

November 18, 2020  
Regular Meeting  
5:00 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, November 18, 2020 at 5:00 p.m. at the San Benito County Water District office at 30 Mansfield Road, Hollister, California. Members present at the District were: President John Tobias, Vice President Frank Bettencourt and Directors Sonny Flores, Joe Tonascia and Doug Williams. Also present at the District were District Manager/Engineer Jeff Cattaneo, Assistant Manager Sara Singleton, Deputy District Engineer Garrett Haertel and Board Clerk/Office Specialist III Barbara Mauro. District Counsel Jeremy T. Liem and Finance Manager Natalie Sullivan participated via conference call. Also participating via conference call were Andrew Shelton and Matt Brady.

### **CALL TO ORDER**

The meeting was called to order by President Tobias at 5:00 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.
- 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 Williams, the Agenda was unanimously 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**  
There were no public comments.

### **CONSENT AGENDA:**

- 1. Approval of Minutes for: October 28, 2020 Regular Meeting**
- 2. Allowance of Claims**
- 3. Acknowledgement of Paid Claims prior to the November Board Meeting**

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

**REGULAR AGENDA:**

**4. Consider Resolution Recognizing Frank Bettencourt for his Sixteen Years of Service to the District**

Mr. Cattaneo read the resolution into the record, which recognized Vice President Bettencourt sixteen years of service. Mr. Cattaneo, Mrs. Singleton and Mr. Novack thanked Director Bettencourt on behalf of the staff. President Tobias thanked Vice President Bettencourt on behalf of the Board of Directors.

With a motion by Director Flores and a second by Director Tonascia, Resolution 2020-19, *A Resolution of the Board of Directors of the San Benito County Water District Recognizing Frank Bettencourt for his Sixteen Years of Service* was unanimously approved by the Board of Directors by 5 affirmative votes: Tobias, Bettencourt, Flores, Tonascia and Williams.

**5. Discuss and Consider Authorizing District Manager Execute a Contract with Todd Groundwater for the 2020 Urban Water Management Plan Update and Authorize District Manager to sign contract (NTE \$ 97,438)**

Mr. Cattaneo stated this report is done every 5 years. Mr. Novack stated this is a state requirement for every water utility that either serves 3000 people or delivers 3000-acre feet of water. Mr. Novack equates this to his playbook for water conservation guidelines. He added this is a budgeted item through the Water Resources Association. The amount for the proposal from Todd Groundwater will be split 3 ways between the District, the City of Hollister and Sunnyslope County Water District.

Director Tonascia asked if our county is meeting the goals. Mr. Novack stated we are currently exceeding the goals. His main focus now will be landscape water usage.

With no further questions from the Board, a motion was made by Director Tonascia and seconded by Director Williams; the Board of Directors unanimously authorized the District Manager execute a contract with Todd Groundwater for the 2020 Urban Water Management Plan Update and authorized the District Manager to sign contract (NTE \$97,438) by 5 affirmative votes; Tobias, Bettencourt, Flores, Tonascia and Williams.

**6. Discuss and Consider Quitclaim of Waterline Easement on APN 057-710-007 to Award Homes**

Mr. Cattaneo stated he had thought we had already quitclaimed this waterline easement. This is the property with Award Homes and Roberts Ranch. The District has already abandoned the pipeline.

With a motion by Director Flores and a second by Vice President Bettencourt, the Board of Directors unanimously approved the quitclaim of the waterline easement on APN 057-710-007 to Award Homes by 5 affirmative votes: Tobias, Bettencourt, Flores, Tonascia and Williams.

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

- a) **San Luis Delta Mendota Water Authority (Tonascia/Cattaneo)**  
As per Mr. Cattaneo, he will cover this under his Manager's report.

