

March 29, 2023
Regular Meeting
5:01 p.m.

The Board of Directors of the San Benito County Water District convened in regular session on Wednesday, March 29, 2023 at 5:01 p.m. at the San Benito County Water District office at 30 Mansfield Road, Hollister, California. Members present were: President Sonny Flores, Vice President Andrew Shelton and Directors Joe Tonascia, Doug Williams and Mark Wright. Also present were General Manager Steve Wittry, District Counsel Jeremy T. Liem, Water Conservation Program Manager Shawn Novack, Senior Engineer David Macdonald, Operations and Maintenance Supervisor Michael Craig, Water Resources Technician Dustin Franco and Board Clerk/Office Specialist III Barbara Mauro; Manager of Administration, Finance and Business Services Joyce Machado participated remotely.

CALL TO ORDER

President Flores called the meeting to order at 5:01 p.m.

- a. **Pledge of Allegiance to the Flag**
President Flores led the Pledge of Allegiance.
- b. **Roll Call**
Mrs. Mauro called roll; Members present were: President Flores, Vice President Shelton and Directors Tonascia, Williams and Wright.
- 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**
President Flores noted the need to add to the Agenda the Zone 6 Water Supply and Operations Committee to #11, Committee/Agency Representative Reports. Noting the addition of the Zone 6 Water Supply and Operations Committee, a motion was made by Director Tonascia and seconded by Director Shelton; the Agenda was approved by 5 affirmative votes.
- 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: February 22, 2023 Regular Meeting**
- 2. **Allowance of Claims**
- 3. **Acknowledgement of Paid Claims prior to the March Board Meeting**
- 4. **On Call Contracts – Status Updates**

Before considering the Consent Agenda, Director Tonascia had a few questions.

Director Tonascia, regarding claims, asked about the payment to Landscape Designs. Mr. Novack stated this is for Rosemary Bridwell who drew up 3 landscape plans for customers as well as inspections on behalf of the City of Hollister for the Landscape Ordinance. Director

Tonascia also asked about the payment for the Mission Village Voice. Mr. Novack stated this is a monthly paper in San Juan Bautista that WRA uses for advertising.

Regarding the On Call Contracts, Director Tonascia asked if the task orders are based on a bill. Mr. Wittry stated the consultant submits a proposal first and then a task order. Director Tonascia asked if there is a savings and how are they billed. Mr. Wittry stated all task orders have a not to exceed amount. Regarding the billing, Mr. Wittry stated the consultant issues an invoice on each task; it is not automatically billed. Director Tonascia asked if staff could add a column for the spent amount.

With a motion by Director Williams and a second by Director Wright, the Consent Agenda was approved by 5 affirmative votes, Flores, Shelton, Tonascia, Williams and Wright.

REGULAR AGENDA

5. Groundwater Sustainability Plan Annual Report 2022

Mr. Wittry stated in 2014, when the Sustainable Groundwater Management Act (SGMA) passed, it required reporting in addition to what the District was currently reporting for the Annual Groundwater Report. This report satisfies both the District Act and the SGMA requirements. Mr. Wittry introduced Iris Priestaf and Maureen Reilly from Todd Groundwater to present the report.

a. Presentation of Report

Ms. Priestaf, using a PowerPoint presentation, stated this is the second report fulfilling the SGMA requirement and upon acceptance by the Board, will be submitted by April 1, 2023 to the California Department of Water Resources.

Ms. Reilly continued with a review of the 2022 water year. She stated it was dry due to the drought and the lower CVP allocation, which caused the groundwater to decline. However, Ms. Reilly stated groundwater levels are above the minimum thresholds established through SGMA. Groundwater storage also decreased in 2022. Ms. Reilly also discussed new tools to better estimate water usage, such as the Open ET.

Ms. Priestaf reviewed the four types of water in the basin which are: groundwater, imported water, recycled water and local surface water. As part of the Groundwater Sustainability Plan, projects and management actions are identified. Ms. Priestaf then reviewed the key wells used for SGMA and the data obtained from them; only 2 of the wells are below the minimum thresholds that were set in the GSP.

