

RESOLUTION NO. 2006-15
APPROVING AGREEMENT BETWEEN
SAN BENITO COUNTY WATER DISTRICT
AND
SANTA CLARA VALLEY WATER DISTRICT

WHEREAS, San Benito County Water District and Santa Clara Valley Water District are contractors for water delivery from the Central Valley Project (“CVP”) through its San Felipe Division (“Division”);

WHEREAS, Both districts jointly utilize Division facilities that convey water from San Luis Reservoir to the Hollister Conduit;

WHEREAS, Both districts desire to amend their contracts with the United States for CVP water to provide for the repayment of the capital costs of the Division facilities;

WHEREAS, Both districts desire to normalize, as between themselves, their obligations and rights with respect to allocation of repayment responsibility and maintenance of Division facilities;

WHEREAS, The attached agreement (“Bilateral Agreement”) will not become effective until and unless both districts have executed repayment contracts with the United States and the Bilateral Agreement;

WHEREAS, The Bilateral Agreement sets forth mandatory provisions concerning the maintenance of Division facilities, provides for funding mechanisms to finance such maintenance, and establishes processes for coordination and consultation between the districts;

WHEREAS, The Bilateral Agreement will affect only administrative, financial and funding aspects of CVP water delivery;

NOW THEREFORE, THE BOARD OF DIRECTORS DOES HEREBY FIND AND RESOLVE:

1. That approval of the attached Agreement is exempt from the California Environmental Quality Act pursuant to 14 CCR 15301 [existing facilities] and 14 CCR 14378(b) [administrative and fiscal activities].
2. That the attached Agreement between the District and Santa Clara Valley Water District is hereby approved, and the President of the Board is hereby authorized to execute the agreement; and
3. The District Secretary is hereby directed to file the attached Notice of Exemption with the County Clerk of San Benito County.

The foregoing Resolution was passed and adopted on November 29, 2006, by the following vote on roll call:

AYES: Tobias, Swanson, Perry, Bettencourt and Flores

NOES: None

ABSTAIN: None

ABSENT: None

Signed and approved by me after its passage this 29th day of November, 2006.

ATTEST:

/s/ Shelley Giancola
Shelley Giancola
District Secretary
San Benito County Water District

/s/ John Tobias
John Tobias
President
San Benito County Water District