

March 27, 2024  
Regular Meeting  
5:02 p.m.

The Board of Directors of the San Benito County Water District convened in regular session on Wednesday, March 27, 2024 at 5:02 p.m. at the San Benito County Water District office at 30 Mansfield Road, Hollister, California. Members present were: President Andrew Shelton, Vice President Doug Williams and Directors Sonny Flores, Joe Tonascia and Mark Wright. Also present were General Manager Steve Wittry, District Counsel Jeremy T. Liem, Manager of Administration, Finance and Business Services Megan Holland, Deputy District Engineer Rob Hillebrecht, Operations and Maintenance Manager Michael Craig, Senior Engineer David Macdonald, Water Resources Technician II Dustin Franco, Water Programmer III Anne Stull, Office Specialist I Jennifer Cosio and Executive Assistant/Board Clerk Barbara Mauro.

### **CALL TO ORDER**

President Shelton called the meeting to order at 5:02 p.m.

- a. **Pledge of Allegiance to the Flag**  
President Shelton led the Pledge of Allegiance.
- b. **Roll Call**  
Mrs. Mauro called roll; members present were: President Shelton, Vice President Williams and Directors Flores, Tonascia 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**  
With a motion by Director Flores and a second by Vice President Williams, the Agenda was approved by 5 affirmative votes, Shelton, Williams, Flores, Tonascia and Wright.
- 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 28, 2024 Regular Meeting**
2. **Allowance of Claims**  
Director Tonascia asked about the charges from the newspaper; Ms. Holland stated it was all WRA.  
  
Director Tonascia asked why the District Engineer position is still up on BenitoLink. Ms. Holland stated she would have to check.  
  
Director Wright asked how much of what was paid to Brigantino was for the Fairview Road repair? Mr. Craig stated some of the work is for Zone 3 and some is Zone 6, but the overall cost of the repair was \$139,000.

3. **Acknowledgement of Paid Claims prior to the March Board Meeting**
4. **On Call Contracts – Status Updates**

With no further questions, a motion was made by Director Tonascia and a second by Director Wright; the Consent Agenda was approved with 5 affirmative votes, Shelton, Williams, Flores, Tonascia and Wright.

### **REGULAR AGENDA**

5. **Annual Groundwater Report 2023**

- a. **Presentation of Report**

Mr. Wittry introduced Iris Preistaf and Maureen Reilly from Todd Groundwater who joined the meeting via Zoom. Ms. Preistaf and Ms. Reilly will be presenting the report to the Board.

Ms. Preistaf stated this is the third report done since the initiation of the GSP (Groundwater Sustainability Plan). In July 2023, the Department of Water Resources (DWR) approved the District's GSP.

This report, per Ms. Priestaf, fulfills the annual report requirements by the State with general information, basin conditions and implementation. The period this report covers is October 1, 2022 through September 30, 2023. This report is due to DWR by April 1, 2024. Ms. Priestaf further reported that DWR will now be reviewing all annual reports. This report also fulfills both the Sustainable Groundwater Management Act (SGMA) and the District's annual requirements.

Ms. Reilly reported that Todd Groundwater has been producing the annual groundwater report for the District for the last 18 years. Ms. Reilly reviewed the District's 2023 year at a glance. This report covers part of two different CVP water years, which 2022-2023 was a -0- allocation for Ag and 2023-2024 was a 100% allocation, which means the District went from a drought year to a wet year.

For purposes of the GSP, monitoring the basins is a critical piece. 138 wells are monitored and there are 22 key wells, but some of the key wells do need replacement, per Ms. Reilly. She further reviewed the numerical model and the change in levels from 2022 to 2023, which as previously mentioned went from very dry to very wet. The District has the following sources for water supply: Groundwater, Imported Water (CVP), Recycled Water and Surface Water. Ms. Reilly stated the District hopes to develop new tools for monitoring which would be the OpenET.

