

NOTICE AND AGENDA
ANNUAL MEETING OF THE BOARD OF DIRECTORS
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1
FINANCING CORPORATION
WILL BE HELD AT 2:30 P.M., TUESDAY, DECEMBER 21, 2021

VIDEO/TELECONFERENCE MEETING ONLY - NO PHYSICAL MEETING LOCATION

Public Participation:

Video: <https://zoom.us/j/92900399487>

Meeting passcode: 180175

or

Teleconference Phone Number: 1-669-900-9128

Meeting ID: 929 0039 9487#

Participant ID No.: 180175#

Meeting Passcode: 180175#

Important Notice Regarding Public Participation in This Meeting: For those who may not attend the meeting in person but wish to provide public comment on an Agenda Item, please submit any and all comments and written materials to the District via electronic mail at general@syrwd.org. All submittals should indicate “December 21, 2021 **Financing Corporation Board Meeting**” in the subject line. To the extent practicable, public comments and materials received by the District will be read into the public record during the meeting. Public comments and materials not read into the record will become part of the post-meeting Board packet materials available to the public and posted on the District’s website. In the interest of clear reception and efficient administration of the meeting, all persons participating via teleconference are respectfully requested to mute their voices after dialing-in and at all times unless speaking.

1. **CALL TO ORDER AND ROLL CALL**
2. **REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA**
3. **CONSIDERATION OF RESOLUTION NO. 04-2021 – A Resolution of the Board of Directors of the Santa Ynez River Water Conservation District, Improvement District No.1 Financing Corporation Authorizing Remote Teleconference Meetings under the Ralph M. Brown Act in accordance with AB361**
4. **CONSIDERATION OF THE MINUTES OF THE ANNUAL MEETING OF DECEMBER 15, 2020**
5. **ADDITIONS OR CORRECTIONS, IF ANY TO THE AGENDA**
6. **PUBLIC COMMENT** - Any member of the public may address the Board relating to any non-agenda matter within the Corporation’s jurisdiction. The total time for all public participation shall not exceed fifteen (15) minutes and the time allotted for each individual shall not exceed three (3) minutes. The Corporation is not responsible for the content or accuracy of statements made by members of the public. No action will be taken by the Board on any public comment item.
7. **MANAGER’S REPORT – STATUS, DISCUSSION, AND POSSIBLE ACTION ON THE FOLLOWING SUBJECTS:**
 - A. Annual Report – Verbal Report by the General Manager
 - B. State of California Franchise Tax Board Exempt Determination
 - C. Form 990-N Filing
8. **ADJOURNMENT**

This Agenda was posted at 3622 Sagunto Street, Santa Ynez, California, and notice was delivered in accordance with Government Code Section 54950 and Section 5211(a)(2) of the Non-profit Corporation Law and Section 3.11 of the Financing Corporation By-Laws. This Agenda contains a brief general description of each item to be considered. The Board reserves the right to change the order in which items are heard. Copies of the staff reports or other written documentation relating to each item of business on the Agenda are on file with the Corporation and available for public inspection during normal business hours. A person who has a question concerning any of the Agenda items may call the Corporation’s General Manager at (805) 688-6015. Written materials relating to an item on this Agenda that are distributed to the Board of Directors within 72 hours (for Regular meetings) or 24 hours (for Special meetings) before it is to consider the item at its regularly or special scheduled meeting(s) will be made available for public inspection at 3622 Sagunto Street, during normal business hours. Such written materials will also be made available on the Santa Ynez River Water Conservation District’s website, subject to staff’s ability to post the documents before the regularly scheduled meeting. If you challenge any of the Board’s decisions related to the Agenda items above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence to the Board prior to the public hearing. In compliance with the Americans with Disabilities Act, if you need special assistance to review Agenda materials or participate in this meeting, please contact the Corporation Secretary at (805) 688-6015. Notification 72 hours prior to the meeting will enable the Corporation to make reasonable arrangements to ensure accessibility to this meeting.

