



Santa Clara Valley Water District Board Policy and Planning Committee Meeting

Headquarters Board Room

AGENDA

**Monday, June 6, 2022
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

Linda J. LeZotte, District 4

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.

COMMITTEE CLERK

Michele L. King, CMC
Clerk, Board of Directors

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 Board Policy and Planning Committee

AGENDA

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2:00 PM

Headquarters Board Room

*****IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS*****

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to wear a mask.

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.

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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.

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Join Zoom Webinar:

<https://valleywater.zoom.us/j/81170871803>

Meeting ID: 811 7087 1803

Dial by your location

(669) 900 9128 US (San Jose)

Meeting ID: 811 7087 1803

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 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.

3. APPROVAL OF MINUTES:

3.1. Approval of Minutes.

[22-0716](#)

Recommendation: Approve the May 11, 2022, Minutes.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: May 11, 2022, Minutes.](#)

4. INFORMATION AND ACTION ITEMS:

- 4.1. Expansion of the Water Resources Protection Manual (Right of Way Use Policy Project) [22-0615](#)
Recommendation: Receive information and provide input on Expansion of the Water Resources Protection Manual (Right of Way Use Policy Project).
Manager: Lisa Bankosh, 408-630-2618
Attachments: [Attachment 1: PowerPoint](#)
- 4.2. 2022 Work Plan and Meeting Schedule. [22-0717](#)
Recommendation: A. Review the 2022 Board Policy and Planning Committee's Work Plan and incorporate any new tasks; and
B. Schedule Committee meetings as appropriate.
Manager: Michele King, 408-630-211
Attachments: [Attachment 1: 2022 BPPC Work Plan](#)
5. **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.
6. **ADJOURN:**
- 6.1. Adjourn.



Santa Clara Valley Water District

File No.: 22-0716

Agenda Date: 6/6/2022
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM

Board Policy and Planning Committee

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve the May 11, 2022, 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: May 11, 2022, Minutes.

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711.



BOARD POLICY AND PLANNING COMMITTEE MEETING

DRAFT MINUTES

Wednesday, May 11, 2022
12:00 PM

(Paragraph numbers coincide with agenda item numbers)

1. **CALL TO ORDER**
1.1 ROLL CALL

A special meeting of the Santa Clara Valley Water District (Valley Water) Board Policy and Planning Committee (Committee) was called to order at 12:00 p.m. on May 11, 2022.

Board Members in attendance: Director Nai Hsueh-District 5; Director Linda J. LeZotte-District 4; and Director Barbara Keegan-District 2 constituting a quorum of the Committee.

Staff members in attendance: Rechelle Blank, Theresa Chinte, Rachael Gibson, Alex Gordon, Michele King, Carlos Orellana, James Randol, Melanie Richardson, and Tina Yoke.

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

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

3. **3.1 APPROVAL OF MINUTES – February 7, 2022.**

The Committee considered the draft minutes from the April 5, 2022, meeting. It was moved by Director Keegan, seconded by Director Hsueh, and unanimously carried to approve the minutes as presented.

4. **Action and Information Items**

4.1 DISCUSS PROPOSED RULES OF DECORUM ORDINANCE AND ENHANCED METAL DETECTOR SCREEN MEASURES.

Mr. James Randol, Security Manager and Mr. Alex Gordon, Assistant Officer, review the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachments 1 through 4.

The BPPC provided the following input:

Director Keegan and LeZotte requested to add back in the prohibited objects language that was removed, excluding knitting needles and hooks.

Director Keegan and LeZotte requested that the security screening process be enhanced to include members of the public, Valley Water staff and Directors and other elected officials; and suggested that perhaps this could be accomplished through an administrative policy or procedure, with BPPC input and review.

Director Hsueh requested that the ordinance and screening process, once adopted, be posting and published in several in-person and web-based locations, so the public is aware of the requirements.

Director Hsueh requested that staff return to the BPPC next year to do a check in on how the ordinance implementation process is going and that the purpose is being met.

The committee suggested that staff include the red-lined version and final version of the ordinance in for the full board.