Ms. Priestaf concluded with the recommendations for the groundwater charges in Zone 6 for Ag and M&I to be \$13.75/acre foot, focus on groundwater production and replenishment and continue with SGMA implementation.

Director Tonascia asked how frequently the wells are checked. Mr. Franco stated each April and October.

Frank Bettencourt, a member of the audience, asked if there will be additional wells. Mr. Wittry stated the District recently installed twelve new monitoring

wells; six deep wells and six shallow wells. Director Tonascia asked how often the new wells will be checked. Ms. Reilly stated they will become part of the review of the existing wells. Discussion ensued about what actions are taken if the minimum thresholds are triggered.

Greg Swett, an audience member and was on the Technical Advisory Committee (TAC) for SGMA, expressed concern about the minimum thresholds in South County. President Flores asked if Mr. Swett thinks additional monitoring wells are needed. Mr. Swett offered the District to use data from his well.

Elia Salinas, a member of the public, asked how the water is measured. Mr. Wittry stated District staff gathers the data and reports it to the consultant, which is used in the report. Mr. Macdonald further reported staff taking approximately one month, twice a year to gather the data for Todd Groundwater. Ms. Salinas asked if it wouldn't be cheaper to use District staff rather than pay the consultant to analyze the data. Mr. Wittry stated we use the consultant's expertise as their level of experience is not easy to find. He further stated it would be difficult to hire someone in-house and it would not be efficient.

b. Consider Acceptance of Groundwater Sustainability Plan Annual Report 2022

With a motion by Director Tonascia and a second by Director Williams, the Board of Directors Accepted the Groundwater Sustainability Plan Annual Report 2022 by 5 affirmative votes, Flores, Shelton, Tonascia, Williams and Wright.

6. Consider Resolution Setting Forth its Intentions Regarding Percolation of San Felipe Project Water for Water Contract Year 2023-2024

Mr. Wittry stated the District held a Zone 6 Water Supply and Operations Committee on Monday. Since that meeting, the District received notification that the Ag allocation is up to 80% and the M&I allocation is now at 100%. This resolution, for percolation, staff is recommending a NTE 2000-acre feet for Ag and a NTE 2000-acre feet for M&I.

Director Tonascia asked when did the District receive the notification; Mr. Wittry stated Tuesday, late afternoon. Director Tonascia asked if Mr. Wittry could notify the directors in the future if this occurs.

With a motion by Director Williams and a second by Vice President Shelton, the Board of Directors approved Resolution #2023-10 *A Resolution of the Board of Directors of the San Benito County Water District Setting Forth its Intentions Regarding Percolation of San Felipe Project Water for Water Contract Year 2023-2024* by 5 affirmative votes, Flores, Shelton, Tonascia, Williams and Wright.

7. Consider Extending the Contract for one year (Fiscal Year 2022-2023) with McGilloway, Ray, Brown, & Kaufman for auditing services

Mrs. Machado stated the District's contract with McGilloway, Ray, Brown & Kaufman ended with the completion of the final Audited Annual Comprehensive Financial Report for FYE 2022. Staff is proposing extending the contract for one year. Mrs. Machado reviewed the engagement history between the District and the current auditor, and mentioned the District intends to issue a RFP for the FYE 2024 auditing services.

Ms. Salinas asked if the District intends to go for an RFP as it is a good idea to look at a new auditor as well as it can be a cost savings. She also asked what capacity Mrs. Machado is with the District.

Mrs. Machado stated yes, the District intends to go out for an RFP. Mr. Wittry stated that Mrs. Machado is our Manager of Admin, Finance and Business Services and is participating remotely due to illness.

With a motion by Director Tonascia and a second by Director Wright, the Board of Directors approved extending the contract for one year (Fiscal Year 2022-2023) with McGilloway, Ray, Brown and Kaufman for auditing services by 5 affirmative votes, Flores, Shelton, Tonascia, Williams and Wright.

