



Santa Clara Valley Water District Board Policy and Planning Committee Meeting

Board Conference Room A-124

REGULAR MEETING AGENDA

**Monday, September 24, 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**

Monday, September 24, 2018

2:00 PM

Board Conference Room A-124

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.

[18-0792](#)

Recommendation: Approve the July 23, 2018, Minutes.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: July 23, 2018, Minutes](#)

3. OLD BUSINESS:

3.1. Policy Maintenance Role/Responsibility for District-Owned and Non-District-Owned Unimproved/Natural Creeks and Creekside Land.

[18-0795](#)

Recommendation: Consider options and provide recommendation regarding policy for maintenance on non-District owned property.

Manager: Sue Tippets, 408-630-2253

3.2. Work Plan, Meeting Schedule and Accomplishments Report.

[18-0793](#)

- 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: 2018 BPPC Work Plan & Accomplishments Report](#)

4. ADJOURN:

4.1. Clerk Review and Clarification of Committee Requests.

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

4.2. Adjourn to Regular Meeting at 2:00 p.m., on October 22, 2018, in the Santa Clara Valley Water District, Board Conference Room A-124, 5700 Almaden Expressway, San Jose, California.

File No.: 18-0792

Agenda Date: 9/24/2018
Item No.: 2.1.

COMMITTEE AGENDA MEMORANDUM

Board Policy and Planning Committee

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve the July 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: July 23, 2018, Minutes

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711.



BOARD POLICY AND PLANNING COMMITTEE

DRAFT MINUTES

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

(Paragraph numbers coincide with agenda item numbers)

1. Call to Order

1.1 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 July 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, Norma Camacho, Michelle Critchlow, Vincent Gin, Michele King, Samina Shaikh, Sue Tippetts, Stan Yamamoto, and Tiny Yoke.

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

Chairperson Hsueh declared time open for public comment on any item not on the agenda.

Mr. Doug Muirhead, Morgan Hill resident, submitted written comments regarding the transparency of the FAHCE Committee, identified as Handout 1.2-A herein. Copies of the handout were distributed to the Committee and made available to the public.

The Committee concurred that Mr. Muirhead's comments be referred to the FAHCE Ad Hoc Committee.

2. Approval of Minutes

2.1 Approval of Minutes – July 5, 2018.

It was moved by Director Keegan, seconded by Director Varela, and unanimously carried that the minutes of the July 5, 2018 meeting be approved as presented.

Committee Chair Hsueh moved the agenda to Item 4.1.

4. Old Business

4.1 Follow up on Untreated Surface Water Program Update.

Mr. Kurt Arends, Deputy Operating Officer, Water Utility, reviewed the information on this item, per the attached Committee Agenda memo.

The Committee recommended that staff bring an item to the full Board to discuss and consider separating the public and private surface water users, and sun setting the program for general service private users by the year 2030; possibly start with the direction to not issue of any new private user permits.

The agenda item should include:

- How the water charges are not reflective of the District's true costs.
- Identifying significant negative impacts to District services (i.e. raw water service), and associated true cost impacts.
- Possibility of starting the sunset process with small landscape users first.
- Options for feasible assistance program to help users transition to other water sources

Committee Chair Hsueh returned the agenda to Item 3.1.

3. New Business

3.1 Policy Maintenance Role/Responsibility for District-Owned and Non-District-Owned Unimproved/Natural Creeks and Creekside Land.

Ms. Sue Tippetts, Deputy Operating Officer, Watersheds, reviewed the information on this item, per the attached Committee Agenda Memo.

The Committee requested that staff return with a policy level description under flood protection objectives that clearly defines what the District role relative to an assistance level.

Staff was also requested to enhance communications with property owners in the District-identified hot spots, via neighborhood meetings, emergency services notification, etc., prior to the rainy season so that they are informed of their options.

Mr. Muirhead submitted written comments, identified as Handout 3.1-A herein, containing suggestions on online application options to inform constituents of creek work being performed in specific areas. Copies of the handout were distributed to the Committee and made available to the public. The Committee referred Mr. Muirhead's comments to staff to investigate if any of his suggestions can be implemented.

Committee Chair Hsueh returned the agenda to Item 4.2.

4. Old Business

4.2 Board Strategic Plan

Ms. Michele King, Clerk of the Board, reviewed the information on this item, per the attached Committee Agenda Memo.

