

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,  
IMPROVEMENT DISTRICT NO.1  
NOVEMBER 21, 2023 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 21, 2023, in-person at 1070 Faraday Street and via teleconference.

Trustees Present:           Jeff Clay  
                                  Brad Joos  
                                  Nick Urton  
                                  Michael Burchardi (via teleconference)

Trustees Absent:           Jeff Holzer

Others Present:           Paeter Garcia           Mary Robel  
                                  Karen King            Eric Tambini  
                                  Gary Kvistad

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

President Clay called the meeting to order at 3:01 p.m., he stated that this was a Regular Meeting of the Board of Trustees. Ms. Robel conducted roll call and reported that four Trustees were present, and that 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. Robel presented the affidavit of posting 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.

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

There were no additions or corrections to the Agenda.

**5. PUBLIC COMMENT:**

President Clay welcomed any members of the public 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.

**6. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 17, 2023:**

The Regular Meeting Minutes from October 17, 2023 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of October 17, 2023. There were no changes or additions requested.

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 the October 17, 2023 Regular meeting minutes as presented.

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

8. **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. Robel announced that the Financial Statements were provided to the Board via email earlier today and were included in the handout materials and posted on the District’s website in the Board packet materials section for any member of the public wishing to follow along or receive a copy.

Ms. Robel reviewed the Statement of Revenues and Expenses for the month of October. She highlighted various line-items related to revenue and expense transactions that occurred during the month and referred to the Fiscal-Year-to-Date Statement of Revenues and Expenses that provides a budget to actual snapshot for the month of October. Ms. Robel reported that the District revenues for the month of October exceeded the expenses by \$396,297.02 and the year-to-date net income was \$1,404,409.50.

b) Approval of Accounts Payable

Ms. Robel announced that the Warrant List was provided to the Board via email earlier today and included in the handout materials and posted on the District’s website in the Board packet materials section for any member of the public wishing to follow along or receive a copy.

The Board reviewed the Warrant List which covered warrants 25488 through 25554 in the amount of \$773,862.18.

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 the Warrant List for October 18, 2023 through November 21, 2023.

9. **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 16, 2023 meeting of the EMA GSA.

Mr. Garcia reported on the November 16, 2023 EMA GSA meeting. He indicated that positive discussions are ongoing regarding SGMA governance for the EMA, the draft Joint Powers Agreement (JPA), and interim cost sharing among the EMA member agencies. Mr. Garcia explained that negotiations related to the JPA voting structure have resulted in agreement to use a “One Director, One Vote” approach for the new GSA, which signifies a major breakthrough for all parties. He reported that discussions are ongoing to formulate a structure and process for the appointment of an agricultural

representative to the GSA Board, and whether the General Manager/Executive Director and Legal Counsel positions for the new JPA should be duty-bound to the JPA, such that those positions are not carried out by managers or legal counsel from one of the existing member agencies. Mr. Garcia reported that the next regular meeting of the EMA GSA is scheduled for December 21, 2023.

2. Interim Cost Sharing Agreement Among EMA GSA Agencies

The Board packet included an Interim Cost Sharing Agreement for the Santa Ynez River Valley Groundwater Basin – Eastern Management Area.

Mr. Garcia reported on the Interim Cost Sharing Agreement. He explained that the purpose of the agreement is for the existing member agencies of the EMA GSA (City of Solvang, County Water Agency, ID No.1, and SYRWCD) to provide temporary funding to the GSA to assist with initial efforts to administer, develop, and implement projects and management actions identified in the EMA GSP, prepare reports and other documentation required for SGMA compliance, and carry out other administrative functions for the GSA prior to the receipt of DWR grant funds and/or prior to when the EMA JPA has developed its own funding sources. The Agreement establishes a process for the member agencies to review tasks/projects to be undertaken by or on behalf of the EMA GSA, and enables each agency to contribute 25% of the costs for each task/project on a case-by-case basis. Mr. Garcia noted that all cost share contributions by the agencies are expressly conditioned on being reimbursed by the EMA GSA no later than December 2026 unless that time period is extended by the agencies. He indicated that the Solvang City Council approved the Interim Cost Sharing Agreement at their meeting on November 13, 2023. Mr. Garcia recommended the Board authorize the General Manager to sign the Interim Cost Sharing Agreement on behalf of the District.

