

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO.1
OCTOBER 17, 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, October 17, 2023, in-person at 1070 Faraday Street and via teleconference.

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

Trustees Absent: Jeff Holzer

Others Present: Paeter Garcia Mary Robel
 Karen King Eric Tambini
 Gary Kvistad Kristopher McLaughlin
 Mikala Butson

1. CALL TO ORDER AND ROLL CALL:

Trustee Joos called the meeting to order at 3:02 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:

Trustee Joos 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:

Trustee Joos welcomed members of the public and offered time for them to speak and address the Board on matters not on the Agenda. Ms. Mikala Butson and Mr. Kristopher McLaughlin provided public comment to the Board. 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 SEPTEMBER 19, 2023:

The Regular Meeting Minutes from September 19, 2023 were presented for consideration.

Trustee Joos asked if there were any changes or additions to the Regular Meeting Minutes of September 19, 2023. There were no changes or additions requested.

It was **MOVED** by Trustee Burchardi, seconded by Trustee Urton, and carried by a 4-0-0 roll call vote, with Trustee Holzer absent, to approve the September 19, 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 September.

It was **MOVED** by Trustee Urton, seconded by Trustee Burchardi, and carried by 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 September. 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 first quarter of this fiscal year. Ms. Robel reported that the District revenues for the month of September exceeded the expenses by \$408,211.79 and the year-to-date net income was \$1,068,301.08.

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 25432 through 25487 in the amount of \$488,230.11.

It was **MOVED** by Trustee Urton, Seconded by Trustee Burchardi, and carried by a 4-0-0 roll call vote, with Trustee Holzer absent, to approve the Warrant List for September 20, 2023 through October 17, 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 September 28, 2023 meeting of the EMA GSA, certain excerpts from the September 28 EMA GSA meeting packet, and notice of the October 26, 2023 EMA GSA meeting.

Mr. Garcia reported on the September 28, 2023 meeting of the EMA GSA. He reviewed the status of negotiations regarding a new JPA governance structure for the EMA GSA. He stated that progress is being made on the “one director, one vote” voting structure for the new JPA, and the addition of an agricultural representative on the JPA board. Mr. Garcia also reported that the Department of Water Resources has awarded grant

funding in the amount of \$5,534,000 to the entire Santa Ynez River Valley Groundwater Basin for SGMA implementation. He stated that the next regular meeting of the EMA GSA is scheduled for October 26, 2023.

B. NEWLY ENACTED STATE WATER LAWS

1. Senate Bills 389 and 659

The Board packet included Senate Bills 389 and 659.

Mr. Garcia stated that Senate Bills 389 and 659 have been signed into law by the Governor. He reported that SB 389 amends Section 1051 of the Water Code and authorizes the State Water Resources Control Board (SWRCB) to investigate and determine the validity of surface water rights throughout the State. Among other things, the new law authorizes the SWRCB to enforce unauthorized water diversions or use as a trespass.

Mr. Garcia reported that SB 659 establishes the California Water Supply Solutions Act of 2023, requiring the Department of Water Resources (DWR) to provide actionable recommendations to develop additional groundwater recharge opportunities for the state's groundwater basins, where applicable. Such recommendations must be provided as part of the 2028 update to the California Water Plan, and in each subsequent update thereafter. The law requires DWR to consult with the SWRCB, the nine regional water quality control boards, and an advisory committee.

C. DISTRICT SUCCESSION PLANNING

Mr. Garcia announced that two of the District's key management positions will be retiring within the next nine months. He reported that staff has been evaluating a succession plan to fill those positions, along with two other vacant positions at the District. Mr. Garcia explained that management has researched various firms to assist with the recruitment process and believes that Regional Governmental Services (RGS) will provide an excellent fit to assist the District with its hiring needs. He reported that RGS has provided a draft agreement for recruitment services that covers four (4) positions for an initial not-to-exceed amount of \$35,000. Mr. Garcia noted that the qualifications and quoted amount from RGS are very competitive.

Discussion ensued regarding the District's current staffing levels, budgeted positions, and succession planning. For the two management positions, Mr. Garcia explained that ideally the District would be able to hire replacement candidates before the current managers retire, such that sufficient training time can be provided for each position. The Board was in favor of utilizing recruitment services to help fill the District's vacant positions, and supported overlapping time for the two management positions until the retirements go into effect.

Mr. Garcia recommended that the Board authorize him to enter into a professional services agreement with Regional Governmental Services to assist with the recruitment process for four positions.

It was **MOVED** by Trustee Burchardi, seconded by Trustee Joos, and carried by 4-0-0 roll call vote, with Trustee Holzer absent, to authorize the General Manager to execute a professional services agreement with Regional Governmental Services, in an initial not-to-exceed amount of \$35,000, to provide recruitment services to the District for four positions.

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:**

Mr. Garcia reported that District employee Christian Quesada recently passed his Grade D2 Water Distribution Operator test. He explained that a substantial amount of studying and substantive knowledge are required to successfully complete this level of testing and certification, and he expressed his appreciation for Mr. Quesada hard work and dedication to the District.

The Board packet included a news article entitled "California's epic rain year boosted groundwater levels, but not enough to recoup losses."

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

Mr. Gary Kvistad, Legal Counsel, announced that Mr. Stanley Hatch, of Hatch & Parent passed away on September 27, 2023. Mr. Hatch was a pioneering water law expert in California and provided legal counsel for the District in its early years. He will be greatly missed by family, friends, colleagues, and the legal community.

Trustee Burchardi reported that he attended the October 16, 2023 Los Olivos Community Services District Board meeting and provided a summary of the topics discussed.

Mr. Garcia reported on a motor failure at Well 5 that occurred in early summer. He explained that various factors suggested that the failure was caused by irregularities in PG&E power service at the well site. Mr. Garcia explained that the District submitted a reimbursement claim to PG&E for the cost of the motor replacement, and that PG&E recently approved the claim in the amount of \$13,917.

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:**

Trustee Joos stated the next Regular Meeting of the Board of Trustees is scheduled for November 21, 2023 at 3:00 p.m.

14. **CLOSED SESSION:**

The Board adjourned to closed session at 5:05 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

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 5:47 p.m.

Mr. Garcia announced that the Board met in closed session in accordance with Agenda Items 14.A.1, 14.A.2, 14.B, and 14.C and that there was no reportable action from the closed session.

16. ADJOURNMENT:

Being no further business, it was **MOVED** by Trustee Urton, seconded by Trustee Burchardi, and carried by a 3-0-0 voice vote, with Trustees Clay and Holzer absent, to adjourn the meeting at approximately 5:49 p.m.

THE OCTOBER 17, 2023 MINUTES WERE APPROVED AT THE NOVEMBER 21, 2023 MEETING.