

November 17, 2021  
Regular Meeting  
5:00 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, November 17, 2021 at 5:00 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 Sonny Flores, Andrew Shelton and John Tobias. 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 and Board Clerk/Office Specialist III Barbara Mauro.

### **CALL TO ORDER**

President Williams called the meeting to order at 5:00 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 Flores, Shelton and Tobias 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 Vice President Tonascia and a second by Director Tobias, the Agenda was approved by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.
- 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 27, 2021 Regular Meeting**
- 2. Allowance of Claims**
- 3. Acknowledgement of Paid Claims prior to the November Board Meeting**
- 4. 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 (*Resolution #2021-21*)**

With a motion by Director Tobias and a second by Director Flores, the Consent Agenda, including Resolution #2021-21, was approved by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

**REGULAR AGENDA:**

**5. San Benito County Water District Acting as the Groundwater Sustainability Agency for the North San Benito Groundwater Basin, Adoption of the Groundwater Sustainability Plan (GSP)**

Mr. Cattaneo acknowledged Iris Priestaf from Todd Groundwater for over 4 years of dedicated work to complete the GSP for the District. He added it was an incredible amount of work and there were only 2 comments received and responses to those comments have been made. This is a significant milestone.

**a. Proof of Publication**

Mrs. Mauro verified the proof of publication.

**b. Presentation of Groundwater Sustainability Plan (GSP)**

Ms. Priestaf made the presentation using a PowerPoint presentation. This process began in 2018. She reviewed the contents of the GSP and the key findings. The draft report was given to the Board on June 30<sup>th</sup> and the public review period ended on October 27, 2021. Ms. Priestaf reported the District received 2 comment letters and a response has been given to both. Since the Board received the draft report in June, the changes made to the report were the incorporation of the comment letters into Appendix I and the addition of the Community Engagement Plan in Appendix D. There were also a few clarifications and corrections made.

The final steps, per Ms. Priestaf, once the Board adopts the plan, is to upload the plan to the California Department of Water Resources (DWR) by January 31, 2022, then there will be a 60-day public review on their website and possibly 2 years, for DWR's evaluation of the plan.

**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**

There were no members of the public wishing to speak, so President Williams closed the Public Hearing.

**f. Consider Resolution of the San Benito County Water District Acting as the Groundwater Sustainability Agency for the North San Benito Groundwater Basin, Adopting the Groundwater Sustainability Plan**

With a motion by Director Flores and a second by Director Shelton, the Board of Directors approved Resolution #2021-22, *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 Adoption of the 2022 Groundwater Sustainability Plan for North San Benito Subbasin of Gilroy-Hollister Basin* by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

**6. Discuss and Consider Authorizing the District Manager to sign Professional Services Contract with Alliance Resource Consulting LLC for Executive Recruitment Search for 2 positions (Assistant General Manager/District Engineer and Manager of Administration, Finance and Business Services) (NTE \$54,000)**

Mr. Cattaneo stated the Board, at the September Meeting, approved a new organizational chart which included 2 new positions and to solicit a recruiter. From the solicitation, 5 responses were received but 1 was clearly above the rest because of their water industry experience, per Mr. Cattaneo. Alliance Resource Consulting LLC made a presentation to the Personnel Committee on Tuesday. If approved by the Board, Mr. Cattaneo stated they can begin work immediately. Their services will include recruitment, providing outreach materials and screening, at a cost of \$27,000 per position.

Director Tobias added they will assist with the salary range and salary survey as well.

Mr. Cattaneo added Alliance will also review the employment contracts but our legal firm at Liebert, Cassidy and Whitmore will develop the actual contract.

Vice President Tonascia asked how applicants will apply. Mr. Cattaneo stated, they will apply directly to Alliance.

With a motion by Director Tobias and a second by Director Flores, the Board of Directors Authorized the District Manager to sign Professional Services Contract with Alliance Resource Consulting LLC for Executive Recruitment Search for 2 positions (Assistant General Manager/District Engineer and Manager of Administration, Finance and Business Services) (NTE \$54,000) and was approved by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

**7. Consider Approval of Resolution 2021-23 to Adopt the Vantage Care Retirement Health Savings (RHS) Program for the Executive Group, and to Authorize District Manager to Sign Adoption Agreement, Declaration of Trust, Administrative Services Agreement, Business Associate Agreement, and any other related documents to establish RHS Program**

Mr. Cattaneo stated the District is considering implementing a Retirement Health Savings Plan. The District has 3 groups, the Executive Group, the Management/Confidential/Professional (MCP) Group and the Represented Employees Group. Of these, only the Executive Group will be participating at this time, as it requires 100% participation. The MCP Group chose not to go forward at this time and the Represented Group may consider it during the next union negotiations.

