

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
IMPROVEMENT DISTRICT NO. 1  
JULY 20, 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, July 20, 2021** via teleconference and in the Conference Room at 1070 Faraday Street, Santa Ynez.

Trustees Present:     Jeff Clay                             Jeff Holzer  
                           Brad Joos                             Lori Parker  
                           Michael Burchardi (joined the meeting at 4:50 p.m.)

Trustees Absent:     None

Others Present:     Paeter Garcia             Mary Martone             Karen King  
                           Gary Kvistad             Eric Tambini             Fred Kovol

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

President Clay called the meeting to order at 3:00 p.m., he stated this was a Regular Meeting of the Board of Trustees. Ms. Martone conducted roll call and reported that four members of the Board were present, and Trustee Mike Burchardi was absent at the time roll call was conducted.

**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 in person and via 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 telephonically and offered time for members of the public to speak and address the Board on matters not on the Agenda. There was no public comment.

Mr. Garcia stated that the Notice and Agenda for this Regular Meeting requested members of the public that are not attending the meeting in person or who are participating telephonically and wish to provide public comment on an Agenda Item to submit advance written comments to the District via electronic mail by 5:00 p.m. on Monday, July 19, 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 information related to the COVID-19 pandemic and the District's actions. He reported that effective June 15, 2021, the Santa Barbara County Public Health Department rescinded its mandatory guidance and restrictions issued as part of the California Blueprint for a Safer Economy, as referenced in Santa Barbara County Health Officer Order No. 2021-12.9. Mr. Garcia also explained that, notwithstanding Order No. 2021-12.9, on July 19, 2021 the County Health Department issued a press release recommending masking indoors for everyone regardless of vaccination status as a precautionary measure against increased cases of COVID-19. He also highlighted other documents included in the Board packet pertaining to the Governor's Budget proposal of \$1 billion for water system arrears relief due to the pandemic; and the Governor's Executive Order N-08-21 signed on June 11, 2021 which will end the water shut-off moratorium effective September 30, 2021. Mr. Garcia explained that the District will resume sending out shut-off notices after September 30<sup>th</sup> for past due customer accounts.

7. **CONSIDERATION OF THE MINUTES OF THE SPECIAL MEETING OF JUNE 14, 2021**

The Special Meeting Minutes from June 14, 2021 were presented for consideration.

President Clay asked if there were any changes or additions to the Special Meeting Minutes of June 14, 2021. No changes or additions were requested.

It was **MOVED** by Trustee Holzer, seconded by Trustee Parker, and carried by a 4-0-0 roll call vote, with Trustee Burchardi absent, to approve the June 14, 2021 Special Meeting Minutes as presented.

8. **CONSENT AGENDA:**

The Consent Agenda Report was provided in the Board packet.

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

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

The monthly financial statements were included in the handout materials.

Ms. Martone reviewed the Statement of Revenues and Expenses for the month of June. She highlighted various line-items related to revenue and expense transactions that occurred during the month. Ms. Martone reported that revenues exceeded the expenses by \$275,603.02 for the month of June and the year-to-date net income was \$2,520,185.86. She explained that the report represents the unaudited close of the FY 2020/2021. Ms. Martone indicated that the year-end total will be adjusted as invoices from vendors and consultants continue to be submitted for work that was completed prior to June 30<sup>th</sup>. She also announced that the annual audit field work conducted by Bartlett, Pringle, Wolf, LLP will be conducted in late August.

b) Approval of Accounts Payable

Ms. Martone reported that the Board was provided the Warrant List for June 15, 2021 through July 20, 2021 in the handout materials and emailed to the Board members attending the meeting via phone conference.

The Board reviewed the Warrant List which covered warrants 23899 through 23955 in the amount of \$490,949.80.

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 approve the Warrant List for June 15, 2021 through July 20, 2021.

c) Budget Expenditure for District Building

Mr. Garcia discussed the District's concept and plans to construct a multi-purpose facility on the existing parcel which may include a water treatment facility, crew quarters, laboratory, storage area, and District Board room. He explained that the Board approved \$375,000 as part of the FY 2021/2022 Budget for initial work associated with the project, and that one aspect of the overall site plan is to repave the District parking lot. He stated that an evaluation of the District's parking lot was conducted and that it is in desperate need of repair and replacement. Mr. Garcia recommended that the District repave the parking lot now to avoid further deterioration and higher costs in the future if the replacement work is delayed. He reported that staff received a preliminary estimate on the cost to repave the parking lot and will be moving forward with bid solicitation to repair and replace the pavement, which will be paid from the budgeted funds. Mr. Garcia provided time for the Board to ask questions and provide comment. Hearing no objections, Mr. Garcia indicated that he would provide updates as the work is completed.