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 authorize the General Manager to sign the Interim Cost Sharing Agreement for the Santa Ynez Vally Groundwater Basin – Eastern Management Area.

**B. 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 adjustment 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 adjustments will take effect on January 1, 2024.

Mr. Garcia explained that the draft Resolution is being provided for advance review by the Board because adjustments to the District’s capital facilities and meter installation 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 amendments or changes to the Rules and Regulations. Mr. Garcia explained the process by which the charges are prepared. He stated that no action was required at this time and a Final Resolution would be presented for consideration and action at the December meeting. Trustee Burchardi

requested information on the percentage increase in Capital Facilities Charges from 2023 to 2024.

**10. 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:**

The Board packet included the November 2023 Family Farm Alliance Monthly Briefing.

The Board packet included the Santa Barbara County Regional Water Efficiency Program Fiscal Year 2022-2023 Annual Report.

The Board packet included two articles; California State Water Resources Control Board "3M and DuPont Class Action Lawsuit Settlements Approved by US District Court" and ACWA Advisory (Association of California Water Agencies). Mr. Garcia stated that he would provide further information in Closed Session regarding these articles.

Mr. Garcia reported that staff has been working with Regional Governmental Services (RGS) on recruitment for the District's vacant positions. He announced that the District has recently hired Mr. Daniel Drugan as the Deputy Water Resources Manager to fill the vacancy that will be created upon the upcoming retirement of Eric Tambini, Water Resources Manager, at the end of December. Mr. Drugan is scheduled to start with the District on November 27, 2023 and will work with Mr. Tambini through the month of December.

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

The Correspondence List was received by the Board.

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

There were no requests from the Board.

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

President Clay stated that the next Regular Meeting of the Board of Trustees is scheduled for December 19, 2023 at 3:00 p.m.

**14. CLOSED SESSION:**

The Board adjourned to closed session at 4:15 p.m.

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

[Subdivision (d)(1) of Section 54956.9 of the Government Code - 3 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
3. Name of Case: In Re Aqueous Film-Forming Foams Products Liability Litigation, Case No. 2:18-mn-2873-RMG (City of Camden, et al. v. 3M Company, Case No. 2:23-cv-03147-RMG; City of Camden, et al. v. E.I. DuPont de Nemours and Company, et al. Case No. 2:23-cv-03230-RMG)

**B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

[Subdivision (d)(2) of Section 54956.9 of the Government Code – Significant Exposure to Litigation Against the Agency – One Matter]

**C. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

[Subdivision (d)(4) of Section 54956.9 of the Government Code – Potential Initiation of Litigation By the Agency – One Matter]

**15. RECONVENE INTO OPEN SESSION:**

[Sections 54957.1 and 54957.7 of the Government Code]

The Board reconvened to open session at approximately 5:42 p.m. Mr. Garcia announced that the Board met in Closed Session in accordance with Agenda Items 14.A.1-3, 14.B and 14.C. He reported that there was no reportable action for Agenda Items 14.A.1-2, 14.B, and 14.C.

With regard to Closed Session Agenda Item 14.A.3, Mr. Garcia reported that the Board decided in closed session to affirmatively opt out of participation in the lawsuits and authorized the General Manager to sign the necessary opt out documents to be filed by legal counsel.

**16. ADJOURNMENT:**

Being no further business, it was **MOVED** by Trustee Urton, seconded by Trustee Burchardi, and carried by a 4-0-0 voice vote, with Trustee Holzer absent, to adjourn the meeting at approximately 5:43 p.m.

**THE NOVEMBER 21, 2023 MEETING MINUTES WERE APPROVED AT THE REGULAR DECEMBER 19, 2023 MEETING.**