

**RESOLUTION NO. 2022-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SAN BENITO COUNTY WATER DISTRICT  
DECLARING A WATER SHORTAGE EMERGENCY CONDITION AND  
IMPLEMENTING THE DISTRICT'S WATER SHORTAGE CONTINGENCY PLANS**

The San Benito County Water District Board of Directors does hereby resolve as follows:

**PURSUANT** to California Water Code Section 350 et seq., the Board of Directors has conducted duly noticed public hearings to establish the criteria under which a water shortage emergency condition may be declared.

**WHEREAS,**

The District is a water purveyor to the City of Hollister and the Sunnyslope County Water District for municipal purposes and to agricultural customers in San Benito County for irrigation purposes; and

**WHEREAS,**

The Water Year got off to a wet start with record snowfall in the Sierra's in December 2021. Then the start of the new year saw an extremely dry stretch with virtually no rain or snow in January and February. Without those crucial months of snow and rain, the state has less water to fill major reservoirs, which are already low after two dry years,

**WHEREAS,**

The Governor of the State of California, in accordance with the authority vested in him by the state Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code proclaimed a State of Emergency to exist in the State of California due to current drought conditions; and

**WHEREAS,**

The District receives water from the Central Valley Project (CVP) as a federal contractor and it has been projected by the Bureau of Reclamation that south of the Delta contractors will receive a zero allocation for agricultural water users and Municipal and Industrial (M&I) customers allocations this year;

**WHEREAS,**

The demand for water service is not expected to lessen;

**WHEREAS,**

As stated in the Hollister Urban Area Water Management Plan 2020, when the combined total amount of water supply available to the District from all sources falls at or below the Stage II triggering levels, the District will declare a water shortage emergency. The water supply would not be adequate to meet the ordinary

demands and requirements of water consumers without depleting the District's water supply to the extent that there may be insufficient water for human consumption, sanitation, fire protection, and environmental requirements. These conditions are likely to exist until precipitation and inflow dramatically increases.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Directors of the San Benito County Water District that a water shortage emergency condition exists that threatens the adequacy of the water supply, until the water supply is deemed adequate. The Board of Directors hereby implements Stage II of the interim Water Shortage Contingency Plan.

1. Interim Overuse Policies Applicable to Agricultural and M&I San Felipe Customers (Contract and Small Parcel): Overuse of water will result in a reduction of water available to other users who are entitled to their allocation and will require that the District locate and purchase water on the open market to compensate for the overused water. If an Agricultural or M&I customer overuses their applicable water allocation, the District shall discontinue water service by closing the customer's valve. The customer will be billed their applicable water rate and power rate for usage in addition to a minimum regulatory conservation charge up to \$2,000/Acre-Foot). This charge is not imposed upon a parcel as an incident of property ownership but is a regulatory charge on water users who choose to overuse water allocations. The charge is intended to recover the District's costs for locating and purchasing water in the open market to back-fill the District's supplies so that other District customers' allocations will not be impacted.

2. Changing Account Service Type: Customers will not be allowed to change account service type. However, the District has the discretion to authorize changing of account service type when such is deemed justified under the circumstances.

3. As the District continues to monitor the water supply and conditions, the Board may choose to modify the action level.

4. Miscellaneous: Any and all provisions of the Water User's Handbook that are in conflict with the provisions of this Resolution are hereby suspended during the term of this interim Resolution. This Resolution shall be reviewed periodically to determine whether a water shortage condition and emergency exists and whether the policies set forth herein should continue in effect. In the event a court of law determines that any provision of this Resolution is invalid, such determination shall not invalidate the remaining provisions of this Resolution.

**BE IT FURTHER RESOLVED** that the Board of Directors shall periodically conduct proceedings to determine additional restrictions and regulations which may

be necessary to safeguard the adequacy of the water supply for domestic, sanitation, fire protection, and environmental requirements.

**BE IT FURTHER RESOLVED** that the President of the Board is authorized to sign this Resolution on behalf of this Board and District.

**PASSED AND ADOPTED** by the Board of Directors of the San Benito County Water District this 27<sup>th</sup> day of April, 2022, by the following vote:

AYES: DIRECTORS: Tonascia, Flores, Shelton, Tobias and Williams

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

ABSTAIN: DIRECTORS: None

/s/ Joseph Tonascia  
Joseph Tonascia  
President

ATTEST: /s/ Sara Singleton  
Sara Singleton  
Assistant Manager