### CEO BULLETIN / NEWSLETTERS

**CEO Bulletin:** 10/05/18 – 10/11/18

### BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS

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<td>Email from Director Kremen, to Mr. Stiebel, dated 10/09/18, regarding Adobe Creek Clean Up.</td>
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CEO BULLETIN/
NEWSLETTERS
Board Executive Limitation Policy EL-7:
The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

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Interview with Bay Area Monitor regarding Unmanned Aerial Vehicle (UAV/Drones) pilot project proposal.

Bay Area Monitor, a publication of the League of Women Voters, is writing a story about the district’s proposed pilot project to use Unmanned Aerial Vehicles (UAVs) for mapping, photography, outreach and other purposes. The district spoke to journalist Robin Meadows from the Bay Area Monitor and discussed possible uses of UAVs for topographic mapping, inspections of district facilities, event and post-event monitoring, security, informational pictures and videos.

The Bay Area Monitor heard about the project from the district’s August 2018 e-newsletter. At the December 19, 2017, board meeting the board directed the district to develop a pilot project for using UAVs in land surveying and mapping activities. Part of the project development is to solicit public feedback on the proposed use of UAVs in district work. The district is developing the project which includes outreach to the community.

The district placed an advertisement in the San Jose Mercury News and the Metro Silicon Valley
publications in the week of August 6, 2018. The purpose of the advertisement is to solicit public feedback on the proposed pilot project to use UAVs county-wide for district work. The public feedback period will remain open until the district returns to the board with the pilot program proposal in November 2018.

For further information, please contact Ngoc Nguyen at (408) 630-2632.

Use of recycled base rock in district work

On August 24, 2018, the district received a letter from Mr. Michael Gross of Zanker Road Resource Management, Ltd. The district responded to Mr. Gross on October 11, 2018 and both the letter received from Mr. Gross and the district’s response can be found in the October 12, 2018, board Non-Agenda packet.

For further information, please contact Ngoc Nguyen at (408) 630-2632.

Upcoming meeting dates and times for Delta Conveyance Design and Construction Authority Board of Directors and the Delta Conveyance Finance Authority Board of Directors

An Executive Committee meeting for the Delta Conveyance Design and Construction Authority Board of Directors will be held on Monday, October 15, 2018, at 10:00 am at Metropolitan Water District Headquarters Building, Room 2-145, 700 North Alameda Street, Los Angeles, CA 90012.

The scheduled items to be discussed are:
A. Approve regular meeting dates of the Executive Committee
B. Consider and recommend adoption of Bylaws for the Delta Conveyance Finance Authority Board of Directors
C. Consider and recommend approval of Conflict of Interest Code for the Delta Conveyance Finance Authority

The Regular Meeting of the Delta Conveyance Design and Construction Authority Board of Directors will be held on Thursday, October 18, 2018, from 2:00 pm to 5:30 pm in the Tsakopoulos Library Galleria, 828 I Street, Sacramento, CA. The agenda will be posted on the website by Friday, October 12, 2018 (www.dcdca.org/#meetings).

The Regular Meeting of the Delta Conveyance Finance Authority Board of Directors on October 18, 2018, has been cancelled. The next Regular Meeting of the Delta Conveyance Finance Authority Board of Directors will be held on Thursday, November 15, 2018, from 11:00 am to 12:00 pm in the Library Galleria, 828 I Street, Sacramento, CA.

For further information, please contact Nina Hawk at (408) 630-2736.

District Comment Letter for Delta Stewardship Council Hearing on California WaterFix Certificate of Consistency

The district reported in the September 28, 2018, board Non-Agenda packet, the Delta Stewardship Council (Council) hearing on the California WaterFix is scheduled for October 24-26, 2018, in West Sacramento. The district plans to submit comments to the Council in support of the Department of
Water Resources certification of consistency by the October 15, 2018, deadline. The comment letter will be provided to the board in a future board Non-Agenda packet.

For further information, please contact Nina Hawk at (408) 630-2736.

District participates in the ACEC California Annual Strategic Summer: Diversity in the Workforce Panel

On Thursday, October 11, 2018, CEO Norma Camacho attended the American Council of Engineering Companies (ACEC) California Annual Strategic Summit and participated in their Diversity in the Workforce panel in Napa, California.

