

**August 29, 2007  
Regular Meeting  
7:30 p.m.**

The Board of Directors of the San Benito County Water District convened in regular session on Wednesday, August 29, 2007 at 7:30 p.m. at the San Benito County Water District office at 30 Mansfield Road, Hollister, California. Members present were: President Robert Swanson, Vice President Frank Bettencourt, Directors John Tobias, Ken Perry and Sonny Flores. Also present were District Manager/Engineer Lance W. Johnson District Counsel David E Pipal, Administration and Finance Manager Shelley Giancola, Operations and Maintenance Manager Dave Meraz, Irrigation Engineer Mica Nitschke, and Office Specialist II Barbara L. Mauro.

**CALL TO ORDER**

The meeting was called to order at 7:30 p.m. by President Swanson

- a. Pledge of Allegiance to the Flag**  
President Swanson led the Pledge of Allegiance to the Flag.
- b. Approval of Agenda**  
Upon a motion made by Director Flores and seconded by Vice President Bettencourt, the Agenda was unanimously approved.
- c. Public Input: Members of the Public are Invited to Speak on any Matter not on the Agenda** There were no public comments.

**CONSENT AGENDA:**

- 1. Approval of Minutes for: July 25, 2007 – Regular Meeting**
- 2. Allowance of Claims**
- 3. Consider Resolution Designating Agents Authorized to Make Transfers on the Local Agency Investment Fund**
- 4. Consider Resolution Authorizing District Manager to Execute Documents on Behalf of the District**
- 5. Consider Resolution Amending the Standard Model Conflict of Interest Code for the San Benito County Water District**

President Swanson welcomed Lance Johnson as the District's new manager.

Regarding Item #2, Vice President Bettencourt, questioned the item for Lauren Filice, and asked it be removed from the consent agenda. President Swanson asked for any other changes and there were none. As per Mr. Pipal, the motion would be to approve the Consent Agenda except for the one item. Upon a motion made by Vice President Bettencourt and seconded by Director Perry, the Consent Agenda was unanimously approved, excluding the one item from the Claims.

Vice President Bettencourt stated other consultants, cited an example, are shown with a breakdown on the claim register, and the item for Lauren Filice only states it is for "General Consulting". As per Ms. Giancola, all internal consultants are shown as General Consulting on the claims, and offered a copy of the breakdown for the Board. President Swanson asked if the Board wished to postpone or approve tonight, once the item had been reviewed. Vice President Bettencourt stated he would like to review it. As per Mr. Pipal, a motion is needed to either

review it for approval tonight or postpone this item for payment at a later Board meeting. Upon a motion made by Vice President Bettencourt and seconded by Director Perry, the claim item for Lauren Filice, be postponed for payment, allow the Board to review the detail and be brought to the Board at a later meeting for payment was unanimously approved.

## **REGULAR AGENDA:**

**6. Consider Resolution Authorizing the Execution of Agreements Relating to the Financial Participation in the Delta/Mendota Canal-California Aqueduct Intertie Project**

As per Mr. Johnson, the Intertie Project has been stalled with the money being held by the Bureau. These funds could be transferred to the San Luis Delta Mendota Water Authority in a separate account, so it could gain interest. Director Tobias asked if the District received the interest and Mr. Johnson stated yes. Mrs. Nitschke added the District will receive a quarterly statement. Upon a motion made by Director Tobias and seconded by Director Perry, Resolution #2007-16, *A Resolution of the Board of Directors of the San Benito County Water District Authorizing the Execution of Agreements Relating to the Financial Participation in the Delta/Mendota Canal-California Aqueduct Intertie Project* was unanimously approved.

**7. Consider Approval of Memorandum of Understanding between San Benito County Water District and Service Employees International Union (SEIU) Local 521 (Field and Office Employee's Representation Unit) and Authorize District Manager to Execute on Behalf of the District**

Ms. Giancola stated the negotiations with the SEIU have been completed for the Field and Office Personnel. Ms. Giancola stated the employees ratified the contract on August 16, 2007 and now requires Board approval. Additionally, a memo was provided to the Board asking this contract become effective August 27, 2007 rather than the first pay period, as stated in the M.O.U. Ms. Giancola stated there had been a delay involving a legal matter, and this delayed the ratification process. President Swanson asked Mr. Johnson's opinion and he stated this is a fair request. Upon a motion made by Vice President Bettencourt and seconded by Director Flores, the Board of Directors of the San Benito County Water District unanimously approved the Memorandum of Understanding between San Benito County Water District and Service Employees International Union (SEIU) Local 521 (Field and Office Employee's Representation Unit) and Authorized District Manager to Execute on Behalf of the District.

As per Mr. Pipal, the amendment to the M.O.U. is not on the agenda, so the Board would have to make a finding that this item could not wait for another meeting as it was not on the agenda posted on Friday. Upon a motion made by Director Tobias and seconded by Director Perry, adding the Amendment to the M.O.U. to the agenda for the August 29, 2007 meeting was unanimously approved.

