

September 30, 2020
Regular Meeting
5:02 p.m.

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhances State and Local Governments' ability to respond to COVID-19 Pandemic; this meeting was conducted with some members participating via conference phone. Because of this, all voting was done by roll call vote.

The Board of Directors of the San Benito County Water District convened in regular session on Wednesday, September 30, 2020 at 5:02 p.m. at the San Benito County Water District office at 30 Mansfield Road, Hollister, California. Members present were: President John Tobias, Vice President Frank Bettencourt and Directors Sonny Flores, Joe Tonascia and Doug Williams, who all were present at the District. Also present at the District were District Manager/Engineer Jeff Cattaneo, District Counsel Jeremy T. Liem, Assistant Manager Sara Singleton, Deputy District Engineer Garrett Haertel and Board Clerk/Office Specialist III Barbara Mauro; Supervising Accountant Natalie Sullivan participated via conference call.

CALL TO ORDER

President Tobias called the meeting to order at 5:02 p.m.

- a. **Pledge of Allegiance to the Flag**
President Tobias led the Pledge of Allegiance.
- b. **Roll Call**
Mrs. Mauro called roll; President Tobias, Vice President Bettencourt and Directors Flores, Tonascia and Williams were all present. Also, in addition to the staff present at the District, Supervising Accountant Natalie Sullivan called in on the conference line as well as Charlotte Holifield from the California Special Districts Association (CSDA).
- c. **Speakers will be limited to 5 minutes to address the Board; rebuttal will be limited to 3 minutes; no new business agenda items will be heard after 8:00 p.m.**
- d. **Approval of Agenda**
With a motion by Director Tonascia and a second by Director Flores, the Agenda was approved by the Board of Directors with 5 affirmative votes; Tobias, Bettencourt, Flores, Tonascia and Williams.
- e. **Public Input: Members of the Public are Invited to Speak on any Matter not on the Agenda**
Charlotte Holifield of the CSDA asked to address the Board. Ms. Holifield is the new representative for our area and is reaching out to the District as we are not a member. CSDA represents approximately 1200 Special Districts in the state.

CONSENT AGENDA:

1. **Approval of Minutes for: August 26, 2020 Regular Meeting**
2. **Allowance of Claims**
3. **Acknowledgement of Paid Claims prior to the September Board Meeting**

With a motion by Director Tonascia and a second by Director Williams, the Board of Directors approved the Consent Agenda by 5 affirmative votes; Tobias, Bettencourt, Flores, Tonascia and Williams.

REGULAR AGENDA:

4. Discuss and Consider Adoption of the Findings of a Categorical Exemption, Section 15301, Class 6 action, for North County Water Supply Program: California Environmental Quality Act (CEQA) Notice of Exemption for drilling a test well near Highway 156 and San Felipe Road and authorize the District Manager to file the Notice of Exemption with the San Benito County Clerk and the State of California Office of Planning and Research

Mr. Haertel stated the City of Hollister (COH) has experienced some water supply issues in the north area. Water quality issues are a result of low demand and the length of pipe. Mr. Haertel stated the District is working with the COH and Sunnyslope County Water District (SSCWD) on this program. This project includes a test well which will be for an information collection study and is considered exempt from California Environmental Quality Act (CEQA). Mr. Haertel stated the action needed would be to approve the resolution for the notice of exemption and authorize the District Manager to file it. This work is part of the grant obtained for the District by Todd Groundwater.

With a motion by Director Flores and a second by Director Williams, Resolution #2020-16, *A Resolution of the Board of Directors of the San Benito County Water District Certifying the San Benito County Water District Notice of Exemption for the North County Groundwater Supply Study – Monitoring Well Installation and Approving the North County Groundwater Supply Study -- Monitoring Well Installation* was approved by the Board of Directors with 5 affirmative votes: Tobias, Bettencourt, Flores, Tonascia and Williams.

5. Discuss and Consider Authorizing the District Manager to sign a Utility Agreement between the San Benito County Water District and the State of California, Department of Transportation for the realignment of the District's existing facilities for conflicts with the project's proposed alignment (NTE \$622,917)

Mr. Haertel began by stating the revised amount is now \$508,150. Mr. Haertel stated it has been proposed to reroute Highway 156 from Union to the San Juan Valley. This realignment crosses three of the District's facilities. The District is working with San Benito Engineering on this project.

President Tobias asked if the \$508,150 cost is the responsibility of CalTRANS and Mr. Haertel stated that is correct. Mr. Cattaneo added if the cost exceeds 125% over the bid amount, the District can go back to CalTRANS and amend the agreement.

Director Tonascia asked if our choice on timing was to lessen the impact on our customers. Mr. Haertel stated yes. Mr. Cattaneo added CalTRANS will install the new pipeline and the last step will be to cut into the District's pipeline. As this will be the District's project, we control the timing. The impact to our deliveries could be limited to a day or two. Mr. Haertel also added this cost does not include the cost to acquire any necessary easements.

