

RESOLUTION NO. 2007-04

RESOLUTION APPROVING OF THE SECOND AMENDMENT TO CONTRACT BETWEEN THE UNITED STATES AND THE SAN BENITO COUNTY WATER DISTRICT FOR WATER SERVICE AND FOR OPERATION AND MAINTENANCE OF CERTAIN WORKS OF THE SAN FELIPE DIVISION AND AUTHORIZING THE PRESIDENT TO SIGN, AUTHORIZING THE FILING OF A NOTICE OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND DIRECTING THE FILING OF A VALIDATION ACTION

WHEREAS, the United States of America (United States) and the San Benito County Water District (District) entered into a contract for the delivery of Central Valley Project water to the District, Contract No. 8-07-20-W0130 dated April 15, 1978, which was subsequently amended on February 28, 1992 (Existing Contract); and

WHEREAS, the Central Valley Improvement Act (CVPIA) was enacted in 1992 and addressed the renewal of long-term water service contracts and required that certain terms be included in contracts renewed or amended after January 1, 1988; and

WHEREAS, the parties desire to amend the Existing Contract on the terms set forth in the Second Amendment to Contract in order to comply with the CVPIA; and

WHEREAS, none of the provisions of the Second Amendment will result in direct physical change to the environment, nor any reasonably foreseeable indirect change to the environment, and, therefore, is not a project as defined by the California Environmental Quality Act (CEQA) and is exempt therefrom; and

WHEREAS, it the District's desire to validate the Second Amendment by filing an action in the San Benito County Superior Court under CCP § 860 et seq.

NOW, THEREFORE, BE IT RESOLVED, that the District hereby approves of the "Second Amendment to Contract Between the United States and San Benito County Water District for Water Service and For

