# Non-Agenda

**October 2, 2020**

**Board Policy EL-7 Communication and Support to the Board**

*The BAOs shall inform and support the Board in its work.*

<table>
<thead>
<tr>
<th>Page</th>
<th><strong>CEO Bulletin &amp; Newsletters</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None.</td>
</tr>
</tbody>
</table>

| **Board Member Requests & Informational Items** |
| 4    | **BMR/IBMR Weekly Reports:** 10/01/20 |
| 5    | Memo from David Cahen, Risk Manager, to the Board of Directors, dated 10/2/20, regarding Risk Management Communication. |
| 36   | Memo from Garth Hall, Acting COO, Water Utility, to the Board of Directors, dated 9/29/20, regarding Invitation to Join Proposed Joint Recycled Water Committee. |

| **Incoming Board Correspondence** |
| 42   | **Board Correspondence Weekly Report:** 10/01/20 |
| 43   | Email from Rhoda Fry, to the Board of Directors, dated 9/26/20, regarding Landslide threatening Permanente Creek (C-20-0161). |
| 48   | Email from Richard Boberg, to the Board of Directors, dated 9/29/20, regarding requesting approval of the creek stabilization project at 18657 Twin Creeks Road and 15310 Quito Road (C-20-0162). |
| 50   | Email from Ernest Chavez, to the Board of Directors, dated 9/29/20, regarding Homeless Activity along Saratoga Creek (C-20-0163). |

| **Outgoing Board Correspondence** |
| 52   | Email from Chair Hsueh, to Richard Boberg, dated 9/25/20, requesting approval of the creek stabilization project at 18657 Twin Creeks Road and 15310 Quito Road (C-20-0154). |
| 54   | Email from Director Kremen, to Judie Johnson, dated 9/28/20, regarding Flows in Permanente Creek near Terrace Drive in Los Altos (C-20-0155). |

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Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.
BOARD MEMBER REQUESTS
and Informational Items
<table>
<thead>
<tr>
<th>Request</th>
<th>Request Date</th>
<th>Director</th>
<th>BAO/Chief</th>
<th>Staff</th>
<th>Description</th>
<th>20 Days Due Date</th>
<th>Expected Completion Date</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-20-0014</td>
<td>08/20/20</td>
<td>Kremen Santos; Santos</td>
<td>Yoke</td>
<td>Gordon</td>
<td>Director Kremen requested staff to take a look at the potential of hiring private fire fighting organization to protect the Penitenia WTP. In addition, Director Santos requested information on whether any consideration has been given to installing fire suppression sprinklers on the perimeter or other effective location on WTPs. Copies of both email requests are attached below.</td>
<td>09/10/20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-20-0009</td>
<td>09/08/20</td>
<td>Kremen Santos</td>
<td>Yoke</td>
<td>Gordon</td>
<td>At the 9/8/20 Board meeting, Dirs. Kremen and Santos requested staff to look at fire suppression and protection across a broad view of Valley Water infrastructure and facilities and whether systems or practices are in place to allow for suppression and protection in both power outage and external (wildfire) events. (Update: on 9/21/20 this item was reassigned from Garth/Heath to Tina/Alex)</td>
<td>09/28/20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TO: Board of Directors  
FROM: David Cahen  
Risk Manager  
SUBJECT: Risk Management Communication  
DATE: October 2, 2020

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

Please find the following attachments:

1) September 29, 2020 claim confirmation letter to Hacienda Creek Senior Apartments c/o Paul Truong and claim (District 2)

For additional information, please contact me at 408-630-2213.
September 29, 2020

Hacienda Creek Senior Apartments
Paul Truong, Community Director
399 East Court
San Jose, CA 95116

Re: Receipt of Claim – L2010003

Dear Mr. Truong,

We received the claim you submitted on behalf of Hacienda Creek Senior Apartments regarding the fence damage sustained due to a fire on September 21, 2020.

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

If you have any questions, please don’t hesitate to contact Risk Manager, David Cahen at (408) 630-2213.