Upon a motion made by Vice President Bettencourt and seconded by Director Flores, that the M.O.U. will be amended to reflect the start date to be August 27, 2007 was

unanimously approved. Additionally, Mr. Pipal recommended the Board ratify the amendment at the next Regular Board Meeting.

**8. Consider Authorizing District Manager to Contribute District Funds to Association of California Water Agencies (ACWA) Public Education Effort on Water Supply Needs**

Mr. Johnson stated ACWA is implementing a public education campaign and stated this is an urgent situation that the public know the water need is great. Mr. Johnson stated the voluntary contribution is \$1/acre foot of water. Director Perry stated Westlands Water District contributed \$1 million in addition to the \$1/acre foot of water and he also recommends it. Mrs. Nitschke added this item has not been accounted for in the District's existing budget. President Swanson asked if it is based on the District's total contract and Mrs. Nitschke stated yes. Director Perry added it is a one time contribution. Upon a motion made by Director Perry and seconded by Director Tobias the Board of Directors of the San Benito County Water District Authorized District Manager to Contribute District Funds (\$1/acre foot of the District's total contract) to Association of California Water Agencies (ACWA) Public Education Effort on Water Supply Needs.

**9. Consider Approval of GIS Memorandum of Agreement with County of San Benito and other agencies and Authorize President to Execute that M.O.A. (\$19,364.00)**

Margie Riopel, Management Analyst for San Benito, attended the meeting to present this item to the Board. Mrs. Riopel gave a brief overview of the project and thanked the District for their commitment. Vice President Bettencourt asked who the partners are and Mrs. Riopel stated they are: City of Hollister, City of San Juan Bautista, LAFCO, San Benito County Office of Education, Gavilan Community College, Council of Government, San Benito County and the San Benito County Water District. Vice President Bettencourt asked what the cost is to use the map and Mrs. Riopel stated the base map would be made available to the public for free but any additional information, charges will be considered for use. Additionally, some items have confidentiality issues, per Mrs. Riopel, the steering committee have and will discuss what items can and cannot be made available to the public. Mr. Johnson stated he has had previous experience with a similar project and it will be a very useful tool for the District. President Swanson asked if the amount on tonight's agenda is our share. Mrs. Riopel stated 80% of the cost is being paid by San Benito County and 20% of the cost was to be shared by the remaining partners. The formula for funding was agreed upon by the steering committee. Mrs. Riopel stated SBCWD would be using it 25%, per John Gregg. Each year, the GIS Steering Committee with obtain approval for funding from each agency. Mrs. Riopel stated the project is done but will require maintenance and training; Mica Nitschke and Casey Meusel are the District's representatives for training. President Swanson asked is the amount being approved tonight will go through June 30, 2008 and if it was included in our current budget; Mrs. Nitschke stated yes. Discussion was had regarding the amount due for subsequent years and Mrs. Riopel that has yet to be determined. Mica Nitschke has replaced John Gregg on the steering committee. Director Perry asked what the City of Hollister's participation has been and Mrs. Riopel stated they contributed \$11,000 in 06-07 and \$7,000 in 07-08. Mrs. Riopel stated all agencies will be involved in

the formula in the future and Director Tobias asked the District see the formula ahead of time.

Upon a motion made by Director Tobias and seconded by Director Flores, the Board of Directors of the San Benito County Water District unanimously Approved the GIS Memorandum of Agreement with County of San Benito and other agencies and Authorized the President to Execute that M.O.A. (\$19,364).

**10. Consider Approval of Modification of the Gutierrez Consultants and RMC Scope and Budget for Services Related to Implementation of the Integrated Regional Water Management Plan (IRWMP)**

Mr. Johnson stated the Grants Committee met on August 21, 2007 and recommend approval of this item. Upon a motion made by Director Perry and seconded by Vice President Bettencourt the Board of Directors of the San Benito County Water District unanimously Approved the Modification of the Gutierrez Consultants and RMC Scope and Budget for Services Related to Implementation of the Integrated Regional Water Management Plan (IRWMP).

**11. Consider Approval of the Amendment of the Scope of Work from Advanced Hydro Engineering Regarding the San Juan Basin Surface Drainage Study and Committee Recommendation for Board Approval**

Mr. Johnson stated this item was brought to the Groundwater Committee and they recommend it for Board approval. Mr. Johnson stated this will address the District issues regarding the widening of Highway 156, so that Cal Trans does not impact the District in the future. Upon a motion made by Director Flores and seconded by Director Perry, the Board of Directors of the San Benito County Water District unanimously approved the Amendment of the Scope of Work from Advanced Hydro Engineering Regarding the San Juan Basin Surface Drainage Study and Committee Recommendation.

**12. Consider Retaining a Consultant to Represent District Interests Regarding Wastewater Treatment and Reuse within the District**

**a. Consider Retaining Consultant Services for District Representation in Wastewater Treatment and Reuse Issues**

Director Tobias stated with John Gregg's retirement, the Committee feels the District needs a consultant to represent the District. Director Tobias stressed the importance of having someone concentrate on this one item Upon a motion made by Director Tobias and seconded by Director Perry, the Board of Directors of the San Benito County Water District unanimously approved Retaining Consultant Services for District Representation in Wastewater Treatment and Reuse Issues.

