

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
IMPROVEMENT DISTRICT NO. 1
NOVEMBER 17, 2020 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, November 17, 2020 via video/teleconference only** due to the COVID-19 Emergency and Governor Newsom's Executive Orders.

Trustees Present: Michael Burchardi Jeff Clay
 Brad Joos Lori Parker
 Lee Rosenberg

Trustees Absent: None

Others Present: Paeter Garcia Mary Martone Karen King
 Eric Tambini Doug Pike Lisa Palmer
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I. CALL TO ORDER AND ROLL CALL:

President Clay called the meeting to order at 3:03 p.m., he stated this was a Regular Meeting of the Board of Trustees. Ms. Martone conducted roll call and reported four members of the Board were present at roll call. Trustee Rosenberg joined the meeting at approximately 3:05 p.m.

II. PLEDGE OF ALLEGIANCE:

President Clay led the Pledge of Allegiance.

III. REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE 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 Resolution No. 340 of the District. 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, this 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.

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

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

V. 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, November 16, 2020. Mr. Garcia reported that no written comments were submitted to the District for the meeting.

VI. CORONAVIRUS (COVID-19) UPDATE:

A. General Manager's Report

The Board packet included information from Stradling Yocca Carlson & Rauth; the Centers for Disease Control and Prevention (CDC); and the Santa Barbara County Public Health Department regarding current information and requirements pertaining to COVID-19.

Mr. Garcia reported on the current activities related to the COVID-19 pandemic and the District's actions. He reported that over the last 24 hours a press release was published by the State of California Governor's Office announcing new restrictions in 28 California Counties, including Santa Barbara County, and the decision to move these Counties back into the "purple tier/widespread category." Mr. Garcia reviewed information from the CDC detailing updated guidance for face coverings which are required at all times when outside the home, and a revised definition of what is considered close contact for purposes of a quarantine protocol. Mr. Garcia indicated that staff continues to receive and review updates related to COVID-19 from federal, state, regional, and local agencies. He explained the District continues to maintain a conservative response plan, with staff being divided into two teams alternating each week.

VII. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 20, 2020

The Regular Meeting Minutes from October 20, 2020 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of October 20, 2020. There were no changes or additions requested.

It was **MOVED** by Trustee Joos, seconded by Trustee Burchardi, and carried by 5-0-0 roll call vote, to approve the October 20, 2020 Regular Meeting Minutes as presented.

VIII. CONSENT AGENDA:

The Consent Agenda Report was provided in the Board packet.

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

It was **MOVED** by Trustee Rosenberg, seconded by Trustee Joos, and carried by a 5-0-0 roll call vote, to approve the Consent Agenda.

IX. LOS OLIVOS COMMUNITY SERVICES DISTRICT - PRESENTATION

The Board packet included a November 17, 2020 PowerPoint presentation titled "Los Olivos Community Services District Intro & Update"

Mr. Garcia welcomed Ms. Lisa Palmer, Board President of the Los Olivos Community Services District (LOCS), and Mr. Doug Pike, LOCS Interim General Manager, to the meeting. Mr. Garcia reported that Ms. Palmer and Mr. Pike had requested the opportunity to provide an overview of the LOCS and its current activities to the District's Board of Trustees.

Ms. Palmer provided a PowerPoint presentation on the LOCS, including their mission and purpose, common goals between ID No.1 and LOCS, and progress on developing their community wastewater program and treatment facility. Ms. Palmer and Mr. Pike offered time for questions and comments from the ID No.1 Board and thanked the Board and Mr. Garcia for the opportunity to collaborate with ID No.1.

X. 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 reported that the Board was provided the Statement of Revenues and Expenses for the month of October via email. She also explained that the reports were posted on the District’s website in the Board packet materials 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 October. She highlighted various line-items and reported that the District’s expenses exceeded the revenues by \$136,910.38 and the year-to-date net income was \$737,059.96, which is earmarked to pay the District’s Annual State Water payment and 2004 COMB Bond payments that are due at the end of the fiscal year.

b) Approval of Accounts Payable

Ms. Martone reported that the Board was provided the Warrant List for October 21, 2020 through November 17, 2020 via email, and that it was posted on the District’s website in the Board packet materials for any member of the public wishing to follow along or receive a copy.

The Board reviewed the Warrant List which covered warrants 23430 through 23497 for the period of October 21, 2020 through November 17, 2020 in the amount of \$1,320,124.02.