Sincerely,

Lilian Dennis
Management Analyst II
(408) 630-2652
CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following

The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:

Clerk of the Board
Santa Clara Valley Water District-HQ
5700 Almaden Expressway
San Jose, CA 95118

Or submit the completed form electronically to:
clerkoftheboard@valleywater.org

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: Hacienda (Hacienda Creek Senior Apartments)

Address of Claimant: 399 East Court
City: San Jose
State: CA
Zip: 95116

Mailing Address to Which Notices Should be Sent if Different From Above:

City:
State:
Zip:

Home Phone Number:
Cell Phone Number:
Work Phone Number: (408) 885-0551

Is this claim being filed on behalf of a minor? Yes ☐ No ☒
If so, please indicate minor's date of birth: __
Relationship to the minor: __

Date and time of incident or loss:
9/21/20 10:30 AM

Location of incident or loss (address):
399 East Court
San Jose, CA 95116

Is there a police report? Yes ☐ If Yes, Police Report #: __
No ☒
Fire Report

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

Months of intentional negligence by SCVWD of accumulated trash build up leading to suspicious fire on SCVWD property.
In detail, describe the damage or injury (Please attach additional sheets if necessary):

Firemen damaged fence between Hacienda SCVWD, fire extinguisher & fire extinguisher glass

List Name(s) and contact information of any witness(es) or District employee involved (if any):

David Thomas #095266, Joseph Zavaranos, Corey Foor, Pablo Alberto Polisolor of San Jose Fire Department, residents
& management staff of Hacienda

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than $10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to $25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under $10,000? ☑ Yes ☐ No
Court Jurisdiction: (Check One) ☑ Limited Civil ☐ Unlimited Civil

<table>
<thead>
<tr>
<th>ITEMS</th>
<th>CLAIM AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Iron Fence</td>
<td>$680</td>
</tr>
<tr>
<td>2. Fire Extinguisher</td>
<td>$</td>
</tr>
<tr>
<td>3. Fire Extinguisher glass</td>
<td>$</td>
</tr>
<tr>
<td>4.</td>
<td>$</td>
</tr>
</tbody>
</table>

TOTAL AMOUNT $ |

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 24 day of September, 2020

Claimant’s signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

(1) If written notice is given of a denial of claim in accordance with Section 913, not later than six months after the date such notice is personally delivered or deposited in the mail.
(2) If written notice is not given of a denial of claim in accordance with Section 913, within two years from the accrual of the cause of action.
**Location**
- **Street address**: 399 EAST SAN JOSE
- **City**: SAN JOSE, CA 95112
- **Street Type**: Suffix

**Incident Type**
- **Type**: Outside rubbish, trash or waste

**Aid Given or Received**
- **Mutual aid received**: Yes
- **Mutual aid given**: No
- **Automatic aid received**: Yes
- **Automatic aid given**: Yes
- **Other aid given**: No

**Data & Times**
- **Date & Time**: Midnight is 0000
- **Month**: 09
- **Day**: 12
- **Year**: 2020
- **HR Min Sec**: 12 10:25:58

**Shift & Alarms**
- **Local option**: Yes
- **Alarm**: 09 12 2020 10 25 58

**Special Studies**
- **Local option**: Yes

**Actions Taken**
- **Extinguishment by fire**
  - **Primary Action Taken**: (1)
  - **Additional Action Taken**: (2)
  - **Additional Action Taken**: (3)

**Resources**
- **Apparatus**: Personnel
- **Suppression**: 0002 0008
- **Contents**: $0 00 00
- **Property**: $0 00 00

**Estimated Dollar Losses & Values**
- **Property**: $0 00 00
- **Contents**: $0 00 00

**Property Use**
- **Structure**: Church, place of worship
- **Outside**: Playground or park
- **Crop**: Forest (timberland)
- **Outdoor Storage Area**: Dump or sanitary landfill
- **Open land or field**: 936 Vacant lot
- **Residential street/driveway**: 962 Residential street/driveway

**Mixed Use Property**
- **Property**: Household goods, sales, repairs
- **Motor vehicle/boat sales/repair**: 979

**Additional Details**
- **Other**: General: general summary contains required on April 989, other module completes the form.

