

**RESOLUTION 2021-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF  
UNDERSTANDING WITH THE SAN BENITO WATER DISTRICT  
FOR THE SOURCE WATER COMPLIANCE PROJECT**

**WHEREAS**, for decades the City has relied upon source water from wells, that is notoriously “hard,” high in minerals, and includes a high level of salt; and

**WHEREAS**, these wells are often subject to high nitrate levels causing them to be closed prematurely; and

**WHEREAS**, high salt levels being discharged into the creek currently exceed the National Pollution Discharge Elimination System (“NPDES”) permit levels, causing a violation of the Permit; and

**WHEREAS**, following a June 2019 EPA inspection of the City’s Treatment Plant, and for the past year, the City has been working towards re-gaining compliance with its NPDES Permit enforced by the Environmental Protection Agency (“EPA”) and the Regional Water Quality Board; and

**WHEREAS**, in October 2019, the City hired a project manager to assist with the development of a Water and Waste Water Master Plan, and during the process of completing these plans, it was determined that the high levels of salt being discharged into the creek at the Waste Water Treatment Plant are introduced from its source of ground water and passed through the Plant to the creek; and

**WHEREAS**, on April 20, 2020, the City Council appointed its Water Subcommittee consisting of Council Members Leslie Q. Jordan and John Freeman; and

**WHEREAS**, on August 8, 2020, the City Council adopted Resolution 2020-42, and the City and EPA executed an Administrative Order on Consent (“AOC”), agreeing to resolve the City’s NPDES violations by December 2023, setting forth a schedule by which certain milestones will be reached; and

**WHEREAS**, on October 6, 2020, the City Council held a Town Hall meeting to discuss its options for solving the City’s source water and waste water compliance issues; and

**WHEREAS**, on October 15, 2020, the City Council approved Resolution 2020-51, and agreed to two compliance projects from the analysis provided in the Preliminary Engineers Report (“PER”): “Alternative 3: Regionalization with Hollister WWTP and Off-Site Source Control (Hollister Water Treatment Plant operated by the City of Hollister, and West Hills Water Treatment Plant operated by the San Benito County Water District).”

**WHEREAS**, San Benito County Water District Board authorized their General Manager to meet with the Council’s Water Subcommittee on November 19, 2020, and they began working towards the execution of the agreements needed for the City to import water from its West Hills Treatment Plant; and

**WHEREAS**, the Subcommittee was presented with a sample agreement from the City of Hollister, and Sunny Slope Water District (The Hollister Urban Area Water Supply and Treatment Agreement) through which they buy water from the District, and the concept that an agreement like this would be the end product of a four-step process that begins with the execution of a Memorandum of Understanding (“MOU”); and

**WHEREAS**, a draft MOU was provided to City staff the first week in December along with a technical study that further describes the details of the proposed project; and

**WHEREAS**, the Subcommittee and the City’s technical team evaluated the draft SBCWD MOU, and have since agreed upon its terms and conditions as described by the staff report submitted to the City Council to be included by reference in this Resolution; and

**WHEREAS**, at its meeting February 16, 2021, the City Council considered the terms of the MOU and approved of its intent.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:**

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. That the attached draft San Benito County Water District Memorandum of Understanding is the correct course of action for the two agencies to take to initiate the work needed to determine the feasibility of importing source water from the its West Hills Treatment Plant.
3. That it approves the draft MOU as presented, authorizes the City Manager to make any minor edits or changes as needed consistent with its intent, and hereby authorizes the Mayor to execute the MOU and that the City Manager send the MOU to the SBCWD for their consideration and approval.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 16<sup>th</sup> day of February 2021, by the following vote:

**AYES:** Jordan, Freels, Edge, Flores, Freeman

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**ATTEST:**

  
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Trish Paetz, Deputy City Clerk

  
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Leslie Q. Jordan, Mayor