

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,  
IMPROVEMENT DISTRICT NO.1  
AUGUST 16, 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, August 16, 2022, in-person at 1070 Faraday Street and via teleconference.

Trustees Present:            Jeff Clay                            Michael Burchardi  
   Jeff Holzer                         Brad Joos  
   Lori Parker

Trustees Absent:            None

Others Present:            Paeter Garcia                     Mary Martone  
   Gary Kvistad                      Karen King  
   Eric Tambini                      Jeff Dinkin

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

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

**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. 824: 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. 824 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. 824 would allow the Board to hold meetings under the provisions of AB 361.

No public comment was provided.

It was **MOVED** by Trustee Parker, seconded by Trustee Burchardi, to adopt Resolution No. 824, 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 Resolution was adopted and carried by the following 5-0-0 roll call vote:

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

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. **CLOSED SESSION:**

The Board adjourned to closed session at 3:04 p.m.

A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:** Title – General Manager  
[Section 54957 of the Government Code]

B. **CONFERENCE WITH LABOR NEGOTIATOR:** Jeff Dinkin – Stradling, Yocca, Carlson & Rauth;  
Unrepresented Employee – General Manager [Section 54957.6 of the Government Code]

8. **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 3:44 p.m.

Mr. Jeff Dinkin, the District’s Employment Legal Counsel, reported that during Closed Session the Board completed the performance evaluation of the General Manager and also discussed a cost-of-living adjustment and compensation adjustment for the General Manager. He reported that following the Board discussion there was a meet and confer with the General Manager, with Mr. Dinkin acting as the Board representative, and the following occurred:

A. **Consideration of General Manager Cost of Living Adjustment (COLA) Increase**

Mr. Dinkin reported that the Board elected to approve a 5.4% COLA increase effective the first pay period beginning after July 1, 2022, which is the same that all other District employees received pursuant to the Final Budget for Fiscal Year 2022/2023 that was approved by the Board in June 2022.

- B. Consideration and Approval of General Manager Compensation Adjustment**  
Mr. Dinkin also reported that the Board determined to grant the General Manager two weeks of administrative leave to be used by June 30, 2023, with the option of cashing out one of the two weeks if not used by June 30, 2023.

It was **MOVED** by Trustee Clay, seconded by Trustee Parker, and carried by a unanimous 5-0-0 roll call vote to approve a 5.4% cost of living adjustment for the General Manager's salary effective the first pay period beginning after July 1, 2022, and to provide two additional weeks of administrative leave to the General Manager to be used by June 30, 2023, with the option of cashing out one of the two weeks if not used by June 30, 2023.

Mr. Dinkin announced that the Board has requested the memorandum prepared by the General Manager regarding his accomplishments over the previous year be finalized and included in the Board packet for the September meeting as part of the public record.

**9. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF JULY 19, 2022:**

The Regular Meeting Minutes from July 19, 2022 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of July 19, 2022 as presented. There were no changes or additions requested.

It was **MOVED** by Trustee Parker, seconded by Trustee Burchardi, and carried by a unanimous 5-0-0 roll call vote to approve the July 19, 2022 Minutes as presented.

**10. 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 Burchardi, seconded by Trustee Parker, and carried by a unanimous 5-0-0 roll call vote to approve the Consent Agenda as presented.

**11. 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 announced that the Financial Statements were emailed to the Board members earlier that afternoon 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 July. She explained that the District's 2022/2023 fiscal year began on July 1<sup>st</sup> and the financials reflect the first month of activity for the new fiscal year. 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 for the month of July. Ms. Martone reported that the District revenues for the month of July exceeded the expenses by \$466,224.21.

b) Approval of Accounts Payable

Ms. Martone announced that the Warrant List was emailed to the Board members this afternoon and 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 24651 through 24706 in the amount of \$652,903.94.

It was **MOVED** by Trustee Burchardi, seconded by Trustee Parker, and carried by a unanimous 5-0-0 roll call vote to approve the Warrant List for July 20, 2022 through August 16, 2022.

c) Series 2004A COMB Bond Update

Ms. Martone announced that the District made its final payment on the 2004A COMB Bond in the amount of \$225,000. She reported that on August 2, 2022 the District received confirmation from the Bank of New York that the District has satisfied its obligation for the \$3.9 million bond.

