.

- We can't succeed without diversity in our ranks. By investing in diversity and inclusion, our employees feel respected and valued for who they are, therefore enabling them to bring far more of themselves to their jobs because they are required to suppress far less in order to better address the needs of the people of the Santa Clara County. Diversity and Inclusion efforts foster a pipeline for the development of our future workforce. These efforts include support for Science, Technology, Engineering and Math (STEM) programs, internship programs, our educational work with high schools and the Youth Stewardship Commission, all of which serve as an incubator for talent. The budget should include resources to continue ongoing programs and enhanced levels of resources, if necessary, for development of future workforce.



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- Look at best practices of having Diversity & Inclusion review composition of interview panels.
  - The District should benchmark with best Diversity & Inclusion
  - The District needs to invest in education pathways to equip the future workforce to qualify for jobs at the district; help expand the pool.
  - Include a discussion and reporting of Board-identified issues on Board Performance Monitoring Calendar.

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**File No.:** 18-0374

**Agenda Date:** 5/21/2018  
**Item No.:** 4.3.

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## COMMITTEE AGENDA MEMORANDUM

### Board Policy and Planning Committee

**SUBJECT:**

Work Plan, Meeting Schedule and Accomplishments Report.

**RECOMMENDATION:**

- A. Review the Board Policy and Planning Committee's Work Plan and Accomplishments Report and incorporate any new tasks; and
- B. Schedule Committee meetings as appropriate.

**SUMMARY:**

This item allows the Committee to review its 2018 Work Plan, meeting schedule and accomplishments report and identify additional tasks and schedule meetings as appropriate.

**ATTACHMENTS:**

Attachment 1: 2018 BPPC Work Plan & Accomplishments Report

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711.

2018 Board Policy and Planning Committee Work Plan and Schedule											
Subject	Task		2/26/2018	4/23/2018	5/21/2018	6/25/2018	7/23/2018	8/27/2018	9/24/2018	10/22/2018	11/26/2018
Board Planning Process	1	Provide ongoing support for Board Planning Activities									
	A.	Develop FY19 Board Policy Planning and Performance Monitoring Calendars				X					
	B.	Discuss FY19 Board Budget Message and Strategic Plan	X	X	X	X					
	C.	Planning for Board's FY19-20 Strategic Planning Workshop								X	
	D.	Discuss FY19-20 Board Budget Message & Strategic Plan									
	2	Provide support for Board Policy Review									
	A.	Needs for developing new, or modifying existing Board Policies identified during the development of One Water Plan									
	a.	Policy for proactive land acquisition for water resources management		X							
	b.	Updated guidelines and standards for homeowners adjacent to streams ( <i>ONE WATER PLAN</i> )									
	c.	Policy on Surface Water Turnouts			X						
	B.	Policy for use of District property for trails, open space, and recreation									
	C.	Policy for encroachment on District properties	X								
	a.	Policy maintenance role/responsibility for District-Owned and Non-District-Owned unimproved/natural creeks and creekside land ( <i>long-term vision and policy</i> )									
	b.	Policy maintenance role/responsibility for District-Owned and Non-District-Owned unimproved/natural creeks and creekside land ( <i>short-term actions</i> )			X						
Board Committees Principles and Structures	3	Align Board Committees' Work Plans with Board Planning Calendar									
	A.	Assign to Director Hsueh and COB Office to work with the Chair of the committees									
	B.	Develop methodology for measuring Board Committee outcomes and success									
Board and Organization Performance	4	Assignments as directed by the Board									
	A.	Board Performance Report and self-assessment		X							



## Board Policy and Planning Committee Accomplishments Report

Subject	Task		Action Taken
	<b>1</b>	Provide ongoing support for Board Planning Activities	
<b>Board Planning Process</b>	<b>A.</b>	Develop FY18 Board Policy Planning and Performance Monitoring Calendars	Board approved Committee-recommended Calendars on 6/27/17
	<b>B.</b>	PLanning for Board's FY18-19 Strategic Priorities Workshop	Board held strategies workshop developed by the Committee on 10/24/17
	<b>C.</b>	Discuss FY18-19 Board Budget Message	Committee recommendation to develop a Board Strategic Plan was approved by the Board on 2/13/17.
	<b>2</b>	Provide support for Board Policy Review	
	<b>*A.</b>	Review GP-7 - Values Statement policies for work, life balance and employer of choice language.	Board approved Committee-recommended policy changes on 8/8/17
	<b>*B.</b>	Evaluate ways to address Environmental Justice	Committee-recommended Environmental Justice Policy revisions are scheduled for Board consideration on 2/27/18
	<b>*C.</b>	Formalize Board desire for sensitive design in a Board Policy.	Committee-recommended addition to Ends Policy (E-1.6) were approved by the Board on 10/24/17
	<b>E.</b>	One Water Plan - Community Outreach Plan for FY18	At the 8/28/17 meeting, the Committee requested that staff provide briefings to individual Board member on the One Water Plan community outreach plan.
	<b>*G.</b>	Discuss need for social responsibility clause in the District's Investment Policy	Committee-recommended revisions to the District's Investment Policy were approved by the Board on 12/12/17
	<b>H.</b>	Discuss EL-5.4 - Sponsorship Level Increase	Committee-recommended revisions to Sponsorship level policy limits are scheduled for Board consideration on 2/27/19
<b>Board Committees Principles and Structures</b>	<b>3</b>	Align Board Committees' Work Plans with Board Planning Calendar	
	<b>A.</b>	Assign to Director Hsueh and COB Office to work with the Chair of the committees.	EWRC designated representative to attend BPPC meetings in 2018. Ag Water Advisory Committee designated representative to attend the Water Conservation & Demand Management Committee meetings in 2018.
<b>Board and Organization Performance Monitoring</b>	<b>5</b>	Assignments as directed by the Board	
	<b>A.</b>	Discuss Plan & Approach for Reviewing Master Reservoir Lease with Joint Task Force	Master Reservoir Lease was discussed by Committee on 11/27/17 and 1/22/19

\* Board identified task at its 10/14/16 Special Meeting

\*\* Staff identified task.