**b. Consider Authorizing the Wastewater Treatment and Reuse Committee (Tobias/Perry) to Solicit Statements of Qualifications, Scope of Services, Select Vendor and Negotiate Contract for Professional Services**

President Swanson stated this should be handled by the Wastewater Treatment and Reuse Committee not Personnel. Director Perry stated this would only be for

a consultant and Director Tobias added, not to overload Mr. Johnson. President Swanson stated this will need to have a “sunset” clause. Director Tobias stated this consultant would be utilized by both the committee and the Board. Director Perry added it is an extremely time consuming project. Mr. Pipal stated a selected person should be brought before the full Board. President Swanson stated time is of the essence and a Special Meeting may be needed. Upon a motion made by Vice President Bettencourt and seconded by Director Flores, the Board of Directors of the San Benito County Water District unanimously authorized the Wastewater Treatment and Reuse Committee (Tobias/Perry) to Solicit Statement of Qualifications, Scope of Services, Select Vendor and Negotiate Contract for Professional Services and bring to Board for Approval.

**13. Committee/Agency Representative Reports:**

- a. San Luis Delta Mendota Water Authority (Perry/Tobias)**  
As per Director Perry, there is nothing to report.
- b. Pajaro River Watershed Flood Prevention Authority (Flores/Bettencourt)**  
As per Vice President Bettencourt, there is nothing to report.
- c. Audit/Budget Committee (Bettencourt/Flores)**  
As per Director Flores, there is nothing to report.
- d. Grants Committee (Bettencourt/Perry)**  
As per Director Perry, there is nothing further to report.
- e. Investment Committee (Flores/Tobias)**  
As per Directors Flores & Tobias, there was no meeting.
- f. San Benito River Committee (Swanson/Perry)**  
As per Director Perry, there is nothing to report.
- g. Wastewater Treatment and Reuse Committee (Tobias/Perry)**  
As per Directors Tobias and Perry, there is nothing further to report.
- h. Personnel Committee (Swanson/Perry)**  
As per Director Perry, there is nothing to report.

**14. Consider Authorizing Director Attendance at ACWA’s Fall Conference, November 27-30, 2007 in Indian Wells**

President Swanson asked if anyone had interest in attending and Vice President Bettencourt stated he wished to attend. If anyone else is interested, President Swanson stated they should contact Ms. Giancola.

**15. District Manager’s Report**

- a. Delta Smelt Litigation Status**  
Mr. Johnson stated we are in week two of what was suppose to only last one. Mr. Johnson anticipates further restrictions and we should hope for a wet year.
- b. Central Valley Project Operational Status**  
Mr. Johnson stated San Luis Reservoir is holding up okay. Mr. Johnson reported the District dodged a bullet regarding water supply curtailments this year by about ten days.

- c. **Groundwater Basin Geohydrologic Assessments Status**  
Mr. Johnson stated this item is in progress and hopes to have more detailed results for the Board next month.
- d. **Hernandez Dam, Results of Inspection of Spillway Concrete Damage**  
Mr. Johnson stated the District has just received reports from URS on the Spillway; a thorough inspection has not been performed in ten years.
- e. **Hernandez Dam, Concepts for Providing Intake Tower Inspection Access**  
Dave Meraz and his crew will be performing this inspection.
- f. **San Benito River Operations**  
Mr. Johnson stated he will skip this item tonight.
- g. **Harmony Hills Water System**  
Mr. Johnson stated Mr. Meraz has this item under control. Last night, there was a meeting with the homeowners and staff did a great job. He stated discussion was had regarding ongoing issues, changing the rate structure to a tiered structure, and direction was given to the homeowners. Mr. Johnson stated DHS was also in attendance at the meeting.
- h. **SR 156 Widening Project (*Highway 25 Project*)**  
Mr. Johnson stated the District is monitoring this project as the realignment is our part of the project and Mr. Meraz is doing a good job overseeing this. Vice President Bettencourt asked about the moving of meters and Mr. Meraz stated is has been quiet since July 4<sup>th</sup>. Mr. Meraz stated there are waiting to transfer meters, probably next week. Director Tobias asked about a system shutdown and Mr. Meraz stated it is COG's responsibility to notify the customers, but Director Tobias asked the District notify customers also and Mr. Meraz will follow-up with this notification.
- i. **El Rancho San Benito request for a Water Supply Assessment**  
Mr. Johnson stated he has referred them back to the County.

Mr. Johnson he has received an update on the anticipated shutdown of Reach 1 Pacheco Pumping Plant as SCVWD is the lead agency in this project. Mr. Johnson will request a temporary waiver to fill San Justo during the shutdown. Also, he stated customers will be notified 2 months, 1 month and 2 weeks prior to shutdown. Director Tobias suggested perhaps adding a line to bottom of the billing.

**16. Adjournment:**

There being no further business, the meeting was adjourned at 8:46 p.m.

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Robert M. Swanson, President

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Barbara L. Mauro, Recording Secretary