

RESOLUTION NO. 2024-42

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN BENITO COUNTY WATER DISTRICT
ESTABLISHING A POLICY FOR
PROPERTY MANAGEMENT**

RECITALS:

A. As part of the Federal Government requirement for Grants Administration, it is required for the District to have a Policy for property management.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Benito County Water District that a policy on Contract Administration be as follows:

PROPERTY MANAGEMENT

1.1 ARCHEOLOGICAL FINDS

All artifacts found on District property are property of District and shall be reported immediately to General Manager for determination as to ultimate disposition.

1.2 DEVELOPMENT INCOMPATIBLE WITH LANDS WITHIN DISTRICT RESERVOIRS

SBCWD opposes the location of any facilities within the District's Reservoirs which would impair water conservation efforts. The San Benito County Water District shall endeavor to assure that any facilities and their appurtenances, including access, constructed within the District's Reservoirs shall be capable of withstanding inundation during flood periods.

1.3 EXCLUDING PROPERTY ACQUISITION COSTS FOR GROUNDWATER QUALITY ENHANCEMENT PROJECTS FROM REIMBURSEMENT THROUGH BASIN EQUITY ASSESSMENT (BEA) EXEMPTIONS

Policy excludes property acquisition cost for siting of groundwater treatment facilities from reimbursement through BEA exemptions.

1.4 LEASING OF DISTRICT LANDS

Leasing of District's lands subject to inundation from U.S. Army Corps of Engineers.

1.5 NAMING DISTRICT FACILITIES

For most facilities, such as recharge basins, naming the facility after the most predominant geographic feature or a street name in the same location is acceptable. Names for minor facilities and recharge basins shall be recommended by the project team in consultation with the Administration Committee. For major facilities, the General Manager or their delegate will conduct appropriate research and develop suggested names in collaboration with the Administration Committee. Project names shall be submitted to the Board for approval.

10.6 PERMITS/LEASES

♣ Excavation Permits Resolution

The General Manager is authorized to negotiate, and issue permits for excavation of material in amounts not to exceed 50,000 tons at such price and terms as he shall determine to be proper without further authority from Board. The General Manager or his delegate are authorized to execute the permits.

♣ Film Permits/Leases & Filming Policy

The General Manager is authorized to issue permits upon approval as to form by District General Counsel. Assistant General Manager to conduct a risk assessment of film location. If the film location is in a District Basin, Requestor is required to post a bond/letter of credit in the amount of \$1 million or more or a Supplemental Coverage Endorsement to its Commercial General Liability Insurance Policy. Executed permit/license, fees, and insurance must be received by District prior to use. Fees for commercial photography: \$500 per day for motion pictures and \$250 per day for still pictures. General Manager may waive permit fees under the following exemptions: Charitable films, including commercials, motion pictures, television programs, video tapes or still photography, produced by a nonprofit organization which qualifies under Section 501 (c) (3) of the IRS Code or Section 23701 of the California Revenue and Taxation Code as a charitable organization, and schools who submit a

request on school letterhead and organizations sponsored or cosponsored by the District or a governmental agency. The District may impose an additional cost to be paid by the requestor to recover costs incurred by extra work for District staff time required for location preparation as determined by the General Manager. Filming licenses issued shall be reported to the Board.

♣ **District Property License Agreement Policy**

Short-Term License Agreement (Temporary)

Access for terms less than 6 months with no significant impact on the property

Base License Fees: Access & approved uses = \$1,148

Individual use by adjacent property owner = \$100

Long-Term License Agreement

Access for terms greater than 6 months

Base License Fees: Entry = \$1,148

Approved use = \$1,148 or market rates and 3% CPI annual adjustment Plus additional fees for recovering costs for staff time and insurance

♣ **Permits for Access over District Property Resolution**

The General Manager is authorized to execute, and issue permits for ingress and egress across District land.