This panel session discussed workplace diversity issues and promoting inclusive workplace culture through training and mentorship, brainstormed ways to break down barriers to increasing diversity in the industry, and gave each panelist the opportunity to describe the ways in which their organization has overcome barriers and discuss the types of tools they use to quantify success.

It was a very engaging discussion and gave the district an opportunity to showcase recent Diversity & Inclusion Program efforts with other industry leaders.

For further information, please contact Norma Camacho at (408) 630-2084.
BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS
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<th>Director</th>
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<td>I-18-0013</td>
<td>09/18/18</td>
<td>Varela</td>
<td>Hawk</td>
<td>Hall Jacobson Kao</td>
<td>Staff to provide the Water Storage Exploratory Committee with information related to raising Sisk Dam for additional water storage, including potential benefits to the District, and any possible interactions with Pacheco Reservoir Expansion Project.</td>
<td>10/09/18</td>
<td></td>
<td></td>
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<td>R-18-0013</td>
<td>06/26/18</td>
<td>Keegan</td>
<td>Yoke</td>
<td>Gordon</td>
<td>Director Keegan requested that staff provide the Board with the status and report on the last major District-wide security assessment and provide a schedule for the next assessment.</td>
<td>08/14/18</td>
<td>10/09/2018</td>
<td>08/13/18 CEO Bulletin: The Office of Emergency and Security Services and Information Technology units are both working collaboratively to provide a presentation to the Board to discuss security and threat assessments in a closed session tentatively scheduled in October. In the closed session, staff will provide an overview on what measures have been completed related to security equipment, hardware/software, infrastructure along with information technology cybersecurity threats. Staff will also provide an overview on professional assessment status and the required action(s) and estimated timelines to address and improve the district's vulnerability to threats.</td>
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<tr>
<td>R-18-0016</td>
<td>10/09/18</td>
<td>Hsueh</td>
<td>Hawk</td>
<td>Oven</td>
<td>Staff is requested to perform a lessons learned on the Rinconada Water Treatment Reliability Improvement Project and identify areas where the Board should have been engaged. Also provide information on possible new low bid award law.</td>
<td>10/30/18</td>
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TO: Board of Directors
FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication
DATE: October 5, 2018

The purpose of this memorandum is to provide you copies of recent Risk Management staff's communication with individuals or their legal counsel that have filed claims against the District.

Please find the following attachments:

1) October 1, 2018 letter to Barton Hechtman, legal counsel to Mitchel Johnson regarding tender to contractor (District 7)
2) October 1, 2018 letter to Barton Hechtman, legal counsel to Scott Yeaman regarding tender to contractor (District 7)
3) October 3, 2018 claim confirmation letter to Daniel Liu (District 4)

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

David Cahen
Risk Manager
October 1, 2018

Barton Hechtman
Matteoni, O’Laughlin and Hechtman
848 The Alameda
San Jose, CA 95126

Re: Claim L1780034 – Mitchel Johnson

Dear Mr. Hechtman,

The District has reviewed the claim submitted on behalf of your client, Mitchel Johnson. The Santa Clara Valley Water District’s general contractor, Teichert Construction (“Teichert”), is performing the San Francisquito Creek Flood reduction, Ecosystem Restoration and Recreation Project and is the proper party to handle this matter. Teichert is obligated by contract to receive and handle any claims arising from this Project. Accordingly, we have tendered this claim to Teichert for further handling.

The name and address of the contact person for Teichert is:

Francis Johnson
Vice President
Teichert Construction
5200 Franklin Drive, Suite 115
Pleasanton, CA 94588

A representative from Teichert should contact you soon. If you receive no contact within the next 30 days, please contact my office and we will follow up on the status of your claim.

In the meantime, if you have any questions, please contact me at (408) 630-2213.

Sincerely,

David Cahen
Risk Manager

WARNING
You have two years from the accrual of the cause of action to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

cc: Board of Directors (7), S. Yamamoto
October 1, 2018

Barton Hechtman
Matteoni, O'Laughlin and Hechtman
848 The Alameda
San Jose, CA 95126

Re: Claim L1780033 – Scott Yeaman

Dear Mr. Hechtman,

The District has reviewed the claim submitted on behalf of your client, Scott Yeaman. The Santa Clara Valley Water District's general contractor, Teichert Construction ("Teichert"), is performing the San Francisquito Creek Flood reduction, Ecosystem Restoration and Recreation Project and is the proper party to handle this matter. Teichert is obligated by contract to receive and handle any claims arising from this Project. Accordingly, we have tendered this claim to Teichert for further handling.

