

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,  
IMPROVEMENT DISTRICT NO.1  
DECEMBER 20, 2022 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, December 20, 2022, in-person at 1070 Faraday Street and via teleconference.

Trustees Present:            Jeff Clay                            Michael Burchardi  
   Brad Joos                            Nick Urton

Trustees Absent:            Jeff Holzer

Others Present:            Paeter Garcia                    Mary Martone  
   Gary Kvistad                    Karen King  
   Eric Tambini                    Laura Copple  
   John Britton

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

President Clay called the meeting to order at 3:02 p.m., he stated this was a Regular Meeting of the Board of Trustees. Ms. Martone conducted roll call and reported that four Trustees were present, and Trustee Holzer 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 54953, as well as District Resolution No. 340. The affidavit was filed as evidence of the posting of the Agenda items contained therein.

**4. CONSIDERATION OF RESOLUTION NO. 828: A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Authorizing Remote Teleconference Meetings Under the Ralph M. Brown Act in Accordance with AB 361**

Mr. Garcia presented Resolution No. 828 and explained that pursuant to amendments to the Brown Act (Assembly Bill 361), public agencies are authorized to conduct remote meetings via video/teleconference during the COVID-19 pandemic, provided certain conditions exist and findings are made. He stated that in order for the Board to continue to meet under the provisions of AB 361, either remotely or under a hybrid approach of remote and in-person attendance, the Board is required to review and reconsider its determinations at least every 30 days. Mr. Garcia reported that because the State of California remains in a declared state of emergency related to the COVID-19 pandemic and because state and local recommendations remain in place to reduce the transmission of COVID-19, approval of Resolution No. 828 would allow the Board to hold meetings under the provisions of AB 361.

No public comment was provided.

It was **MOVED** by Trustee Joos, seconded by Trustee Urton, to adopt Resolution No. 828, a Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Authorizing Remote Teleconference Meetings Under the Ralph M. Brown Act in Accordance with AB 361.

The Motion carried and Resolution No. 828 was adopted by the following 4-0-0 roll call vote:

<b>AYES, Trustees:</b>	Michael Burchardi Jeff Clay Brad Joos Nick Urton
<b>NOES, Trustees:</b>	None
<b>ABSTAIN, Trustees:</b>	None
<b>ABSENT, Trustees:</b>	Jeff Holzer

5. **ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA:**

There were no additions or corrections to the Agenda.

6. **PUBLIC COMMENT:**

President Clay welcomed any members of the public participating remotely 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 reported that no written comments were submitted to the District for the meeting.

7. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 15, 2022:**

The Regular Meeting Minutes from November 15, 2022 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of November 15, 2022. There were no changes or additions requested.

It was **MOVED** by Trustee Joos, seconded by Trustee Urton, and carried by a unanimous 4-0-0 roll call vote, with Trustee Holzer absent, to approve the November 15, 2022 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 November.

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

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

**A. DISTRICT ADMINISTRATION:**

1. Board of Trustees Designations

a) Certified Election Results

The Board packet included a November 28, 2022 letter from the Santa Barbara County Clerk, Recorder and Assessor Elections Division regarding the November 8, 2022 Elections Results.

Mr. Garcia reported that on November 22, 2022, the Santa Barbara County Board of Supervisors appointed in-lieu of election Brad Joos, Trustee At-Large; Jeff Clay, Trustee Division 2; and Nick Urton, Trustee Division 3 as qualified candidates to the District's Board of Trustees. Mr. Garcia announced that the four-year terms for these Trustees run from December 2, 2022 through December 4, 2026. Ms. Martone reported that all of the appointed Trustees have taken their oaths of office. Mr. Garcia

congratulated the Trustees on their appointments to the Board and thanked them for their service.

b) Selection of Officers of the Board – President, Vice President, and Secretary and Treasurer

Mr. Garcia reported that each December the District’s Board selects the positions of President, Vice President, and Treasurer and Secretary to the Board of Trustees. He explained that the process for selecting officers is based on nomination and vote by the Board members.

President Clay reviewed the current positions and called for nominations from the Board. Trustee Burchardi suggested that the positions remain unchanged. Discussion ensued and Trustee Joos indicated that he would like to nominate Trustee Burchardi as Vice President, Trustee Clay as President, and Mary Martone as Secretary and Treasurer. Following this discussion, the nominations were closed.