1.6 MULTI PURPOSE UTILIZATION OF DISTRICT LANDS FOR PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENT AND RECREATIONAL OPPORTUNITIES

- ♣ Primary purpose of SBCWD is to manage the groundwater basin for the purpose of replenishing, regulating, and protecting the groundwater supplies within the District.
- ♣ District must at all times have adequate capacity for its water conservation activities for its groundwater basin management program; and the lands, facilities, and works now owned by the District are and will in the future be utilized in conjunction with these water activities.
- ♣ District shall continue to provide for the protection and enhancement of the environment as an integral part of and in connection with water activities of

the District.

- ♣ District shall provide by agreement with other public agencies or private persons for the recreational use of the lands, facilities and works of the District that shall not interfere, or be inconsistent with, the primary use and purpose of such lands, facilities, and work.
- ♣ Establishment of recreational or other multi-purpose uses of District properties will be implemented by the use of a recreational lease or other appropriate agreement which will include the following provisions: use, hold harmless, liability insurance, fire insurance, operation, District activities (the following provisions covering activities of the District will be included in such agreements: 1) District's rights of ingress and egress, 2) Continued use of premises by the District in conjunction with its efforts to impound, conserve, and store water; 3) amount and quality of water placed and impounded upon the premises will be determined solely by the needs of the District in furtherance of its operations and the District will not be required by a recreational agreement or otherwise to maintain water on the premises at any time; 4) to the extent possible, the premises will be available for recreational uses provided for in the agreement; however, the proper operation of District water conservation and replenishment activities may, from time to time, prohibit any or all such uses.
- ♣ District will consider recreational proposals that provide the highest and best use of the property, consistent with the responsibilities, uses and purposes of the District.
- ♣ Implementation of recreational multi-purpose utilization of the District lands, facilities, and works shall be determined by the Board and shall be influenced by the level of participation by other public agencies, private persons or entities, commensurate with District activities.
- ♣ Where the District joins with others, the District's financial participation in the implementation of multi-purpose uses of its lands will be guided by the following principles:
 - o District's contribution to capital costs of recreational development upon District lands, facilities, and works shall not exceed 25% of total capital costs paid by local participants;

- ♣ District expenditures for mitigation measures and/or protection and preservation of its lands, facilities and work within and outside the District will be from the District's Water Reserve Fund. Mitigation measures will be related exclusively to acquisition, construction, or development intrusion prevention projects, spreading grounds or basins, wastewater reclamation, water salvage projects, and other works useful or necessary for the purpose of the District.
- ♣ District will require all future utility facilities to be placed underground where such facilities cross or are placed upon District lands.
- ♣ All future rights of way, easements, or permits issued by District for utilities and services crossing District lands shall have a value assigned to them. As mutually agreed, upon by the individuals acquiring such documents and the District, the equivalent value may be paid to the District, to be deposited into its environmental enhancement account, or the individuals may establish environmental improvements or other required measures in exchange for the right of way, easement, or permit.
- ♣ District may participate with adjacent property owners or easement holders in the protection, preservation, and enhancement of District and adjacent lands or for the development of compatible multipurpose uses of District and adjacent properties.
- ♣ Upon special consideration, individual elements of this policy may be altered or waived upon approval of the Board.

1.7 PROHIBITED USE OF LANDS

Dynamic Recreational Use

The District prohibits the use of District property for dynamic recreational events due to concerns regarding crowd control, parking, and damage to landscape and facilities. The lease of District property is restricted to passive recreational pursuits only.

Recreational Use of Settling Basins

Individual recreational use of the District's settling basins is prohibited due to significant liability exposure and minimal benefit to District.

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors of the San Benito County Water District held on October 30, 2024, by the following vote:

AYES: DIRECTORS: Shelton, Williams, Flores, Tonascia & Wright

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

ABSTAIN: DIRECTORS: None

(Signature of presiding Board member
Attested by Board Secretary
Resolution #2024-42)

/s/Andrew Shelton
Andrew Shelton
President

ATTEST:

/s/Barbara Mauro
Barbara Mauro
Board Secretary