

SPECIAL MEETING MINUTES

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT

April 27, 2022

A special meeting of the Board of Directors of the Santa Ynez River Water Conservation District was held on Wednesday, April 27, 2022. As a result of the existing State of Emergency in California due to the COVID-19 pandemic, Santa Barbara County Public Health recommendations to protect public health by limiting public gatherings and recommending social distancing, and as authorized by State Assembly Bill 361, this meeting occurred in-person at the Vandenberg Village Community Services District, 3745 Constellation Road, Lompoc, CA with remote participation via video and teleconference.

Directors Present, in-person: Cynthia Allen and Art Hibbits

Directors Present, remote participation: Steve Jordan and Brett Marymee

Director Absent: Mark Altshuler

Others Present, in-person: Paeter Garcia, Board Secretary Amber Thompson

Others Present, remote participation: Groundwater Program Manager Bill Buelow, Myron Heavin, Carol Redhead, General Manager Kevin Walsh, and Legal Counsel Steve Torigiani.

I. CALL TO ORDER AND ROLL CALL

President Allen called the meeting to order at 6:30 pm. Ms. Thompson called roll. All Directors except for Director Altshuler were present providing a quorum.

II. PLEDGE OF ALLEGIANCE

President Allen led the Pledge of Allegiance.

III. CONSIDER CONTINUING USE OF TELECONFERENCE MEETING PROCEDURES UNDER GOVERNMENT CODE SECTION 54953(E) (AB361)

As the California Governor's State of Emergency due to the COVID-19 pandemic is still in effect and the Santa Barbara County Public Health Department issued recommendations to protect public health by limiting public gatherings and recommending social distancing, and as authorized by State Assembly Bill 361, Director Marymee **MOVED** to reaffirm Resolution No. 703, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT INITIALLY AUTHORIZING REMOTE TELECONFERENCE MEETINGS UNDER AB361. Director Hibbits seconded, and the motion passed unanimously by the following roll call vote:

AYES, Directors: Allen, Hibbits, Jordan, Marymee
NOES, Directors: None
ABSENT, Directors: Altshuler

IV. CLOSED SESSION

At 6:35 pm, the Board convened into Closed Session until 7:26 pm.

V. RECONVENE OPEN SESSION / CLOSED SESSION REPORT

At 7:28 pm, the Board reconvened into open session. President Allen advised there is nothing to report from Closed Session.

VI. PUBLIC COMMENT

There was no public comment. Ms. Thompson announced she did not receive any public comments prior to the meeting.

VII. (START TIME: 7:30 P.M.) PUBLIC HEARING ON THE 44TH ANNUAL ENGINEERING AND SURVEY REPORT ON WATER SUPPLY CONDITIONS OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, 2021-2022

At 7:30 p.m., President Allen opened the public hearing. Mr. Garcia joined the in-person meeting. Ms. Thompson announced that she received the 44th Annual Engineering and Survey Report on Water Supply Conditions of the Santa Ynez River Water Conservation District for 2021-2022 on April 20, 2022, the Public Hearing was properly noticed, and the full report is available to the public on the District website (SYRWCD.com). Mr. Buelow, Groundwater Program Manager, provided a review of the report.

There was no discussion. No public comments were received.

President Allen closed the public hearing at 7:53 p.m. and continued the hearing to the June 1, 2022 Special Board meeting to allow the public 30 days to review the report.

VIII. CONSIDERATION OF THE MINUTES OF THE SPECIAL MEETINGS OF MARCH 9 AND APRIL 12, 2022

President Allen submitted the minutes of the special meeting of March 9, 2022 and April 12, 2022 for Board approval. Director Marymee made a MOTION to approve the minutes. Director Hibbits seconded the motion and it passed by the following roll call vote:

AYES, Directors: Cynthia Allen, Art Hibbits, Steve Jordan, Brett Marymee
NOES, Directors: None
ABSENT, Directors: Mark Altshuler

IX. GROUNDWATER PROGRAM MANAGER REPORT:

A. Groundwater Production, Reporting, and Charges

Mr. Buelow reviewed income received from Groundwater Pump Charges and Groundwater Production reported to date since January 1, 2022. There were no comments and no action.

B. SGMA Update

Mr. Buelow reported that GSA member agency staff continue to meet to discuss future governance options. In the EMA, member agency staff and attorneys continue to meet as well as attorneys only meetings.

Discussion followed.

X. DISCUSS EXECUTIVE ORDER N-7-22 AND RECEIVE REPORT FROM AD-HOC COMMITTEE

Mr. Buelow reported that the Ad-Hoc Committee, comprised of Director Hibbits and Director Jordan, met with him and Steve Torigiani regarding Executive Order N-7-22 and providing recommendations to the GSA Committees. Discussion followed.

XI. ATTORNEY REPORT

Mr. Steve Torigiani provided information about AB22-01 and Executive Order N-7-22.