RESOLUTION NO. 04-2021

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1 FINANCING CORPORATION
AUTHORIZING REMOTE TELECONFERENCE MEETINGS UNDER THE RALPH M. BROWN ACT IN ACCORDANCE WITH AB 361**

WHEREAS, the Santa Ynez River Water Conservation District, Improvement District No.1 Financing Corporation (Corporation) is committed to promoting and preserving complete public access and participation in meetings of the Corporation's Board of Directors, as required and set forth by the Ralph M. Brown Act (Gov. Code § 54950 et seq.) (Brown Act); and

WHEREAS, the Brown Act contains special provisions for remote teleconference participation in meetings when the Governor of the State of California has declared a state of emergency pursuant to Government Code section 8625 and either state or local officials have imposed or recommended measures to promote social distancing, or where in-person meetings would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency for the COVID-19 pandemic, which state of emergency has not been rescinded; the County Health Officer for the County of Santa Barbara has issued numerous Health Orders regarding health and safety requirements and protocols since the beginning of and throughout the COVID-19 pandemic, including recent Health Officer Order No. 2021-10.7, effective December 3, 2021, which requires the use of face covering at all times in all indoor public settings, except for certain enumerated circumstances, and identifies that the Centers for Disease Control and California Department of Public Health find that the use of face coverings lessen the risk of COVID-19 transmission and reinforce physical distancing of at least six feet; and on December 13, 2021 the California Department of Public Health issued guidance requiring face masks to be worn in all indoor public settings regardless of vaccination status from December 15, 2021 through January 15, 2022; and

WHEREAS, on September 28, 2021 the County Health Officer and County Public Health Director issued a Health Official AB 361 Social Distance Recommendation which states, among other things, that utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from COVID-19, and that such recommendation is further intended to satisfy the requirements of the Brown Act which allows local legislative bodies in the County of Santa Barbara to use certain available teleconferencing options set forth in the Brown Act, where such recommendation is also based in part on the increased case rate of the highly transmissible Delta variant of COVID-19 within the nation and the County; and

WHEREAS, the Corporation finds that the current circumstances relating to COVID-19 and variants thereof are causing, and will continue to cause, risks to the health and safety of persons within the County, and therefore the Corporation may conduct its meetings to allow remote teleconference participation in the manner authorized by AB 361, specifically including Government Code section 54953(e); and

WHEREAS, this Resolution is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the exemption set forth under Section 15061(b)(3) of Title 14 of the California Code of Regulations (CEQA Guidelines) because remote teleconference meetings during a declared state of emergency do not have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Ynez River Water Conservation District, Improvement District No.1 Financing Corporation as follows:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Corporation may conduct its meeting to allow remote teleconference participation in the manner authorized by AB 361, specifically including Government Code Section 54953(e).

3. This Resolution shall take effect immediately upon its adoption and shall remain in effect for up to thirty (30) days as provided in Government Code section 54953(e)(3).

WE, THE UNDERSIGNED, being the duly qualified President and Secretary, respectively, of the Board of Directors of the Santa Ynez River Water Conservation District, Improvement District No.1 Financing Corporation, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Directors of said Corporation at a Regular meeting held on December 21, 2021 by the following roll call vote:

Jeff Clay, President

Mary Martone - Secretary to the Board of Directors

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO. 1
FINANCING CORPORATION
DECEMBER 15, 2020 ANNUAL MEETING MINUTES

DIRECTORS PRESENT: Michael Burchardi Jeff Clay
 Jeff Holzer Brad Joos
 Lori Parker

DIRECTORS ABSENT: None

OTHERS PRESENT: Mary Martone Paeter Garcia
 Eric Tambini Gary Kvistad
 Karen King

1. CALL TO ORDER AND ROLL CALL:

Director Clay called the meeting to order at 2:34 p.m. and stated this was the Annual Meeting of the Board of Directors. Ms. Martone conducted roll call and reported that all Directors were present. President Clay welcomed Mr. Jeff Holzer to the Board.

2. 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 the meeting. She reported that the agenda was posted in compliance with the law. The affidavit is 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, this Board meeting would occur solely via video/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.