The name and address of the contact person for Teichert is:

Francis Johnson
Vice President
Teichert Construction
5200 Franklin Drive, Suite 115
Pleasanton, CA 94588

A representative from Teichert should contact you soon. If you receive no contact within the next 30 days, please contact my office and we will follow up on the status of your claim.

In the meantime, if you have any questions, please contact me at (408) 630-2213.

Sincerely,

David Cahen
Risk Manager

WARNING
You have two years from the accrual of the cause of action to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

cc: Board of Directors (7), S. Yamamoto
October 3, 2018

Daniel Liu  
6610 Camden Ave.  
San Jose, CA 95120

Regarding: Receipt of Claim – L1890008

Dear Mr. Liu,

We received your claim for the property damage at your residence resulting from the fallen tree branch.

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

If you have any questions, please don't hesitate to contact me at (408) 630-2652.

Sincerely,

Lilian Dennis  
Management Analyst II  
Risk Management  
idennis@valleywater.org

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.
TO: Board of Directors  FROM: David Cahen  
FROM: Risk Manager  
SUBJECT: Risk Management Communication  
DATE: October 12, 2018  

The purpose of this memorandum is to provide you copies of recent Risk Management staff's communication with individuals that have filed claims against the District.

Please find the following attachments:

1) October 9, 2018 letter to Linda Lowery regarding claim status (District 4)
2) October 9, 2018 letter to Ray Amesquita and Graciela Amesquita regarding claim status (District 4)
3) October 10, 2018 letter to Loc Nguyen regarding settlement payment (District 3)
4) October 10, 2018 letter to Wan Tee and Mong Chia regarding settlement payment (District 3)
5) October 10, 2018 letter to Anita Siegel regarding settlement payment (District 7)
6) October 11, 2018 letter to Lori Brody regarding claim settlement (District 7)

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

David Cahen  
Risk Manager
October 9, 2018

Linda Lowery  
2228 Mountain Springs Drive  
San Jose, CA  95136  

Re: Claim L1670016

Dear Ms. Lowery,

The District has reviewed your claim and believes that our general contractor, Granite Construction Company ("Granite"), is the proper party who should handle this matter. This contractor performed the Canoas Creek Project in your neighborhood and is the proper party to handle this matter. They are obligated by contract to receive and handle any claims arising from this Project. Accordingly, we tendered this claim to Granite for handling.

On behalf of Granite, CNA/Transcontinental Insurance Company has investigated this matter and denied the claim. Further, since the claim is more than 45 days old, it has been denied by operation of law by the District.

If you disagree with this opinion, please contact:

Robert Fagan  
Claim Consultant  
Transcontinental Insurance Company  
(916) 857-2416 or (800) 262-0702 x2416  
Robert.fagan@cna.com

If you have any additional information that could assist Granite in changing its decision, you should present it directly to Mr. Fagan.

In the meantime, if you have any questions, please contact me at (408) 630-2213.

Sincerely,

David Cahen  
Risk Manager

WARNING
You have two years from the accrual of the cause of action to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

cc: Board of Directors (7), S. Yamamoto

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.
October 9, 2018

Ray Amesquita
Graciela Amesquita
2554 Nightingale Drive
San Jose, CA 95125

Re: Claim L1780019

Dear Mr. and Mrs. Amesquita,

The District has reviewed your claim and believes that our general contractor, Granite Construction Company ("Granite"), is the proper party who should handle this matter. This contractor performed the Canoas Creek Project in your neighborhood and is the proper party to handle this matter. They are obligated by contract to receive and handle any claims arising from this Project. Accordingly, we tendered this claim to Granite for handling.

On behalf of Granite, CNA/Transcontinental Insurance Company has investigated this matter and denied the claim. Further, since the claim is more than 45 days old, it has been denied by operation of law by the District.