Mr. Arthur Keller, Vice Chair, Environmental and Water Resources Committee, submitted written comments regarding the Board Work Plan, identified as Handout 4.2-A herein. Copies of the handout were distributed to the Committee and made available to the public.

The Committee requested that staff add an Appendix with links or URLs to District program and master plans, as requested by Mr. Keller, and finalize the Plan for Board

consideration.

4.3 Work Plan, Meeting Schedule and Accomplishments Report.

The Committee reviewed the workplan, discussed upcoming items, and decided to cancel the August 27, 2018 meeting, and hold the next meeting on September 24, 2018.

5. Adjourn

5.1 Clerk Review and Clarification of Committee Requests.

Untreated Surface Water Program - staff to bring an item to the full Board to discuss and consider separating the public and private surface water users, and sun setting the program for general service private users by the year 2030; possibly start with the direction to not issue of any new private user permits

Policy Maintenance Role/Responsibility for District-Owned and Non-District-Owned Unimproved/Natural Creeks and Creekside Land - staff to return with a policy level description under flood protection objectives that clearly defines what the District can and cannot do at each assistance level; and enhance communications with property owners in the District-identified hot spots, via neighborhood meetings, emergency services notification, etc., prior to the raining season so that they are informed of their options

Board Strategic Plan – staff to add an Appendix with links or URLs to District program and master plans, and finalize the Plan for Board consideration

5.2 Adjourn

The Committee agreed to cancel the next meeting on Monday, August 27, 2018. Committee Chair Hsueh adjourned the meeting at approximately 4:00 p.m. to the September 24, 2018 meeting.

Michele L. King, CMC
Clerk of the Board

Approved:

File No.: 18-0795

Agenda Date: 9/24/2018

Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM

Board Policy and Planning Committee

SUBJECT:

Policy Maintenance Role/Responsibility for District-Owned and Non-District-Owned Unimproved/Natural Creeks and Creekside Land.

RECOMMENDATION:

Consider options and provide recommendation regarding policy for maintenance on non-District owned property.

SUMMARY:

The Committee met on July 23, 2018 and discussed the following options to address requests to perform work on non-District owned property. Following the discussion, the Committee requested that staff return with a policy level description under flood protection objectives that clearly defines the District role relative to an assistance level.

Staff was also requested to enhance communications with property owners in the District-identified hot spots, via neighborhood meetings, emergency services notification, etc., prior to the rainy season so that they are informed of their options.

Options for Maintenance on Non-District Owned Property

Options for maintenance of non-District owned property vary from a do-nothing approach to performance of all maintenance and management activities. Performance of work on non-District owned property is governed by laws defining a property owners' duty to maintain their property and constitutional provisions requiring that District expenditures of public funds and resources must serve a public purpose. Maintenance activities serving a public purpose include removal or relocation of fallen tree obstructions that pose a broader flooding threat and the removal of trash, debris, and invasive plants for watershed health that benefit the community at large. There is also a component of erosion repair that improves water quality, reduces sediment and improves aquatic habitat. However, erosion repair on a private property for the sole benefit of a property owner does not serve a public purpose.

The six levels of assistance for work on non-District owned property presented at the July 23, 2018 Committee meeting have been simplified and combined into three levels as follows:

Assistance Level 1 - Informational approach. Informational assistance can be provided

including technical and regulatory agency/permitting assistance, however the District would do no work, nor cost share on non-District owned property. The District conducts emergency or urgent work, pending resources and site conditions, where a public purpose is endangered (i.e. flood protection).

Assistance Level 2 - **Property owner cost shares with District.** The District would perform the public purpose work that does not require off site mitigation under the SMP and the property owner cost shares. Staff currently performs work on occasion under cost sharing agreements with public agencies at this level of assistance.

Assistance Level 2a - **District cost shares with property owner** Under this variation, the property owner would be responsible for design and construction and regulatory permits (with informational assistance from the District). The District could cost share a portion of the work based on a percentage, or fixed rate dependent on the type of work and the scope of the public purpose related to the District's mission.

Assistance Level 3 - **District performs work** for a public purpose on non-District owned property without cost sharing. This could include work that incurs mitigation under the SMP or work not covered by the SMP that requires separate regulatory permits, CEQA compliance or includes permanent construction requiring land rights.