Mr. Cattaneo stated it is 100% of the cash-out value, at retirement, of sick leave/vacation, put into the plan and 100% of the cost of administering the program is born by the recipients. The amount goes in and back out, pre-taxed and may only be used as payment for insurance premiums. If the Board approves this item, Mr. Cattaneo stated the agreement provided would be approved in substantive form as it may need some minor adjustments.

A motion was made by Director Tobias and seconded by Director Shelton, the Board of Directors approved Resolution #2021-23 *A Resolution of the Board of Directors of the San Benito County Water District Adoption of the Vantagecare Retirement Health*

*Savings (RHS) Program* and any changes made to this program are to be reported back to the Board; by 5 affirmative votes, Williams Tonascia, Flores, Shelton and Tobias.

**8. Consider Approval of Resolution 2021-24 for Executive Compensation (District Manager, Assistant Manager)**

Mr. Cattaneo stated the only change to the Executive Compensation is the addition of the RHS Program, approved in the previous agenda item. **Oral Summary President Williams read the following Oral Summary into the record:**

*ORAL SUMMARY FOR EXECUTIVE MANAGEMENT*

*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.*

*Item # 8, pertains to final action by the Board of Directors regarding the recommendation to approve the following changes to compensation for the District Manager, Jeff Cattaneo, and the District's Assistant Manager, Sara Singleton, who are local agency executives. The recommended changes to compensation for Mr. Cattaneo and Ms. Singleton are as follows:*

- 1. RETIREE HEALTH SAVINGS ACCOUNT: The District will establish a retiree health reimbursement account for each employee in the Executive Management Group, to which employees will contribute 100% of unused sick leave and vacation accruals at the applicable cash out rate (as provided by the Management /Confidential /Professional salary and compensation resolution) upon separation from employment at the District. The District will not make contributions to the accounts of employees other than such paid leave cash outs. Funds in the retiree health savings account will be limited to use for qualifying insurance premiums incurred by the employee, the employee's spouse, and the employee's eligible dependents, subject to the terms of the governing plan document.*
- 2. FRINGE BENEFITS: There will be no change to Mr. Cattaneo's or Ms. Singleton's existing fringe benefits. However, the Board amends the Executive Management Group compensation resolution to make clear the existing practice that the benefits to which the District Manager and Assistant Manager are entitled include the fringe and supplemental benefits provided in the District's Salary and Compensation Resolution for Management/Confidential/Professional employees, except as otherwise provided in the Executive Management Group Compensation Resolution and in each employee's employment agreement with the District, including subsequent amendments.*

With no questions from the Board, a motion was made by Vice President Tonascia and seconded by Director Tobias, the Board of Directors approved Resolution #2021-24 A Resolution of the Board of Directors of the San Benito County Water District for Salary and Compensation for the Executive Management Group by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

**9. Discuss and Consider Authorizing District Manager sign Professional Services Contract with Watt Electric for Industrial Electrical Services and System Maintenance for the remainder of FY21/22 (NTE \$100,000) and FY22/23 (NTE \$175,000)**

Mr. Haertel stated Dave Dungan will be retiring in December 2021, so the first part of this proposal is to complete the rest of the fiscal year following Mr. Dungan's retirement and the second part, would be the full fiscal year after that. Mr. Haertel stated the District would use Watt Electric for our normal electrical needs and also to assist Primex in upgrading the SCADA system. Mr. Haertel stated the District has also had a met/confer with the Union regarding this matter.

Mr. Cattaneo added, Watt will also be covering the 2 treatment plants' electrical needs.

Director Tobias asked how many employees Watt has. Mr. Haertel stated approximately 26. Mr. Cattaneo added 2 employees will be dedicated to our work and Watt will have additional employees as a back-up.