2. Employee Recognitions

a) Eric Tambini - 25 Years of Service

b) Karen King - 20 Years of Service

Mr. Garcia recognized two long-time District employees, Mr. Eric Tambini, and Ms. Karen King, for their 25 and 20 years of service respectively with the District. He provided a brief review of each person's background and responsibilities at the District. Mr. Garcia expressed his gratitude and appreciation for the extraordinary dedication and contributions of these individuals. Members of the Board provided additional remarks expressing their appreciation to Mr. Tambini and Ms. King for their long-term service at the District.

**B. OPERATIONS AND MAINTENANCE**

1. Motor Control Center and Service Upgrades - Phase 2

a) Bid Results Summary

b) Award of Contract and Authorization to Execute Contract Documents

Agenda Item 11.B. 1.a and b were discussed together.

The Board packet included an August 16, 2022 Staff Report and Bid Summary for the Motor Control Center and Service Upgrades - Phase 2 project.

Mr. Eric Tambini, Water Resources Manager, reviewed the staff report for the Motor Control Center and Service Upgrades. He explained that the Request for Bids was issued on July 10, 2022, and six contractors attended the mandatory pre-bid meeting on July 27, 2022. He stated that five bids were received by the August 10, 2022 deadline. Mr. Tambini reviewed the bid summary results and indicated that the lowest responsive and responsible bidder was Smith Mechanical-Electrical-Plumbing (Smith MEP) in the amount of \$746,270.

It was **MOVED** by Trustee Parker, seconded by Trustee Clay, and carried by a unanimous 5-0-0 roll call vote to authorize the award of the Motor Control Center and Service Upgrade and Replacement Project - Phase 2 to Smith Mechanical-Electrical-Plumbing (Smith MEP) as the lowest responsive and responsible bidder and authorize the General Manager to execute applicable contract documents with Smith MEP in the amount of \$746,270 to complete the Motor Control Center and Service Upgrades - Phase 2 project.

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

**A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

1. Eastern Management Area Update.

The Board packet included the July 21, 2022 Notice and Agenda for the Special Meeting of the Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez River Groundwater Basin.

Mr. Garcia stated that he and Trustee Joos attended the July 21, 2022 Special Meeting of the Eastern Management Area (EMA) Groundwater Sustainability Agency (GSA) and reported on the topics discussed which included discussion and approval of the documents for administering written verifications under Executive Order N-7-22 and adoption of a fee for administering requests for written verifications. Mr. Garcia stated that a next major step in the EMA will be the negotiation and formation of a new Joint Powers Authority governance structure for the EMA. Mr. Garcia stated the next Regular Meeting of the EMA GSA is scheduled for August 25, 2022.

**B. CENTRAL COAST WATER AUTHORITY**

1. Update Regarding CCWA Water Quality.

The Board packet included an August 5, 2022 Central Coast Water Authority (CCWA) Staff Report discussing an Update on a Nitrification Event.

Mr. Garcia reported that the District has not taken any State water at this time due to a nitrification event that has occurred in the CCWA pipeline. He indicated that the nitrification event has caused the District to remain on local supplies from the upland groundwater basin and Santa Ynez River alluvium, which has hindered the District's ability to effectuate the exchange agreement with south coast agencies and utilize the District's proportionate share of Cachuma Project water. Mr. Garcia referred to the CCWA staff report included in the Board packet and discussed actions that CCWA has taken in an attempt to address the nitrification event that began in July. He indicated that similar nitrification issues have occurred in several recent years which presents a serious and ongoing concern for the District. Mr. Garcia reported that the District's operations team continues to evaluate when the District may be able to start taking State water, which is tentatively planned for August 23<sup>rd</sup>. Mr. Garcia stated that fortunately the District has a diverse water supply portfolio and does not rely solely on State water. Mr. Garcia stated that further information would be provided to the Board as it becomes available.

