

March 30, 2022
Regular Meeting
5:00 p.m.

The Board of Directors of the San Benito County Water District convened in regular session, on Wednesday, March 30, 2022 at 5:00 p.m. at the San Benito County Water District office at 30 Mansfield Road, Hollister, California. Members present were: President Joe Tonascia, Vice President Sonny Flores and Directors Andrew Shelton, John Tobias and Doug Williams. Also present were District Manager/Engineer Jeff Cattaneo, District Counsel Jeremy T. Liem, Deputy District Engineer Garrett Haertel, Finance Manager Natalie Sullivan, Water Conservation Program Manager Shawn Novack, Operations and Maintenance Supervisor Michael Craig, Water Resources Technician I Dustin Franco and Board Clerk/Office Specialist III Barbara Mauro; Assistant Manager Sara Singleton participated via Zoom.

CALL TO ORDER

President Tonascia called the meeting to order at 5:00 p.m.

- a. **Pledge of Allegiance to the Flag**
President Tonascia led the Pledge of Allegiance.
- b. **Roll Call**
Mrs. Mauro called roll; President Tonascia, Vice President Flores and Directors Shelton, Tobias 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. **Consider Resolution Proclaiming and Ratifying March 4, 2020 COVID-19 State of Emergency, and Authorizing Remote Teleconference Meetings for all District Legislative Bodies for the Following 30 Days in Accordance with the Ralph M. Brown Act**
With a motion by Director Tobias and a second by Vice President Flores, the Board of Directors approved Resolution #2022-08, *A Resolution of the Board of Directors of the San Benito County Water District Proclaiming and Ratifying the March 3, 2020 COVID-19 State of Emergency, and Authorizing Remote Teleconferencing Meetings for all District Legislative Bodies for the Following 30 Days in Accordance with the Ralph M. Brown Act* by 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.
- e. **Approval of Agenda**
With a motion by Vice President Flores and a second by Director Shelton, the Agenda was approved by 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.
- f. **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: | February 23, 2022 | Regular Meeting |
| | March 10, 2022 | Special Meeting |
- 2. Allowance of Claims**
- 3. Acknowledgement of Paid Claims prior to the March Board Meeting**
- 4. Recognizing Cindy Tyler for 10 Years of Part-Time Service, Certificate Issued**
Mrs. Singleton stated Ms. Tyler is an asset to the District, has an even, upbeat positive attitude and is a pleasure to work with.

With no further comments, a motion was made by Director Tobias and seconded by Director Williams, the Board of Directors approved the Consent Agenda by 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.

REGULAR AGENDA:

- 5. Groundwater Sustainability Plan Annual Report 2021**
- a. Presentation of Report**
A PowerPoint presentation was given by Iris Priestaf and Maureen Reilly of Todd Groundwater, who prepared the GSP Annual Report 2021.
- Ms. Priestaf stated this report is a requirement of the Sustainable Groundwater Management Act (SGMA). This will be the first report and it will be submitted to the California Department of Water Resources by April 1, 2022.
- Ms. Reilly stated this report gives a view of the District, at a glance, for 2021. It was obviously a dry year and there was a decrease in groundwater storage. She reviewed the 4 management areas, the purpose of a numerical model and the water use from the 4 sources of water.
- Ms. Priestaf reviewed the projects and management actions of the District. She further reported the groundwater quality and the key wells that the District used to collect the necessary data for this report.
- Ms. Priestaf stated the recommendations for rates for groundwater charges are; \$13.55 per acre foot for agriculture and \$40.55 per acre foot for Municipal and Industrial. She further stated the District should continue with groundwater production and replenishment and continue with SGMA implementation.
- Mr. Cattaneo acknowledged District staff for their contributions to this report: Garrett Haertel, Dustin Franco and David Macdonald.
- Mr. Haertel added the District will have access to more data with the new wells and also access to more historical wells.
- Mr. Cattaneo also thanked the staff from Todd Groundwater for their efforts.

b. Consider Acceptance of Groundwater Sustainability Plan Annual Report 2021

With a motion by Vice President Flores and a second by Director Tobias, the Board of Directors Accepted the Groundwater Sustainability Plan Annual Report 2021 with 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.