It was **MOVED** by Trustee Joos, seconded by Trustee Urton, and carried by a 4-0-0 roll call vote, with Trustee Holzer absent, to select Trustee Clay as President, Trustee Burchardi as Vice President, and Mary Martone as Treasurer and Secretary to the Board of Trustees.

c) Appointment of Representatives to Participating Agencies and Organizations – CCWA & ACWA

President Clay reviewed the current Board representatives to participating agencies and organizations. He reported that he and former Trustee Parker served as the Director and Alternate, respectively, to the Central Coast Water Authority Board, and he and Mr. Garcia serve as Representative and Alternate, respectively, to the Association of California Water Agencies.

Discussion ensued regarding the CCWA Alternate Director position. Trustee Urton indicated that he would be interested in serving as the Alternate for CCWA and Trustee Clay stated that he would like to remain the Director.

It was **MOVED** by Trustee Joos, seconded by Trustee Urton, and carried by a 4-0-0 roll call vote, with Trustee Holzer absent, to appoint Trustee Clay and Trustee Urton as Director and Alternate, respectively, to the Central Coast Water Authority Board of Directors, and to appoint Trustee Clay and Paeter Garcia as Representative and Alternate, respectively, to the Association of California Water Agencies.

d) Appointment of Board Committees

President Clay reviewed the current Board representative for the Ad Hoc Committees. He identified each Ad Hoc Committee, which included Trustees Clay and Joos – City of Solvang; Trustees Burchardi and Joos – Water Rates; Trustees Clay and Joos – COMB; Trustees Joos and Burchardi – SGMA; Trustees Burchardi and Parker – Cachuma Contract; and Trustees Burchardi and Parker – Los Olivos CSD.

Discussion ensued regarding each of the committees, and potential new appointments to the COMB, Cachuma Contract, and Los Olivos CSD Ad Hoc Committees.

It was **MOVED** by Trustee Clay, seconded by Trustee Joos, and carried by a 4-0-0 roll call vote, with Trustee Holzer absent, to appoint Trustees Clay and Joos to the City of

Solvang Ad Hoc Committee; Trustees Burchardi and Joos to the Water Rates Ad Hoc Committee; Trustees Burchardi and Joos to the COMB Ad Hoc Committee; Trustees Joos and Burchardi to the SGMA EMA Ad Hoc Committee; Trustees Burchardi and Urton to the Cachuma Contract Ad Hoc Committee; and Trustees Burchardi and Clay to the Los Olivos CSD Ad Hoc Committee.

2. Financial Report on Administrative Matters

a) Draft June 30, 2022 & 2021 Financial Statements – Presentation by Bartlett, Pringle & Wolf, LLP

The Draft June 30, 2022 & 2021 Financial Statements were included in the Board packet.

Mr. Garcia introduced Mr. John Britton from Bartlett, Pringle & Wolf, LLP for the presentation of the District's draft June 20, 2022 and 2021 Financial Statements.

Mr. Britton reviewed a PowerPoint presentation of the June 30, 2022 and 2021 Financial Statements. He reviewed the District's current assets, liabilities and fund equity, statement of revenues, statement of changes, statement of cash flows, and notes to financial statements. Mr. Britton reported that the District's financials conform to required Generally Accepted Accounting Principles and the State Controller's Minimum Audit Requirements for California Special Districts. He explained that the District's audit resulted in no disagreements with Management relating to the financials and was a clean audit opinion with no reportable findings or exceptions.

The Board thanked Mr. Britton and Ms. Copple for their presentation.

Mr. Garcia recommended acceptance and approval of the June 30, 2022 and 2021 Financial Statements as presented and authorization for Management to post and submit the final version of the Financial Statements to the State Controller's Office and County of Santa Barbara.

