

RESOLUTION NO. 508
SUNNYSLOPE COUNTY WATER DISTRICT

**APPROVING AGREEMENT FOR CONSTRUCTION OF WATER SYSTEM INTERTIE
BETWEEN SUNNYSLOPE COUNTY WATER DISTRICT
AND VENTURE ESTATES MUTUAL WATER COMPANY**

WHEREAS, the Board of Directors (“Board”) of Sunnyslope County Water District (“SCWD”) FINDS AS FOLLOWS:

A. AUTHORITY. This resolution is adopted pursuant to the County Water District Law, Sections 30000 and following, of the California Water Code, and pursuant to the California Environmental Quality Act (“CEQA”), codified at Sections 21000 and following of the Public Resources Code, and the CEQA Guidelines codified at Title 14, Sections 15000 and following of the California Code of Regulations.

B. PROPOSED ACTION.

1. The Venture Estates Mutual Water Company (“Mutual”) supplies water to properties within the Venture Estates development (“Venture Estates”) located on Harbern Way in the County of San Benito, California, within District’s jurisdictional boundaries.

2. District is a public agency engaged in the supply of water to property in the vicinity of Venture Estates.

3. The Mutual and the members of the Mutual want District to construct a pipeline and an intertie connection to the Mutual’s existing system and provide domestic, potable water service, including water for fire suppression to the area and persons now served by the Mutual, all of which are within the District’s authorized, jurisdictional service area.

4. District has adequate water to serve Venture Estates in addition to persons and property currently served by District.

5. The District’s Engineer and Legal Counsel have presented and recommended to the Board a form of Agreement between the District and Venture Estates for the construction and financing of a pipeline and intertie for the District to supply water to Venture Estates.

6. The pipeline and intertie to be constructed by District will be less than one mile in length, is of reasonable length to serve such connection, and will be located within public rights of way along Airline Highway, Best Road and Harbern Way (Pub. Res. C. §21080.21; CEQA Guidelines §15303(d) and 15282(k)).

C. EXEMPTION FROM CEQA. On the basis of the information provided to the Board by the District’s Engineer and the District’s Legal Counsel, and on the basis of the foregoing facts and findings and pursuant to Section 15061 of the CEQA Guidelines, the adoption of the proposed Agreement and the financing and construction of a pipeline and intertie, as proposed, to supply water to the existing Venture Estates is a project under CEQA, but there is no possibility such activity may have a significant effect on the environment and the project is, therefore, exempt from CEQA pursuant to Sections 21080(b)(9) and 21080.21 of the Public Resources Code and Sections 15061(b)(1) and (3), 15303(d) and 15282(k) of the CEQA Guidelines.

NOW, THEREFORE, the Board hereby resolves as follows:

1. Findings Adopted. The Board adopts the above findings.

2. Agreement Approved for Execution and Implementation. Based on the above facts and findings, the Board approves and authorizes the President and Secretary Pro Tem to execute, and further authorizes the District to implement, the “AGREEMENT FOR CONSTRUCTION OF WATER SYSTEM INTERTIE BETWEEN SUNNYSLOPE COUNTY WATER DISTRICT AND VENTURE ESTATES MUTUAL WATER COMPANY” presented to the Board in open session on February 26, 2009.

3. Notice of Exemption. The Secretary Pro Tem is authorized and directed to give due Notice of Exemption for this action pursuant to Title 14, California Code of Regulations, section 15062.

THE FOREGOING RESOLUTION was passed and adopted at a special meeting of the Board of Directors of the Sunnyslope County Water District held on February 26, 2009, by the following vote:

AYES: Nelson, Anderson, Hailstone

NAYS: Meraz


ABSTAIN: Keck

ABSENT: None

SUNNYSLOPE COUNTY WATER DISTRICT

By 
Doug Keck, President


ATTEST:


Cathy Buck, Secretary Pro Tem

CERTIFICATE OF SECRETARY

The undersigned Secretary Pro Tem of the Board of Directors of the Sunnyslope County Water District hereby certifies that the foregoing is a full, true and correct copy of the resolution adopted on February 26, 2009, as Resolution No. 508.

Dated: 3/12/09


Cathy Buck, Secretary Pro Tem