6. Presentation by Holly Kennedy, HDR, on Water Supply Options

Mr. Cattaneo stated he asked Ms. Kennedy to prepare a presentation for the Board regarding water supply options.

Ms. Kennedy, using a PowerPoint presentation, offered the Board an update on the Master Plan. She began by stating the name change from Hollister UAWWMP was due to adding a new partner, the City of San Juan Bautista. The reason for the Master Plan Update is to meet demand, address the issue of the drought, explore long term options and the incorporation of the new partner San Juan Bautista.

Ms. Kennedy stated water supply evaluations are a two-step approach. First, is to identify and screen possible options and second, to evaluate all the alternatives. Ms. Kennedy reviewed the objectives for the 2022 Master Plan Update.

Ms. Kennedy reviewed the water demand forecast and stated water quality is a key driver. Surface water storage concepts and groundwater concepts were also discussed. Explaining how the evaluation criteria was structured, the 3 highest rated future projects were: the BF Sisk Dam Raise Project, the North Area Groundwater Storage Project and the Aquifer Storage and Recovery (ASR) Project.

Next steps would be to continue meeting with the Management Committee for the Urban Water and Wastewater Master Plan, explore grant funding opportunities and to continue to update the Master Plan every 5 years.

7. Consider Authorizing the District General Manager to Execute the BF Sisk Activity Agreement with San Luis and Delta Mendota Water Authority

Mr. Cattaneo stated the District's need for water projects in the future, but added projects take a significant amount of time to complete. There is an opportunity with the BF Sisk Dam Raise Project. For seismic requirements, the Bureau has to raise the Dam by 10 feet. At the same time, members of the authority are considering raising the Dam an additional 10 feet for storage. This will have to be done in coordination with the Bureau's project to be successful. On the agenda, per Mr. Cattaneo, is an activity agreement to allow the District to participate in this project.

Funding for construction will be done with bonds. Staff is recommending approval of this agreement. At the April meeting, Mr. Cattaneo will bring a proposal to the Board from HDR for the ASR Project, which the District will also be applying for funds through the WaterSMART program offered through the Bureau.

Director Tobias asked if the District would have an opportunity to buy an additional percentage in the BF Sisk Dam Project. Mr. Cattaneo stated he isn't sure who the participants will be, but there may be some additional percentage available.

With a motion by Director Tobias and a second by Director Shelton, the Board of Directors authorized the District General Manager to execute the BF Sisk Activity Agreement with San Luis and Delta Mendota Water Authority by 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.

8. Discuss and Consider Approval of Resolution to Submit a Grant Application to the Bureau of Reclamation for WaterSMART Small-Scale Water Efficiency Projects (Funding Opportunity No. R22AS0095)

Mr. Novack reported the Water Resources Association concentrates its efforts on water supply and quality. Landscapes are a big area for water use and the last time a turf removal project was offered, more than 100,000 square feet of turf were removed. Mr. Novack stated what is being proposed is applying for a WaterSMART Grant for \$80,000 and a matching \$80,000 from the Water Resources Association. There will be a minimum of 100 square feet and maximum of 1000 square feet, per customer, at \$2/square foot. Approval of this resolution will allow the District to apply for the grant.

With a motion by Vice President Flores and a second by Director Tobias, the Board of Directors approved Resolution #2022-09 *A Resolution of the Board of Directors of the San Benito County Water District to Submit a Grant Application to the Bureau of Reclamation for WaterSMART Small-Scale Water Efficiency Projects (Funding Opportunity No. R22AS0095)* by 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.

9. Consider Director Attendance at JPIA Board of Directors Meeting and Spring Conference, May 2, 2022, Sacramento, California

If any of the Directors are interested in attending, they are to contact Mrs. Mauro.

10. Consider Director and District Manager (or his Designee) Attendance at ACWA Spring Conference, May 2 through May 5, 2022, Sacramento, California

Director Tonascia expressed interest in attending; if any other Directors are interested in attending, they are to contact Mrs. Mauro.

11. Board Discussion on meeting format for Committee and Board Meetings

Mr. Cattaneo stated with COVID-19 cases winding down, staff wanted to discuss what the Board would like to do for future meetings. Do you want to continue with virtual only meetings? Go back to having the meetings open to the public? Do you want to continue to offer Zoom if you allow the public back into the meetings?

