

February 3, 2022

**TO: SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM,
INDEPENDENT MONITORING COMMITTEE**

Jurisdiction

District 1
District 2
District 3
District 4
District 5
District 6
District 7
Current Board Chair Appointment

Member

Susan Kazemi
Rosalinda Zepeda
Rolane Santos
Hon. Jason Baker
Bill Hoeft
Hon. Patrick S. Kwok
Tess Byler
Hon. Bob Nuñez

Member

Huy Tran
Hon. Joe Head
George Fohner
Hon. Dan McCorquodale
Hon. Stephen Jordan

The Safe, Clean Water and Natural Flood Protection Program, Independent Monitoring Committee closeout meeting 2 is scheduled to be held on **Wednesday, February 9, 2022, at 4:00 p.m.**, via Zoom <https://valleywater.zoom.us/j/85611501656>.

Enclosed are the meeting agenda and corresponding materials. The meeting packet can also be viewed on-line at <https://www.valleywater.org/project-updates/safe-clean-water-and-natural-flood-protection-program/safe-clean-water-program-independent-monitoring-committee>.

Please confirm your attendance **no later than 3:00 p.m., Monday, February 7, 2022**, by contacting Glenna Brambill at 1-408-630-2408, or gbrambill@valleywater.org.

Enclosures



INDEPENDENT MONITORING COMMITTEE

Join Zoom Meeting

<https://valleywater.zoom.us/j/85611501656>

Meeting ID: 856 1150 1656

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Dial by your location

+1 669 900 9128 US (San Jose)

Meeting ID: 856 1150 1656



Santa Clara Valley Water District SCW Independent Monitoring Committee (IMC) Meeting

**Teleconference
Join Zoom Meeting:
<https://valleywater.zoom.us/j/85611501656>**

FINAL CLOSEOUT MEETING AGENDA

**Wednesday, February 9, 2022
4:00 PM**

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

SAFE, CLEAN WATER
INDEPENDENT MONITORING
COMMITTEE

COMMITTEE OFFICERS:
Tess Byler, Committee Chair
Hon. Joe Head, Committee Vice Chair

During the COVID-19 restrictions, all public records relating to an open session 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 to the public through the legislative body agenda web page 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 participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

Glenna Brambill, Committee Liaison
gbrambill@valleywater.org

BOARD REPRESENTATIVES:
Gary Kremen, Board Representative
John L. Varela, Board Alternate

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

Santa Clara Valley Water District
SCW Independent Monitoring Committee (IMC)
FINAL CLOSEOUT MEETING
AGENDA

Wednesday, February 9, 2022

4:00 PM

Teleconference

BY VIRTUAL TELECONFERENCE ONLY

Pursuant to California Government Code section 54953(e), this meeting will be held by teleconference only. No physical location will be available for this meeting; however, members of the public will be able to participate in the meeting as noted below.

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the "Raise Hand" tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

Santa Clara Valley Water District (Valley Water) in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Committee meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:
<https://valleywater.zoom.us/j/85611501656>

Meeting ID: 856 1150 1656
One tap mobile
+16699009128,,85611501656# US (San Jose)

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to two 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.

3. APPROVAL OF MINUTES:

3.1. Approval of Minutes.

[22-0236](#)

Recommendation: Approve 01262022 SCW IMC Meeting Minutes

Attachments: [Attachment 1: 01262022 SCW IMC DRAFT Mins](#)

Est. Staff Time: 5 Minutes

4. ACTION ITEMS:

4.1. Report Drafting Committee Presents Draft Final IMC Report

[22-0237](#)

Recommendation: Review and Approve the Final Independent Monitoring Committee (IMC) Report

Attachments: [Attachment 1: SCW IMC FY21 Draft Annual Report Cover Letter.c](#)
[Attachment 2: SCW IMC FY21 Draft Annual Report.docx](#)
[Attachment 3: SCW IMC FY21 Draft Notesc](#)

Est. Staff Time: 20 Minutes

5. NEXT STEPS

a. February 22, 2022, IMC Chair presents Final IMC Report to Board

6. 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.

7. ADJOURN:

7.1. Adjourn.



Santa Clara Valley Water District

File No.: 22-0236

Agenda Date: 2/9/2022

Item No.: 3.1.



