

ATTACHMENT 1:

Authorization and Eligibility Requirements

SANTA CLARA VALLEY WATER DISTRICT

**Proposition 1E Round 2
Stormwater Flood Management Grant Program
Berryessa Creek Flood Protection Proposal**

This attachment contains all authorization and eligibility documentation for the proposed Berryessa Creek Flood Protection Project (Project) as required under the IRWM Grant Program Guidelines for Stormwater Funding Management Grants (Proposition 1E). In accordance with Proposal Solicitation Package (PSP) requirements, **Attachment 1** consists of the following items:

- ✓ An adopted resolution by Santa Clara Valley Water District (SCVWD)
- ✓ Documentation of applicant eligibility
- ✓ Documentation of Groundwater Management Plan (GWMP) compliance
- ✓ Documentation of the project's consistency with the adopted Bay Area Integrated Regional Water Management Plan (IRWMP)

Authorizing Documentation

The Santa Clara Valley Water District (District) adopted Resolution 13-09 on January 22, 2013 authorizing the District Chief Executive Officer to submit an application to the Department of Water Resources (DWR) to obtain IRWM Stormwater Flood Management grant funding pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006. If the grant is awarded, the resolution authorizes the District to enter into an agreement with the California DWR to receive a grant for the Project. The adopted resolution is provided at the end of this attachment.

Eligible Applicant Documentation

Local Agency. The applicant for the Stormwater Flood Management Grant is the Santa Clara Valley Water District. The Santa Clara Valley Water District is a public agency, as defined in Appendix B of the 2012 Guidelines, which is defined as a city, county, city and county, special district, joint powers authority, or other political subdivision of the State. The District is a special purpose district formed under State law pursuant to the Santa Clara Valley Water District Act of 1951 (District Act).

Statutory or Legal Authority. The Santa Clara Valley Water District was created by an act of the California Legislature (Chapter 1405 of the Statutes of 1951), and operates as a state of California Special District, with jurisdiction throughout Santa Clara County. The District Act specifies that its purpose is "to authorize the District to provide comprehensive water management for all beneficial uses and protection from flooding."

Authority to Enter into a Grant Agreement with the State of California. The Applicant has legal standing to enter into contractual relationships with the State of California, DWR and SWRCB. On January 22, 2013, the Santa Clara Valley Water District Board of Directors adopted the authorizing Resolution No. 13-09 explicit authority to submit this Grant and enter into and implement the grant agreement on behalf of the Santa Clara Valley Water District.

Legal Agreements Among Partners to Ensure Performance and Tracking of Funds. Implementation of this Project will be completed in coordination and partnership with several entities:

- The US Army Corps of Engineers (USACE). The District is partnering with the USACE on the planning, design and construction of improvements from Calaveras Blvd to Interstate 680.

- Valley Transportation Authority (VTA). The District established a partnership with the VTA on the design and construction of a new 5-cell culvert railroad crossing over Berryessa Creek near Abel Street Bridge. This work, which is a part of Component 1 (Lower Berryessa Creek Improvements) of the Project, was completed in 2011. The District is also partnering with the VTA on the replacement of the Montague Expressway Culvert as part of Component 3 (Upper Berryessa Creek Improvements) of the Project. The District has a cordial working relationship with VTA and meets on a monthly basis to discuss, confer with and resolve technical and land issues pertaining to District and VTA projects, which includes the South County BART project.
- County of Santa Clara. The District is partnering with the County of Santa Clara to coordinate the District's planned Montague Expressway Culvert Replacement project (to be completed as part of Component 3 of the Project) with the County's planned widening of the Montague Expressway.
- City of Milpitas. The District is in partnership with the City of Milpitas (the location of many of the proposed improvements) to integrate the City's trail master plan with the development of the flood protection project. The District has been meeting with the City on an infrequent basis to obtain and negotiate for land acquisition for the Berryessa Creek Projects. As part of the negotiations, the City is requesting that the District address existing trail improvements that could be impacted by the flood protection project.
- City of San Jose. The District is in partnership with the City of Milpitas to integrate the City's trail master plan with the development of the flood project.