Director Tobias stated attending via Zoom is convenient for the District's consultants. Mr. Cattaneo added it reduces travel time for consultants and offers the District a cost savings. Mr. Liem added in the absence of a state of emergency, the Board should consider offering the public the opportunity to attend in person.

The Board agreed, beginning with the next regular board meeting, to open meetings up to in-person attendance for the public, and to also continue offering access through Zoom.

12. 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. **Finance Committee (Tonascia/Williams)**
As per Directors Tonascia and Williams, the committee discussed the quarterly report and the status of the audit.
 - c. **Personnel Committee (Tobias/Tonascia)**
As per Director Tobias, this will be discussed during closed session.
- 13. **Monthly Operations and Maintenance Report**
Mr. Craig showed photos of the installation of a bailey valve in San Juan Bautista, two different leaks and a break at 9H. He further reported the District has had 10 repairs so far this year.
- 14. **District Manager/Engineer's Report:**
 - a. **Reach 1 Operations**
Mr. Cattaneo reported staff has received the budget from Santa Clara Valley Water District and incorporated those figures into our budget.
 - b. **Zone 3 Operations**
Mr. Cattaneo reported District staff has released all of the water from Hernandez Reservoir into Tres Pinos Creek and shut it down today.
 - c. **Zone 6 Operations**
A letter was received from the Bureau of Reclamation stating due to the severe drought the M&I allocation may need to be reduced. Because of this, Mr. Cattaneo reported he asked staff to move our M&I water from San Luis Reservoir to San Justo Reservoir as soon as possible. Mr. Cattaneo added the plan would be to operate off of San Justo.
 - d. **San Luis Delta Mendota Authority Activities**
Mr. Cattaneo reported the BF Sisk Dam Raise was discussed. Also discussed was re-evaluating the allocation among Authority members.
 - e. **City of San Juan Bautista Water Supply Plan**
Mr. Cattaneo reported the City of San Juan Bautista is also conducting a rate study. The District's study could be completed as early as April and San Juan Bautista could be completed in May. He further reported their Council is committed to moving forward with the project.
- 15. **CLOSED SESSION**
Appointment of Public Employee
Pursuant to Government Code Section 54957 (b) (1)
Titles: 1) temporary appointment of Assistant General Manager with subsequent appointment to General Manager,
2) District Engineer
- 16. **CLOSED SESSION**
Conference with Labor Negotiator
Pursuant to Government Code Section 54957.6

Agency Designated Representative: District Manager
Unrepresented Employees: 1) temporary appointment of Assistant General Manager with subsequent appointment to General Manager, 2) District Engineer

(The Board convened in Closed Session at 6:38 p.m.)

17. OPEN SESSION

(The Board returned to Open Session at 6:48 p.m.)

1. Report any action, if any, taken in Closed Session Items

i. 15

ii. 16

As per President Tonascia, there was no action to report.

2. Discuss and Consider Creation and Authorization of Two Positions

a. Assistant General Manager

b. District Engineer

With a motion by Director Shelton and a second by Director Williams, the Board of Directors approved the creation and job descriptions for the two positions, Assistant General Manager and District Engineer by 5 affirmative votes, Tonascia, Flores, Shelton Tobias and Williams.

3. Hear Oral Summary of Recommendation for a Final Action on Salary and Compensation for Local Agency Executives (1) temporary appointment of Assistant General Manager and subsequent appointment of General Manager, 2) District Engineer Pursuant to Government Code Section 54953, Subsection c, 3

(President Tonascia read the following Oral Summary into the record)

ORAL SUMMARY FOR LOCAL AGENCY EXECUTIVES
STEVE WITTRY, ASSISTANT GENERAL MANAGER AND SUBSEQUENT GENERAL
MANAGER
GLENN MICKO, DISTRICT ENGINEER

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 executives. Therefore, I am reporting the following summary regarding such items appearing on the agenda.

Item # I6, pertains to final action by the Board of Directors regarding the recommendation to add the positions of Assistant General Manager and District Engineer to the District's Executive Management Group. These positions will constitute local agency executives. Compensation for these positions will be as follows:

For the Assistant General Manager with subsequent appointment to General Manager:

- Annual salary of \$220,000 effective on the date of hire. Annual salary of \$230,000 upon promotion to General Manager. Annual salary of \$236,900 one year from promotion to General Manager.