	Meeting Date:	2-9-2022
	Item No.	3.1
	Unclassified Manager:	Candice Kwok-Smith
408-630-3193		
SAFE, CLEAN WATER INDEPENDENT MONITORING COMMITTEE		

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve 01262022 SCW IMC Meeting 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: 01262022 SCW IMC Draft Meeting Mins



SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM
INDEPENDENT MONITORING COMMITTEE

DRAFT MINUTES

WEDNESDAY, JANUARY 26, 2022

(Paragraph numbers coincide with agenda item numbers)

A regularly scheduled meeting of the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee was held on January 26, 2022.

1. CALL TO ORDER

Committee Chair Ms. Tess Byler called the meeting to order at 4:01 p. m.

1.1. ROLL CALL

A quorum was established with 9 Members present.

Members in attendance were:

<u>Jurisdiction</u>	<u>Representative</u>	<u>Representative</u>
District 2	Rosalinda (Rosie) Zepeda	
District 3	Huy Tran	
District 4	Hon. Jason Baker*	Hon. Joe Head
District 5	Bill Hoeft	George Fohner
District 6	Hon. Patrick S. Kwok	
District 7	Tess Byler	Hon. Stephen Jordan
2021 Board Chair Appointment	Hon. Bob Nuñez	

Member not in attendance was:

<u>Jurisdiction</u>	<u>Representative</u>
District 1	Susan Kazemi
District 3	Rolane Santos
District 6	Hon. Dan McCorquodale

*Committee Member arrived as noted

Board Members in attendance was: Director John L. Varela (Board Alternate).

Staff members in attendance were: Wade Blackard, Rechelle Blank, Glenna Brambill, Rolando Bueno, Justin Burks, Jennifer Codianne, Jessica Collins, James Downing, Amy Fonseca, Meenakshi Ganjoo, Laura Garrison, Alexander Gordon, Andrew Gschwind, Christopher Hakes, Jeannine Larabee, Juan Ledesma, Larry Lopez, Devin Mody, Judy Nam, Carmen Narayanan, Alec Nicholas, Thalia Revilla, Metra Richert, Afshin Rouhani, Denis Ruttenberg, Paul Thomas, Doug Titus, Sherilyn Tran, Javier Valencia, Kristen Yasukawa, and Emily Zedler.

Attachment 1
Page 1 of 7

2. PUBLIC COMMENT

There was no one present who wished to speak.

3. APPROVAL OF MINUTES

It was moved by Hon. Patrick S. Kwok, seconded by Hon. Joe Head, and carried by roll call and unanimous vote, to approve the minutes of the December 8, 2021, Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee meeting as presented.

4. OUTCOME OF SUBCOMMITTEE MEETINGS

4a. SUBCOMMITTEE CHAIRS REPORT OUT ON KEY AREAS OF DISCUSSIONS AND RECOMMENDATIONS

Committee Chair Tess Byler introduced each Subcommittee Chair who reported out on key areas of discussions and recommendations from the subcommittee meetings:

Priority B Subcommittee Chair reported:

Mr. George Fohner

Reduce Toxins, Hazards, and Contaminants in Our Waterways

- All projects were categorized as being “On Target” except **Project B4,”Good Neighbor Program: Encampment Cleanup. Project B4** was categorized as “Not on Target” because “cleanups” as defined in the project’s KPI were severely curtailed by restrictions pertaining to COVID-19.
- The subcommittee made no formal recommendations`
- VW’s projects add to scientific knowledge and practical experience that help solve important problems both inside and outside of Santa Clara County.
- VW’s extensive partnerships and collaboration with others help it achieve more than it could achieve on its own.
- VW’s priorities and methods are adjusted over time in response to changes in conditions “on the ground” and in the regulatory priorities of numerous agencies. Those conditions and regulatory priorities for north county are different than they are for south county.
- Impressive innovations have been made in the administration of grants and in experimentation with partnerships like Cash for Trash.
- Laudable changes have been made in the grants programs. Those changes increase flexibility and the inclusion of diverse organizations. The IMC subcommittee encouraged additional efforts to better reach disadvantaged communities, especially Native American communities.
- The IMC subcommittee commended the innovative adjustments in “volunteer cleanup efforts and education” that VW made in response to COVID, and its ongoing programs to encourage participation by young people to create the “next generation” of volunteers.
- The IMC subcommittee noted that many KPIs involve “actions taken” not “outcomes achieved”.