It was moved by Director Keegan, seconded by Director LeZotte, and unanimously carried to recommend the staff add back in the prohibited objects language that was removed, excluding knitting needles and hooks, and forward the revised ordinance to the full board for consideration. The BPPC also recommended that the security screening process be enhanced to include members of the public, Valley Water staff, and elected officials; that the ordinance, once adopted, be posting and published in several in-person and web-based locations, so the public is aware of the requirements; and that staff return to the BPPC next year to do a check in on how the ordinance implementation process is going and that the purpose is being met.

4.2 2022 WORK PLAN AND MEETING SCHEDULE

Ms. Michele King, Clerk of the Board, reviewed the updates to the Committee work plan and schedule.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

Ms. King reviewed the Committee recommendation on It 4.1.

6. ADJOURNMENT

Chair Director Hsueh adjourned the meeting at approximately 1:00 p.m.

Michele L. King
Clerk of the Board

Approved:



Santa Clara Valley Water District

File No.: 22-0615

Agenda Date: 6/6/2022

Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM Board Policy and Planning Committee

SUBJECT:

Expansion of the Water Resources Protection Manual (Right of Way Use Policy Project)

RECOMMENDATION:

Receive information and provide input on Expansion of the Water Resources Protection Manual (Right of Way Use Policy Project).

SUMMARY:

The Emerging Leaders Certification Program's Right of Way Use Policy Project (ROWUPP) is aimed at developing a policy guidance document that will guide staff and inform municipalities, developers, and the community of the allowable uses or conditions of use of Santa Clara Valley Water District (Valley Water) right of way. The project team consists of five members of the 2021-2022 Emerging Leaders Certification Program: Gina Adriano, Martin Riviera, Mark Seelos, Lydia Yiu, and Helia Zaerihosseinabad.

In 2002, representatives from Valley Water, 15 cities, the county, business, agriculture, streamside property owners, and environmental interests formed the Water Resources Protection Collaborative to clarify and streamline local permitting for streamside activities. The Collaborative adopted *Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resource in Santa Clara County in 2007*. Following the adoption of the Guidelines and Standards, Valley Water repealed its existing Ordinance 83 2 and enacted the Water Resources Protection Ordinance, which applies to all Valley Water owned land. Valley Water's Water Resources Protection Manual (Manual) contains requirements, - recommendations, and design guides to administer the Ordinance.

While the Manual addresses the interests of the Water Resources Protection Collaborative, such as riparian habitat protection, it does not completely address the permissible uses, and associated conditions of use, of Valley Water right of way. This gap in guidance can lead to lengthy and iterative permitting processes and/or impacts to Valley Water's flood protection, water supply, and stream stewardship objectives. For other potential uses of Valley Water right of way, policy guidance does exist but is fragmented or difficult to find.

ROWUPP will fill the Manual's gaps in policy guidance by developing right of way use criteria specific

to facility type (Streams, Reservoirs, Pipelines, Percolation Ponds, Mitigation Lands) with input from internal and external stakeholders, guided by the Board Policy and Planning Committee. This policy guidance is anticipated to be considered by the Board of Directors as an amendment to the Water Resources Protection Manual. Staff will present a general framework for the ROWUPP and a tentative outreach and approval timeline, for input from the Committee.

ATTACHMENTS:

Attachment 1: PowerPoint

UNCLASSIFIED MANAGER:

Lisa Bankosh, 408-630-2618



WRPM Expansion: Right of Way Use Policy Project

Board Policy and Planning Committee

June 6, 2022

Background

1960

Ordinance 59-1, Requiring Permit for Construction Activities Near Streams

1960-1983

Revisions to Ordinance 59-1

2002

Water Resources Protection Collaborative Formed

2006

Guidelines and Standards for Land Use Near Streams

Water Resources Protection Ordinance

Project Objective

3

Develop policy on allowable use of Valley Water facilities:



Reservoirs



Creeks



Recharge Ponds



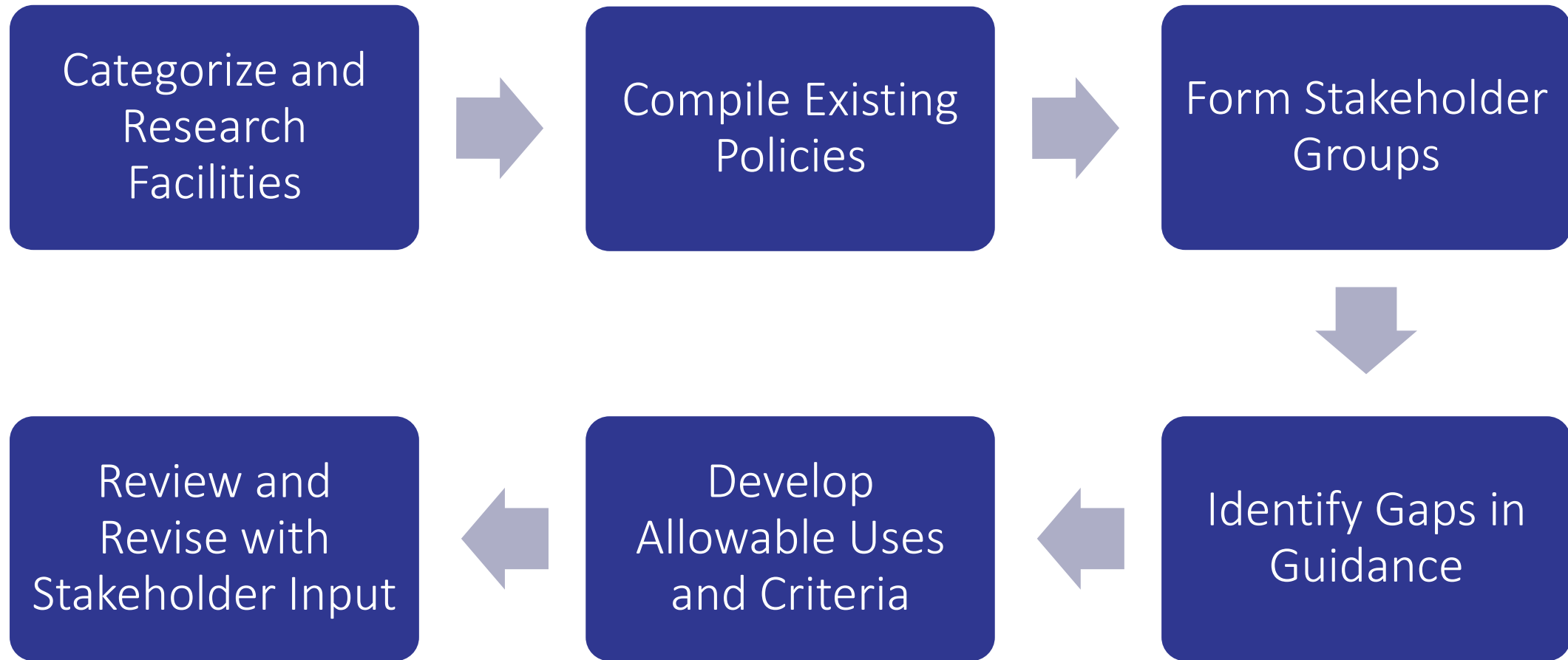
Pipelines



Mitigation Land

Development Process

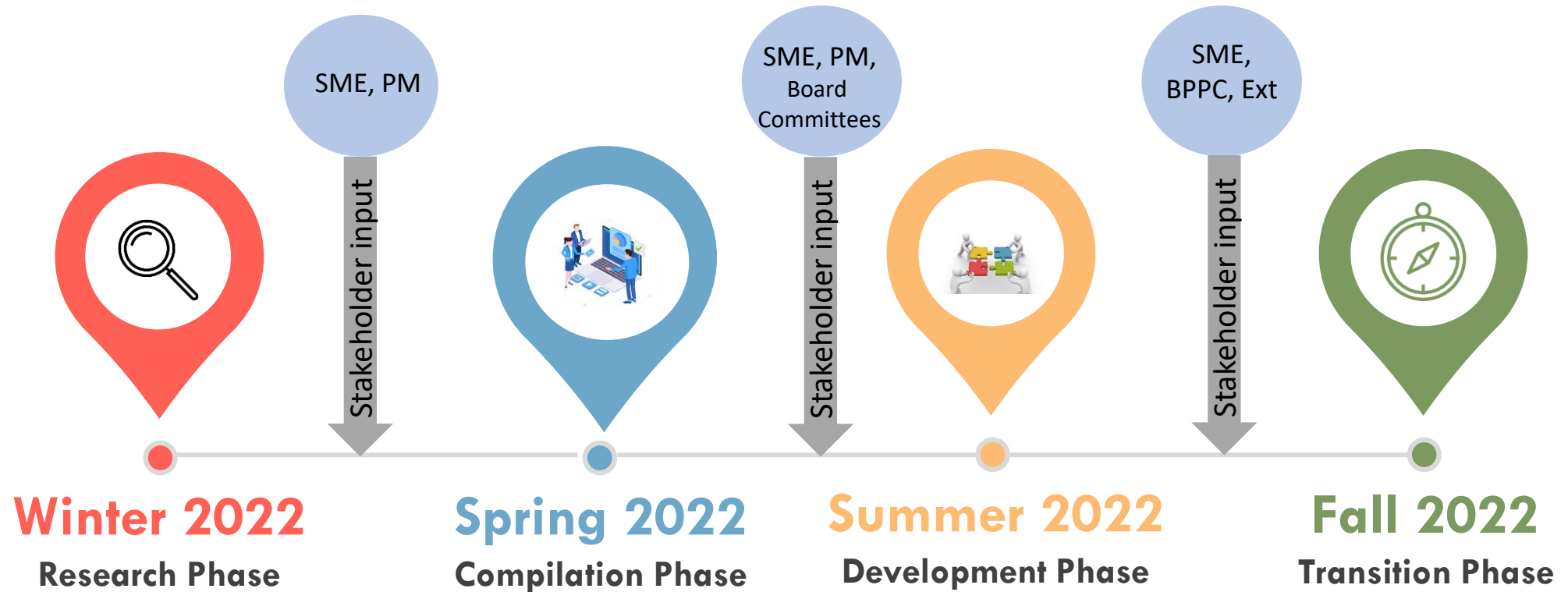
4



Project Timeline

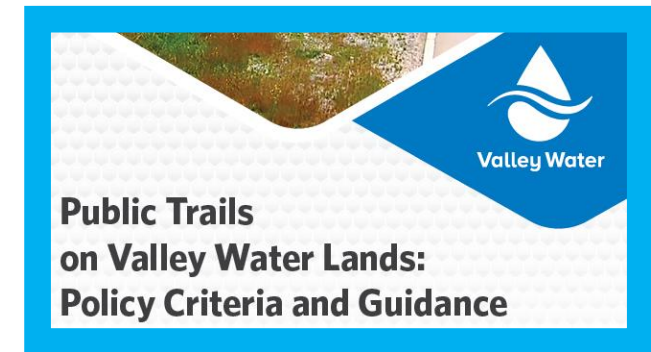
Opportunities for stakeholder input include:

- **Internal** – Subject Matter Experts, Project Managers, Board Committees
- **External** - Agency Partners, Public Hearing for adoption



Policy Document Format

- **Introduction and purpose**
- **Facility Description and Functions**
- **Existing Valley Water Policies**
 - District Act
 - Board Governance Ends Policies
 - Board Resolutions
- **Right of Way Use Policy**
 - Permitted and Prohibited Activities
 - Criteria for Permitted Activities
- **Appendices**
 - Facility Maps
 - Design Guides



Example: Reservoirs

Key Existing Policies

- No Land Dedication of Water Supply Facilities (EPP 1-352)
- Recreational Use
 - MPA with SC County Parks
 - Trails Policy
- Joint Use Encouraged (Res 74-38)

Guidance Gaps

- Non-Recreational Joint Use
- Real Property Licenses
- Temporary Access



QUESTIONS





Santa Clara Valley Water District

File No.: 22-0717

Agenda Date: 6/6/2022

Item No.: 4.2.

COMMITTEE AGENDA MEMORANDUM

Board Policy and Planning Committee

SUBJECT:

2022 Work Plan and Meeting Schedule.

RECOMMENDATION:

- A. Review the 2022 Board Policy and Planning Committee's Work Plan and incorporate any new tasks; and
- B. Schedule Committee meetings as appropriate.