Ms. Priestaf continued with the SGMA Update. Todd Groundwater found no undesirable results and the North San Benito Basin is sustainable. While the DWR approved the GSP, they provided several recommendations by the five year update:

1. Update the Criteria

2. Identify the number of monitoring wells and the schedule for the monitoring
3. Undesirable result for subsidence
4. Use their guidance for interconnected surface water to fill in data gaps

Ms. Priestaf also reported the District was at minimum thresholds in most of the key wells. 16 wells were above the minimum threshold, 4 were temporarily inaccessible (due to flooding) and 2 were below the minimum threshold (1 in the southern basin and 1 in San Juan)

Ms. Priestaf stated there is some subsidence, but it is occurring at a slow rate and is being tracked. She further reviewed the interconnected surface water data, which also met the criteria to avoid an undesirable result.

Ms. Priestaf then reviewed the projects and management actions which included: ADRoP (Accelerated Drought Response Project) which today, the District was notified of receiving another \$6.7 million in grants, which would be approximately \$20 million total in grant funding for this project); BF Sisk Dam Raise, which was approved in October 2023 and due to be complete by 2031; and the San Juan Bautista Water and Wastewater solutions.

Recommendations from this report are: Groundwater Charge of \$13.75 per acre foot for both Agricultural and Municipal and Industrial; Groundwater Production and Replenishment, Continue SGMA Implementation and Updates to the Annual Water Demand/Supply Memo which is due June 2024.

Director Tonascia asked if the new monitoring wells were on the key well monitoring. Ms. Reilly stated no because they didn't have historical data but will use them moving forward.

Director Wright asked about the percolation shown on Page 56, in yellow. Ms. Reilly stated that was the old treatment plant ponds. Director Wright further asked about increasing percolation. Ms. Reilly stated in wet years it recharges but in the beginning of this period in the report, the CVP allocation was -0-. Director Wright asked why it was higher in 2019. Ms. Reilly stated because of the San Benito River recharge. David Macdonald further explained that because of the work being done at the Union Bridge, the County requested we turn off this percolation. He also added the District has to be careful and limit some of the percolation due to the zebra mussel issue. Ms. Reilly added the District cannot directly percolate into the river.

Mr. Wittry added there has been some discussion with the City of Hollister for a future site for percolation near the Sandman property.

**b. Consider Acceptance of Annual Groundwater Report 2023**

With a motion by Vice President Williams and a second by Director Flores, the Board of Directors Accepted the Annual Groundwater Report 2023 with 5 affirmative votes, Shelton, Williams, Flores, Tonascia and Wright.

**6. Consider Resolution Amending the District’s Procurement Policy**

Ms. Holland reviewed this item for the Board. This policy was discussed with the Administration Committee. Because of the amount for purchase orders, there were 149 written over the last year, just for the minimum amount. Making this change will provide a timesaver for staff but keep the review and oversight process in place.

Director Tonascia asked what the committee thought about the change. Director Flores stated the committee thought this was a reasonable change because it still maintained the same oversight.

With a motion by Director Tonascia and a second by Director Flores, the Board of Directors approved Resolution #2024-03 *A Resolution of the Board of Directors of the San Benito County Water District Amending the District’s Procurement Policy* with 5 affirmative votes, Shelton, Williams, Flores, Tonascia and Wright.

**7. Consider Resolution--Intention to undertake a Project and Setting a Public Hearing—Accelerated Drought Response Project (ADRoP)**

Mr. Wittry stated this resolution would set a Public Hearing for April and staff has included a budget and site map, with the draft resolution. The Board’s action would be to approve the resolution. Mr. Wittry further reported the total cost of the project is estimated at \$40.3 million and with the receipt of the USBR Grant today of \$6.7 million, the total amount of grant funding for this project is now at \$20 million.

Director Flores asked, this resolution is only to set the Public Hearing? Mr. Wittry stated that is correct.