2. Overview of Potential Leak Forgiveness Policy

Mr. Garcia explained that the District currently does not have an approved leak forgiveness policy. He indicated that he wanted to bring the concept before the Board for direction on whether staff should develop a policy for Board consideration. Mr. Garcia reported that staff has researched leak forgiveness policies of numerous other water agencies, including criteria that can be used to protect the District and minimize abuses of such a policy. Mr. Garcia provided examples of District customers who have experienced high water use and resulting charges due to an unforeseen leak or other emergency circumstances. The Board was provided time for questions and comments. The general consensus of the Board was for staff to develop a draft leak forgiveness policy for the Board to consider at a future meeting.

Mr. Fred Kovol provided public comment to the Board.

3. 2020 Consumer Confidence Report – Annual Water Quality Report Required by Federal and State Regulations to Protect Public Drinking Water

The Board packet included the 2020 Annual Water Quality Report.

Mr. Garcia explained that the District is required by state and federal drinking water regulations to prepare and distribute a Consumer Confidence Report, otherwise known as the Annual Water Quality Report. He stated that the law specifies certain content to be included in the report and requires water agencies to distribute these reports to all of their customers annually by July 1<sup>st</sup>.

Mr. Garcia reported that the Annual Water Quality Report was submitted to the California Division of Drinking Water, posted on the District website, noticed on customer water bills, sent electronically to customers, and made available at the customer counter at the District office in accordance with applicable requirements.

Mr. Garcia explained that the report includes information on the source(s) of water, the level(s) of any contaminants detected in the water, compliance with drinking water rules and requirements, and other educational material. Additional information on the report was provided by Mr. Eric Tambini, the District's Water Resources Manager.

Mr. Fred Kovol provided public comment to the Board.

4. America's Water Infrastructure Act of 2018 – Risk and Resiliency Assessment

The Board packet included July 15, 2021 information relating to the Environmental Protection Agency (EPA) America's Water Infrastructure Act – Risk and Resiliency Assessment.

Mr. Eric Tambini, Water Resources Manager, explained that all water districts serving more than 3,300 persons must complete risk and resilience assessments and emergency response plans under the America's Water Infrastructure Act of 2018 (the Act). He provided a brief overview of the process undertaken by staff throughout the year to achieve this initial stage of compliance, including the methodology, critical assets, and threat categories used to assess the District's potential vulnerabilities in accordance with the Act, and the various standards for preparing risk and resilience assessments. He reported that the assessment results were submitted to the EPA in June. Mr. Tambini reported that the assessment results will also be included in the District's Emergency Response Plan which will be updated within the next six months.

Mr. Fred Kovol provided public comment to the Board.

**B. OPERATIONS AND MAINTENANCE:**

1. Field Operations Update

Mr. Garcia updated the Board on numerous projects that recently have been completed and are underway in the field, including but not limited to the installation of a solar powered mixer at the Zone 2 Reservoir; coordination of electrical panel upgrades for the District's booster station facilities; installation of a electric powered mixer at the Zone 1 Reservoir; road paving at the Zone 2 Reservoir; final checklist items at the Mattei's Tavern project; Meadowlark booster pump station upgrade & repairs, including the installation of a concrete pad and shade structure to house District equipment; continuation of the District-wide meter replacement program; clean up and organization of the District's field operations shop, including the installation of new roll-up garage doors; and moving and organizing the storage trailers that were previously located in the front office parking area to the District's back lot. Mr. Garcia stated that staff also has been coordinating with Central Coast Water Authority representatives to address and improve water quality issues related to nitrification of SWP supplies. Mr. Garcia thanked and complimented the entire District team, including managerial, administrative, supervisory, field, and office personnel for their extraordinary efforts and ongoing accomplishments.

Trustee Burchardi joined the Board meeting via teleconference at 4:50 p.m. and Trustee Holzer excused himself and left the meeting at 4:52 p.m.

2. Notice of Completion – Phase II Lateral Project

The Board packet included a Notice of Completion for the Phase II Lateral Project.

Mr. Garcia reported that the Phase II Lateral Project is complete, and as a result a Notice of Completion (NOC) for the Project has been prepared and will be submitted to Santa Barbara County for recordation. He reported that the contractor for the Project, Tierra Contracting, has been paid and there were no issues with the Project. Mr. Garcia indicated that he would sign and file the NOC with the Santa Barbara County Recorder’s Office, and the Board concurred.

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

**A. UPDATE REGARDING STATEWIDE DROUGHT CONDITIONS**

The Board packet included various information related to ongoing statewide drought conditions.

Mr. Garcia reported on the Board packet materials. He explained that in April and May of 2021, the Governor of California issued proclamations that a state of emergency existed in 41 of 58 counties due to severe drought conditions. Mr. Garcia noted that on July 8, 2021, the Governor added nine additional counties to the state of emergency via Executive Order N-10-21, including Santa Barbara County. He reported that following the Governor’s July 8<sup>th</sup> Executive Order, the Santa Barbara County Board of Supervisors proclaimed a local emergency caused by current drought conditions within Santa Barbara County. Mr. Garcia stated that the Governor also called for all Californians to voluntarily reduce water use by 15%. He stated that ID No.1 remains in a Water Supply Alert condition, which requires water conservation activities in a manner consistent with neighboring agencies and encourages all customers to reduce water use.

