

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
IMPROVEMENT DISTRICT NO. 1
FEBRUARY 16, 2021 REGULAR MEETING MINUTES**

A Regular Meeting of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, was held at 3:00 p.m. on **Tuesday, February 16, 2021 via video/teleconference only** due to the COVID-19 Emergency and Governor Newsom’s Executive Orders.

Trustees Present: Jeff Clay Jeff Holzer
 Brad Joos Lori Parker

Trustees Absent: Michael Burchardi

Others Present: Paeter Garcia Mary Martone Karen King
 Eric Tambini Gary Kvistad Jeff Dinkin

1. CALL TO ORDER AND ROLL CALL:

President Clay called the meeting to order at 3:04 p.m., he stated this was a Regular Meeting of the Board of Trustees. Ms. Martone reported four members of the Board were present and Trustee Mike Burchardi was absent.

2. PLEDGE OF ALLEGIANCE:

President Clay led the Pledge of Allegiance.

3. REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA:

Ms. Martone presented the affidavit of posting of the Agenda, along with a true copy of the Agenda for this meeting. She reported that the Agenda was posted in accordance with the California Government Code commencing at Section 54950 and pursuant to District Resolution No. 340. The affidavit was filed as evidence of the posting of the Agenda items contained therein.

Ms. Martone added that as a result of the COVID-19 emergency and Governor Newsom’s Executive Orders to protect public health by limiting public gatherings and requiring social distancing, the Board meeting would occur solely via video/ teleconference as authorized by and in furtherance of Executive Order Nos. N-29-20 and N-33-20 and applicable amendments to the California Brown Act as set forth in those Executive Orders.

4. ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA:

Mr. Garcia stated there were no additions or corrections to the Agenda.

5. PUBLIC COMMENT:

President Clay welcomed any members of the public participating via video or telephonically and offered time for members of the public to speak and address the Board on matters not on the Agenda. There were no comments received from the public. Mr. Garcia stated that the Notice and Agenda for this Regular Meeting requested members of the public to submit advance written comments to the District via electronic mail by 5:00 p.m. on Monday, February 15, 2021. Mr. Garcia reported that no written comments were submitted to the District for the meeting.

6. CORONAVIRUS (COVID-19) UPDATE:

A. General Manager’s Report

Mr. Garcia reported on the current activities related to the COVID-19 pandemic and the District’s actions. He summarized the Santa Barbara County Public Health Department press

release dated January 25, 2021 discussing lifting of the statewide Regional Stay at Home Order. Mr. Garcia also reviewed Santa Barbara County Health Officer Order 2021-10 which requires all individuals within the County of Santa Barbara to wear face coverings at all times when outside the home, with some exceptions, to control the spread of COVID-19. He stated that the District continues to maintain a conservative response plan, with the field and front office staff being divided into two teams alternating each week. He stated that management staff continues to receive, review and implement updates related to COVID-19 from federal, state, regional, and local agencies.

7. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 19, 2021:**

The Regular Meeting Minutes from January 19, 2021 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of January 19, 2021. One minor correction was made.

It was **MOVED** by Trustee Joos, seconded by Trustee Parker, and carried by a 4-0-0 roll call vote, with Trustee Burchardi absent, to approve the January 19, 2021 Meeting Minutes as corrected.

8. **CONSENT AGENDA:**

The Consent Agenda Report was provided in the Board Packet.

Mr. Garcia reviewed the Consent Agenda materials for the month of February.

It was **MOVED** by Trustee Holzer, seconded by Trustee Joos, and carried by a 4-0-0 roll call vote, with Trustee Burchardi absent, to approve the Consent Agenda.

9. **MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**

A. DISTRICT ADMINISTRATION:

1. Financial Report on Administrative Matters

a) Presentation of Monthly Financial Statements – Revenues and Expenses

Ms. Martone announced that the Board was provided the Statement of Revenue and Expenses for the month of January via email. She also explained that the reports were posted on the District's website where the Board packet materials are located for any members of the public wishing to follow along or receive a copy.

Ms. Martone reviewed the Statement of Revenues and Expenses for the month of January. She highlighted various line-items related to revenue and expense transactions that occurred during the month. Ms. Martone reported that revenues exceeded expenses by \$144,572.59 for the month of January and the year-to-date net income was \$1,497,501.11, which will be earmarked and utilized for the District's annual State Water Project and COMB Series 2004A Bond payments.

b) Approval of Accounts Payable

Ms. Martone reported that the Board was provided the Warrant List for January 20, 2021 through February 16, 2021 via email, and that it was posted on the District's website where the Board packet materials are located for any member of the public wishing to follow along or receive a copy.

The Board reviewed the Warrant List which covered warrants 23624 through 23666 in the amount of \$364,951.09.

It was **MOVED** by Trustee Joos, seconded by Trustee Clay, and carried by a 4-0-0 roll call vote, with Trustee Burchardi absent, to approve the Warrant List for January 20, 2021 through February 16, 2021.

- c) Best Best & Krieger LLP – Amendment to Agreement for Legal Services
The Board packet included a February 8, 2021 letter from Best, Best & Krieger, LLP regarding an updated agreement for legal representation with the District.