**Notes**
- **Location**: Use only for wildland fires.
- **Additional Location Specification**: Use only for wildland fires.
- **Census Tract**: -
- **State**: CA
- **Incident Number**: 20-20260099
- **Exposed Activity**: No Activity
- **Basic Incident Map**: Yes
- **Street**: East Street or Highway
- **Number/Address**: 399
- **City**: SAN JOSE
- **State**: CA 95112
- **Zip Code**: -

**WFIUS-1 Revision 03/17/99**
Remarks
0200912102439PD ** LOT search completed at 09/12/20 10:24:39 20200912102439PD
=200912102439PD CLOSEST LOCATION // BRUSH FIRE BEH HERE 200912102440PD **
vent F202569099 was viewed at: 09/12/20 10:24:40 20200912102440PD ** >>> by: 120691 on
terminal: fd02 200912102545PD ** Event Type changed from FIRE to BRUSH at: 09/12/20
0:25:46 200912102545PD ** >>> by: PAT YEPEZ on terminal: fc01 20200912102554PD Duplicate
vent:Location = 1634 LAS PLUMAS AV SJ : @FIRE STATION 34, Cross Street 1 = NIPPER AV, Cross
treat 2 = LENFEST RD, Type = SMOKE INVESTIGATION, Caller Name = E34, Alarm Level = 0
0200912102555PD INV SMK WEST OF STATION 200912102555PD ** LOI search com

34 personnel spotted a column of smoke while training in the backyard. As we responded to
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building. Upon arrival we found an area approx. 20x30 feet on fire in the creek area. There
was one homeless person on scene trying to put the fire out. She stated her name was
Virginia and that she lived in the area that was on fire. She did not know how the fire
tarted. We also found a smaller fire approx 10x10 feet about 200 feet west of the main
fire. E34 used approx 1200 gallons to extinguish and overhaul the area. E34 was on scene to
assist. We cut part of the fence in order to make access.

Authorization

| 101779 |
| Culajay, Guillermo |
| CA |
| E34 |
| 09 | 12 | 2020 |

Officer in charge ID Signature Position or rank Assignment Month Day Year

| 101779 |
| Culajay, Guillermo |
| CA |
| E34 |
| 09 | 12 | 2020 |

Officer making report ID Signature Position or rank Assignment Month Day Year
LOI search completed at 09/12/20 10:24:39 20200912102439PD =========== 0200912102439PD CLOSEST LOCATION // BRUSH FIRE BEH HERE 20200912102440PD ** Event F202569099 was viewed at: 09/12/20 10:24:40 20200912102440PD ** >>>> by: 120691 on terminal: fd02 0200912102546PD ** Event Type changed from FIRE to MKUSH at: 09/12/20 10:25:46 0200912102546PD ** >>>> by: PAT YEPEZ on terminal: fc01 20200912102554PD Duplicate Event:Location = 1634 LAS PLUMAS AV SJ : @FIRE STATION 34, Cross Street 1 = NIPPER AV, Cross Street 2 = LENFEST RD, Type = SMKINV SMOKE INVESTIGATION, Caller Name = #34, Alarm Level = 0 0200912102555PD INV SMK WEST OF STATION 20200912102555PD ** LOI search com

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<table>
<thead>
<tr>
<th>Staff ID</th>
<th>Staff Name</th>
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<th>Rank</th>
<th>Position</th>
<th>Role</th>
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<tbody>
<tr>
<td>16278</td>
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<td>Fire Fight</td>
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<tr>
<td>120157</td>
<td>Polidoro, Pablo Alberto</td>
<td>General Incident</td>
<td>Fire Fight</td>
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</table>

### 4 Engine 34

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<tr>
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<tr>
<td>101779</td>
<td>Culajay, Guillelmo</td>
<td>General Incident</td>
<td>Fire Captain</td>
<td></td>
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<td>115220</td>
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<td>General Incident</td>
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<td>117498</td>
<td>Hodges, Sean</td>
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<td>Fire Fight</td>
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<td>118680</td>
<td>Loessberg, Casilia</td>
<td>General Incident</td>
<td>Fire Fight</td>
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</tbody>
</table>
PROPOSAL

