

**BOARD OF DIRECTORS
SAN BENITO COUNTY WATER DISTRICT**

Agenda for

April 16, 2025

Special Meeting – 5:00 p.m.

30 Mansfield Road, Hollister, CA 95023

Speakers will be limited to 5 minutes to address the Board

Assistance for those with disabilities:

If you have a disability and need accommodation to participate in the meeting, please call Barbara Mauro, Executive Assistant/Board Clerk, at (831) 637-8218, 48 hours prior to meeting for assistance so the necessary arrangements can be made.

Effective at the April 27, 2022, The Board of Directors is now allowing the public to attend in person at all meetings of the San Benito County Water District Board. We will also continue to offer the meeting via Zoom as well. Regarding virtual participation, members of the public are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Board President.

ZOOM LINK

<https://us06web.zoom.us/j/81711127259?pwd=mKYfcE63z1nA0IR7rEk0kirQHn6FKe.1>

Meeting ID

817 1112 7259

Passcode:

496064

Dial Only:

Dial by your location

- +1 669 444 9171 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 719 359 4580 US
- +1 720 707 2699 US (Denver)
- +1 253 205 0468 US

If you plan to participate in the meeting and need assistance, please call Barbara Mauro, Board Clerk, at (831) 637-8218, 48 hours prior to meeting.

CALL TO ORDER

- a. Pledge of Allegiance to the Flag
- b. Roll Call
- c. Approval of the Agenda
- d. Speakers will be limited to 5 minutes to address the Board

AGENDA ITEMS:

1. Discuss and Consider Conditional Notice to Proceed (NTP) for the West Hills Water Treatment Plant (WHWTP) Expansion

ADJOURNMENT

All public records relating to an agenda item on this agenda are available for public inspection at the time the record is distributed to all, or a majority of all, members of the Board. Such records shall be available at the District office located at 30 Mansfield Road, Hollister, California.
--

**BOARD OF DIRECTORS
SAN BENITO COUNTY WATER DISTRICT**

**San Benito County Water District
Agenda Transmittal**

Agenda Item: 1

Meeting Date: April 16, 2025

Submitted By: Dana Jacobson

Presented By: Dana Jacobson

Agenda Title: Discuss and Consider Authorizing the General Manager to Issue a Conditional Notice to Proceed to C. Overaa and Company for Construction of the West Hills Water Treatment Plant Expansion

Description: On December 9, 2024, the District awarded a construction contract to C. Overaa and Co. (Overaa) for the expansion of the West Hills Water Treatment Plant (WHWTP). On January 1, 2025, the District issued an Administrative Notice to Proceed (NTP) to Overaa, which allowed the contractor to procure equipment with long lead times, but did not allow them to break ground on the site. The District did not issue a full NTP to Overaa because it had not completed all the permitting requirements necessary to begin construction.

One of the outstanding permits is the Incidental Take Permit (ITP), which is issued by the California Department of Fish and Wildlife (CDFW) and provides environmental coverage under the California Endangered Species Act (CESA) for the duration of construction. An ITP was obtained by the District for the original construction of the WHWTP but it has since lapsed as it is not needed for ongoing operations of the plant. On May 31, 2024 the District applied for a renewal of its ITP for the entirety of the Accelerated Drought Response Project. However, because of a change in direction related to Reclamation's National Environmental Protection Act process, the District removed the wells and pipelines component from the ITP application and sought CESA coverage solely for the WHWTP and resumed consultation with CDFW. On October 8, 2024, CDFW subsequently issued a "letter of incomplete," meaning that it required additional information before it could issue the ITP.

District staff and its consultants have been working to address CDFW's questions for the last several months. CDFW staff recently indicated that it could be an additional 2-3 months from today's date before the final ITP will be granted. CDFW staff has also stated that the District may initiate construction on a conditional basis until the ITP is completed, but that the District would not have CESA coverage during this intervening time. If take of listed species occurred during this time, the District could be liable for

finest of up to \$25,000 for each incidence for accidental take, and up to \$50,000 for intentional take.

District staff is recommending issuing a Conditional ITP to Overaa so that it can get started on the project immediately. A full list of conditions is included in the attached NTP. The take of listed species, particularly the California Tiger Salamander, is thought to be low. The actions allowed pursuant to the Conditional ITP would be similar to the existing operations of WHWTP, for which an ITP is not required, and there has been no known take of listed species since construction of the plant. Any work performed would be limited to paved and/or graveled areas that are already disturbed.

If the District does not proceed immediately, it would be difficult to maintain the existing project schedule and meet the date required for substantial completion contained in its grant agreement with the California Department of Water Resources and could risk losing these funds. The District could also be exposed to potential claims from Overaa due to project delays.

Prior Committee or Board Action: None

Financial Impact: _____ Yes _____X_____ No

Funding Source/ Recap: N/A

Material included for Information/Consideration:

1. Conditional Notice to Proceed

Recommendation: Staff recommends the Board authorize the General Manger to issue a conditional Notice to Proceed to C. Overaa and Company for construction of the West Hills Water Treatment Plant Expansion.

Action Required: _____ Resolution _____ Motion _____ Review

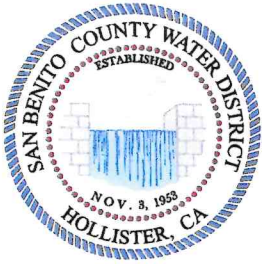
Board Action

_____ Resolution No. _____ Motion By _____ Second By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____



San Benito County Water District

30 Mansfield Road • Hollister, CA 95023 • (831) 637-8218 • Fax: (831) 637-7267

April 11, 2025

Mr. Ben Brown
C Overaa & Co.
200 Parr Blvd.
Richmond, CA 94801

Subject: **Conditional Notice to Proceed**
San Benito County Water District
West Hills Water Treatment Plant Expansion

Dear Mr. Brown:

This letter serves as the Conditional Notice to Proceed (Notice) for the construction of the West Hills Water Treatment Plant Expansion.

This conditional notice to proceed permits the C Overaa & Co. to begin construction activities as contemplated in the agreement between Overaa and the District dated December 18, 2024. Please note that such activities must be limited to areas that are currently paved and/or graveled and must not affect the grassland areas surrounding the existing plant. These activities may include performing the pre-construction survey, installation of exclusion fencing including fencing off the main water treatment plant from the drying beds while leaving the drying bed perimeter unfenced, producing a Stormwater Pollution Prevention Plan, and constructing the pre-treatment basin. Additional activities may be authorized and requested by the District, or at the request of Overaa.

The District anticipates issuing full notice to proceed to perform all remaining construction activities in the near future. The District looks forward to working with your firm for the timely completion of this work.

Sincerely,

Dana Jacobson
General Manager