**B. CACHUMA PROJECT – ANNUAL ALLOCATION REQUEST**

1. Update Regarding Cachuma Member Units Allocation Request for Water Year 2021-2022  
The Board packet included July correspondence relating to the Cachuma Member Units annual allocation request to the United States Bureau of Reclamation (USBR).

Mr. Garcia reported that the Cachuma Member Units submitted a joint letter to the Santa Barbara County Water Agency requesting a Cachuma Project allocation from USBR in the amount of 21,317 acre-feet for Water Year 2021-2022, which translates to 83% of a full annual allocation from the Project. He stated that the Santa Barbara County Water Agency submitted the allocation request to USBR on behalf of the Cachuma Member Units via letter dated July 1, 2021. Mr. Garcia indicated that USBR has not issued a response at this time.

**C. SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

1. Eastern Management Area Update

The Board packet included an Agenda for the July 22, 2021 Special Meeting of the Eastern Management Area (EMA) Groundwater Sustainability Agency (GSA) in the Santa Ynez River Valley Groundwater Basin.

Mr. Garcia reported that the EMA GSA Committee, staffs for the participating agencies, the consultant team, and local stakeholders are continuing work to finalize the Groundwater Sustainability Plan for the EMA by the January 2022 deadline. He reported he and Trustee Joos will attend the July 22<sup>nd</sup> meeting of the EMA GSA via teleconference. Mr. Garcia reviewed the agenda items for the meeting and several related issues. Mr.

Garcia also referenced the June 2021 Sustainable Groundwater Management Act Newsletter #4 which is distributed throughout each of the three management areas of the Santa Ynez River Valley Groundwater Basin.

**D. ACTION REGARDING SWP CONTRACT AMENDMENT NO. 21**

1. Central Coast Water Authority, et al. v. Santa Barbara County Flood Control and Water Conservation District, et al., Santa Barbara County Superior Court Case No. 21CV02432

The Board packet included the title pages of the complaint that was filed in Santa Barbara County Superior Court (Case No. 21CV02432), and a copy of the Santa Barbara County Flood Control and Water Conservation District's Resolution No. 21-73.

Mr. Garcia reported that on April 20, 2021 the Santa Barbara County Board of Supervisors took action to approve SWP Contract Amendment No. 21 pursuant to Resolution No. 21-73 which imposes certain limitations on how CCWA and its member agencies can implement the Amendment. He explained that CCWA and its member agencies disagree with the conditions imposed by Resolution No. 21-73 and contend that the conditions are improper both contractually and from a water management standpoint. Mr. Garcia explained that ID No.1, as a CCWA member agency, is listed as a plaintiff along with CCWA and the seven other CCWA member agencies. Board discussion ensued regarding timing of the case and public outreach efforts. Mr. Garcia stated that more information would be provided during closed session.

Mr. Fred Kovol provided public comment to the Board.

**11. 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**

Mr. Garcia referenced the ACWA Advisory included in the Board packet that discusses two budget trailer bills (AB 148 and SB 148) regarding COVID-19 water and wastewater arrearages funding.

The Board packet included two articles discussing Chromium 6. Mr. Garcia provided an informational report on the status of Chromium 6 at the federal level.

The Board packet included a July 6, 2021 newsletter from the Los Olivos Community Services District regarding Wastewater Reclamation Project Update.

The Board packet included the Family Farm Alliance Monthly Briefing for the month of July 2021.

**12. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS**

The Correspondence list was received by the Board.

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

Trustee Clay requested that a District Resolution be placed on the Agenda for the next meeting to acknowledge the retirement of Chris Dahlstrom and express appreciation for his many years of service.

**14. NEXT MEETING OF THE BOARD OF TRUSTEES:**

President Clay stated the next Regular Meeting of the Board of Trustees is scheduled for August 17, 2021 at 3:00 p.m.

**15. CLOSED SESSION:**

The Board adjourned to Closed Session at 5:36 p.m.

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

[Subdivision (d)(1) of Section 54956.9 of the Government Code – 2 cases]

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
2. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood Control and Water Conservation District, et al., Santa Barbara County Superior Court Case No. 21CV02432

**16. RECONVENE INTO OPEN SESSION:**

[Sections 54957.1 and 54957.7 of the Government Code]

The public participation phone line was re-opened, and the Board reconvened to Open Session at approximately 6:36 p.m.

Mr. Garcia announced that the Board met in Closed Session concerning Agenda Items 15.A.1 and 15.A.2. He stated that there was no reportable action from Closed Session.

**17. ADJOURNMENT:**

Being no further business, it was **MOVED** by Trustee Joos, seconded by Trustee Burchardi, and carried by a 4-0-0 voice vote, with Trustee Holzer absent, to adjourn the meeting at approximately 6:37 p.m.

**THE JULY 20, 2021 MEETING MINUTES WERE APPROVED AT THE AUGUST 20, 2021 REGULAR MEETING.**