With a motion by Director Tonascia and a second by Director Williams, noting the change in the not to exceed to \$508,150, the Board of Directors Authorized the District Manager to sign a Utility Agreement between the San Benito County Water District and the State of California, Department of Transportation for the realignment of the District's existing facilities for conflicts with the project's proposed alignment (NTE \$508,150) was approved with 5 affirmative votes; Tobias, Bettencourt, Flores, Tonascia and Williams.

6. Committee/Agency Representative Reports:

a) San Luis Delta Mendota Water Authority (Tonascia/Cattaneo)

As per Mr. Cattaneo, he will address this under his manager's report.

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

As per Director Bettencourt, he participated in a telephone conference. He reported the Levee Project is moving forward.

c) City of San Juan Bautista Water Infrastructure Ad Hoc Committee (Tonascia/Flores)

As per Director Tonascia, the committee reviewed possible solutions with the City of San Juan Bautista. Director Flores added potential costs and options were also reviewed. Mr. Cattaneo added the City Manager of the City of San Juan Bautista is setting up a meeting to discuss connecting to the West Hills Water Treatment Plant. Next Tuesday, there will be a City of San Juan Bautista town hall meeting at 6 p.m. via ZOOM to discuss this.

d) Monthly Operations and Maintenance Report (Craig)

Mr. Craig, using a PowerPoint, showed several photos of recent repairs. He added next month, District staff intends to return to the spillway repairs at Hernandez Reservoir.

7. District Manager/Engineer's Report:

a) Reach 1 Operations

Mr. Cattaneo reported Garth Hall's, of Santa Clara Valley Water District (SCVWD), last day was to be today. Aaron Baker has been assigned to a new position and will be replacing Nina Hawk.

b) Zone 3 Operations

Mr. Cattaneo reported all the water has been released so there isn't anything to report at this time.

c) Zone 6 Operations

Mr. Cattaneo reported the District has been operating off of San Justo Reservoir so we can utilize the anoxic water to help in controlling the zebra mussels. The downside, per Mr. Cattaneo, is this makes water deliveries difficult due to pressure issues and the water quality caused the shutdown of the Lessalt plant. West Hills was able to continue running, staff just had to use more chemicals.

d) San Luis Delta Mendota Authority Activities

Mr. Cattaneo reported the Authority is withdrawing from the San Joaquin Infrastructure Authority, mainly due to the Temperance Flat Project as it is not going forward. There was also no participation from the federal contractors.

Mr. Cattaneo also reported there was a Water Policy going to the House of Representatives, sponsored by Representative Cox, for the Western Water Infrastructure Act, but there was limited funding for the South of Delta projects. The policy was to be reviewed for better language for the South of Delta, but it is difficult to say if it will go forward.

Mr. Cattaneo reported Amendment #6, for the supply and conveyance from the Department of Water Resources for the Yuba transfer agreement is on its last 5 years. Mr. Cattaneo reported the cost of water did not go up significantly. For example, in a wet year, the cost per acre foot would go from \$50 to \$65 and for in critically dry years with 2 or more in a row, the cost per acre foot would go from \$350 to \$447.

President Tobias asked how the rates were determined. Mr. Cattaneo stated it was all negotiated, based on what the market would bear.

Mrs. Singleton discussed the Jones Pumping Plant Rewind Project. There are six pumps at the plant; two pumps have been done so far. The Bureau will finance another one and the Authority will consider a bond, perhaps as early as the October Meeting, for the remaining pumps.

e) Sustainable Groundwater Management Act (SGMA) Update

Mr. Cattaneo reported last week the District held a Public Workshop which went well; it was on Sustainability Criteria. Yesterday, the SGMA Technical Advisory Committee (TAC) met and discussed monitoring and costs. The next two TAC meetings will be more about the hard numbers, annual costs and reporting.

f) Pacheco Reservoir Expansion Project

SCVWD and our staff met and discussed goals and objectives. Mr. Cattaneo anticipates updating the Board in December. HDR will be reviewing all the goals and objectives for the SBCWD. At the October Board meeting, there will be an HDR Amendment for the Board to consider.

g) Water Infrastructure Improvements for the Nation Act (WIIN) Contract Conversion

Mr. Cattaneo reported the last meeting held was June 23rd and the District has not received the final draft. Mr. Cattaneo sent an e-mail to Michael Jackson today, to ask for the status. He reminded the Board there is a requirement of a public review also.

**8. CLOSED SESSION: Conference with legal counsel—
Existing litigation**

a) Government Code 54956.9(a)

**San Benito County Water District v. Randy McAlpine
(CL-13-00437)**

- b) **Government Code 54956.9(a)
Randy McAlpine v. San Benito County Water District
(CU-17-00050)**

(The Board convened in Closed Session at 5:48 p.m.)

9. OPEN SESSION: Report action if any

(The Board reconvened in Open Session at 6:11 p.m.)

President Tobias reported the Board took no action on either Closed Session item.

10. Adjournment

With no further business to discuss, the meeting was adjourned at 6:12 p.m.

Minutes were approved at the October 28, 2020 Board meeting and signed by the presiding board member.

/s/John Tobias
John Tobias, President

/s/Barbara L. Mauro
Barbara L. Mauro, Board Clerk