

October 27, 2021
Regular Meeting
5:03 p.m.

On March 18, 2020, Governor Newsom issued Executive Order N-29-20, which enhances State and Local Governments' ability to respond to COVID-19 Pandemic; this meeting was conducted via Zoom. 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, October 27, 2021 at 5:03 p.m. at the San Benito County Water District office at 30 Mansfield Road, Hollister, California. Members present were: President Doug Williams, Vice President Joe Tonascia and Directors Andrew Shelton and John Tobias; Director Sonny Flores arrived late. Also present were District Manager/Engineer Jeff Cattaneo, District Counsel Jeremy T. Liem, Assistant Manager Sara Singleton, Deputy District Engineer Garrett Haertel, Water Conservation Program Manager Shawn Novack, Operations and Maintenance Supervisor Michael Craig and Board Clerk/Office Specialist III Barbara Mauro.

CALL TO ORDER

President Williams called the meeting to order at 5:03 p.m.

- a. Pledge of Allegiance to the Flag**
President Williams led the Pledge of Allegiance.
- b. Roll Call**
Mrs. Mauro called roll. President Williams, Vice President Tonascia and Directors Shelton and Tobias were present; Director Flores was absent.
- 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 Vice President Tonascia and a second by Director Tobias, the Agenda was approved by 4 affirmative votes, Williams, Tonascia, Shelton and Tobias and there was 1 absence, Flores.
- 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: September 22, 2021 Regular Meeting**
- 2. Allowance of Claims**
- 3. Acknowledgement of Paid Claims prior to the October Board Meeting**
- 4. Acceptance of Quarterly Investment Report, September 30, 2021**

With a motion by Director Tobias and a second by Director Shelton, the Consent Agenda was approved by 4 affirmative votes, Williams, Tonascia, Shelton and Tobias and there was 1 absence, Flores.

REGULAR AGENDA:

5. 2020 Agricultural Water Management Plan Update

a. Proof of Publication

Mrs. Mauro verified the proof of publication.

b. Presentation of 2020 Agricultural Water Management Plan Update

Mr. Novack stated due to our federal water contract, this update is required every 5 years, but this one was delayed due to COVID-19. He introduced Maureen Reilly, from Todd Groundwater. Ms. Reilly gave a PowerPoint presentation which gave an overview of the plan

(Director Flores arrived at 5:07 p.m.)

Ms. Reilly did state a new component of the plan update is the Drought Plan. She then reviewed the requirements of both the United States Bureau of Reclamation (USBR) and the State of California Department of Water Resources (DWR).

If the plan update is acceptable to the Board, Ms. Reilly stated the next steps would be for the Board to adopt the plan update and then it would be submitted both to the USBR and DWR.

c. Questions of Directors

There were no questions from the Directors.

d. Open Public Hearing

President Williams opened the Public Hearing.

e. Close Public Hearing or continue to later date

President Williams, seeing there were no public comments, Closed the Public Hearing.

f. Consider Resolution Adopting the San Benito County Water District, United States Bureau of Reclamation (USBR) Water Management Plan (Plan), also known as Agricultural Water Management Plan

With a motion by Director Tobias and a second by Vice President Tonascia, Resolution #2021-17 *A Resolution of the Board of Directors of the San Benito County Water District Adopting the San Benito County Water District, United States Bureau of Reclamation (USBR) Water Management Plan (Plan), also known as Agricultural Water Management Plan* was approved by the Board of Directors by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

6. Consider Resolution 2021-18 a resolution of the San Benito County Water District Acting as the Groundwater Sustainability Agency for the North San Benito Groundwater Basin, Revising the Protest and Appeal Process for the Groundwater Management Fee

Mr. Cattaneo stating the only changes before the Board is the review process as staff and the GSA Committee anticipate the timeframes may be difficult to meet. The 2 sections being revised are 5.2, the response time to meet, changing from 15 days to 30 days and a response time extending to 45 days; and 5.4 if wanting a ruling from the Board of

Directors, adding it to the agenda is not less than 15 days, but adding the additional language of no more than 60 days.

With no questions from the Board, a motion was made by Vice President Tonascia and seconded by Director Flores, *Resolution #2021-18, A Resolution of the Board of Directors of the San Benito County Water District Acting as the Groundwater Sustainability Agency for the North San Benito Groundwater Basin, Revising the Protest and Appeal Process for the Groundwater Management Fee* was approved by the Board of Directors by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

7. Consider Authorizing the District Manager to Execute a Contract with Raftelis Financial Consultants for the Development of a Zone 6 Rate Study for the District Water Years 2022 – 2024 (NTE \$ 119,837)

Mr. Cattaneo stated at the June Board meeting, staff discussed having a consultant prepare a rate study for the San Felipe and Recycled Water Rates. Raftelis previously assisted the City of Hollister and Sunnyslope County Water District with their rates, so they are familiar with our area. Mr. Cattaneo added our rates are fairly complicated, so Raftelis began initially with a purchase order and prepared a work schedule and proposal.