DATE: September 15, 2020
White Rose Landscaping Inc
33207 5th Street
Union City CA 94587
email: whiterose650@yahoo.com

TO
Hacienda Creek Apt
399 East Court
San Jose CA 95116

Welding service
#1 Replace the damage top fence spikes
#2 Repair the cut panels bars and panel frame

Price include all parts, labor and responsibilities including removing debris
due to the work done Total $680.00
White Rose Landscaping

_________________________  Date:________________
Accepted By
_________________________  Data:________________

This proposal is void if not signed and returned to our business or representative within 60 days of the date
Location:

Street address: 399 EAST
Prefix: CT
City: SAN JOSE
State: CA
Zip Code: 95112
Street Type: Suffix
Street or highway:

Incident Type:

Outside rubbish, trash or waste

Action

Actions Taken:

Extinguishment by fire

Additional Action Taken:

Suppression

Resources:

LOSSES:

G2 Estimated Dollar Losses & Values:

Property

Contents

Other

Detector

Detector alerted occupants

Detector did not alert occupants

Unknown

Casualties:

Hazardous Materials Release:

Mixed Use Property

Property Use:

Church, place of worship

Restaurant or cafeteria

Bar/Tavern or nightclub

Elementary school or kindergarten

High school or junior high

College, adult education

Care facility for the aged

Hospital

Playground or park

Grove or orchard

Forest (Timberland)

Outdoor storage area

Dump or sanitary landfill

Open land or field
Remarks

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Narrative:

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<tbody>
<tr>
<td>95266</td>
<td>Thomas, David</td>
<td>General Incident</td>
<td>Fire Captain</td>
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<tr>
<td>099084</td>
<td>Sprovato, Joseph</td>
<td>General Incident</td>
<td>Fire Fighter</td>
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<tr>
<td>116278</td>
<td>Filippini, Corey</td>
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<tr>
<td>120167</td>
<td>Polidoro, Pablo Alberto</td>
<td>General Incident</td>
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On September 25, 2020, letters from Chair Nai Hsueh (Attachments 1 and 2) were emailed to Mayor Constantine of Morgan Hill and Mayor Velasco of Gilroy inviting the cities to participate in a new effort to advance the expansion of drought-resilient recycled and purified water in South County. Through the letter, Valley Water is proposing the three agencies enter into collaborative discussions to form a South County Joint Committee, with the goal of developing an agreement among members to promote water reuse in South County.

CEO Rick Callender will follow-up with Morgan Hill City Manager Christina Turner and Gilroy City Administrator Jimmy Forbes to further discuss this invitation.

Garth Hall
Interim Chief Operating Officer
Water Utility Enterprise

Attachments:  1. South County Letter of Invitation – Morgan Hill
            2. South County Letter of Invitation - Gilroy
September 23, 2020

The Honorable Rich Constantine  
Mayor, City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA  95037

Subject: Invitation to Join Proposed Joint Recycled Water Committee

Dear Mayor Constantine:

On behalf of the Santa Clara Valley Water District (Valley Water) Board of Directors, I would like to invite you to join us in a proposed new effort to advance the expansion of drought-resilient recycled and purified water in South Santa Clara County. We are proposing an interagency forum including the City of Morgan Hill (Morgan Hill) that could work in partnership towards the goal of meeting 10 percent of Santa Clara County’s water demands with recycled and purified water by the year 2028. To assist in achieving that goal, the Board proposes that we enter into collaborative discussions with the City of Gilroy (Gilroy) and Morgan Hill to form a South County Joint Committee among our three entities with the goal of developing an agreement among members to promote water reuse in South County.

Since 1999, Valley Water, Gilroy, and Morgan Hill have collaborated to support water reuse efforts in South County and to promote the expansion of recycled water in the region. Gilroy, Morgan Hill, and Valley Water have endorsed cooperative agreements for the development, construction, and utilization of the South County recycled water system. Given the importance of water reuse to future water supply, a higher level of collaboration is necessary in view of current infrastructure investment. Consequently, the Board invites Morgan Hill to join in the formation of a Joint Recycled Water Committee to facilitate the expansion of recycled and purified water in South County.