With a motion by Director Flores and a second by Vice President Williams, the Board of Directors approved Resolution #2024-04, *A Resolution of the Board of Directors of the San Benito County Water District for its Intention to undertake a Project and Setting a Public Hearing—Accelerated Drought Response Project (ADRoP)* with 5 affirmative votes, Shelton, Williams, Flores, Tonascia and Wright.

**8. Consider Authorizing Director Attendance at the 2024 ACWA/JPIA’s Board of Directors’ Meeting May 6<sup>th</sup>, 2024, Sacramento, California**

Mrs. Mauro stated the District budgets for 1 Director to attend this meeting. There is not any registration, but if anyone is interested, the hotels do fill up quickly, so please let her know as soon as possible.

**9. Consider General Manager/Designee and Director Attendance at the ACWA Spring Conference May 7<sup>th</sup> – May 9<sup>th</sup>, 2024, Sacramento, California**

Mrs. Mauro stated the District budgets for the General Manager/Designee and 2 Directors to attend this conference. Registration and hotel reservations would be needed if anyone is interested, so please contact Mrs. Mauro if interested in attending.

10. **Committee/Agency Representative Reports:**
- a. **San Luis and Delta-Mendota Water Authority (Tonascia/Wittry)**  
As per Director Tonascia, this can be covered under the Manager's report.
  - b. **Urban Area Water and Wastewater Master Plan Governance Committee (Shelton/Tonascia)**  
As per Director Shelton, a Governance Committee meeting was held and received a presentation from LAFCO. He further added there was a separate meeting with Sunnyslope County Water District for some clarification. Director Tonascia added both were good meetings and good communication. Mr. Wittry further added the PowerPoint from LAFCO is in the mailboxes of the three directors not on the Governance Committee.
  - c. **Zone 3 Water Supply & Operations Committee (Tonascia/Williams)**  
As per Directors Tonascia and Williams, the status of Hernandez and Paicines were discussed as well as Capital Improvements. Mr. Wittry added at both the Zone 3 and Zone 6 meetings, District Act 70.15 is the formal process for capital improvements projects. In April, additional meetings will be held for direction from the committees for developing projects during the budgeting process.
  - d. **Zone 6 Water Supply & Operations Committee (Tonascia/Wright)**  
As per Director Wright, in addition to the Capital Improvements, the committee discussed valve operations while serving from San Justo and the zebra mussel issue at the reservoir.
11. **Monthly Operations and Maintenance Report**  
Mr. Craig reported his staff has been spraying and mowing in Zone 3. In Zone 6, staff had an USBR Inspection. He further reported turning the system around and back feeding until April 15<sup>th</sup>. The best time, per Mr. Craig, to run reserve flow is when the water level at San Justo is high, which is it is at this time. Next month, Mr. Craig stated staff will be rebuilding some 12" meters. Director Tonascia asked if we ran anoxide water at San Justo for the mussels; Mr. Craig wasn't sure.
12. **General Manager's Report:**
- a) **General Comments**  
Mr. Wittry reported Shawn Novack has decided to retire as of June 30, 2023. Mr. Wittry thanked Mr. Novack for his great work at the District; he is a great asset and will be difficult to replace. This is not a union position, and the District will begin recruitment the first week of April.  
  
Mr. Wittry stated the meeting with Sunnyslope County Water District earlier this week was in a positive direction and a good meeting.  
  
The Bureau increased the allocation to 35% for Ag and 75% for M&I. Mr. Wittry stated he is confident is allocating 60% of requests to Ag and percolating more M&I. Director Tonascia asked how much is that for Ag? Mr. Wittry stated about 12,000 acre-feet. Director Tonascia asked if staff was allowing for evaporation/percolation giving a 60%. Mr. Wittry stated it is 3% above the Ag requests.

