

**October 24, 2007  
Regular Meeting  
7:30 p.m.**

The Board of Directors of the San Benito County Water District convened in regular session on Wednesday, October 24, 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, John Tobias and Sonny Flores. Also present were District Manager/Engineer Lance W. Johnson, District Counsel David E Pival, Administration and Finance Manager Shelley Giancola, Water Programmer II Anne Stull 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**

Director Tobias asked for an item to be added to the agenda, Recommended Water Rescheduling Policy, as Item #6(a). Mr. Pival stated the law requires this has to be an emergency item and it had to have come up after the agenda was posted on Friday, October 19, 2007. This Committee Meeting occurred on Monday, October 22, 2007 and Director Tobias stated it is an emergency item, so Mr. Pival stated it can be added to the agenda. Upon a motion made by Director Tobias and seconded by Director Perry, Item #6(a) adding to the agenda as: Board Decision on Water Rescheduling Policy for Carry Over Water from Water Year 07-08 to Water Year 08-09 was unanimously approved.

Upon a motion made by Director Perry 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: September 26, 2007 – Regular Meeting**

**2. Allowance of Claims**

**3. Acceptance of Quarterly Investment Report for Period Ending September 30, 2007**

**4. State Water Rights Fees**

**a. Consider Authorizing Payment of Water Rights Fees Under Protest and Petition for Reconsideration**

As per Mr. Johnson, today the District received the letter from Somach, Simmons and Dunn regarding the State Water Rights Fees and their new Agreement representing the District. Mr. Johnson stated he referred to continuing with Somach, Simmons and Dunn for District representation in his memo to the Board for this item. Mr. Pival questioned the item for the Agreement as it is not on an

agenda item and stated this item would need to be on the next agenda for approval.

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

**REGULAR AGENDA:**

**5. Prop 218 Board Authorization for Mailing Notification for Proposed 2008/09 Zone 6 Water Rates**

Mr. Johnson stated this is a formality of the Prop 218 process that authorized staff to mail out our fees when they are complete. The Rates Committee has met once and they intend to meet two more times to complete the process. President Swanson stated this item is recommended by the Rates Committee. Upon a motion made by Vice President Bettencourt and seconded by Director Flores, Prop 218 Board Authorization for Mailing Notification for Proposed 2008-09 Zone 6 Water Rates was unanimously approved.

**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 stated this item was tabled at the last Regular Board Meeting. With the Board Packet, the Board received a memo from Mica Nitschke reviewing the items questioned by the Board previously. Mr. Johnson recommended Board approval and stated this will be important to the District with regard to the GIS Program. Discussion was had by the Board regarding costs, partners and scope of services. Mr. Pipal stated several items in the agreement are worded incorrectly or incomplete. With those changes, Mr. Pipal stated the agreement is okay. Upon a motion made by Director Tobias and seconded by Vice President Bettencourt, with the noted changes by Mr. Pipal, a Yes vote from President Swanson, Vice President Bettencourt, Directors Tobias and Flores and a No vote from Director Perry, the Board Authorized the District Manager to Sign the Cooperative Agreement Between the Association of Monterey Bay Area Governments (AMBAG) and the SBCWD Regarding the Regional Orthophotography Project

**6 (a). Consider Board Decision on Water Rescheduling Policy for Carry Over Water from Water Year 07-08 to Water Year 08-09**

Mr. Johnson gave an overview of this item. This policy would reschedule water that is unused into the following water year. In the past, the District has rescheduled water but it has not been done for individuals. The committee members, Directors Tobias and Perry, endorse this item for board approval. Mr. Johnson referred to the recommended policy which includes policy and costs. Mr. Johnson stated what is left at the end of February would be carry over water and there would be an administrative fee for the District to process the rescheduling for customers.

A motion was made by Director Perry and seconded by Director Flores for approval of the Water Rescheduling Policy for Carry Over Water from Water Year 07-08 to Water Year 08-09. Before a vote was taken, President Swanson opened the matter up for discussion.

Discussion was had regarding the policy in the future and it was suggested this would be reviewed on a yearly basis. Director Perry stated the problem could be from water brought into the District and carried over rather than allocated water carried over. Mr. Johnson stated a loss criteria would be in place to prevent some of the concerns expressed by President Swanson. Under the current program, excess water reverts to the District, as per Mr. Johnson. Director Perry stated this should be revisited next year, with a goal for a time frame, and address any issues that arise. Director Perry stated we may be the only district that does not carry water forward and President Swanson stated it needs to be carefully thought out. Mr. Pipal asked if there is a policy in place for this issue and Mrs. Stull stated she is not aware there is a policy in place. Mr. Pipal stated we would need to find the resolution, if one exists, and amend that policy providing that ag users can reschedule their water. The form of action would be in the form of a Resolution, per Mr. Pipal.

We had a motion and second in place; the Board of Directors of the San Benito County Water District unanimously approved Water Rescheduling for Carry Over Water from Water Year 07-08 to Water Year 08-09.

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

- a. San Luis Delta Mendota Water Authority (Perry/Tobias)**  
As per Director Perry, there was nothing to report.
- b. Pajaro River Watershed Flood Prevention Authority (Flores/Bettencourt)**  
As per Director Flores, there was not a meeting.
- c. Water Resources Association (Flores/Bettencourt)**  
As per Director Flores, regular business was had at the meeting.
- d. Investment Committee (Flores/Tobias)**  
As per Director Tobias, Investment was covered in the Consent Agenda.
- e. Personnel Committee (Swanson/Perry)**  
As per Director Perry, there was nothing to report.
- f. Rates, Charges and Fees Committee (Swanson/Tobias)**  
As per Director Tobias, there was nothing further to report.
- g. Rural Water Systems Committee (Swanson/Perry)**  
As per President Swanson, there was nothing to report.
- h. Wastewater Treatment and Reuse Committee (Tobias/Perry)**
  - Harry Blohm report**  
Mr. Blohm stated the committee has met twice. The committee has been meeting with the City of Hollister regarding Recycled Water. Mr. Blohm gave a brief report on the Site Selection Committee, which Director Perry is a member, and is a sub-committee of the Governance Committee. Mr. Blohm also gave an update on the SEIR as well as the Master Plan.
- i. Water Rescheduling Committee (Tobias/Perry)**  
As per Director Tobias, there was nothing further to report. Mrs. Stull noted, for the record, the water being rescheduled is the 07-08 water and not the 06-07.



**1. Recruitment for Staffing Vacancies**

Mr. Johnson stated we are currently recruiting for three of the five vacancies we have; using local as well as regional advertising.

**9. Adjournment**

There being no further business, the meeting was adjourned at 8:50 p.m.

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Minutes were approved at the November 28, 2007, Regular Board meeting and signed by the presiding board member.

/s/Robert M. Swanson  
Robert M. Swanson, President

/s/Barbara L. Mauro  
Barbara L. Mauro, Recording Secretary