- The employee will receive a cell phone stipend of \$81/month.
- The employee will accrue vacation at the rate of 4 weeks per year. Vacation will accrue on a bi-weekly basis.
- Classic Member of CalPERS pension 2.5% at age 55 formula.

For the District Engineer:

- Annual salary of \$175,000 on the date of hire. Annual salary of \$180,250 one year from the date of hire.
- Tier Two pension at the CalPERS 2% at age 62 formula, in accordance with the Public Employment Pension Reform Act
- District contribution to a Section 457 Deferred Compensation Plan in the amount of 5% salary per year
- The employee will receive a cell phone stipend of \$51/month.
- The employee will accrue vacation at the rate of 3 weeks per year until he has completed 10 years of District service. At that time, he will accrue vacation consistent with the MCP Compensation Resolution. Vacation will accrue on a bi-weekly basis.

For both the District Engineer and the Assistant General Manager with subsequent appointment to General Manager:

- The District will pay 100% of the cost of basic life insurance premium for coverage up to the maximum \$150,000.
- The employee will receive a total of 80 hours of management leave per year, provided as a lump sum on January 1st of each calendar year, pro-rated at the time of hire.
- The employee will accrue sick leave at a rate of 96 hours maximum per year. Sick leave accrual is capped at one thousand forty (1040 hours).
- The employee will have the same holiday schedule as the Executive Group set forth in the District's Personnel Rules and Regulations, which provides for 11.5 paid holidays per year.
- The District will pay for 100% of the cost of medical insurance, up to employee + family medical insurance in the PERS Gold plan.
- The District will pay for 100% of the cost of dental insurance, up to the family plan.

- The District will pay for 100% of the cost of vision insurance, up to the family plan (Plan A).
- The employee will be subject to Unpaid Furlough and End of Year Closure schedules.
- The employee will receive the Additional District Benefit Contribution of 2% of salary or 40 hours of vacation leave per year, paid or accrued on a pay period basis.
- The employee will receive the Retiree Additional Benefit, if eligible on retirement, that ranges from \$100 to \$348 per month, depending on age at retirement and District Years of Service.
- Consistent with the Executive Management Compensation Resolution for RHSA, the District will establish a RHSA for the employee. Contributions will be 100% of the cash-out value of employee's earned and unused sick leave and vacation will be cashed out and deposited into the employee's Retiree Health Savings Account at separation.
- If the District terminates the employee without cause, the District will provide a cash settlement (severance) payment equal to and no more than the monthly salary of the employee multiplied by the number of months left on the unexpired contract, not to exceed three months. Health benefits may be continued for the same duration of time covered in the settlement, or until the employee finds other employment, whichever occurs first.

The Executive Management Group Compensation Resolution is amended to add the positions of Assistant General Manager and District Engineer.

- 4. Consider Approval of Resolution 2022-10 for Executive Compensation**
With a motion by Director Williams and a second by Director Shelton, the Board of Directors approved Resolution #2022-10, *A Resolution of the Board of Directors of the San Benito County Water District for Executive Compensation* by 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.
- 5. Consider Approval of Employment Contract for Assistant General Manager and subsequent appointment to General Manager and Authorize District Manager and Board President to Sign**
With a motion by Vice President Flores and a second by Director Williams, the Board of Directors Approved of an Employment Contract for Assistant General Manager and subsequent appointment to General Manager and Authorized the District Manager and Board President to Sign with 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.

6. Consider Approval of Employment Contract for District Engineer and Authorize District Manager to Sign

With a motion by Director Shelton and a second by Director Williams, the Board of Directors Approved of an Employment Contract for District Engineer and Authorized the District Manager to Sign, with 5 affirmative votes, Tonascia, Flores, Shelton, Tobias and Williams.

17. Adjournment

With no further business to discuss, the meeting was adjourned at 7:01 p.m.

The minutes were approved at the April 27, 2022 Board meeting and signed by the presiding board member.

/s/Joseph Tonascia
Joseph Tonascia, President

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