With no questions from the Board, a motion was made by Director Shelton and seconded by Vice President Tonascia, the Board of Directors Authorized the District Manager to Execute a Contract with Raftelis Financial Consultants for the Development of a Zone 6 Rate Study for the District Water Years 2022 – 2024 (NTE \$ 119,837) by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

8. Consider Authorizing the District Manager to Execute a Contract with Todd Groundwater for the Preparation of the North San Benito Basin, Annual Groundwater Sustainability Plan Reports for the Water Years 2021, 2022, 2023, 2024, and 2025 (NTE \$465,870)

Mr. Cattaneo stated Todd Groundwater has prepared the District's Annual Groundwater Reports for the past 20 years. As part of the Groundwater Sustainability Plan (GSP) the District is required to submit annual reports. The District spent about \$55,000 each year on the annual groundwater report, which we receive in December and the Board adopted the report the second Monday in January. The annual report required by SGMA contains significantly more data and the Board would receive a draft in March to approve and the final would be due to the DWR each April. This would replace the annual groundwater report.

Director Tobias asked about grant funding for implementation. Mr. Cattaneo stated, at this time there is not funding for implementation only development of the plan, which we applied for and received.

With no further questions, a motion was made by Director Flores and seconded by Director Shelton, the Board of Directors Authorized the District Manager to Execute a Contract with Todd Groundwater for the Preparation of the North San Benito Basin, Annual Groundwater Sustainability Plan Reports for the Water Years 2021, 2022, 2023, 2024, and 2025 (NTE \$465,870) by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

9. Consider Resolution 2021-19 for the Compensation for the Management/Confidential/Professional Employee Group, 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

Mr. Cattaneo stated this resolution takes all agreements from 1997 to present and compiles them into one single agreement for easier use and future negotiation. There is one minor change, #15, regarding management leave. At the first of each year, a member of this classification is given 80 hours of management leave in lieu of overtime. In the past, if a person in this classification left anytime during the year, they forfeited a portion of this. State law considers this the same as vacation pay, therefore it must be paid out regardless of when an employee leaves the District.

- **Oral Summary—President Williams read the following Oral Summary into the record:**

***ORAL SUMMARY FOR LOCAL AGENCY EXECUTIVES
MANAGERS/CONFIDENTIAL/PROFESSIONAL EMPLOYEE GROUP***

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 #9, pertains to final action by the Board of Directors regarding the recommendation to include all Management/Confidential/Professional Employee group salaries and benefits in a single, comprehensive resolution for ease of reference, and to approve the following new changes to compensation for the Management/Confidential/ Professional Employee group, which includes the Deputy District Engineer, the Operations and Maintenance Manager, the Finance Manager, and Water Conservation Program Manager who constitute local agency executives:

- *Any unused management leave at separation from employment with the District will be automatically cashed out at the employee's base rate of pay, plus any longevity pay and incentive pay, in compliance with Labor Code section 227.3 and relevant case law.*

All other items listed in Resolution No 2021-19 are existing elements of compensation for the Management/Confidential/Professional group, which have been previously approved by the Board of Directors in various resolutions and compensation documents dating back to 1999. Resolution No 2021-19 reflects all compensation for the Management/Confidential/ Professional group in one document.

With a motion by Vice President Tonascia and a second by Director Shelton, Resolution #2021-19 A Resolution of the Board of Directors of the San Benito County Water District for the Compensation for the Management/Confidential/Professional Employee Group, 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 was approved by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

10. Consider setting the September, November and December Board Meeting dates for 2022

Mrs. Mauro reviewed the 2022 calendar, stating there is a conflict with the September meeting due to the San Benito County Fair and the December meeting due to the holidays. She did state the November meeting did not conflict with Thanksgiving in 2022. Staff is recommending moving the September meeting to September 21, 2022 and the December meeting to December 21, 2022.

With a motion by Director Tobias and a second by Director Flores, the Board of Directors approved moving the September 2022 Board meeting to September 21, 2022 and the December 2022 Board meeting to December 21, 2022 by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tonascia.

11. Consider Authorizing Director Attendance at the 2021 ACWA/JPIA's Board of Directors' Meeting on November 29, 2021, Pasadena, California

If Director Shelton is interested in attending, he should contact Mrs. Mauro so she can make the necessary arrangements.

12. Consider Authorizing the District Manager (or his Designee) and Director Attendance at the 2021 ACWA Fall In-Person/Virtual Conference, Pasadena, California, November 30 – December 2, 2021

If any directors are interested, whether in-person or virtually, they should contact Mrs. Mauro so she can make the necessary arrangements.

13. 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

Mr. Liem reviewed the recently approved AB361 which pertains to emergency uses of teleconference meetings. As per this bill, the Board will need to renew this every 30 days. If the board meetings should be more than 30 days apart, a special meeting would be needed to continue this.