Mr. Garcia reported that the District had received a letter dated February 8, 2021 from Best Best & Krieger (BBK) as provided in the Board packet, regarding a proposed updated legal services agreement setting forth terms for continued representation of the District, which included a fee adjustment for special/general legal services. Mr. Garcia reviewed the letter and summarized the various special legal matters that BB&K has represented the District on throughout the years. He indicated that staff was in support of the letter received from BBK.

Mr. Garcia recommended acceptance of the fee adjustment as set forth in the amended agreement for special/general legal services with Best Best & Krieger.

It was **MOVED** by Trustee Joos, seconded by Trustee Holzer, and carried by a 4-0-0 roll call vote, with Trustee Burchardi absent, to accept and approve the February 8, 2021 letter agreement for the continued engagement of Best Best & Krieger and authorize the General Manager to sign the document agreeing to the terms set forth in the letter.

Mr. Garcia expressed his appreciation to Mr. Steve Anderson and the Best Best & Krieger firm for their exceptional level of legal services and support provided to the District over the years. The Board members also expressed their appreciation.

2. Personnel Policy

- a) Resolution No. 804 - A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Amending the District's Personnel Policy Manual

The Board packet included a February 16, 2021 Memorandum from Mr. Jeff Dinkin, Stradling Yocca Carlson & Rauth, P.C., setting forth proposed changes to the District's Personnel Policy Manual. The Board packet also included a copy of Draft Resolution No. 804.

Mr. Garcia stated that the District's employment counsel, Mr. Jeff Dinkin, was present at the meeting and would be discussing this Agenda item.

Mr. Dinkin explained that he completed an annual review of the District's Personnel Policy Manual and compared it against new federal and state employment laws that are applicable to the District. Mr. Dinkin reviewed the proposed changes that were required to Section 3.5 (Medical Disability Leave), Section 3.6 (Pregnancy-Related Disability), Section 3.8 (Paid Family Leave Insurance), Section 3.16 (Victims of Domestic Violence, Sexual Assault, Stalking or Other Crimes), and Section 3.17

(Lactation Accommodation) of the District’s Personnel Policy Manual. Mr. Dinkin answered questions from the Board regarding the recommended changes.

Mr. Garcia recommended approval of Resolution No. 804 Amending the District’s Personnel Policy Manual.

It was **MOVED** by Trustee Parker, seconded by Trustee Joos, to adopt Resolution No. 804 Amending Section 3.5, Section 3.6, Section 3.8, Section 3.16, and Section 3.17 of the District’s Personnel Policy Manual.

The Motion carried and Resolution No. 804 was adopted by the following 4-0-0 roll call vote:

AYES, Trustees:	Jeff Clay Jeff Holzer Brad Joos Lori Parker
NOES, Trustees:	None
ABSTAIN, Trustees:	None
ABSENT, Trustees:	Michael Burchardi

10. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:

A. CACHUMA PROJECT

1. Water Service Contract No. I75r-1802R and I75r-1802RA – Santa Barbara County Water Agency Request for Long Term Contract

Mr. Garcia reported that there was no new information regarding the negotiation process for the next long-term Cachuma Project contract. He explained that at the January 2021 Cachuma Member Unit Managers’ meeting the general consensus was to schedule a roundtable discussion among Reclamation, the Santa Barbara County Water Agency, and the Cachuma Member Units regarding some of the key issues for the next long-term contract. Mr. Garcia stated that he would follow up with the County Water Agency and provide further information when available.

B. SUSTAINABLE GROUNDWATER MANAGEMENT ACT

1. Eastern Management Area Update

Mr. Garcia reported that the Eastern Management Area Groundwater Sustainability Agency (EMA GSA) met on January 21, 2021 via video and teleconference. He stated that he and Trustee Joos were in attendance, with Trustee Joos appearing on the EMA GSA as the ID No.1’s designated representative. Mr. Garcia reported that GSI gave a presentation on the Draft Water Budget and Draft Groundwater Model for the EMA. Mr. Garcia stated that the public comment period for the Draft Hydrological Conceptual Model has closed and that several comments were submitted, including those from ID No.1. He indicated that the Citizens Advisory Group is scheduled to hold a teleconference meeting/technical workshop on February 17, 2021, which will provide the CAG, the Santa Ynez Water Group, and other members of the public an opportunity to meet with GSI and present any questions and comments on the Draft Hydrologic Conceptual Model. Mr. Garcia reported that the next meeting of EMA GSA is scheduled for February 25, 2021 via video and teleconference.

C. CENTRAL COAST WATER AUTHORITY

1. Update Regarding Proposed Amendments to the SWP Contract

The Board packet included various materials related to the proposed amendments to the State Water Project (SWP) Contract, including: copies of separate memoranda dated January 22, 2021 from the Executive Director of the Central Coast Water Authority (CCWA) to the CCWA Board of Directors regarding Amendments 20 and 21 respectively; two letters dated January 29, 2021 from CCWA to the Santa Barbara County Board of Supervisors regarding Amendments 20 and 21 respectively; a letter dated January 26, 2021 from the City of Santa Barbara to the Santa Barbara County Board of Supervisors; and two letters dated January 28, 2021, one from the Montecito Water District to the Santa Barbara County Board of Supervisors, and the second from the City of Santa Maria to the Santa Barbara County Board of Supervisors.