3. CONSIDERATION OF THE MINUTES OF THE ANNUAL MEETING OF DECEMBER 12, 2019:

The Minutes of the Annual Meeting of December 12, 2019 were presented for consideration. Director Clay asked if there were any changes or additions to the minutes of December 12, 2019. There were no additions or corrections requested.

It was MOVED by Director Joos, seconded by Director Parker, and carried by a unanimous 5-0-0 roll call vote, to approve the December 12, 2019 Annual Meeting Minutes as presented.

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

Mr. Garcia stated there were no additions or corrections to the Agenda.

5. PUBLIC COMMENT:

Director Clay welcomed any members of the public participating via video or telephonically and offered time for members of the public to speak and address the Board of Directors on matters not on the agenda.

There were no comments received from the public.

Mr. Garcia stated that the Notice and Agenda for this Annual Meeting of the Board of Directors requested member of the public to submit advance written comments to the District via electronic mail by 5:00 p.m. on Monday, December 14, 2020. Mr. Garcia reported that no written comments were submitted to the District for this meeting.

1
2 6. MANAGER'S REPORT – STATUS, DISCUSSION, AND POSSIBLE ACTION ON THE FOLLOWING
3 SUBJECTS:

4 1. Annual Report – Verbal Report by the General Manager

5 Mr. Garcia reported this was the Annual Meeting of the Financing Corporation. He
6 stated that the Financing Corporation was established in 2016 for the purpose of
7 contracting for Revenue Certificates of Participation (Bonds) to finance the
8 construction and implementation of a water treatment plant that would be required
9 to comply with a Maximum Contaminant Level (MCL) of 10 parts per billion (ppb)
10 for Chromium 6 that had been adopted by the State Water Resources Control Board.
11 He explained that the MCL was later invalidated by a state court decision for failing
12 to adequately consider the economic feasibility of the 10 ppb standard. Mr. Garcia
13 explained that the Financing Corporation has remained active since 2016, although
14 as part of its 2019 Annual Meeting the Board of Directors discussed the pros and cons
15 of maintaining the Financing Corporation and directed staff to begin preparing the
16 required documentation to dissolve the Corporation on the basis that the need to
17 finance and construct a Chromium 6 treatment facility was not foreseeable in the
18 immediate future.

19
20 Mr. Garcia then reported that the State Board recently held a public workshop on
21 December 8, 2020 and announced that they are proposing to submit a new proposed
22 MCL for Chromium 6 by the spring of 2021, which could be implemented as early as
23 2022. He explained that the process of developing and adopting a new MCL will
24 take some time and currently there is no certainty as to when actual compliance with
25 a new MCL may be required; however, in light of this new information and the
26 amount of staff time that will be involved in having to dissolve and then re-establish
27 the Financing Corporation, Mr. Garcia noted that the Board may wish to consider
28 keeping the Financing Corporation active.

29
30 Ms. Martone reported on other activities that took place during the preceding year
31 related to the Financing Corporation. She indicated that in mid-September, staff
32 applied for tax-exempt status with the State of California, and that our 60-page
33 application would likely take 180-200 days to process at the state level. Ms. Martone
34 reported that there have been no financial transactions or commitments made by the
35 Financing Corporation during the year. She explained that staff has also filed the
36 required Annual Statement document to the Internal Revenue Service for the year.

37
38
39 2. Update on Status of Dissolution of Financing Corporation

40 Mr. Garcia stated that the Board did not take formal action to dissolve the Financing
41 Corporation at the 2019 Annual meeting, and therefore it remains active until further
42 action is taken by the Board.

43
44 The Board discussed the pros and cons of maintaining active status. The consensus
45 of the Board was to stay the course with pursuing tax-exempt status with the State
46 and not to dissolve the Financing Corporation at this time based on the State's recent
47 proposal to adopt a new Chromium 6 MCL in the near future.
48

1
2
3
4
5
6
7
8
9
10
11

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 2:55 p.m.

DRAFT

SECRETARY - MARY MARTONE
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO.1 FINANCING CORPORATION

DRAFT