It was **MOVED** by Trustee Burchardi, seconded by Trustee Joos, and carried by a 5-0-0 roll call vote to approve the Warrant List for October 21, 2020 through November 17, 2020.

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

A. AMENDMENT TO RULES & REGULATIONS AND CAPITAL FACILITIES CHARGES

1. Draft Resolution No. XXX: A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement No.1 Approving the Automatic Annual Adjustments to the Capital Facilities Charges and Meter Installation Fees Contained in Appendix “C” and Appendix “D” of the District’s Rules and Regulations

The Board packet included a draft Resolution for the automatic annual adjustments to the District’s capital facilities charges and meter installation fees pursuant to District Resolution No. 422 and Sections 603 and 709 of the District’s Rules and Regulations. The automatic annual adjustments will take effect on January 1, 2021.

Mr. Garcia explained that the draft Resolution was being provided for advance review by the Board because adjustments to the District’s capital facilities charges are implemented through amendments to Appendix “C” and Appendix “D” of the District’s Rules and Regulations. He explained that the Board must be provided at least 20-days advance written notice of any proposed amendment or changes to the Rules and Regulations. He stated there was no action required at this time and the draft Resolution would be presented for consideration and action at the December meeting.

B. PHASE II LATERAL REPLACEMENT PROJECT – COMPLETION AND CHANGE ORDER

The Board packet included a Contract Change Order No.1 for Tierra Contracting, Inc. and a Notice of Completion for the Phase II Lateral Replacement Project.

Mr. Garcia reviewed the Phase II Lateral Replacement Project, which involved the replacement of seven water service laterals within the District's boundaries. He stated that the project has been completed with one change order that involved the installation of a six-inch cross in lieu of a planned six-inch tee at the intersection of Cota and Tivola Streets. Mr. Garcia stated that the change order totaled \$7,900.00 and requested that the Board ratify the change order for Tierra Contracting, Inc.

It was **MOVED** by Trustee Rosenberg, seconded by Trustee Joos, and carried by a 5-0-0 roll call vote, to ratify the General Manager's approval of Change Order No.1 in the amount of \$7,900.00 to Tierra Contracting, Inc.

Based on completion of the Phase II Lateral Replacement Project, Mr. Garcia requested authorization from the Board to execute and file a Notice of Completion for the Project.

It was **MOVED** by Trustee Joos, seconded by Trustee Rosenberg, and carried by a 5-0-0 roll call to approve and authorize the General Manager to sign and file a Notice of Completion for the Phase II Lateral Replacement Project.

C. MATTEI'S TAVERN PROJECT UPDATE

The Board packet included various materials relating to the Inn at Mattei's Tavern Development Project, including copies of the February 2020 and August 2020 waste discharge reports by RRM Design Group; a September 18, 2020 letter from the District to the Central Coast Regional Water Quality Control Board, the State Division of Drinking Water, and the Santa Barbara County Department of Planning & Development; a November 2, 2020 email from the Regional Water Quality Control Board to the Mattei's Project; a November 6, 2020 letter from the State Division of Drinking Water to the District; an updated Water Main and Facilities Replacement Agreement between the District and the Mattei's Project; and a Grant of Easement Agreement between the District and the Mattei's Project.

Mr. Garcia reported on several ongoing activities related to the Mattei's Project. He reviewed the Board packet materials and explained the process used to resolve a problematic design issue that would have placed the Project's wastewater dispersal system too close to the District's potable water main and related facilities. Mr. Garcia stated that the District has been actively engaged with the Regional Water Quality Control Board, the State Division of Drinking Water, the County Planning & Development Department, and representatives of the Mattei's Project in reviewing a revised design that would move the District's water main along Railway Avenue laterally to the north and ensure minimum horizontal and vertical separation between the District's potable water facilities and the Project's wastewater dispersal system. He reported that the District has received correspondence from the permitting and regulatory agencies that the revised project design is protective of the District's potable water facilities. Mr. Garcia reported that the revised design will be implemented through an updated Water Main and Facilities Replacement Agreement and Grant of Easement Agreement between the District and the Mattei's Project, both of which were included in the Board packet materials. He stated that District staff has concluded that the Water Main and Facilities Replacement Agreement is categorically exempt and otherwise excepted from review under the California Environmental Quality Act (CEQA). Mr. Garcia recommended approval from the Board to determine that the activities under the Agreement are exempt from CEQA and to authorize the General Manager to execute the Water Main and Facilities Replacement Agreement and the Grant of Easement Agreement.