Priority D Subcommittee Chair reported:

Hon. Joe Head

- Overall-No significant issues with staff recommendations
- **D1 Management of Revegetation Projects**, agreed on target and had no recommendations, understood staffing issues clarify how Valley Water will employ a more sustainable practice of staff functioning as leads to oversee contract crews. Fix the title of Graph D1.2 on page 78 to

reflect that it is “projected new acreage.” In future reports, clarify that the total projected acres of revegetation to be maintained in future years is higher than the projected new acreage.

- **D2 Revitalize Stream, Upland and Wetland Habitat**, it is a completed project and were satisfied
- **D3 Grants and Partnerships to Restore Wildlife Habitat and Provide Access to Trails**, Grants challenges of doing grants during COVID restrictions and inability to interact with grantees and to execute them and once COVID recedes staff and grantees will be able to return to business as usual. Agreed on target and had no recommendations
 - Committee question on the stream corridor priority plans-part of D5-not a KPI? What was rationale of deleting it as a KPI?
- Ms. Meenakshi Ganjoo and Mr. Afshin Rouhani were available to answer questions.
- **D4 Fish Habitat and Passage Improvement**, had 2 areas subject of focus Almaden Lake/Ogier, Almaden Lake is completed, had discussion on Anderson Dam vs Ogier, project was adjusted they agreed and had no recommendations
- **D5 Ecological Data Collection and Analysis**, agreed project is on target and had no recommendations
- **D6 Creek Restoration and Stabilization**, project adjusted and had no recommendations
- **D7 Partnerships for the Conservation of Habitat Lands**, is completed
- **D8 South Bay Salt Ponds Restoration Partnership**, agreed on target and had no recommendations

*Hon. Jason Baker logged on at 4:24 p.m.

Priority A and C Subcommittee Chair reported:

Hon. Jason Baker, Ms. Tess Byler, Hon. Joe Head

- Overall projects are on target, staff worked hard, and they had no recommendations.
 - **A1 Main Avenue and Madrone Pipelines Restoration**
 - **A2 Safe, Clean Water Partnerships and Grants**, Nitrate program was unsuccessful, and therefore terminated, even though staff worked hard, the people did not engage, and no recommendations
 - **A3 Pipeline Reliability Project** not easy to execute on the timeline/schedule, was adjusted and had no recommendations. There were some constraints that were out of staff's control
 - **C1 Anderson Dam Seismic Retrofit**, KPI providing \$45 million dollars to fulfill the capacity of the reservoir subcommittee all felt project was on target except 1 member felt the transfer of \$45 million dollars did not accomplish the 15-year KPI and language should be explained as it was unclear if it was actually met by merely transferring of the money or should it have been monitored.
 - Discussion: There should be a KPI and not to just transfer the money without any input on how the money was going to be spent. It was suggested to have a KPI to not just transfer the money and perhaps have the Renewed IMC review. Subcommittee felt the KPI was not to simply transfer the funds, but the Tax Collector was to transfer the money and the bill language needs to be clear on how the funds were supposed to be spent and if transferring funds is within the language that voters voted on as was set forth within the 15 years (FY2028). Benefit #5 was to prevent uncontrollable releases that could cause downstream flooding but was this done? It was also felt that the project did not achieve the restoration to date to bring it back to full capacity of 90k acre feet.
- What is the One Water Plan and how does it impact SCW projects?
- Ms. Jessica Collins, Mr. Afshin Rouhani, and Mr. Brian Mendenhall were available to answer questions.

Committee Action taken:

It was moved by Ms. Tess Byler, seconded by Hon. Steve Jordan to recommend that the IMC would like the Renewed IMC to consider reviewing the \$45 million dollar transfer and other KPI needs to reflect end-result as required by the language set forth.

- Ms. Jessica Collins was available to answer questions: A public hearing is required to change a KPI.
- Discussion: Some committee members agreed on the transfer of funds and the need for it to be explained for transparency and because the program has ended it needs to be clear of how the funds are expended. 2 Members will be voting no as there was a methodology that was set early on in the program and this is a minor element of the project and being kept informed was satisfactory to the IMC. Anderson Dam project is a need and SCW was contributing funds for the project. The program does not have a sunset and there should not be just a simple transfer of funds without a definite KPI.