If you disagree with this opinion, please contact:

Robert Fagan
Claim Consultant
Transcontinental Insurance Company
(916) 857-2416 or (800) 262-0702 x2416
Robert.fagan@cna.com

If you have any additional information that could assist Granite in changing its decision, you should present it directly to Mr. Fagan.

In the meantime, if you have any questions, please contact me at (408) 630-2213.

Sincerely,

David Cahen
Risk Manager

WARNING
You have two years from the accrual of the cause of action to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

cc: Board of Directors (7), S. Yamamoto

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.
October 10, 2018

Loc Cao Nguyen
3326 Whitman Way
San Jose, CA 95132

Regarding: Claim L1890002

Dear Mr. Nguyen,

Enclosed is the final settlement check regarding the above-mentioned matter. The total amount of the settlement is $2,867.00.

On behalf of the Santa Clara Water District, I apologize for any inconvenience this incident may have caused and thank you for your cooperation.

Sincerely,

[Signature]

David Cahen
Risk Manager

enc: Check #267690
October 10, 2018

Wan Tee
Mong Chia
3332 Whitman Way
San Jose, CA 95132

Regarding: Claim L1890005

Dear Wan and Mong,

Enclosed is the final settlement check regarding the above-mentioned matter. The total amount of the settlement is $3,126.00.

On behalf of the Santa Clara Water District, I apologize for any inconvenience this incident may have caused and thank you for your cooperation.

Sincerely,

David Cahen
Risk Manager

enc: Check #267736
October 10, 2018

Anita Siegel
77 Mt. View Avenue
Los Altos, CA 94024

Regarding: Claim L1890004

Dear Ms. Siegel,

Enclosed is the final settlement check regarding the above-mentioned matter. The total amount of the settlement is $800.00.

On behalf of the Santa Clara Water District, I apologize for any inconvenience this incident may have caused and thank you for your cooperation.

Sincerely,

David Cahen
Risk Manager

enc: Check #267713
October 11, 2018

Lori Brody  
969 Valencia Ave. 
Mountain View, CA  94040

Re: Release for Claim #L1890007

Dear Ms. Brody,

Thank you for your patience and understanding as we worked to resolve your claim. We realize that the need to have pest control due to the Permanente Creek Channel Improvement Project has caused you inconvenience. After the review of your claim filed against the District, the District is prepared to settle your claim in the requested amount of $100.00.

Enclosed you will find two identical settlement agreements. Please return the signed original and keep one copy for your records. Once we receive the signed original, we will process the settlement for payment. You do not need to have the Release notarized.

Please return the signed Release to:

Lilian Dennis c/o 
Santa Clara Valley Water District 
5750 Almaden Expressway 
San Jose, CA  95118

Please contact me at (408) 630-2213 if you have any questions.

Thank you,

David Cahen 
Risk Manager

Our mission is to provide Silicon Valley safe, clean water for a healthy life, environment, and economy.
TO: Board of Directors

SUBJECT: Use of recycled base rock in district work

FROM: Norma J. Camacho
CEO

DATE: October 11, 2018

On August 24, 2018, the district received a letter from Mr. Michael Gross of Zanker Road Resource Management, Ltd. The district responded to Mr. Gross on October 11, 2018 and both the letter received from Mr. Gross and the district's response can be found in Attachment 1 and Attachment 2.

Norma J. Camacho
CEO

Attachment 1: Letter from Mr. Gross of Zanker Road Resource Management Ltd.
Attachment 2: District's response letter to Mr. Gross of Zanker Road Resource Management Ltd.
August 24, 2018

Norma Camacho
Chief Executive Officer
Santa Clara Valley Water District (SCVWD)
5750 Almaden Expressway
San Jose, CA 95118

SUBJECT: RECYCLED BASE ROCK SCVWD

Dear Ms. Camacho,

Several months ago, the SCVWD requested a bid for project RG4880-DL which included the purchase of 9,965 tons of ¾” Class II Virgin (Native) Base Rock and 10 tons ¾” Class II Recycled Base Rock. Zanker Recycling (Zanker) bid the project but was not the low bidder. We are not contesting the bid results but rather we are perplexed as to why the district continues to use virgin materials in its projects rather than more economical and environmentally sustainable materials.