It was **MOVED** by Trustee Clay, seconded by Trustee Rosenberg, and carried by a 5-0-0 roll call vote to determine that the activities under the Water Main and Facilities Replacement Agreement are exempt from the California Environmental Quality Act (CEQA) and authorize

the General Manager to execute the Water Main and Facilities Replacement Agreement and the Grant of Easement Agreement for the Mattei's Project.

D. SUSTAINABLE GROUNDWATER MANAGEMENT ACT

1. Eastern Management Area Update

Mr. Garcia reported that a video/teleconference meeting is scheduled for November 19, 2020 at 6:30 p.m. for the Groundwater Sustainability Agency (GSA) for the Eastern Management Area (EMA) of the Santa Ynez River Valley Groundwater Basin. He stated that the notice and agenda for the meeting are posted on the District's website. Mr. Garcia explained that the EMA GSA Committee will be addressing various topics related to the Sustainable Groundwater Management Act (SGMA), including a draft newsletter, a report on the Aerial Electro Magnetic Survey of the EMA, updates from the technical consultant on the Draft Hydrogeologic Conceptual Model for the EMA, and a proposed schedule of regular and special meetings for the upcoming year. Mr. Garcia reiterated the importance of the SGMA process and encouraged the public and all stakeholders to become involved in the GSA meetings.

XII. UPDATE FROM ALTERNATIVE POWER/SOLAR AD HOC SUBCOMMITTEE

Mr. Garcia updated the Board on the Alternative Power/Solar Ad Hoc Committee activities. He reported that staff is currently coordinating site visits with representative from REC Solar and Siemens Energy. Mr. Garcia stated that a further update would be provided at the December Board meeting.

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

The Board packet included an October 16, 2020 letter from the Cachuma Project Member Units to the United States Bureau of Reclamation regarding Yield Study Matters; correspondence from the Santa Ynez Valley Youth Coalition regarding opposition to retail cannabis storefronts in the Valley; an October 29, 2020 press release from the Santa Barbara County Public Works Department announcing the opening of applications for the 22nd Annual WaterWise High School Video Contest; a November 9, 2020 letter from the Mid Pacific Water Users' Conference regarding cancellation of their January 2021 Conference; and the October 2020 Family Farm Alliance Monthly Briefing.

XIV. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS THE ITEMS NOT MARKED WITH AN ASTERISK (*) FOR FILE

The Correspondence list was received by the Board.

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

There were no requests from the Board.

Ms. Martone reported that Bartlett Pringle & Wolf would be presenting the District's June 30, 2020 & 2019 Draft Audited Financial Statements at the December Meeting.

XVI. NEXT MEETING OF THE BOARD OF TRUSTEES:

President Clay stated that the next Regular Meeting of the Board of Trustees is scheduled for December 15, 2020 at 3:00 p.m.

Mr. Garcia announced that the Open Session public participation video and phone lines would be closed for the next forty-five (45) minutes to allow the Board to convene into Closed Session. He explained that the public participation video and phone lines would be reopened forty-five (45) minutes later for the remaining Agenda items. Mr. Garcia thanked everyone for participating

and stated that the Open Session meeting would reconvene at 6:05 p.m. to report any action taken during Closed Session.

XVII. CLOSED SESSION:

The Board adjourned to Closed Session at 5:20 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

XVIII. RECONVENE INTO OPEN SESSION

[Sections 54957.1 and 54957.7 of the Government Code]

The public participation video and phone lines were re-opened, and the Board reconvened to Open Session at approximately 6:05 p.m. Ms. Martone conducted roll call and reported that all Trustees were present when the meeting reconvened.

Mr. Garcia announced that the Board met in Closed Session concerning Agenda Item XVII.A.1. He stated that there was no reportable action from Closed Session.

XIX. ADJOURNMENT

Being no further business, it was **MOVED** by Trustee Parker, seconded by Trustee Joos, and carried by a 4-0-0 roll call vote, to adjourn the meeting at approximately 6:08 p.m. Trustee Rosenberg was absent during the vote due to technical issues.

THE NOVEMBER 17, 2020 REGULAR MEETING MINUTES WERE APPROVED AT THE DECEMBER 15, 2020 REGULAR MEETING OF THE BOARD OF TRUSTEES.