Motion restated again: To have the current IMC recommend for the Renewed IMC to consider an expanded KPI for the Anderson Dam Reservoir that goes beyond a simple money transfer and that provides some accountability and transparency to the voters in the long-term.

- Discussion: Considering a new KPI makes it more specific and intentional and may lead to another discussion under Priority E. Another proposal is to consider their evaluations of this project and how the money is being spent would be more general. Another friendly amendment that the new IMC consider the full sentence of the KPI (to restore the full capacity) and not create a new KPI but consider the full sentence of the existing KPI.

Final motion restated: The current IMC recommends that the Renewed IMC consider looking beyond the KPI transfer of funds to be evaluated discussing the use of those funds in service of the ultimate objective of the KPI as voted on by the taxpayers.

The motion failed 5 Yes/5 Nays.

- **C2 Emergency Response Upgrades** Subcommittee was satisfied with the project and its design. Project on target and had no recommendations.

Priority E and Others Subcommittee Chair reported:

Mr. George Fohner

Provide Flood Protection to Homes, Businesses, Schools and Highways

- Subcommittee agreed with staff's categorization of project status for all Priority E projects. All were categorized as being "On Target" except **Project 8, "Upper Guadalupe River Flood Protection"**, which is "Adjusted". Its schedule has been pushed back to accommodate completion of a General Re-evaluation Study by the US Army Corp of Engineers that will affect prospects for federal funding.
- Our subcommittee made one formal recommendation. That recommendation was logged in connection with Project E5, but the subcommittee asserted its relevance to other SCW projects: Recommend that the Renewed IMC Program discuss how projects are categorized with regard to project status.
- One additional note was formally recorded for Project E4 to correct text on page 133 to clarify that the Final Planning Study was not yet completed.
- Regulatory restrictions complicate the disposal of sediments and vegetation for flood protection and the budgeting and scheduling of stream maintenance.
- VW emergency action plans are an asset for communities throughout the county with respect to emergency preparedness and regulatory compliance.
- VW and the City of San Jose have developed a collaborative relationship and strong working partnership for addressing flood risk. VW is striving for the same with other cities at risk from flooding.

- VW Flood Risk Reduction Studies have value for deterring development that would be prone to flood risk as well as for planning measures to reduce risk to existing development. Those studies are a resource for decision-making by cities and FEMA.
- In its flood control construction projects VW must address issues associated with diverse community and national interests, numerous permitting agencies, and a wide array of potential tradeoffs.
- For some projects that currently have 100-year design specifications the subcommittee encouraged VW to consider less expensive alternatives that could be completed more quickly
- The “On Target” rating system reflects whether a project is considered able to accomplish its KPIs within budget and schedule as originally specified or as modified or adjusted by the Board.
- The subcommittee was concerned that the “sum” of the annual “On Target” ratings may not add up to the “cumulative status” of the projects as the public would perceive and judge them.
- The subcommittee questioned whether the “On Target” rating system suitably communicates to the public the “path” that the project has followed during the SCW program, and the gauntlet of regulations, funding criteria, and community desires that VW staff has had to balance and satisfy along that path.
- The subcommittee asked: What is the purpose of that rating system? How is it used? Do the criteria for the ratings reflect that purpose and those uses?
 - Question: Does Measure S define the scoring system.
 - Ms. Jessica Collins and Ms. Meenakshi were available to answer questions.

Committee action taken:

It was moved by Mr. George Fohner, seconded by Mr. Huy Tran, and carried by roll call vote to recommend that the Renewed Safe, Clean Water & Natural Flood Protection: Independent Monitoring Committee (Renewed IMC) review and refine as needed the project rating system of “on target, adjusted or not on target”.

