

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
IMPROVEMENT DISTRICT NO. 1  
MARCH 26, 2019 SPECIAL MEETING MINUTES**

A Special 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, March 26, 2019** in the Conference Room at 1070 Faraday Street, Santa Ynez.

Trustees Present:     Kevin Walsh                     Harlan Burchardi     Michael Burchardi  
                              Jeff Clay                             Brad Joos

Trustees Absent:     None

Others Present:     Paeter Garcia                     Mary Martone     Karen King  
                              Eric Tambini                     Frances Komoroske     Kevin Crossley

**I.     CALL TO ORDER AND ROLL CALL:**

President Walsh called the meeting to order at 3:00 p.m., he stated this was Special Meeting of the Board of Trustees. Ms. Martone reported all members of the Board were present.

**II.    PLEDGE OF ALLEGIANCE:**

President Walsh led the Pledge of Allegiance.

**III.   REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE AGENDA:**

Mrs. 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, specifically Section 54956 relating to noticing for a Special Meeting and also pursuant to Resolution No. 340 of the District. The affidavit is filed as evidence of the posting of the agenda items contained therein.

**IV.   PUBLIC COMMENT:**

Ms. Frances Komoroske provided comments to the Board.

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

**1.    STEVE'S BACKFLOW TESTING & REPAIR**

The Board packet included a March 26, 2019 staff report regarding Steve's Backflow Testing & Repair - Reconsideration of June 20, 2017 decision and Attachments 1- 8.

Mr. Paeter Garcia, District Legal Counsel, noted that Mr. Steve Harper was provided with notice of this Special Meeting and that Mr. Harper was not present in the audience. Mr. Garcia reviewed the staff report which included a timeline of events relating to action taken by the District's Board of Trustees on June 20, 2017 to remove Steve's Backflow Testing & Repair from the District's List of Approved Backflow Testers and to provide a six-month review period to consider Mr. Harper's reinstatement to the list if he so desired. Mr. Garcia explained that subsequent to the Board's June 20, 2017 decision, Mr. Harper filed a government tort claim against the District seeking at least \$130,055 in damages. That tort claim was denied by the District in April 2018. Mr. Harper subsequently filed a small claims action against the District in Santa Barbara County Superior Court seeking to recover \$10,000 in damages. Mr. Garcia reported that the Court ruled against Mr. Harper's damages claim on the basis that the District is immune from the payment of damages under the Government Tort Claims Act for the case brought against the District by Mr. Harper. The Court also found that the District's decision to remove Mr. Harper from the List of Approved Backflow Testers may have been affected by a mistake of fact, where the Court determined that Mr. Harper did not exercise

the District's main valve in the street, but that he did attempt to exercise the District's post indicator valve. The Court ordered the District to reconsider its June 20, 2017 decision based on a factual assumption that the post indicator valve is the only water system device that Mr. Harper attempted to exercise. Mr. Garcia explained that according to the Court's order, if no action is taken by April 1, 2019, Mr. Harper would automatically be restored to the District's List of Approved Backflow Testers. Mr. Garcia referred to the staff report in noting that on June 20, 2017, Mr. Harper indicated he did not want to be reinstated to the list, that Mr. Harper has never since requested to be reinstated to the list, and that in December 2017 he requested to be removed from the City of Solvang's list of approved backflow testers.

Mr. Garcia recommended that pursuant to the Court order, the Board reconsider its June 20, 2017 decision to remove Mr. Harper from the District's List of Approved Backflow Testers with an opportunity from him to be reinstated to the list after six months from the June 2017 Board meeting. President Walsh stated there was a request for public comment on the item.

Ms. Frances Komoroske provided comments to the Board.

Board discussion included topics such as the Court's order to assume that the post indicator valve was the only water system device that Mr. Harper attempted to exercise, Mr. Harper's experience as a backflow tester, the District's post indicator valves and other water facilities, the June 20, 2017 decision to remove Mr. Harper from the District's List of Approved Backflow Testers and six-month time frame for Mr. Harper to request to be reinstated to the list, Mr. Harper's lack of request to be reinstated to the list since June 2017, and Mr. Harper's absence during this meeting.

It was **MOVED** by Trustee Walsh, seconded by Trustee M. Burchardi and carried by a unanimous 5-0-0 voice vote to reaffirm the Board's June 20, 2017 decision to remove Steve's Backflow Testing & Repair from the District's List of Approved Backflow Testers with the opportunity for him to be reinstated to the list after six months from the June 2017 Board meeting.

**VI. MANAGER'S REPORT - STATUS, DISCUSSION AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECT:**

**A. DISTRICT ADMINISTRATION:**

1. 2018 Separation Agreement Between the Cachuma Operations and Maintenance Board and SYRWD, ID No.1

Mr. Garcia discussed the 2018 Separation Agreement between the Cachuma Operations and Maintenance Board and ID No.1. He reported the Separation Agreement sets forth various respective rights and obligations of the District and COMB and procedures regarding certain payments to be made by ID No.1 to COMB. He explained the Separation Agreement provides a process for the District to dispute expenses contained in itemized invoices received from COMB. He indicated that any disputed amounts would be deposited into a separate account agreed to by the parties, where any disputed amounts are to remain in the account until the dispute is resolved and the parties agree to release amounts once there is a resolution of the dispute.

Mr. Garcia reported that the goal is to amicably and cooperatively get to a reasonable level of invoicing that enables ID No.1 to discern what work is actually performed and what actual net costs are incurred by COMB to perform what is required under the 2000 BiOp since there is no clear delineation of that in the documents that ID No.1 has received for reimbursement. Mr. Garcia indicated that since ID No.1 is still trying to discern what actual net costs are attributable to activities required under the 2000 BiOp, it would be

prudent and a good faith effort to have ID No.1 set up a new and separate bank account at Rabobank for purposes of the Separation Agreement and enable a resolution to continue moving forward.

Mr. Garcia recommended approval of Resolution No. 785 outlining the establishment of a separate ID No.1 Account at Rabobank for purposes of the Separation Agreement.

- a) Resolution No. 785: *A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No. 1 Creating a New and Separate Separation Agreement Account at Rabobank and Authorizing Signatures for the Account*  
The Board packet included draft Resolution No. 785.

After a brief discussion, it was **MOVED** by Trustee H. Burchardi and seconded by Trustee Walsh, to adopt Resolution No. 785 Creating a New and Separate Separation Agreement Account at RaboBank and Authorizing Signatures for the account.

The Resolution was adopted and carried by the following 5-0-0 roll call vote:

<b>AYES, Trustees:</b>	Harlan Burchardi Michael Burchardi Jeff Clay Brad Joos Kevin Walsh
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<b>NOES, Trustees:</b>	None
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<b>ABSENT, Trustees:</b>	None
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**VII. ADJOURNMENT:**

Being no further business, it was **MOVED** by Trustee M. Burchardi, seconded by Trustee Joos and carried by a unanimous 5-0-0 voice vote, to adjourn the meeting at 3:50 p.m.

**THE MARCH 26, 2019 SPECIAL MEETING MINUTES WERE APPROVED AT THE APRIL 16, 2019 REGULAR MEETING.**