It was **MOVED** by Trustee Joos, seconded by Trustee Urton, and carried by a 4-0-0 roll call vote, with Trustee Holzer absent, to approve and accept the June 30, 2022 and 2021 Financial Statements as presented by Bartlett, Pringle & Wolf, LLP and authorize Management to execute the final documentation and distribute to the appropriate governmental agencies.

b) Presentation of Monthly Financial Statements – Revenues and Expenses

Ms. Martone announced that the Financial Statements were emailed to the Board members that morning and 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 November. She highlighted various line-items related to revenue and expense transactions that occurred during the month and also referenced the Fiscal-Year-to-Date Statement of Revenues and Expenses that provides a budget to actual snapshot from July through November. Ms. Martone reported that District revenues for the month of November exceeded expenses by \$264,803 and the year-to-date net income was \$2,160,809.39, which will be earmarked and utilized for the District's annual State Water Project payment which is due in June 2023.

c) Approval of Accounts Payable

Ms. Martone announced that the Warrant List was emailed to the Board members that morning and 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.

The Board reviewed the Warrant List which covered warrants 24882 through 24944 in the amount of \$946,036.27.

It was **MOVED** by Trustee Urton, seconded by Trustee Clay, and carried by a unanimous 4-0-0 roll call vote, with Trustee Holzer absent, to approve the Warrant List for November 16, 2022 through December 20, 2022.

3. Amendment to Rules and Regulations

a) Resolution No. 829: 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 Attachment of Appendix "C" and Appendix "D" of the District's Rules and Regulations

The Board packet included a December 20, 2022 Staff Report and Resolution No. 829 with appendices.

Mr. Garcia explained that draft Resolution No. 829 amends Appendix "C" and Appendix "D" of the District's Rules and Regulations relating to the District's Capital Facilities Charges and related costs under Sections 603 and 709 of the District's Rules and Regulations. He stated that draft Resolution No. 829 was presented to the Board of Trustees at the November Meeting. Mr. Garcia reviewed the calculations used to establish the Capital Facilities Charges and recommended approval of Resolution No. 829 for the automatic annual adjustment to the District's Capital Facilities Charges and meter installation fees effective January 1, 2023 pursuant to Sections 603 and 709 of the District Rules and Regulations.

It was **MOVED** by Trustee Joos, seconded by Trustee Urton, to adopt Resolution No. 829 Approving the Automatic Annual Adjustment to the Capital Facilities Charges and Meter Installation Fees contained in Amendments to Appendix "C" and Appendix "D" of the District's Rules and Regulations.

The Motion carried and Resolution No. 829 was adopted by the following 4-0-0 roll call vote:

<b>AYES, Trustees:</b>	Michael Burchardi Jeff Clay Brad Joos Nick Urton
<b>NOES, Trustees:</b>	None
<b>ABSTAIN, Trustees:</b>	None
<b>ABSENT, Trustees:</b>	Jeff Holzer

4. District Land and Air Space

a) Resolution No. 830: A Resolution of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1 Concerning Inventory of District Land and Air Space

The Board packet included draft Resolution No. 830 and supporting documentation.

Mr. Garcia stated that pursuant to Section 50569 of the California Government Code, the District must inventory its land and air space on an annual basis to determine if any surplus land exists. He stated that based on the inventory, no District lands are deemed surplus to the District's current and foreseeable needs and recommended approval of Resolution No. 830 as presented.

It was **MOVED** by Trustee Clay, seconded by Trustee Urton, to adopt Resolution No. 830 Concerning Inventory of District Land and Air Space.

The Motion carried and Resolution No. 830 was adopted by the following 4-0-0 roll call vote:

<b>AYES, Trustees:</b>	Michael Burchardi Jeff Clay Brad Joos Nick Urton
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<b>NOES, Trustees:</b>	None
<b>ABSTAIN, Trustees:</b>	None
<b>ABSENT, Trustees:</b>	Jeff Holzer

**B. OPERATIONS AND MAINTENANCE:**

1. Zone 3 Concrete Tank Cleaning and Repair
  - a) Review of Bids
  - b) Consider Award of Contract

Agenda items 9.B.1.a and 9.B.1.b were discussed together.

The Board packet included a December 20, 2022 Staff Report and Bid Results Summary for the Reservoir 3 Concrete Tank Cleaning and Maintenance Project.

