

SUNNYSLOPE COUNTY WATER DISTRICT

ORDINANCE NO. 80

AN ORDINANCE OF SUNNYSLOPE COUNTY WATER DISTRICT TRANSFERRING ALL INTEREST IN THE REAL PROPERTY KNOWN AS ASSESSOR'S PARCEL NUMBER 021-060-006 (14.73 ACRES) TO THE SAN BENITO COUNTY WATER DISTRICT

Be it ordained by the Board of Directors of
Sunnyslope County Water District
as follows:

- Section 1. Authority. This ordinance is enacted pursuant to Sections 30000 and following of the California Water Code and Section 53000 of the Government Code.
- Section 2. Findings. The Board of Directors determines that each fact referenced in this section to be true and correct.
- A. Adoption of this ordinance is in compliance with the requirements of the California Environmental Quality Act (CEQA) by the certification of an Environmental Impact Report (EIR) and resolution adopting the findings of fact, mitigation measures, mitigation monitoring and reporting program, and statement of overriding considerations for construction of the West Hills Water Treatment Plant on April 30, 2014 by San Benito County Water District.
- B. On June 12, 2013, Sunnyslope County Water District (SSCWD) entered into the Water Supply and Water Treatment Agreement with the City of Hollister (City or Hollister) and the San Benito County Water District (SBCWD).
- C. The Water Supply and Water Treatment Agreement implements the terms and conditions of financing and constructing the Hollister Urban Area Water Project (HUAWP or Project) facilities and specifies SBCWD will own and operate the water supply treatment facilities to provide wholesale treated water to the City and SSCWD.
- D. The HUAWP includes the construction of the West Hills Water Treatment Plant to treat and deliver water meeting water quality standards set by the State of California Department of Public Health and to improve water quality and water reliability to the Hollister Urban Area.
- E. SSCWD purchased Assessor Parcel Number 021-060-006 (14.73 acres) in partnership with the City of Hollister (City) for the future construction of a water treatment plant in 1998.
- F. The City of Hollister owns a 50% share of Assessor Parcel Number 021-060-006 and will consider transfer of their interest to SBCWD in March 2015.

- Section 3. Purpose of Ordinance. This Ordinance, in conformance with the Water Supply and Treatment Agreement, transfers any and all SSCWD interest in the real property known as Assessor Parcel Number 021-060-006 (14.73 acres) and described in Exhibit "A" to SBCWD.
- Section 4. The Board authorizes SSCWD to enter into an Agreement to convey by quitclaim deed Assessor Parcel Number 021-060-006 to SBCWD. The Board President is authorized and directed to execute such said Agreement and Quitclaim Deed for and on behalf of SSCWD.
- Section 5. The Board authorizes SSCWD to dedicate an easement to SBCWD across Assessor Parcel Number 021-060-007 for water facilities and related infrastructure to access Assessor Parcel Number 021-060-006 and the future West Hills Water Treatment Plant. The Board President is authorized and directed to execute any and all documents necessary to dedicate an easement to SBCWD on behalf of SSCWD.

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this ordinance. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this ordinance, which are not unconstitutional, invalid, or superseded shall remain in full force and effect and shall be enforced according to their terms.

Section 7. Interpretation. Words and Phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior SSCWD ordinances and the SSCWD Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

Section 8. Effective Date. This ordinance shall take effect immediately on adoption.

Section 9. Publication and Posting. Within 10 days after adoption, the SSCWD shall publish, in a newspaper published in San Benito County and circulated within the SSCWD, either a summary or the full text of this ordinance, and shall post in the SSCWD office a certified copy of the full text of this ordinance as adopted along with the names of those directors voting for and against adoption.

On motion of Director Meraz, seconded by Director Alcorn, the foregoing Ordinance is enacted and shall take effect on March 17, 2015, by the following roll call of the Board:

AYES: Directors: Alcorn, Hill, Johnson, and Meraz
NAYS: None
ABSENT: Director Villalon

By Kathleen A. Hill
Kathleen A. Hill, President

ATTEST:
Donald G. Ridenhour
Donald G. Ridenhour, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at their regular meeting on March 17, 2015.

Donald G. Ridenhour
Donald G. Ridenhour, Secretary

EXHIBIT A

Lot 24 as shown and delineated on that certain Map entitled: "R.D. Walker's Santa Clara Valley Farms", filed November 13, 1916, in Vol. 2, Page 15 of Maps, in the County Recorder of San Benito County, State of California.

