

**Special Meeting
May 9, 2006
6:00 p.m.**

The Board of Directors of the San Benito County Water District convened in special session at 6:00 p.m. at 30 Mansfield Road, Hollister, CA. Board Members present were President John Tobias, Vice-President Bob Swanson, Directors Ken Perry, Sonny Flores and Frank Bettencourt. Also present District Manager/Engineer John S. Gregg, Deputy District Engineer Jeff Cattaneo, District Counsel David E. Pipal, and Barbara L. Mauro, Office Specialist II.

CALL TO ORDER

The meeting was called to order by President John Tobias at 6:00 p.m.

a. Pledge of Allegiance to the Flag.

President Tobias led the Pledge of Allegiance to the Flag.

1. Consider Emergency Declaration for the Hernandez Dam Access Road Repair

a. Procedure and requirements for Emergency Declaration

District Counsel David Pipal began with information regarding the declaration. Mr. Pipal stated the Committee met regarding maintenance on the Hernandez Dam Access Road and it was recommended the Board declare an emergency situation without going to bid. Mr. Pipal states that under the law of the contract code, a bid is required if the expenditure is \$30,000.00 or more and it would be in this case. However, Mr. Pipal reported that in light of the emergency situation where the need to get the work done out weighs the time it would take to go through the bidding process, the committee could recommend that the Board declare an emergency situation and avoid the bidding process. Mr. Pipal also stated that under the law you can avoid this process by noting in the minutes that there is substantial evidence supporting the need for this declaration. Mr. Gregg will explain the emergency situation and if the Board agrees, Mr. Pipal states the District can proceed with the project. Mr. Pipal stated that this matter would then need to be on the next regular board meeting for the Board to review the emergency situation and get an update at that time. President Tobias asked what action the board would need to take tonight and Mr. Pipal stated the board would need to take a vote and it would need a 4/5 vote to pass it.

b. Hernandez Dam Access Road Condition, Risk and Repair

Mr. Gregg began with the fact that this is a single access road into Hernandez Dam which the District has to maintain and having access is critical for us as well as maintaining an all weather road for landowners that have access to the reservoir itself. Mr. Gregg states the road does

have regular traffic although it is not a public road. Mr. Gregg now refers to the diagram of the slope surrounding the access road. Mr. Gregg does show that while we still have passage at this point, the road is at risk now. Mr. Gregg reports that URS looked at the site with two solutions which are: buttress the slope or move the road. Mr. Gregg reminded the board that while the road is not failing at this point, if it did, we would not have access to Hernandez Reservoir. Mr. Gregg reports that bringing rock in would cause a significant delay and would require a 404 permit, a stream operations permit and a crude estimate of this would be \$100,000 to \$200,000 range. Mr. Gregg states that a simpler alternative would be to realign the road to make it safe and trafficable. Mr. Gregg recommends getting proposals to do this work, hourly equipment rates and so forth and the result being a road outside of the risk area. Mr. Gregg states that we are in a situation that requires prompt action from the board as the dam is full at this time, and we need reliable access. Mr. Gregg will assume responsibility for the design with his civil engineering license which would simplify the process if the Board takes this avenue. Mr. Gregg also advised the board that because this is an emergency situation, it will make this action exempt from the California Environmental Quality Act but does not exempt us from the law regarding endangered species. Director Bettencourt asked for clarification on the diagram of the new road and asked about tree removal for this project. Mr. Gregg states that we will need to speak to landowners in regards to this project, and yes there will be tree removal. President Tobias asked if the proposals would be for hourly costs only, but Mr. Gregg states that we will have the yardage, so we should be able to estimate the costs. Director Flores asked if these proposals will be different from the bids we received previously and Mr. Gregg stated yes.

c. Emergency Declaration

Upon a motion duly made by Director Swanson and Seconded by Director Perry, the Board of Directors of The San Benito County Water District declares an emergency finding for the Hernandez Dam Access Road Repair project and it was unanimously approved.

ADJOURNED

There being no further business, the meeting was adjourned at 6:12 p.m.

/s/John Tobias
John Tobias, President

/s/Barbara L. Mauro
Barbara Mauro, Secretary