Other Capital Flood Protection Projects and Safe, Clean Creeks Grants Project

- Subcommittee agreed with staff’s categorization of project status for all
- Four of the projects were “Completed”, one was “On Target”, and the Sunnyvale East and Sunnyvale West Channels Flood Protection project was adjusted because of delays associated with the added complexity and negotiations of this “private-public project”.
- Our subcommittee made no formal recommendations.
- Projects like the “Sunnyvale Channels” project provide many “lessons learned”. Those lessons learned may help VW and others accomplish future projects, especially if documented in a case study or otherwise.
- Pertaining to the source of funding for these “Other” projects, the financial table, Appendix A1.2 in the annual report, includes an accounting of funding carried forward from the Clean, Safe Creeks program that preceding the 2012 program. A similar table will provide an accounting of funding carried forward from the 2012 program to the Renewed Safe, Clean Water Program.

Hon. Joe Head logged off at 5:25 p.m. and did not return.

- Further discussion: on the concern of not meeting the targets, delayed due to lack of funding or regulatory constraints, and it was agreed to bring it to the full committee on the rating system (‘on target, adjusted or not on target”). However, it was already addressed in Committee’s action taken. To address with the expectation that it would involve discussion on the disconnect between performance on an annual basis that it is meeting targets or that have been adjusted for good reason creates a disconnect between the cumulative progress of the ultimate goal vs the history of annual ratings. Committee agrees with the KPI’s

nomenclature and making sure that people are doing what they are supposed to do to fulfill the objectives. The IMC should be looking at the outcomes, so the voters know that the measure is being fulfilled because all they want is to have, clean water coming out of the taps and clean creeks without trash and encampments. After 15 years it would need to be communicated that the projects were done and noted in the measure and why projects are adjusted, delayed or on target and that process needs to be clear in a way that the voters can understand it. Those Members going to the Renewed IMC will bring it up during that time.

Financial Subcommittee Chair reported:

Ms. Rosalinda (Rosie) Zepeda

- Summaries in the beginning of the financial report, the footnotes need more context
- Expand the graphs to represent the information that is being presented. Clarifying KPI's to be as transparent and viewing from a public perspective, making sure that the actions taken and outcomes achieved have more in depth definition of the funds
- More clarity on these reports as it is not clear and there is difficulty interpreting when projects/program ends or wrapped up and how funds are spent/dispersed/transferred and having the reports indicate what that entails. Also make them more visually enticing as a project is wrapped up and what is being carried over. Capturing chronologically the projects that are closed or completed, carried over, and showing the funds in detail
- Suggested that the Tables A1.2 from last year's report that included the current 15-year forecast should be retained as it was very helpful

✚ Ms. Meenakshi Ganjoo and Ms. Jessica Collins were available to answer questions.

5. NEXT STEPS:

Committee Chair Tess Byler reviewed the agenda items below:

5a. January 27, 2022, IMC Report Drafting Meeting (IMC Chair and Subcommittee Chairs)

5b. February 9, 2022, Full Committee Meeting Report

i. Approve Final IMC Report

5c. February 23, 2021, IMC Chair presents Final IMC Report to Board

The Independent Monitoring Committee took no action.

6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

The Independent Monitoring Committee took one action item.

Agenda Item 4.

The SCW IMC voted unanimously by roll call vote to recommend that the Renewed Safe, Clean Water & Natural Flood Protection: Independent Monitoring Committee (Renewed IMC) review and refine as needed the project rating system of "on target, adjusted or not on target".

7. ADJOURNMENT

Committee Chair Tess Byler adjourned the meeting at 5:46 p.m. to the next scheduled meeting on Wednesday, February 9, 2022, at 4:00 p.m.

Glenna Brambill
Board Committee Liaison
Office of the Clerk of the Board

Approved:



Santa Clara Valley Water District

File No.: 22-0237

Agenda Date: 2/9/2022

Item No.: 4.1.



Meeting Date:	2-9-2022
Item No.	4.1
Unclassified Manager:	Melanie Richardson
	408-630-2035

SAFE, CLEAN WATER INDEPENDENT MONITORING COMMITTEE

SUBJECT:

Report Drafting Committee Presents Draft Final IMC Report

RECOMMENDATION:

Review and Approve the Final Independent Monitoring Committee (IMC) Report

SUMMARY:

On December 8, 2021, the IMC met to begin its eighth and final annual review of the 2012 voter-approved Safe, Clean Water and Natural Flood Protection Program (2012 Program). In July 2021, the 2012 Program was replaced by the renewed Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program) that Santa Clara County voters approved overwhelmingly in November 2020.