8. **Consider Approval of Revised Organization Chart and Updated Salary Schedules**

Mrs. Machado reviewed this item for the Board. Bryce Consulting was contracted to do a reclassification study on the District's accounting positions. Based on this study, staff is proposing changing the two positions in accounting: Office Specialist III to Accountant II and Office Specialist II to Accounting Technician. Mrs. Machado provided new job descriptions and proposed salary schedules. Also reviewed by Bryce Consulting, was the HR/Administrative Analyst position, per Mrs. Machado. She also included a new job description and proposed salary schedule. Based on these changes, Mrs. Machado provided an updated organizational chart.

Director Tonascia asked if the Union had been contacted. Mr. Wittry stated the District approached the union and the union is in agreement with these actions. President Flores added management worked hard on these proposed changes.

Ms. Salinas asked about the qualifications of the affected employees and did the District understand the financial impact these changes were making. She further asked how many of the District's employees were union.

Mrs. Machado stated the HR position is part-time, so the fiscal impact for this position isn't as high as Ms. Salinas stated. Mrs. Machado stated the fiscal impact for all three of these positions is approximately \$20,000 (annually). Also, Mrs. Machado stated all employees in this discussion more than meet the required education and experience for their positions. Mr. Wittry stated there are 12 union positions and 1 is currently vacant.

Ms. Salinas asked if this applies to the "Me Too" clause, and what other employment categories does the District have that would be affected by negotiations with the union. Mr. Wittry stated the changes to these three positions do not have any impact on other positions. Mr. Wittry further stated there are 2 other categories, there is the Management /Confidential /Professional group that is unrepresented and the Executive Management, which includes he and Mrs. Machado, but they have employment contracts. Mr. Wittry stated the MCP group typically receives similar benefits as the union group so its similar to a "Me Too" provision.

With a motion by Director Williams and a second by Vice President Shelton, the Board of Directors approved the revised organization chart and updated salary schedules by 4

affirmative votes, Flores, Shelton, Williams and Wright; and there was 1 abstention, Tonascia.

9. **Consider Authorizing Director Attendance at the 2023 ACWA/JPIA's Board of Directors' Meeting on May 8, 2023, Monterey, California**

Mrs. Mauro stated if Vice President Shelton is interested in attending, as the District's representative, please let her know but there isn't any registration needed.

10. **Consider General Manager/Designee and Director Attendance at the ACWA Spring Conference May 9-11, 2023 in Monterey, California**

Mrs. Mauro stated the District budgets for the General Manager/Designee plus two directors to attend this. If anyone is interested, registration is needed, so please contact Mrs. Mauro.

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

a. **San Luis Delta Mendota Water Authority (Tonascia/Wittry)**

As per Mr. Wittry, this will be covered under his manager's report.

b. **Finance Committee (Tonascia/Wright)**

As per Director Wright, the committee discussed the auditor's contract and the BF Sisk Dam project.

c. **Personnel Committee (Flores/Tonascia)**

As per Directors Flores and Tonascia, this has already been covered.

d. **City of San Juan Bautista Water Infrastructure Ad Hoc Committee (Tonascia/Flores)**

As per Mr. Wittry, this will be covered under his manager's report.

e. **Zone 6 Water Supply and Operations Committee (Tonascia/Williams)**

As per Directors Tonascia and Williams, this has already been covered.

12. **Monthly Operations and Maintenance Report**

As per Mr. Craig, Bifurcation opened last Friday, so staff is moving water from San Luis Reservoir to San Justo Reservoir (600 acre-feet). Mr. Craig showed photos of the Paicines Canal. He showed the built-up of silt in the canal, which limits how much water the District can run through it. At least three times, Mr. Craig said District staff cleaned out the canal prior to the storms. He further reported staff has been to the canal more than fifteen times since the storm season began. He is hopeful staff can flush out the remaining silt sometime next week.

Director Wright asked how much water is currently in Paicines Reservoir. Mr. Craig stated it has approximately 800 acre-feet or roughly about 1/3 of its capacity.

