

SUNNYSLOPE COUNTY WATER DISTRICT

ORDINANCE NO. 77

AN ORDINANCE OF SUNNYSLOPE COUNTY WATER DISTRICT TRANSFERRING ALL INTEREST IN THE LESSALT WATER TREATMENT PLANT FACILITIES AND PROPERTY 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 a Programmatic Environmental Impact Report (EIR) for the Hollister Urban Area Water and Wastewater Master Plan and Coordinated Water Supply and Wastewater Treatment Plan on January 19, 2011 by San Benito County Water District, and a Notice of Exemption prepared for the Lessalt Water Treatment Plant upgrade approved by the Sunnyslope County Water District Board on June 12, 2013.
- 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 an upgrade to the Lessalt Water Treatment Plant to meet 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. The Lessalt Water Treatment Plant is an existing facility built in 2002 by the City per the terms of the Acquisition and Funding Agreement executed on October 17, 2001 between the City and SSCWD (2001 Agreement), and operated by the Hollister–Sunnyslope Water Treatment Agency (WTA) formed on November 19, 2002.
- F. Pursuant to the 2001 Agreement, ownership of the Lessalt Water Treatment Plant Facilities and Property was to be shared jointly between the City and SSCWD upon completion of construction and payment to the City by SSCWD of 50% of the cost of acquiring the property and constructing the Lessalt Water Treatment Plant.
- G. SSCWD completed payment to the City for the Lessalt Water Treatment Plant pursuant to the terms of the 2001 Agreement on May 31, 2002; however, no formal transfer of the Facilities or Property from the City to SSCWD or the WTA has occurred.
- 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 and easements described in Exhibit “A”, Assessor Parcel Number 025-370-010, and commonly known as the Lessalt Water Treatment Plant Facilities and Property, to SBCWD.
- Section 4. The Board authorizes SSCWD to enter into an Agreement to convey by quitclaim deed the Lessalt Water Treatment Plant Facilities and Property 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. 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 6. 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 7. Effective Date. This ordinance shall take effect immediately on adoption.

Section 8. 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 Villalon, seconded by Director Clapham, the foregoing Ordinance is enacted and shall take effect on September 11, 2013, by the following roll call of the Board:

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


By 
Dave Meraz, President

ATTEST:

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 September 11, 2013.


Donald G. Ridenhour, Secretary