Ground Water Management Plan Compliance

The Project does have the capacity to impact groundwater in a minor way. The agency that will implement this Project is the Santa Clara Valley Water District. The status of the District's Groundwater Management Plan (GWMP) compliance is that the District Board adopted the 2012 Groundwater Management Plan on July 24, 2012. That District 2012 GWMP is included in Appendix 1-1.

Consistency with Adopted IRWM Plan

The Berryessa Creek Flood Control Project was submitted for consideration in the Bay Area IRWM Plan. Consistent with the Region's process for accepting projects to the Plan, the Coordinating Committee approved the project list, including the Berryessa Creek Flood Protection Project, for inclusion in the adopted IRWM Plan and draft IRWM Plan Update at its November 26, 2012 meeting. The agenda and notes from this meeting are provided as Appendix 1-2 to this Attachment.

After being approved for inclusion in the updated Plan, the Berryessa Creek Flood Control was evaluated based on the draft evaluation process. Based on this evaluation, the project was found to be consistent with the goals and objectives of the draft updated IRWM Plan. The preliminary project evaluation is provided as Appendix 1-3 to this Attachment.

APPENDIX 1-1: Authorizing Resolution

RESOLUTION NO. 13- 09

RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO FILE AN APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR A STORMWATER FLOOD MANAGEMENT GRANT UNDER THE DISASTER PREPAREDNESS AND FLOOD PROTECTION BOND ACT OF 2006 (PROPOSITION 1E) FOR THE BERRYESSA CREEK FLOOD PROTECTION PROJECT

WHEREAS, the California Department of Water Resources (DWR), Division of Integrated Regional Water Management (IRWM) is accepting proposals for its Stormwater Flood Management (SWFM) Grant Program, funded by Proposition 1E (the Disaster Preparedness and Flood Prevention Bond Act of 2006), for projects that support integrated water management planning and implementation; and

WHEREAS, the Santa Clara Valley Water District's Berryessa Creek Flood Protection Project is eligible for the SWFM's grant funding pursuant to IRWM's 2012 Grant Program Guidelines the published eligibility guidelines; and

WHEREAS, DWR requires grant applicants to provide a resolution adopted by the applicant's governing body designating an authorized representative to submit the funding application and execute an agreement with the State of California for a grant.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District that:

1. An application be made to DWR's Division of Integrated Regional Water Management for a Stormwater Flood Management Grant funded by Proposition 1E (the Disaster Preparedness and Flood Prevention Bond Act of 2006, Public Resources Code Section 5096.800 *et seq.*) for the Berryessa Creek Flood Protection Project; and
2. The Chief Executive Officer of the Santa Clara Valley Water District is hereby authorized and directed to prepare the necessary data, conduct investigations, file such application, and, if a grant is awarded, execute a grant agreement with DWR, provided that the District can satisfy the grant terms, conditions, and requirements, and comply with all applicable state and federal laws and regulations including the California Environmental Quality Act.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on January 22, 2013:

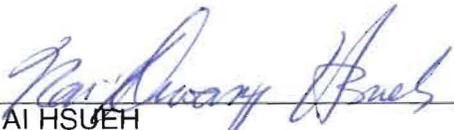
AYES: Directors T. Estremera, R. Santos, B. Keegan, B. Schmidt, L. LeZotte,
N. Hsueh

NOES: Directors None

ABSENT: Directors None

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By: 
NAI HSUEH
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC


Clerk/Board of Directors

APPENDIX 1-2: Groundwater Management Plan

(Provided on Attached CD as file Att1_SWF_Eligible_2of3)

**APPENDIX 1-3: Bay Area Coordinating Committee Meeting Notes
Approving the Project List (Including the Proposed Project), and Draft
Bay Area IRWMP Revised Project Review Process and Project
Evaluation**

(Provided on Attached CD as file Att1_SWF_Eligible_3of3)