

September 26, 2007
Regular Meeting
7:30 p.m.

The Board of Directors of the San Benito County Water District convened in regular session on Wednesday, September 26, 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, Ken Perry and Sonny Flores. Director Tobias was absent. 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, and Office Specialist II Barbara L. Mauro.

CALL TO ORDER

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

- 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 Vice President Bettencourt and seconded by Director Flores, 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: August 29, 2007 – Regular Meeting
September 12, 2007 – Special Meeting**

- 2. Allowance of Claims**

Upon a motion by Director Perry and seconded by Director Flores, the Consent Agenda was unanimously approved.

REGULAR AGENDA:

- 3. Board to Consider Request for Waiver of Rules and Regulations Pertaining to Transfer of Additional Water Supplies into Lateral Sub 10 and/or Sub 11 by Steven Wyrick, Pride of San Juan**

Mr. Wyrick stated he wanted to address this issue not just for Price of San Juan but Christopher Ranch, Topflavor and Dobler & Sons have the same issues. Mr. Wyrick admitted water mismanagement will now affect his Union Road property; he is nearly out of water. Mr. Wyrick asked if water could/would be carried over to next year. President Swanson stated the Board cannot act on the carry forward of water and directed him to the manager. Mr. Johnson stated Mr. Wyrick's letter was for Pride of San Juan and not other San Juan growers. Mr. Wyrick thought this item would go to committee rather than to the Board; Mr. Johnson attempted to schedule a committee meeting and the committee declined it. Mr. Johnson stated this item is from the public input from the Special Board Meeting on September 12th. Director Flores asked if there was anything we can do and Director Perry stated we have turned down two or three requests and it wouldn't be fair to change the rules now, but could be reviewed in the future. Director Perry stated staff has not handled this issue as directed by the committee (not Lance) and referred to Page 35-

36 of the Annual Groundwater Management Plan which the District is following. Mr. Pipal, referring to the current resolution, stated there are to be no inter-district transfers into Sub 10 & 11, and Mr. Wyrick is asking for a waiver. Discussion was had between Vice President Bettencourt and Mr. Wyrick on what water was needed and why he has run out. Vice President Bettencourt stated the Board can't give preference to one grower over another. No motion was made; the issue was denied per President Swanson.

4. Board to Consider Authorizing District Manager to Obtain Consultant Services to Assist in Review of City of Hollister Wastewater Reuse SEIR

As per Mr. Johnson, the District hired EDAW and CH2MHill to review the original EIR. The District needs to review the SEIR and Mr. Johnson would like a continuation of consulting services for this project. Upon a motion made by Director Perry and seconded by Vice President Bettencourt, the San Benito County Water District Board of Directors unanimously authorized the District Manager to Obtain Consultant Services to Assist in Review of City of Hollister Wastewater Reuse SEIR.

5. Consider Ratifying the Amendment to 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 Approving Board Action from August 29, 2007 Changing the Effective Date to August 27, 2007

This item was reviewed by District Counsel, Mr. Pipal. Upon a motion made by Vice President Bettencourt and seconded by Director Flores, the San Benito County Water District Board of Directors unanimously ratified the Amendment to the M.O.U. between San Benito County Water District and Service Employees International (SEIU) Local 521 (Field and Office Employee's Representation Unit) and Approved Board Action from August 29, 2007 Changing the Effective Date to August 27, 2007.

6. Consider Authorizing District Manager to Sign Cooperative Agreement Between the Association of Monterey Bay Area Governments (AMBAG) and the SBCWD Regarding the Regional Orthophotography Project

Mr. Johnson gave a brief description of the project and its purpose. Mr. Johnson stated in April 2007 the District requested AMBAG consider this again and it was approved in the 2007-08 Budget. Discussion was had regarding the sharing of cost and what had been paid in the past. As per Ms. Giancola, the District paid \$34,887 in 2004 and \$15,377 in 2003. President Swanson asked the Board if they wished to table this item and Director Perry stated he would like clarification on the benefits of the program to the District before authorizing. This item was tabled for future consideration.

7. Status Report on Merced VAMP Activity Agreement

Mr. Johnson stated this was an update on this Agreement. Attached to Ms. Nitschke's memo were two exhibits showing the slight change in amounts for the District. No further discussion was had and no action as required by the Board.