Discussion of the assistance levels focused in on level 2, considering funding and resource constraints, with an emphasis on providing greater informational assistance and outreach to property owners. Policy level statements are suggested below.

Board Governance Policies

E-3 Objective 3.1.2- Preserve flood conveyance capacity and structural integrity of stream banks, while minimizing impacts on the environment and protecting habitat values.

Under BAO Interpretations, the outcome measures and strategies focus on District led operations and maintenance on District owned properties. Consider adding the following strategies:

Educate and inform creek side property owners of creek maintenance and management measures they can take to preserve flow conveyance capacity and structural integrity of banks.

Provide District property ownership information on District website and identify District role in providing maintenance and flood protection services on District property and non-District owned property.

E-3 Objective 3.2.2- Reduce flood risks through public engagement.

Under BAO Interpretations, the outcome measures and strategies focus on those identified in the CRS program, largely targeted to 100-year event flooding. Existing strategies related to this discussion under BAO Interpretations are:

S 3.2.2.2 - Educate community on flood awareness using annual countywide multilingual flood awareness campaign in the beginning of the flood season.

S 3.2.2.3 - Provide flood protection information on the District website and libraries.

S 3.2.2.4 - Provide floodplain, floodway, and flood risk information via GIS web-based interface.

Consider adding a strategy: *Provide targeted flood awareness notification to property owners in known, historic, flood prone areas, "hot spots", in the beginning of the flood season.*

E-3 Objective 3.2.3 - Prepare and respond effectively to flood emergencies countywide to protect life and property.

Existing relative strategies under BAO Interpretations;

S 3.2.3.5 - Identify and distribute hot spots and patrol information to municipalities countywide.

S 3.2.3.11 - Develop written, site specific flood fighting plans for creeks with less than 1% level of protection.

The strategy suggested under Objective 3.2.2 may address these two concepts.

The suggested strategies attempt to address Assistance Level 1. The outreach and informational pieces would inform the public of available assistance at level 1 While the strategies would not preclude work at Assistance Level 2 or 3, doing so will require funding, resources and clarification of the scope of such a program.

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

Sue Tippets, 408-630-2253

File No.: 18-0793

Agenda Date: 9/24/2018

Item No.: 3.2.

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	7/5/2018	7/23/2018	9/24/2018	10/22/2018	11/26/2018
	1 Provide ongoing support for Board Planning Activities								
Board Planning Process	A. Develop FY19 Board Policy Planning and Performance Monitoring Calendars				X				
	B. Planning for Board's FY19-20 Strategic Planning Workshop							X	
	C. 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. One Water Communication Plan								
	B. Policy for use of District property for trails, open space, and recreation							X	
	C. Policy for encroachment on District properties	X							X
a. Policy maintenance role/responsibility for District-Owned and Non-District-Owned unimproved/natural creeks and creekside land						X	X		
Board Committees Principles and Structures	3 Align Board Committees' Work Plans with Board Planning Calendar								
Board Committees Principles and Structures	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
	1 Provide ongoing support for Board Planning Activities	
Board Planning Process	A. Develop FY18 Board Policy Planning and Performance Monitoring Calendars	Board approved Committee-recommended Calendars on 6/27/17
	B. Planning for Board's FY18-19 Strategic Priorities Workshop	Board held strategies workshop developed by the Committee on 10/24/17
	C. Discuss FY18-19 Board Budget Message	Committee recommendation to develop a Board Strategic Plan was approved by the Board on 2/13/17.
	a. Discuss FY19 Board Budget Message and Strategic Plan	
	2 Provide support for Board Policy Review	
	*A. 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
	a. Policy on Surface Water Turnouts	
	*B. Evaluate ways to address Environmental Justice	Committee-recommended Environmental Justice Policy revisions are scheduled for Board consideration on 2/27/18
	*C. 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
	D. 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.
*E. 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	
F. Discuss EL-5.4 - Sponsorship Level Increase	Committee-recommended revisions to Sponsorship level policy limits are scheduled for Board consideration on 2/27/19	
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.	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.
Board and Organization Performance Monitoring	5 Assignments as directed by the Board	
	A. 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
	B. Board Performance Report and self-assessment	Referred to the Board Audit Committee for Input.

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

** Staff identified task.