- b) **Pajaro River Watershed Flood Prevention Authority (Bettencourt/Flores)**  
As per Director Bettencourt, the Authority continues to work on the design for the Pajaro Levee.
  - c) **Zone 6 Water Supply Committee (Tobias/Flores)**  
As per Directors Tobias and Flores, this has already been covered.
  - d) **Monthly Operations and Maintenance Report (Craig)**  
As per Mr. Cattaneo, there was nothing to report on this item.
- 8. District Manager/Engineer's Report:**
- a) **Reach 1 Operations**  
Mr. Cattaneo reported Santa Clara Valley Water District (SCVWD) dewatered the Pacheco conduit and created an unexpected delay for our District. Both Districts are working on standard operating procedures for future operations. Also discussed were pump rebuilds and whether it is more feasible to rebuild or replace the pumps.
  - b) **Zone 3 Operations**  
Mr. Cattaneo reported staff's work on the Hernandez Spillway is complete for the year. He added the flip bucket needs to be evaluated by the engineering department; rock may need to be replaced.
  - c) **Zone 6 Operations**  
Mr. Cattaneo reported there may be 1800-2000-acre feet of carryover water.
  - d) **San Luis Delta Mendota Water Authority Activities**  
Mr. Cattaneo reported unless we have a very wet winter, San Luis Reservoir isn't likely to fill. Also discussed was the possibility of the Authority building a new office.
  - e) **Sustainable Groundwater Management Act (SGMA) Update**  
Mr. Cattaneo reported the Technical Advisory Committee (TAC) met on November 4, 2020. Monitoring was the main subject and there were presentations by Land IQ and ConserveWater on satellite-based monitoring systems. Also discussed at the meeting was the option to install meters. Mr. Cattaneo reported some kind of measurement will be needed to fulfill the state's requirements. Discussion ensued about the cost of the satellite-based measurement versus meters.
  - f) **Pacheco Reservoir Expansion Project**  
Mr. Cattaneo reported scoping meetings by SCVWD scheduled for November 18<sup>th</sup> and 19<sup>th</sup> have been postponed. Today, Mr. Cattaneo, Mrs. Singleton, Holly Kennedy (HDR) and Bob Ellis (consultant) met to discuss modeling. It has been estimated that if the District has a 10% participation in the new reservoir, that could equal about 1200 AF annually.

- g) **Water Infrastructure Improvements for the Nation Act (WIIN) Contract Conversion**  
Mr. Cattaneo reported the contract is moving forward. The contract has been put on the federal registry and the validation process has begun. Staff in conjunction with legal is developing a letter to accompany the summons that will be mailed to all of the District's direct users of the San Felipe water.
- h) **City of San Juan Bautista Water Infrastructure**  
Mr. Cattaneo reported there is a meeting scheduled for tomorrow with San Juan Bautista. Discussion will center around how to set up the planning and design for the project, which could be set up similar to the Memorandum of Understanding (MOU) the District used for the Hollister Urban Water and Wastewater Master Plan (HUAWWMP). Any costs incurred into the planning and design would either be rolled up into the overall cost of project or if the project does not go through, how this amount will be repaid.
- i) **Update on the City of Hollister Airport Well**  
Mr. Haertel reported he is working on the construction schedule. He added there is a meeting tomorrow.

**9. 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)**

**10. CLOSED SESSION:  
Conference with Labor Negotiator  
Pursuant to Government Code Section 54957.6  
Agency Designated Representatives: Board of Directors  
Unrepresented Employees: District Manager, Assistant Manager**

*(The Board convened in Closed Session at 5:44 p.m.)*

**11. OPEN SESSION:**

*(The Board reconvened in Open Session at 6:00 p.m.)*

*(Rejoining the Open Session was District Counsel Jeremy Liem, Mary Beth Redding from Bartel Associates, LLC, Garrett Haertel and Andrew Shelton)*

**1. Report Action, if Any, on Closed Session Items:**

- i. **9(a)**
- ii. **9(b)**
- iii. **10**

President Tobias reported no action was taken on 9 (a), 9 (b) or 10.

President Tobias also asked the Board if they had any questions of Ms. Redding and there were no questions.

**2. Hear Oral Summary of Recommendation for a Final Action on Salary and Compensation for Local Agency Executives (District Manager and Assistant Manager) Pursuant to Government Code Section 54953, subsection c, 3**

President Tobias read the following into the record:

**District Manager—November 18, 2020**

Government Code section 54953(c)(3) requires that, before taking final action, the Board of Directors must orally report a summary of the recommendation regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive. Therefore, I am reporting the following summary regarding such items appearing on the agenda.

Items # 11.3 and 11.4 pertain to final action by the Board of Directors regarding the recommendation to approve the following changes to compensation for the District Manager/Engineer, Jeff Cattaneo, who is a local agency executive. The recommended changes to Mr. Cattaneo's compensation are as follows:

1. SALARY: Effective the date of Board adoption of this resolution number 2020-20, Mr. Cattaneo's annual salary will be increased from \$241,583 to \$266,000 per year.

2. FRINGE BENEFITS: There will be no change to Mr. Cattaneo's life insurance, medical, dental, and vision benefits; nor will the Board change his existing leave or pension benefits. However, the Board will amend Mr. Cattaneo's retiree health benefits to a range between \$480 per month and \$560 per month, in accordance with the retirement age and years of District service vesting schedule set forth for represented employees of the District in the Memorandum of Understanding (MOU) between the District and Service Employees International Union (SEIU) Local 521, and the corresponding District's Management, Confidential, and Professional employees group. This schedule is consistent with PEMHCA requirements, and based on retirement age, and years of District service.