8. Consider Approval of Pajaro River Watershed Groundwater Desalination Feasibility Study

Mr. Johnson stated this is an ongoing joint project between the District, SCVWD, and Pajaro with work being done by RMC on a Grant program. The committee and staff have reviewed the report and it is due to DWR by Friday to close out the grant. President Swanson expressed interest in having RMC make a presentation to the Board and perhaps a public meeting. Discussion was had and determined the County and the City of Hollister should be included at the workshop. Upon a motion made by Vice President Bettencourt and seconded by Director Perry, the Board of Directors of the San Benito County Water District unanimously approved the Pajaro River Watershed Groundwater Desalination Feasibility Study.

9. Consider Authorizing District Manager to Sign U.S. Geological Survey (USGS) Joint Funding Agreement for Water Resources Investigations

Mr. Johnson gave a brief overview of this item for the Board and stated this is an important item for the District. President Swanson stated this item was approved years ago because it is done by a third party. 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 District Manager to Sign the U.S. Geological Survey Joint Funding Agreement for Water Resources Investigations.

10. Authorize District Staff to Initiate Proposition 218 Process for Fairview Road Water System (Zone 104) Rate Increase Notification

Mr. Johnson stated this is a procedural process the District must go through according to Proposition 218. No further discussion was had. Upon a motion made by Director Flores and seconded by Director Perry; the Board of Directors of the San Benito County Water District unanimously Authorized District Staff to Initiate Proposition 218 Process for Fairview Road Water System (Zone 104) Rate Increase Notification.

11. Committee/Agency Representative Reports:

a. San Luis Delta Mendota Water Authority (Perry/Tobias)

Mr. Johnson reported he attended the Workshop on the Delta Smelt on September 21st, and no new information was presented.

b. Pajaro River Watershed Flood Prevention Authority (Flores/Bettencourt)

As per Director Flores, he did not attend the meeting.

c. Grants Committee (Bettencourt/Perry)

As per Vice President Bettencourt, there was nothing further.

d. Rates Committee (Swanson/Tobias)

As per President Swanson, there was nothing further.

e. Wastewater Treatment and Reuse Committee (Tobias/Perry)

As per Director Perry, the committee has hired Mr. Harry Blohm and approved the contract today. Director Perry also expressed frustrations with meeting dates and Mr. Blohm will work on a firm calendar going forward. Mr. Johnson expressed frustration with Chapter 4 of the Administrative Draft and the new modeling from Mr. Yates is still unavailable.

- 12. Consider Changing the Date of the October 31, 2007 Regular Board Meeting**
Discussion was had regarding changing the Board Meeting for October. Upon a motion made by Vice President Bettencourt and seconded by Director Flores, Resolution No. 2007-17, *A Resolution of the Board of Directors of the San Benito County Water District, Changing the Date of the October 31, 2007 Regular Board Meeting to October 24, 2007* was unanimously approved.
- 13. District Manager's Report**
- a. Status Report on City of San Juan Bautista's EDA Grant**
Mr. Johnson reported that the City of San Juan Bautista's EDA Grant has been cancelled. The District has been approached by the County to salvage this grant. This item will be handled by an Ad Hoc Committee and the committee will schedule a meeting with the County, as per Mr. Johnson.
- b. USBR's Interpretation of the District's M & I Water Contract Provisions**
Mr. Johnson stated the District contacted the Bureau to ask if unused M & I Water can be used for Ag next year and the item has been deferred to the Solicitor's office for review. Mr. Johnson reported an answer should be given to Jan Goldsmith's office by the end of the month. This is a key item for the District, as per Mr. Johnson.
- c. Update on Delta Smelt Court Ruling**
Mr. Johnson hoped he would have additional information from the Delta Smelt Workshop at SLDMWA, but he learned nothing additional at that time.
- d. Report on September 24th Water User Workshop**
Mr. Johnson stated there was a good turn out, as 61 attendees signed in. A lot of information was given and staff, again, did a great job. Mr. Johnson stated he would like to have at least three additional meetings. Director Perry did not attend but stated those in attendance said Mr. Johnson did a good job. Director Perry also stated the names of those needing water, referred to in item 3, were not in attendance at the workshop. (Note: Craig Dobler did attend the workshop) Vice President Bettencourt attended and stated Mr. Johnson and staff did a fine job.
- 14. Adjournment**
There being no further business, the meeting was adjourned at 8:36 p.m.

Robert M. Swanson
President

Barbara L. Mauro
Recording Secretary