Mr. Garcia provided background information regarding the SWP, creation of CCWA, construction of the CCWA facilities, CCWA's participating agencies, the role and importance of SWP water supplies, and financial responsibilities of CCWA, its participating agencies, and local ratepayers with respect to SWP facilities. He reported on the current activities related to the proposed amendments to the SWP Contract. Mr. Garcia summarized proposed Amendment Nos. 20 and No. 21 to the SWP Contract. He stated that the Santa Barbara County Flood Control and Water Conservation District (acting through the County Board of Supervisors) and the California Department of Water Resources are the original signatories of the SWP Contract for Santa Barbara County which was signed in 1963.

Mr. Garcia explained that the proposed SWP Contract Amendment Nos. 20 and 21 were agendaized on the February 2, 2021 Santa Barbara County Board of Supervisors regular meeting agenda. He reported that County staff recommended that the Board of Supervisors only approve the proposed Amendments with certain conditions that were noted in the County staff report, a copy of which was also included in the Board packet. Mr. Garcia explained that the conditions proposed by the County deviated from the initial proposed Amendments to the SWP Contract and were not acceptable to CCWA and its member agencies. Mr. Garcia explained that CCWA objected to the additional requirements and requested that the County Board of Supervisors continue the matter to a later date to allow CCWA and County staffs sufficient time to better understand their respective positions and to provide CCWA an opportunity to respond to concerns raised by the County Board of Supervisors. Mr. Garcia stated that the County Board of Supervisors agreed to continue its consideration of the Amendments. He explained that to date 25 of the 29 SWP Contractors have executed Amendments 20 and 21, and that a decision by the County to reject either Amendment could deprive CCWA and its member agencies of various financial benefits and needed flexibility in managing SWP supplies. Mr. Garcia stated that the next Board of Supervisors meeting is scheduled for March 2, 2021.

11. UPDATE FROM ALTERNATIVE POWER / SOLAR AD HOC COMMITTEE

Mr. Garcia reported there has been no new activity related to the Alternative Power/Solar Ad Hoc Committee since the last meeting. He reported that District staff is still waiting for technical and financial feedback from the two companies that have performed site visits with staff and the Ad Hoc Committee. Mr. Garcia stated that staff would follow up with representatives from each company and provide an update to the Board at the March meeting.

12. REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS, ANNOUNCEMENTS, COMMITTEE REPORTS, OBSERVATIONS AND OTHER MATTERS AND/OR COMMUNICATIONS NOT REQUIRING BOARD ACTION:

The Board packet included the January 2021 Family Farm Alliance Monthly Briefing and a January 13, 2021 letter and certificates from ACWA/JPIA regarding three JPIA Presidents' Special Recognition Award Certificates to the District for its Liability Program, Property Program, and Workers Compensation Program.

13. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS:

The Correspondence list was received by the Board.

14. REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA:

There were no request from the Board.

15. NEXT MEETING OF THE BOARD OF TRUSTEES:

President Clay stated that the next Regular Meeting of the Board of Trustees is scheduled for March 16, 2021 at 3:00 p.m.

Mr. Garcia announced that the Open Session public participation video and phone lines would be closed for the next sixty (60) minutes to allow the Board to convene into Closed Session. He explained that the public participation video and phone lines would be reopened sixty (60) minutes later for the remaining Agenda items. Mr. Garcia thanked everyone for participating in the video/teleconference and stated that the Open Session meeting would reconvene at 5:45 p.m. to report any action taken during Closed Session.

16. CLOSED SESSION:

The Board adjourned to Closed Session at 4:45 p.m.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

[Subdivision (d)(1) of Section 54956.9 of the Government Code - 1 case]

1. Name of Case: Adjudicatory proceedings pending before the State Water Resources Control Board regarding Permit 15878 issued on Application 22423 to the City of Solvang, Petitions for Change, and Related Protests

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

[Subdivision (d)(4) of Section 54956.9 of the Government Code - 1 case]

17. RECONVENE INTO OPEN SESSION:

[Sections 54957.1 and 54957.7 of the Government Code]

The public participation video and phone lines were re-opened at approximately 5:45 p.m. The Board reconvened to Open Session and Ms. Martone conducted roll call and reported that four Trustees were present when the meeting reconvened to Open Session, with Trustee Burchardi absent.

Mr. Garcia announced that the Board met in Closed Session concerning Agenda Items 16.A.1. and 16.B. He stated that there was no reportable action from Closed Session.

18. **ADJOURNMENT:**

Being no further business, it was **MOVED** by Trustee Joos, seconded by Trustee Parker, and carried by a 4-0-0 roll call vote, with Trustee Burchardi absent, to adjourn the meeting at approximately 5:47 p.m.

THE FEBRUARY 16, 2021 REGULAR MEETING MINUTES WERE APPROVED AT THE MARCH 16, 2021 MEETING.