At the December 8 meeting, the IMC elected a Chair and Vice-Chair and formed five subcommittees to review Valley Water's fiscal year 2020-2021 (FY21) annual program report. The subcommittees met with Valley Water staff in early January 2022 and presented their findings to the full IMC on January 26, 2022.

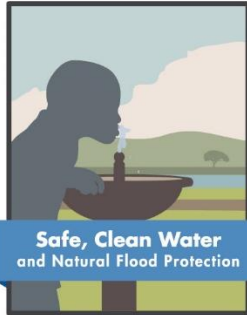
IMC members agreed that subcommittee chairs, led by the Chair of the IMC, would draft the IMC report to the Board, which took place on January 27, 2022. The FY2021 Draft IMC Annual Report Cover Letter (Attachment 1), the Draft Annual Report (Attachment 2), and the Draft Notes for Staff for Future Program Annual Reports (Attachment 3), are for review and finalization by the full IMC.

ATTACHMENTS:

Attachment 1: SCW IMC FY21 Draft Annual Report Cover Letter

Attachment 2: SCW IMC FY21 Draft Annual Report

Attachment 3: SCW IMC FY21 Draft Notes for Future Program Annual Reports



Safe, Clean Water and Natural Flood Protection Program **Independent Monitoring Committee**

Tess Byler, Committee Chair
Hon. Joe Head, Committee Vice-Chair

Farkhondeh "Susan" Kazemi
Rosalinda Zepeda
Rolane Santos
Huy Tran

Hon. Jason Baker
Bill Hoeft
George Fohner
Hon. Patrick S. Kwok

Hon. Dan McCorquodale
Hon. Stephen Jordan
Hon. Bob Nunez

February #, 2022

To: Santa Clara Valley Water District Board of Directors

Subject: IMC Final Report of Safe, Clean Water FY21 Annual Report

SUMMARY

The Independent Monitoring Committee (IMC) presents this final review of the 2012 Safe, Clean Water and Natural Flood Protection Program (SCW) for the Fiscal Year 2020-2021 (FY21) to the Santa Clara Valley Water District (Valley Water) Board of Directors (Board). The IMC finds that funds from the 2012 Measure B are being spent in accordance with the voter-approved priorities and that Valley Water is acting responsibly to ensure projects move forward in a timely manner. In 2020, voters passed Measure S, replacing Measure B. This report to the Board closes out Measure B and a new IMC on Measure S will conduct annual reviews starting with FY22.

PROCESS

On December 8, 2021, the IMC met to begin its eighth and final annual SCW review process and elected a Chair and Vice-Chair. Subcommittees were formed to review the seven sections of the SCW report: Priorities A, B, C, D, E, Other Projects remaining from Clean, Safe Creeks and Natural Flood Protection Plan (CSC) as well as the Program-level financial information summary section. To review the document, the IMC combined Priorities A and C, and E and Other Projects to form a total of five subcommittees.

The five subcommittees met with Valley Water staff in early January 2022 and presented their findings to the full IMC on January 26, 2022. Each subcommittee elected a Chair. IMC members agreed that subcommittee chairs, led by the IMC Chair, would draft the IMC review to the Board.

The draft review was presented to the IMC on February 9, 2022, for final edits and approval. The IMC provided three levels of input: overview recommendations about SCW included in this

letter, specific project recommendations for Board review (Attachment 1) and notes for staff for future SCW reports (Attachment 2).

GENERAL RECOMMENDATION:

The IMC for the renewed Safe, Clean Water Program should consider reviewing and refining, as needed, the project status rating, namely "On Target," "Adjusted," "Not on Target," "Modified," and "Completed." The IMC's charge is to measure the implementation of the intended results of the program.

We further recommend that the new IMC conduct an early review of the goals and key performance indicators (KPIs) as they have been effectuated from the ballot measure to assure that the IMC is comfortable that their application remains transparent to the public.

As we conclude our work as IMC members, we want to let the new IMC for the renewed measure know that we are available to attend, if requested, the first meeting in December 2022 to help with the transition.

GRANTS:

The IMC supports the consolidation of grants programs under a single Priority F. We recommend through the renewed Safe, Clean Water IMC that Valley Water make additional efforts to better reach disadvantaged communities, especially Native American communities. We recommend that other forms of non-traditional and non-restrictive outreach are implemented when reaching out to these communities.