There will be no change to Mr. Cattaneo's longevity pay. However, the Board amends his contract to clarify that the benefits to which he is entitled includes 8% longevity pay. This benefit has been in effect since 2017, and was adopted pursuant to the 2017 Executive Management Group Compensation Resolution, Resolution number 2017-11, as amended by Resolution No. 2020-20.

**Assistant Manager—November 18, 2020**

Government Code section 54953(c)(3) requires that, before taking final action, the Board of Directors must orally report a summary of the recommendation regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive. Therefore, I am reporting the following summary regarding such items appearing on the agenda.

Items # 11.3 and 11.5 pertain to final action by the Board of Directors regarding the recommendation to approve the following changes to compensation for the District's Assistant Manager, Sara Singleton, who is a local agency executive. The recommended changes to Ms. Singleton's compensation are as follows:

1. SALARY: Effective the date of Board adoption of this resolution number 2020-20, Ms. Singleton's annual salary will be increased from \$156,877 to \$170,500 per year.
2. PERFORMANCE PLAN: This section is deleted from Ms. Singleton's employment agreement as the updated District's performance evaluation policy under Article XII of the District's Personnel Rules and Regulations applies to her position.
3. FRINGE BENEFITS: There will be no change to Ms. Singleton's existing fringe benefits. However, the Board amends her contract to clarify that the benefits to which she is entitled includes the "Retiree Additional Benefit." This benefit is a retiree health benefit, provided to represented employees of the District in the Memorandum of Understanding (MOU) between the District and Service Employees International Union (SEIU) Local 521, and the corresponding District's Management, Confidential, and Professional employees group. This schedule is consistent with PEMHCA requirements, and based on retirement age, and years of District service.

There will be no change to Ms. Singleton's longevity pay. However, the Board amends her contract to clarify that the benefits to which she is entitled includes 8% longevity pay. This benefit has been in effect since 2017 and was adopted pursuant to the 2017 Executive Management Group Compensation Resolution, Resolution number 2017-11, as amended by Resolution No. 2020-20.

4. PAID LEAVES. There is no change to Ms. Singleton's paid leave entitlement. However, the Board amends her contract to clarify that the leave to which she is entitled is provided on an annual basis. It additionally amends the vacation accrual limit to forty hours per year of employment, which is applicable to the District's Management, Confidential and Professional Employees group.

3. **Consider Approval of Resolution 2020-20 for Executive Compensation**  
With a motion by Vice President Bettencourt and a second by Director Williams, Resolution #2020-20, *A Resolution of the Board of Directors of the San Benito County Water District* was unanimously approved by 5 affirmative votes; Tobias, Bettencourt, Flores, Tonascia and Williams.
4. **Consider Approval of Amendment to District Manager's Employment Contract and Authorize President to Sign**  
With a motion by Director Tonascia and a second by Director Flores, the Board of Directors unanimously approved of the Amendment to the District Manager's Employment Contract and Authorized the President to Sign; this was approved by 5 affirmative votes; Tobias, Bettencourt, Flores, Tonascia and Williams.
5. **Consider Approval of Amendment to Assistant Manager's Employment Contract and Authorize President to Sign**  
With a motion by Vice President Bettencourt and a second by Director Flores, the Board of Directors unanimously approved of the Amendment to the Assistant Manager's Employment Contract and Authorized the President to Sign; this was approved by 5 affirmative votes; Tobias, Bettencourt, Flores, Tonascia and Williams.
6. **Authorize President to Sign Certification of Compliance with Government Code Section 7507. In accordance with Government Code Section 7507(c), future annual costs of changes in the retiree additional benefit for the District Manager, including normal cost and any additional accrued liability, were made public at a public meeting on October 28, 2020 at which such changes were first considered, at which the District's actuary Bartel Associates, LLC was present to provide information, and which was at least two weeks prior to the adoption of changes in other postemployment benefits. The District's actuary Bartel Associates, LLC was also present to provide information at the public meeting at which approval of the District Manager's contract amendment occurred, on November 18, 2020**  
Mary Beth Redding of Bartel Associates, LLC was available for any questions from the Board; there were no questions.

With a motion by Director Tonascia and a second by Director Williams, the Board of Directors authorized the President to sign the Certification of Compliance with Government Code Section 7507; this was approved by 5 affirmative votes, Tobias, Bettencourt, Flores, Tonascia and Williams.

President Tobias again, thanked Director Bettencourt for his service to the District.

## 12. **Adjournment**

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

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Minutes were approved at the December 16, 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