With a motion by Director Tobias and a second by Director Shelton, Resolution #2021-20, *A Resolution of the Board of Directors of the San Benito County Water District 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* was approved by 4 affirmative votes, Williams, Flores, Shelton and Tobias and 1 no vote, Tonascia.

14. Confirmation of President's name change of Hollister Urban Area Water and Wastewater Master Plan Governance Committee to Urban Area Water and Wastewater Master Plan Governance Committee

Mr. Cattaneo stated this committee previously focused on Hollister, but it now includes the City of San Juan Bautista, so removing the word Hollister would seem appropriate.

With a motion by Director Tobias and a second by Director Flores, the Board of Directors confirmed the President's name change of Hollister Urban Area Water and Wastewater Master Plan Governance Committee to Urban Area Water and Wastewater Master Plan Governance Committee by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

15. **San Benito County Water District Groundwater Sustainability Agency (GSA)**
 - **Update on North San Benito Basin Groundwater Sustainability Plan (GSP)**

Mr. Cattaneo stated today is the last day for comments. To date, the District has received 1 comment letter and is preparing a response. At the November 17, 2021 Board Meeting the Board will consider adopting the plan and in January, it will be submitted to the DWR. Discussion ensued about measuring extractions and the use of the plan through DWR called Open ET. Mr. Cattaneo also relayed that this program is completely free to the users.
16. **Committee/Agency Representative Reports:**
 - a. **San Luis Delta Mendota Water Authority (Tonascia/Cattaneo)**

Mr. Cattaneo will cover this under his manager's report.
 - b. **Water Resources Association (Flores/Shelton)**

Director Flores stated this was covered.
 - c. **Hollister Urban Area Water and Wastewater Master Plan Governance Committee (Tobias/Flores)**

Mr. Cattaneo stated a meeting was held earlier this month. The committee was given some background and why it was originally formed. Holly Kennedy of HDR reviewed the update to the plan and the current and future demands. The next meeting will be held in early January.
 - d. **Groundwater Sustainability Agency Committee (Williams/Flores)**

Directors Williams and Flores stated this has been covered.
17. **Monthly Operations and Maintenance Report**

Mr. Craig showed several photos and stated there were 9 leaks during the month of September.
18. **District Manager/Engineer's Report:**
 - a. **Reach 1 Operations**

Mr. Cattaneo reported that Santa Clara Valley Water District (SCVWD) contracted with a firm to do a pump evaluation. All are reviewing the report right now and most of the pumps are in good condition. It appears pump #8 needs to be rebuilt. At the next quarterly meeting in November, discussion will be about whether to rebuild or buy new pumps when the costs appears to be \$1 million, either way.
 - b. **Zone 3 Operations**

Mr. Cattaneo reported the recent storm brought 1.75" of rain to Hernandez Reservoir. By comparison, all of last year, they received 9.7" in Hernandez.

c. Zone 6 Operations

Mr. Cattaneo reported Dave Dungan will be retiring December 10th. Staff has prepared an RFP for an electrical contractor. Staff had a meet and confer with the union yesterday and the union agreed the District could go forward and leave his position open and un-funded.

d. San Luis Delta Mendota Authority Activities

Mr. Cattaneo discussed the B F Sisk Dam Raise Project. The dam is being raised 10' for seismic stability but it is also being considered to raise it an additional 10' for storage. Mr. Cattaneo estimates the project to be about \$1.4 billion. In either mid/late December or early January, members will have to decide if they wish to participate in an activity agreement to sharing in funding the planning/design/permitting of this project, which would be about \$120 million. The Bureau would contribute ½ and Investors would be ½ . Mr. Cattaneo stated if the District participated about 2%, our cost would be \$1.2 - \$1.4 million for about 1400-2000 AF of storage for a cost of \$10,000/AF of storage, about ½ the cost of the projected Pacheco Reservoir Expansion Project. Discussion ensued about whether we would get our funds back via an off ramp down the road and Mr. Cattaneo thought that might be a possibility.

e. Pacheco Reservoir Expansion Project

Mr. Cattaneo reported the Draft EIR should be ready in early December. He has asked Ms. Kennedy for a proposal for HDR's staff to review the document for the District.

f. City of San Juan Bautista Water Supply Plan

Mr. Cattaneo reported he is waiting on HDR's report, which should be in approximately a week. He will present the cost estimate to the City of San Juan Bautista and see if they wish to move forward.

19. CLOSED SESSION *(No Closed Session was held)*

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing Litigation Pursuant to Government Code 54956.9(a)

A. Center for Biological Diversity, ET AL v. United States Bureau of Reclamation, ET AL

(CASE NO.: 1:20-CV-00706-DAD-EPG)

20. Adjournment

With no further business to discuss, the meeting was adjourned at 6:23 p.m.

The minutes were approved at the November 17, 2021 Board meeting and signed by the presiding Board member.

/s/Doug Williams
Doug Williams, President

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