13. **General Manager's Report:**

a) **General Comments**

Mr. Wittry apologized for not relaying the increase to the water allocation to the directors. He reported District staff is moving 600 acre-feet from San Luis Reservoir to San Justo Reservoir. There was 877 acre-feet of M&I leftover from Health and Public Safety, which the District will be unable to move. Also, Mr. Wittry reported

the District will be holding an Open House on May 5th from 3-5 p.m. The Board is welcome to attend, however; if more than 2 wish to attend, it will have to be noticed.

Mr. Wittry would like to have the Board's input on holding a Strategic Plan Workshop, run with a facilitator.

Director Tonascia asked about losing the 877 acre-feet of water. Mr. Wittry stated it is because it was strictly for health and safety. Director Tonascia further asked if we can be reimbursed and Mr. Wittry stated staff is working on that.

b) Reach 1 Operations

Mr. Wittry reported Bifurcation was back on last Friday.

c) Zone 3 Operations

Mr. Wittry reported that in addition to Mr. Craig has covered, Mr. Macdonald is working on an internet-based camera for Hernandez Reservoir, so the District can get real time data remotely from the reservoir.

d) Zone 6 Operations

Mr. Wittry reported, according to Monterey Peninsula Engineering (MPE), they will try to have at least a portion of Sub 10 back on, perhaps to Bixby in a month or so. Director Tonascia asked if not, then how long. Mr. Wittry said the project is due to be completed by June, but it is weather dependent.

e) San Luis and Delta-Mendota Water Authority Activities

Mr. Wittry reported the Authority discussed the OM&R (Operations, Maintenance and Replacement Costs) which were originally based on the initial water allocation, but may now be revised. Mr. Wittry further stated that the Authority will discuss another option which would simply have a true-up at the end of the cycle.

f) Pacheco Reservoir Expansion Project

Santa Clara Valley Water District (Valley Water) held a 30% evaluation meeting. The cost of the new reservoir today, is at \$2.2 billion. The next meeting for 60% of design, will be held in mid to late 2024. Mr. Wittry stated the majority of the Valley Water board endorses the project.

Director Wright asked if we participate in the Pacheco Reservoir Expansion Project, is that an alternate source of storage. Mr. Wittry stated yes. Mr. Wittry stated the Board will have the opportunity to decide what percentage they wish to participate, which will determine the storage amount.

g) City of San Juan Bautista Water Supply Plan

Mr. Wittry reported he has contacted Don Reynolds, City Manager of the City of San Juan Bautista (City). He reported the City has hit a snag with their USDA Loan. He further reported the District held a committee meeting and discussed who should be the ultimate owner of the pipeline, the City or the District. There could be challenges for grant opportunities for the City if the District owns it. There could also be issues for the District, as we only directly maintain non-potable water lines, and our current staff isn't certified for potable water.

Director Wright asked who would maintain the pipeline to San Juan Bautista if not the District. Mr. Wittry stated that San Juan Bautista staff could maintain the line. and added if San Juan Bautista owned the line, the District would grant San Juan Bautista easements to maintain that infrastructure.

14. **CLOSED SESSION: Conference with Labor Negotiator**
Pursuant to Government Code Section 54957.6
Agency Negotiator: Steve Wittry, General Manager
Employee Organization: SEIU 521 Office and Field Employees Unit

15. **CLOSED SESSION: Conference with Labor Negotiator**
Pursuant to Government Code Section 54957.6
Agency Negotiator: Steve Wittry, General Manager
Unrepresented Employees: Management/Confidential/Professional
Employees: Accountant, Assistant Engineer, Associate Engineer, Deputy
District Engineer, Finance Manager, Human Resources/Administrative
Assistant, Operations and Maintenance Manager, Senior Engineer,
Supervising Accountant, Water Conservation Program Manager

(The Board convened in Closed Session at 6:35 p.m.)

16. **OPEN SESSION:**
(The Board reconvened in Open Session at 7:27 p.m.)

Report any action, if any, from Closed Session
President Flores stated there was no action to report from Closed Session.

17. **Adjournment**
With no further business to discuss, the meeting was adjourned at 7:28 p.m.

Minutes were approved at the April 26, 2023 Board meeting and signed by the presiding board member.

/s/Sonny Flores
Sonny Flores, President

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