We thank the staff for their time to write the SCW report and to answer IMC questions during the many hours of meetings. We thank the Board for their support for our past recommendations.

Sincerely,

Tess Byler, Chair
Independent Monitoring Committee
Committee

Hon. Joe Head, Vice-Chair
Independent Monitoring
Committee

Attachments:

1. IMC Fiscal Year 2020-2021 Annual Report
2. Notes for Future SCW Annual Reports

cc: Independent Monitoring Committee Members



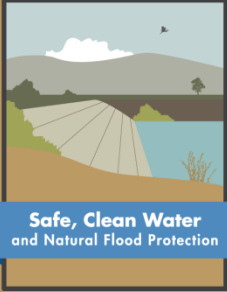
Independent Monitoring Committee Report
Fiscal Year 2020-2021
Project Recommendations (DRAFT)
Priority A - Ensure a Safe, Reliable Water Supply

Project:		Status:	Comment:
A1	Main Avenue and Madrone Pipelines Restoration	Completed	IMC agrees with the project status. No recommendations.
A2	Safe, Clean Water Partnerships and Grants	On Target	IMC agrees with the project status. No recommendations.
A3	Pipeline Reliability Project	Adjusted	IMC agrees with the project status. No recommendations.



Independent Monitoring Committee Report
Fiscal Year 2020-2021
Project Recommendations
Priority B - Reduce Toxins, Hazards and Contaminants
in our Waterways

Project:		Status:	Comment:
B1	Impaired Water Bodies Improvement	On Target	IMC agrees with the project status. No recommendations.
B2	Interagency Urban Runoff Program	On Target	IMC agrees with the project status. No recommendations.
B3	Pollution Prevention Partnerships and Grants	On Target	IMC agrees with the project status. No recommendations.
B4	Good Neighbor Program: Encampment Cleanup	Not on Target	IMC agrees with the project status. No recommendations.
B5	Hazardous Materials Management and Response	On Target	IMC agrees with the project status. No recommendations.
B6	Good Neighbor Program: Remove Graffiti and Litter	On Target	IMC agrees with the project status. No recommendations.
B7	Support Volunteer Cleanup Efforts and Education	On Target	IMC agrees with the project status. No recommendations.



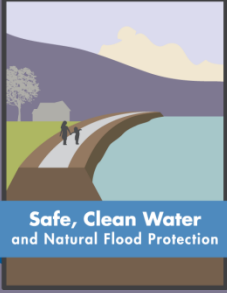
Independent Monitoring Committee Report
Fiscal Year 2020-2021
Project Recommendations
Priority C - Protect our Water Supply from Earthquakes
and Natural Disasters

Project:		Status:	Comment:
C1	Anderson Dam Seismic Retrofit	On Target	IMC agrees with the project status. No recommendations.
C2	Emergency Response Upgrades	On Target	IMC agrees with the project status. No recommendations.



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Project Recommendations
Priority D - Restore Wildlife Habitat and Provide
Open Space

Project:		Status:	Comment:
D1	Management of Revegetation Projects	On Target	IMC agrees with the project status. No recommendations.
D2	Revitalize Stream, Upland and Wetland Habitat	Completed	IMC agrees with the project status. No recommendations.
D3	Grants and Partnerships to Restore Wildlife Habitat and Provide Access to Trails	On Target	IMC agrees with the project status. No recommendations.
D4	Fish Habitat and Passage Improvement	Adjusted	IMC agrees with the project status. No recommendations.
D5	Ecological Data Collection and Analysis	On Target	IMC agrees with the project status. No recommendations.
D6	Creek Restoration and Stabilization	Adjusted	IMC agrees with the project status. No recommendations.
D7	Partnerships for the Conservation of Habitat Lands	Completed	IMC agrees with the project status. No recommendations.
D8	South Bay Salt Ponds Restoration Partnership	On Target	IMC agrees with the project status. No recommendations.