With no additional questions from the Board, a motion was made by Vice President Tonascia and seconded by Director Flores, the Board of Directors Authorized the District Manager to sign a Professional Services Contract with Watt Electric for Industrial Electrical Services and System Maintenance for the remainder of FY 21/22 (NTE \$100,000) and FY 22/23 (NTE \$175,000) by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

**10. Discuss and Consider Authorizing District Manager sign Professional Services Contract with MCC Controls LLC, DBA Primex for PLC Upgrade, RTU-05, Pump Station 2/3 (NTE \$57,589.05)**

Mr. Haertel stated Primex is our contractor for SCADA and the District is continuing with the upgrade to SCADA. This is the next major phase of the upgrade.

With a motion by Director Shelton and a second by Vice President Tonascia, the Board of Directors Authorized the District Manager to sign a Professional Services Contract with MCC Controls LLC, DBA Primex, for PLC Upgrade, RTU-05, Pump Station 2/3 (NTE \$57,589.05) by 5 affirmative votes, Williams, Tonascia, Flores, Shelton and Tobias.

**11. 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 (Flores/Shelton)**

As per Director Flores, this meeting was cancelled.

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

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

**12. Monthly Operations and Maintenance Report**

Mr. Craig did not offer a report at the meeting.

13. **District Manager/Engineer's Report:**

**a. Reach 1 Operations**

Mr. Haertel attended this meeting. He reported discussion continues on whether to rebuild or replace pump #8 at the Pacheco Pumping Plant. Also, the Bureau is still reviewing the option of a submersible pump. Mr. Haertel also reported there was discussion on the Small Caps Projects. Mr. Haertel also asked for a summary of the overages.

**b. Zone 3 Operations**

Mr. Cattaneo reported this is a slow period for the District, so District staff will continue with the Hernandez Spillway repairs. Discussion was also had regarding the need for a new tractor.

**c. Zone 6 Operations**

Mr. Cattaneo reported the District has turned the system around. Subsystems 1-9 are operating off of San Luis Reservoir and Subsystems 10-11 are operating off of San Justo Reservoir. Mr. Cattaneo reported this operation of the system is also more cost efficient. Mr. Cattaneo also reported the District will have 2600-2700 acre feet of water from North of Delta transfer stored in San Luis with an additional 900 acre feet from a transfer from Yuba, for a total of 3500 AF. Mr. Cattaneo also reported the water will turn over this month in San Justo Reservoir, which reduces the cost at the treatment plants as it reduces the chemical costs.

**d. San Luis Delta Mendota Authority Activities**

Mr. Cattaneo reported 2 projects were discussed; the San Luis Transmission Project and the B F Sisk Dam Raise Project.

For the San Luis Transmission Project, the Authority is working to obtain bonds for \$250-\$300 million, which would be spread over 25-30 years. Mr. Cattaneo discussed options which would offset some of the costs.

For the B F Sisk Dam Raise Project, discussion was had to split the project between the Ag, M & I and the Refuges. Planning and Design for the project should be complete around early January to mid-February for a cost of \$120 million, for which the Bureau is looking to invest \$60 million. The Dam Safety Project continues to move forward, so Mr. Cattaneo reported it will be important to stay up with this project at the same time.

**e. Pacheco Reservoir Expansion Project**

Mr. Cattaneo reported the Draft EIR for this project is out now for public review. He has asked HDR to review this report on our behalf.

**f. City of San Juan Bautista Water Supply Plan**

Mr. Cattaneo reported the design report prepared by HDR was delivered to the City of San Juan Bautista (COSJB) almost 2 weeks ago, to be incorporated into their rate study. Mr. Cattaneo reported the District is waiting for the COSJB to give the go ahead. Without any contribution from the District, the cost would be \$12 million. This agreement would take them through the year 2035.

**g. Redistricting**

Mr. Cattaneo reviewed the 4 options that San Benito County presented at the Board of Supervisors' meeting as compliant and only 1 of these options has remained. He reviewed the proposed map versus the current map and what that would mean to the District. If this map is approved, we would have 2 directors in the same district, based on the new map.

**14. 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)**

**15. OPEN SESSION**

**A. Report any action, if any from Closed Session**

**16. Adjournment**

With no further business to discuss, the meeting was adjourned at 6:25 p.m.

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The minutes were approved at the December 15, 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