Mr. Garcia reviewed the staff report that included a description of the Project, scope of work, and historical information related to the Reservoir 3 Concrete Tank Cleaning and Maintenance Project. He stated that the District requested formal bids for the Project on October 16, 2022 and the District received two bid responses by the November 29, 2022 deadline. He informed the Board that based on the bid results, DN Tanks, LLC was the lowest responsive and responsible bidder at \$163,177. Mr. Eric Tambini provided additional explanation to the Board regarding the bid process and Project details.

Mr. Garcia recommended acceptance of the bid from DN Tanks, LLC and requested that the Board authorize him to sign the Notice of Award and contract documents.

It was **MOVED** by Trustee Clay, seconded by Trustee Joos, and carried by a 4-0-0 roll call vote, with Trustee Holzer absent, to accept the lowest responsive and responsible bid of \$163,177 from DN Tanks, LLC, and authorize the General Manager to sign the Notice of Award and execute the contract documents.

2. Operational and Water Service Matters
  - a) Update on Water Service Applications

Mr. Garcia reported on the activities related to active and new water service applications received by the District. He stated that one pending application is for a

mainline extension. Mr. Garcia explained that staff has been working with the Applicant and the District's consulting engineer to review the details of the submitted plans and specifications and is also working with the District's legal counsel on a proposed Water Main Extension Agreement that would be entered into between the District and the Applicant. He discussed the property location, proposed size of the mainline extension, and the process the Applicant must follow to complete the project.

b) Update on Infrastructure Maintenance

Mr. Garcia informed the Board that the District experienced a mainline leak on the northside of Highway 246 near Quail Valley Road. He stated that the leak was on a 16-inch mainline which was reported by a District customer on Monday, December 19<sup>th</sup>. Mr. Garcia described the location, the District's response plan, including the necessary removal of a large tree stump, and the field crew efforts to keep temporary water service available to the three customers that were impacted by the leak. Mr. Garcia explained that several years ago a large pine tree was removed from the public road right-of-way in the exact location of the main break which could have attributed to the leak. He stated that the mainline repair was completed effectively and efficiently, and service was restored to the three affected customers. Mr. Garcia expressed his appreciation and compliments to the District's Superintendent and field crew for their expertise, teamwork, and job well done to repair this leak. Mr. Garcia also expressed his appreciation to the District customer that reported the leak.

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

**A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

1. Eastern Management Area (EMA) Update

The Board packet included a Notice and Agenda for the November 17, 2022 Regular meeting of the Groundwater Sustainability Agency for the Eastern Management Area and a Notice of Cancellation for the December 15, 2022 Regular Meeting.

Mr. Garcia reported that the Santa Ynez River Water Conservation District submitted a Proposition 68 Grant application for Implementation of SGMA to the Department of Water Resources on December 13, 2022 on behalf of the entire Santa Ynez River Valley Groundwater Basin. Mr. Garcia stated that the December 15, 2022 Meeting was cancelled and the next Regular Meeting of the Committee will be in January 2023.

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

Trustee Burchardi provided a brief update on the activities of the Los Olivos Community Services District.

Trustee Clay reported that he and Mr. Garcia attended the Fall ACWA Conference held the week of November 28, 2022.

The Board packet included the December 2022 Family Farm Alliance Monthly Briefing.

The Board packet included a California Special Districts Association article regarding Assembly Bill 2449 related to local agency remote meeting requirements and Brown Act provisions. Mr. Garcia stated that this Assembly Bill was passed into law and becomes effective January 2023. He reviewed the new law and Brown Act requirements.

**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:**

There were no requests from the Board.

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

President Clay stated that the next Regular Meeting of the Board of Trustees is scheduled for January 17, 2023 at 3:00 p.m.

**15. CLOSED SESSION:**

Mr. Garcia stated that there was no need for a closed session on Agenda items 15.A & 15.B at this time.

**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]

No closed session was held.

**17. ADJOURNMENT:**

Being no further business, it was **MOVED** by Trustee Joos, seconded by Trustee Urton, and carried by a 4-0-0 roll call vote, with Trustee Holzer absent, to adjourn the meeting at 5:58 p.m.

**THE DECEMBER 20, 2022 REGULAR MEETING MINUTES WERE APPROVED AT THE JANUARY 17, 2023 MEETING.**