Years ago, in discussions with your staff, there was a concern that the use of recycled base rock would lead to increased alkalinity of waters under your responsibility. I concluded from the discussion that your staff was correct and that nothing would change in the future. In 2012, the Construction & Demolition Recycling Association (CDRA) completed a white paper that counteracts those beliefs. This white paper, Recycled Concrete Aggregate Sustainable Choice is attached to this letter and will also be emailed to you for review. This white paper will provide the SCVWD a detailed analysis regarding how aggregates do not substantially increase alkalinity because they are crushed from another product, concrete. Below is an excerpt from p. 4 from CDRA’s Sustainable Choice paper:

States having concerns about leachates stem from several areas. One of these involves the alkalinity of water passing through the RCA layers that could lead to corrosion of metal culverts and rodent grates and could also damage vegetation. A South Dakota study noted that although pH levels could initially be high, the low permeability of base courses will minimize the transport of water through them and “is not considered a problem”. (Cooley, 2007) FHWA reported that research indicates only a small area near drainage outlets is affected, and only for a short period of time after the initial construction. (FHWA, 2004) The AASHTO Standard Specification for Reclaimed Concrete Aggregate for Unbound Soil-Aggregate Base Course designated as M 319 also addresses this in Note 2 and states that appropriate limits should be set for the use of RCA in proximity to groundwater and surface water. States having this concern could address this by not using RCA base in low, wet areas, or where the base
course is allowed to daylight into the edges of embankments thereby exposing it to surface water.

Reasons to switch to recycled materials become more compelling because the carbon footprint being created by extracting and transporting ¾” Class II Native Base Rock is excessive and unnecessary when ¾” Class II Recycled Base Rock exists. Looking at future projects that directly relate to the SCVWD management, you can see that the South Bay Shoreline project as well as all the maintenance projects in the South Bay would consume thousands of tons of recycled materials. Additionally, these projects are adjacent to several recycling facilities, so costs for transportation would also be a fraction of original estimates.

We understand that this is just a single white paper, so we would like to work with the district to test this principal on our materials. Zanker would supply the base rock for the test and also pay for the analysis so the district doesn’t have to incur expenditures.

I would like to have a meeting with you or your staff to discuss this pilot project. I can be reached at 408-263-2384.

Sincerely,

Michael Gross
Director of Sustainability
October 5, 2018

Mr. Michael Gross
Director of Sustainability
Zanker Road Resources Management, Ltd.
675 Los Esteros Road
San Jose, CA 95134

SUBJECT: Inquiry about the use of recycled base rock

Dear Mr. Gross:

Thank you for your inquiry on August 24, 2018, about the use of recycled base rock and the white paper titled Recycled Concrete Aggregate, A Sustainable Choice for Unbound Base by CDRA Construction and Demolition Recycling Association.

At the Santa Clara Valley Water District (District), our greatest use of aggregate base is on our maintenance access roads and ramps along creeks. Our lower creek maintenance roads and ramps are considered part of each creek and they are usually inundated with creek water during high flow events. Additionally, stormwater runoff on our creek maintenance access roads and ramps also drains and contributes to the stream flow in each creek.

When District staff is proposing to reuse soil or other fill material, the Regional Water Quality Control Board (RWQCB) requires testing the reuse material for contaminants to protect the water quality and aquatic life. Reuse of fill material must meet San Francisco Bay Regional Water Quality Control Board's contaminant screening guidelines for protection of aquatic life (May 2000). Depending on where the fill material is reused, the material must meet contaminant screening criteria for either wetland surface material or foundation material. To the extent that we have use for base rock outside the aquatic environment, we can consider recycled material.

I suggest that you contact the RWQCB directly to discuss the proper testing and approval for use of recycled base rock in aquatic environments. Having the RWQCB approval for use of recycled base rock products in an aquatic environment will allow potential users to consider using recycled base rock in these areas. Should the recycled base rock meet the requirements of the RWQCB for reuse in an aquatic environment, the District can reconsider use of the recycled base rock.

If you have questions or need additional information, you may contact Mr. Ngoc Nguyen of my staff at (408) 630-2632 or by e-mail at nnguyen@valleywater.org.

Sincerely,

Norma J. Camacho
Chief Executive Officer

c: N. Nguyen