SUMMARY:

This item allows the Committee to review the 2022 Work Plan, meeting schedule and identify additional tasks and schedule meetings as appropriate.

ATTACHMENTS:

Attachment 1: 2022 BPPC Work Plan

UNCLASSIFIED MANAGER:

Michele King, 408-630-211

2022 Board Policy and Planning Committee Work Plan and Schedule

Subject	Task	1/4/22	2/7/22	4/5/22	5/11/22	6/6/22	7/4/22	8/1/22	9/5/22	10/3/22	11/7/22	12/5/22
Board Planning Process	A. Provide Support for Board Planning Activities											
	1. Discuss FY22-23 Board Budget Message & Board Work Plan	X										
	2. Planning for Board's FY23-24 Strategic Planning Workshop											
	B. Provide Support for Board Policy Review											
	1. Outreach Findings on the Untreated Surface Water Program		X	X								
	2. Expansion of the Water Resources Protection Manual					X						
	3. Fuel Management Policy and Wildfire Resilience Plan										X	
	4. One Water Watershed Plans						X					
Board Committees Principles and Structures	5. Governance Policies of the Board: Executive Limitations											
	6. Rules of Decorum Ordinance			X	X							
	C. Align Board Committees' Work Plans with Board Planning Calendar											
Other Assignments Requested by Board	1. Review Effectiveness of Board Advisory Committees (External)											
	D. Other Assignments as Requested by the Board											

2022 Board Policy and Planning Committee Accomplishments Report

Subject	Task		Action Taken
Board Planning Process	A.	Provide ongoing support for Board Planning Activities	
	1.	Discuss FY22-23 Board Budget Message & Board Work Plan	1/4/22 - The Committee unanimously approved submitting the draft FY23 Board Work Plan, with action items and edits identified by the committee, to the full board for consideration. 2/22/22- Board approved the FY23 Board Work Plan.
	2.	Planning for Board's FY23-24 Strategic Planning Workshop	
	B.	Provide Support for Board Policy Review	
	1.	Outreach Findings on the Untreated Surface Water Program (if required)	4/5/22 - BPPC approved reporting to the Board that the Committee considered all board comments and directions from the March 22, 2022, board meeting regarding the Proposed Two-Phase Plan for the Untreated Surface Water Program, and supports staff's recommended revisions which include: Board comments and directions from the March 22, 2022, Board meeting; a formalized appeal process (as a separate item); a proposal to present this subject to the Landscape Committee and Agricultural Water Advisory Committee in July as an information only item; and recommends presenting the item to the full board for approval, ensuring that it's clear that surface water use for fire safety will be guided by a separate policy.
	2.	Expansion of the Water Resources Protection Manual	
	3.	Fuel Management Policy and Wildfire Resilience Plan	
	4.	One Water Watershed Plans	
	5.	Governance Policies of the Board: Executive Limitations	
	6.	Rules of Decorum Ordinance	4/05/22 - The Committee requested that staff return with a clear analysis of the ordinance language and comments made by the public, and who it applies to; clarification of the purpose and intent of the ordinance and why it's necessary; a matrix comparing our ordinance language with the language of other agencies; a comparison table outlining how our requirements compare with those of other agencies, including the TSA; and language on how the ordinance will be enforced and the associated consequences if violated. 5/11/22 – The Committee recommended the staff add back in the prohibited objects language that was removed, excluding knitting needles and hooks, and forward the revised ordinance to the full board for consideration. The BPPC also recommended that the security screening process be enhanced to include members of the public, Valley Water staff, and elected officials; that the ordinance, once adopted, be posting and published in several in-person and web based locations, so the public is aware of the requirements; and that staff return to the BPPC next year to do a check in on how the ordinance implementation process is going and that the purpose is being met.
Board Committees Principles and Structures	C.	Align Board Committees' Work Plans with Board Planning Calendar	
	1.	Review Effectiveness of Board Advisory Committees (External)	
Board & Organization Performance Monitoring	D.	Assignments as Requested by the Board	