Independent Monitoring Committee Report

Fiscal Year 2020-2021

Project Recommendations

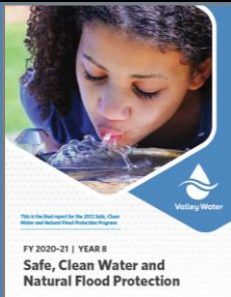
Priority E - Provide Flood Protection to Homes, Businesses, Schools and Highways

Project:		Status:	Comment:
E1	Vegetation Control and Sediment Removal for Flood Protection	On Target	IMC agrees with the project status. No recommendations.
E2	Emergency Response Planning	On Target	IMC agrees with the project status. No recommendations.
E3	Flood Risk Reduction Studies	On Target	IMC agrees with the project status. No recommendations.
E4	Upper Penitencia Creek Flood Protection - Coyote Creek to Dorel Drive – San José	On Target	IMC agrees with the project status. No recommendations.
E5	San Francisquito Creek Flood Protection - San Francisco Bay to Middlefield Road – Palo Alto	On Target	IMC agrees with the project status. No recommendations.
E6	Upper Llagas Creek Flood Protection- Buena Vista Avenue to Wright Avenue – Morgan Hill, San Martin, Gilroy	On Target	IMC agrees with the project status. No recommendations.
E7	San Francisco Bay Shoreline Protection- Milpitas, Mountain View, Palo Alto, San José, Santa Clara and Sunnyvale	On Target	IMC agrees with the project status. No recommendations.
E8	Upper Guadalupe River Flood Protection- Highway 280 to Blossom Hill Road – San José	Adjusted	IMC agrees with the project status. No recommendations.



Independent Monitoring Committee Report **Fiscal Year 2020-2021** **Project Recommendations** **Other Capital Flood Protection Projects and** **Clean, Safe Creeks Grants Projects**

Project:	Status:	Comment:
Permanente Creek Flood Protection San Francisco Bay to Foothill Expressway – Mountain View	Completed	IMC agrees with the project status. No recommendations.
Sunnyvale East and Sunnyvale West Channel Flood Protection San Francisco Bay to Inverness Way and Almanor Avenue – Sunnyvale	Adjusted	IMC agrees with the project status. No recommendations.
Berryessa Creek Flood Protection Calaveras Boulevard to Interstate 680 – Milpitas and San José	Completed	IMC agrees with the project status. No recommendations.
Coyote Creek Flood Protection Montague Expressway to Tully Road – San José	On Target	IMC agrees with the project status. No recommendations.
Calabazas Creek Flood Protection Miller Avenue to Wardell Road	Completed	IMC agrees with the project status. No recommendations.
Clean, Safe Creeks Grants Projects	Completed	IMC agrees with the project status. No recommendations.



Independent Monitoring Committee Notes

Fiscal Year 2020-2021

Notes for future Annual Reports (DRAFT)

Safe, Clean Water and Natural Flood Protection Program

Subject:	Note:
Financial Appendices	<ul style="list-style-type: none"> • Define refunding in the glossary or add a footnote. • Include information about the different types of reserves, how it is different from contingencies, what is minimum reserve and what does negative reserve mean. • Include in the financial section footnote or text pointing the readers to project updates sections for details on individual projects, including KPIs and project expenditures, etc. • For future annual reports, include in Appendix A-1.2 Cumulative Financial Summary, include the columns showing the "15-year Staff Forecast" and the "15-year Staff Forecast above (below) Adjusted 15-year Plan." • Consider additional graphical representation of the table to enable readers to easily grasp the data contained in the tables. For example, bar graphs on expenditures by priority. • Add a note to the table that these estimates are based on best available data at the time of developing this report and may change in the future due to external factors.
B5: Hazardous Materials Management and Response	<ul style="list-style-type: none"> • On page 47, correct the pie slice in figure B5.1.
B7: Support Volunteer Cleanup Efforts and Education	<ul style="list-style-type: none"> • On page 55, correct the pie slice in figure B7.2.

<p>D1: Management of Revegetation Projects</p>	<ul style="list-style-type: none"> • Include text to clarify how Valley Water will employ a more sustainable practice of staff functioning as leads to oversee contract crews. • On page 78, fix the title of Graph D1.2 to "Projected new acreage." • Clarify that the total projected acres of revegetation to be maintained in future years is higher than the projected new acreage.
<p>E4: Upper Penitencia Creek Flood Protection - Coyote Creek to Dorel Drive – San José</p>	<ul style="list-style-type: none"> • On page 134, under Confidence Levels for Schedule, correct the text to clarify that the Final Planning study was not yet completed as is reflected on page 133.