2. Update Regarding CCWA Mixing with Downstream Water Right Releases.

The Board packet included an April 22, 2022 Santa Ynez River Water Conservation District (SYRWCD) letter to the U.S. Bureau of Reclamation regarding the Draft Environmental Assessment for Central Coast Water Authority Temporary Warren Act Contract.

Mr. Garcia reviewed various background information related to the CCWA Warren Act Contract that allows SWP supplies to be delivered to and conveyed through the Cachuma Project for the benefit of various south coast communities. He also discussed the recent negotiation process that resulted in a new two-year temporary Warren Act Contract between CCWA and the Bureau of Reclamation (USBR). Mr. Garcia explained that in connection with the new Temporary Contract, the National Marine Fisheries Services (NMFS) has imposed new restrictions on the mixing of CCWA water with downstream water rights releases pursuant to the 2002 Settlement Agreement and State Board Water Right Order 2019-0148. He referred to the April 22, 2022 Comment Letter authored by the Santa Ynez River Water Conservation District (SYRWCD) which sets forth serious

concerns regarding the new restrictions and prohibitions on mixing which result in water right and water quality impacts for water users downstream of Bradbury Dam. Mr. Garcia also referred to the July 21, 2022 CCWA Memorandum, also included in the Board packet, and explained that CCWA is working with USBR to design a minor modification to the CCWA pipeline near the Bradbury Dam outlet works that will mitigate the downstream impacts caused by the new restrictions. He stated that further information will be provided as it becomes available.

### C. CALIFORNIA ENDANGERED SPECIES ACT

#### 1. California Endangered Species Act Decisions Affecting Statewide Water Supplies.

The Board packet included an August 8, 2022 ACWA Advisory asking the California Supreme Court to review a recent case under the California Endangered Species Act, and a Petition for Writ of Mandate filed by United Water Conservation District against the California Fish and Game Commission.

Mr. Garcia reported that the Association of California Water Agencies (ACWA) has filed a request for the California Supreme Court to review a recent decision that extends protection to bumblebees under the California Endangered Species Act (CESA) on the basis that bees fall within CESA's definition of fish. ACWA's request for review explains that the recent decision improperly opens the door to defining and listing any invertebrate as a "fish" under CESA, thereby resulting in increased regulatory requirements and compliance costs for water providers and other entities throughout the state. He stated that the Almond Alliance of California is challenging the recent decision to list bumblebees as fish under CESA. Mr. Garcia also reported that the Board packet includes a copy of the Petition for Writ of Mandate filed by the United Water Conservation District against California Fish & Game Commission in relation to the Commission's decision to grant "candidacy" protection under CESA to anadromous (ocean-going) and resident (rainbow) forms of trout (*O. mykiss*) in various regions of southern California. He explained that United's petition challenges the Commission's decision on various grounds, including arguments that the Commission failed to consider relevant evidence in the administrative record. He stated that further information would be provided as it becomes available.

#### 13. 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 a July 29, 2022 Press Release from the Santa Ynez River Water Conservation District regarding scheduled downstream water rights releases from Bradbury Dam; an August 11, 2022 Letter from the Central Coast Water Authority to the Santa Barbara County Water Agency regarding disputed costs charged by the County Water Agency; and the August 2022 Family Farm Alliance Monthly Briefing.

#### 14. CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS:

The Correspondence List was received by the Board.

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

There were no requests from the Board.

#### 16. NEXT MEETING OF THE BOARD OF TRUSTEES:

President Clay stated that the next Regular Meeting of the Board of Trustees is scheduled for September 20, 2022 at 3:00 p.m.

17. **CLOSED SESSION:**

The Board adjourned to closed session at 5:54 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

18. **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 6:23 p.m.

Mr. Garcia announced that the Board met in closed session concerning Agenda Items 17.A.1 and 17.A.2, and that there was no reportable action from closed session.

19. **ADJOURNMENT:**

Being no further business, it was **MOVED** by Trustee Parker, seconded by Trustee Burchardi, and carried by a 3-0-0 roll call vote, with Trustees Holzer and Joos absent at the time of the vote, to adjourn the meeting at approximately 6:24p.m.

**THE AUGUST 16, 2022 MINUTES WERE APPROVED AT THE SEPTEMBER 20, 2022 REGULAR MEETING.**