Anne Stull explained the balance between historical use and the balance between the USBR allocation and the storage the District has. Director Tonascia asked if customers are using less water when the price is higher and Ms. Stull stated yes.

Mr. Wittry stated as the GSA, it would be the District's job to determine if there is over pumping occurring. Director Wright asked whether the higher price is deterring customers from using the blue valve. Director Flores stated customers' reduction could also be related to more efficient use of the water. Mr. Wittry stated there has to be a balance. The rate study took two years to complete.

Vice President Williams asked if there could be any further increase in the allocation. Mr. Wittry stated yes, they have often increased it later, sometimes as late as June. He further added they looked at 10 years of allocations when setting the new rates.

Director Flores asked if the District lowered the rates in July, is that too late? Director Tonascia stated farmers set their plan for the coming year in December, so the allocations come in too late. Mr. Wittry added rescheduling can also be an option.

Mr. Wittry further reported the painting and new flooring project is underway. The District is using local contractors for both jobs. There will be carpet squares in the offices, board room and conference room and vinyl flooring in the hallways, entry way and kitchen. The intention is to have it complete before the next board meeting.

**b) Reach 1 Operations**

Mr. Wittry reported Bifurcation is shutdown but will be back up by April 15, 2024.

**c) Zone 3 Operations**

Mr. Wittry reported there is 875 acre-feet in Hernandez, per Mr. Franco. Also, there was an inspection by the DSOD.

**d) Zone 6 Operations**

Mr. Wittry reported there were twelve members from the Bureau that came out to inspect San Justo Reservoir. They listed a few repairs that are needed such as work to the road and the sump pump.

**e) Accelerated Drought Response Project (ADRoP)**

Mr. Wittry stated additional funding was received, as discussed earlier. Interviews were conducted for construction management for the West Hills expansion. On the panel were: Steve Wittry, Rob Hillebrecht, David Macdonald as well as Drew Lander from Sunnyslope County Water District and William Via from the City of Hollister. The panel unanimously approved MNS and Mr. Wittry hopes to bring a contract for approval to the April board meeting.

**f) San Luis and Delta-Mendota Water Authority Activities**

Mr. Wittry reported the Authority approved officers for the new fiscal year. They also added two new agencies to the Authority.

**g) City of San Juan Bautista Water Supply Plan**

Mr. Wittry stated a meeting was held on Monday and it was determined not to proceed using the encroachment permit. San Juan Bautista desires to pursue grant funding through the USDA and that would not cover completed work, so San Juan Bautista doesn't want to move forward until the funds are in place. San Juan Bautista has also asked for a letter of support from the District, which we will provide. There needs to be an agreement between the District and San Juan Bautista, as the City desires the District to be in charge of the project. Mr. Wittry stated this was a positive meeting. Director Flores asked if this agreement could be completed by May. Mr. Wittry stated staff is hopeful and there will also be a contract for HDR for the final design. Discussion ensued about the cost if the county finished, putting the pipeline in the new frontage road, under a future bike lane.

**13. CLOSED SESSION:**

**Public Employee Performance Evaluation - consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.**

**Title: General Manager**

**Authority: California Government Code Section 54957**

*(The Board convened in Closed Session at 6:46 p.m.)*

**14. OPEN SESSION:**

**Report action if any**

*(The Board reconvened in Open Session at 7:17 p.m.)*

President Shelton reported the Board's action from Closed Session was to Terminate without cause, Steve Wittry, as General Manager. The vote to terminate was: Director Flores: Nay, Director Tonascia: Yay, Director Wright: Yay, Vice President Williams: Yay and President Shelton: Nay.

**15. Adjournment**

With no further business to discuss, the meeting was adjourned at 7:20 p.m.

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Approved at the April 24, 2024 Board meeting and signed by the presiding board member.

*/s/Andrew Shelton*  
Andrew Shelton, President

*/s/Barbara L. Mauro*  
Barbara L. Mauro, Executive Assistant/Board Clerk