The effectiveness of interagency collaboration, joint committee structure, and supportive integration agreements is well established with recycled water producers and retailers in similar joint recycled water advisory committees in North County: the Joint Recycled Water Committee (City of Palo Alto/Valley Water), the Joint Recycled Water Committee (City of Sunnyvale/Valley Water), and the Recycled Water Policy Advisory Committee (City of San Jose/City of Santa Clara/Valley Water). Valley Water looks forward to building upon these existing collaborative structures through formation of the proposed Joint Recycled Water Committee with both Gilroy and Morgan Hill.
So that we can be inclusive of all South County’s needs and desires for water reuse, I am also extending this invitation to Mayor Velasco of Gilroy. Thank you for your consideration of our invitation, and I look forward to our partnership on this issue. Our CEO Rick Callender will contact City Manager Christina Turner to further discuss this invitation, but of course you can always contact him directly at (408) 630-2017 or via email at RCallender@valleywater.org.

Respectfully,

Nai Hsueh
Chair, Board of Directors

cc: Board of Directors (7), R. Callender, G. Hall, V. Gin, J. De La Piedra, H. Ashktorab, Morgan Hill City Manager Christina Turner, Honorable Mayor Roland Velasco, City of Gilroy, City Administrator Jimmy Forbis
dc:jh
0921b-l
September 23, 2020

The Honorable Roland Velasco
Mayor, City of Gilroy
7351 Rosanna Street
Gilroy, CA 95020

Subject: Invitation to Join Proposed Joint Recycled Water Committee

Dear Mayor Velasco:

On behalf of the Santa Clara Valley Water District (Valley Water) Board of Directors, I would like to invite you to join us in a proposed new effort to advance the expansion of drought-resilient recycled and purified water in South Santa Clara County. We are proposing an interagency forum including the City of Gilroy (Gilroy) that could work in partnership towards the goal of meeting 10 percent of Santa Clara County’s water demands with recycled and purified water by the year 2028. To assist in achieving that goal, the Board proposes that we enter into collaborative discussions with Gilroy and the City of Morgan Hill (Morgan Hill) to form a South County Joint Committee among our three entities with the goal of developing an agreement among members to promote water reuse in South County.

Since 1999, Valley Water, Gilroy, and Morgan Hill have collaborated to support water reuse efforts in South County and to promote the expansion of recycled water in the region. Gilroy, Morgan Hill, and Valley Water have endorsed cooperative agreements for the development, construction, and utilization of the South County recycled water system. Given the importance of water reuse to future water supply, a higher level of collaboration is necessary in view of current infrastructure investment. Consequently, the Board invites Gilroy to join in the formation of a Joint Recycled Water Committee to facilitate the expansion of recycled and purified water in South County.

The effectiveness of interagency collaboration, joint committee structure, and supportive integration agreements is well established with recycled water producers and retailers in similar joint recycled water advisory committees in North County: the Joint Recycled Water Committee (City of Palo Alto/Valley Water), the Joint Recycled Water Committee (City of Sunnyvale/Valley Water), and the Recycled Water Policy Advisory Committee (City of San Jose/City of Santa Clara/Valley Water). Valley Water looks forward to building upon these existing collaborative structures through formation of the proposed Joint Recycled Water Committee with both Gilroy and Morgan Hill.
So that we can be inclusive of all South County’s needs and desires for water reuse, I am also extending this invitation to Mayor Constantine of Morgan Hill. Thank you for your consideration of our invitation, and I look forward to our partnership on this issue. Our CEO Rick Callender will contact City Administrator Jimmy Forbes to further discuss this invitation, but of course you can always contact him directly at (408) 630-2017 or via email at RCallender@valleywater.org.

Respectfully,

Nai Hsueh
Chair, Board of Directors

cc: Board of Directors (7), R. Callender, G. Hall, V. Gin, J. De La Piedra, H. Ashktorab, City Administrator Jimmy Forbis, Honorable Mayor Rich Constantine, City of Morgan Hill, Morgan Hill City Manager Christina Turner

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INCOMING BOARD CORRESPONDENCE