XII. REPORTS, ACTS BY BOARD MEMBERS, QUESTIONS OF STAFF, STATUS REPORTS, ANNOUNCEMENTS, OBSERVATIONS, AND OTHER MATTERS, AND/OR COMMUNICATIONS NOT REQUIRING ACTION

There were no reports.

XIII. REQUEST FOR ITEMS TO BE INCLUDED ON THE NEXT AGENDA. THE NEXT MEETING IS SCHEDULED AS A SPECIAL MEETING FOR APRIL 27, 2022, AT 6:30 PM.

There were no requests.

The next scheduled Board meeting will be a Regular meeting, including a Public Hearing on the 44th Annual Engineering and Survey Report on Water Supply Conditions of the Santa Ynez River Water Conservation District, FY 2021-2022, on June 1, 2022 at 6:30 pm, with the planned location as Vandenberg Village Community Services District Conference Room and remote participation also provided.

XIV. ADJOURNMENT

There being no further business and by MOTION from Director Jordan and seconded by Director Hibbits, President Allen adjourned the meeting at 8:39 pm.


Cynthia Allen, President


Amber M. Thompson, Secretary

RESOLUTION NO. 703

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT
INITIALLY AUTHORIZING REMOTE TELECONFERENCE
MEETINGS UNDER AB 361**

WHEREAS, meetings of the Board of Directors of the **Santa Ynez River Water Conservation District** (District) are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District conduct its business;

WHEREAS, Government Code section 54953(e), added by Assembly Bill 361 (2021) (“AB361”), provides for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to certain conditions and requirements; and

WHEREAS, the District wishes to invoke the provisions of AB361 to authorize teleconference meetings subject to the provisions of Government Code section 54953(e);

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. Findings. The Board of Directors hereby finds as follows:

- (a) As provided by Government Code section 54953(e)(1), a proclaimed state of emergency exists under the California Emergency Services Act, as declared by the Governor on March 4, 2020.
- (b) As provided by Government Code section 54953(e)(1), the County of Santa Barbara Health Department has imposed or recommended measures to promote social distancing, specifically Santa Barbara County Health Order No. 2021-10.5 (see also Santa Barbara County Public Health Department Health Officials AB 361 Social Distance Recommendation issued September 28, 2021).

Section 2. Procedures for Teleconference Meetings. The District shall hold meetings to allow for teleconference participation pursuant to the requirements of Government Code section 54953(e).

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption.

Section 4. Renewal. Pursuant to Government Code section 54953(e)(3), the District may consider findings regarding the state of emergency every 30 days.

WE, THE UNDERSIGNED, being the duly qualified and acting President and Secretary, respectively, of the Board of Directors of the Santa Ynez River Water Conservation District, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Directors at a regular meeting duly held on the 1st day of December, 2021 by the following vote:

AYES, and in favor thereof, Directors:


Cynthia Allen
Mark Altshuler
Art Hibbits
Steve Jordan
Brett Marymee


NOES, Directors:

None

ABSENT/ABSTAINING, Directors:

None


Amber Thompson, Secretary


Cynthia Allen, President

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT

MEMORANDUM

DATE: 27 April 2022

TO: Cynthia Allen Mark Altshuler Art Hibbits
Brett Marymee Steve Jordan Steve Torigiani
Kevin Walsh Amber Thompson

FROM: Bill Buelow, Groundwater Program Manager

SUBJECT: Groundwater Program Manager Report

AGENDA ITEM VIII

A. Groundwater Production, Reporting, and Charges

- 1) Receive Update on Groundwater Revenue for July to December 2021. The cumulative total of groundwater fees received from January 1, 2022, to present is \$292,152.47 for the first half of FY 21-22 groundwater reporting period.

Staff Recommendation: No action. This item is informational only.

B. SGMA Update

- 1) Receive and Discuss Draft Memorandum on SGMA Governance. Staff and Attorneys from the three GSAs continue to meet to discuss GSA governance. District Staff and Counsel have participated in these meetings and prepared a Draft Proposal outlining the district's recommended and preferred governance model. The Proposal was distributed to each GSA's staff for input and comments. Additionally, staff will provide redline comments on the EMA's draft JPA. The Proposal is provided for discussion and the redline will follow.

Staff Recommendation: No action required. This item is informational only.

DRAFT Basin-Wide JPA Proposal 4/26/2022

The Santa Ynez River Water Conservation District (“Parent District”) has prepared this proposal for a basin-wide JPA arrangement for the management of the Santa Ynez River Valley Groundwater Basin (“Basin”) under SGMA. This proposal is draft and for discussion purposes only and has not yet been approved or endorsed by the Parent District Board of Directors. The proposal is to form a Joint Powers Authority (“JPA”) made up of the three GSAs in the Basin (“Basin-Wide JPA”) to achieve the goals outlined below.

Goals of a Basin-Wide JPA

To provide a forum for discussion on matters of common interest to the WMA, CMA, and EMA areas of the Basin.

To set basin-wide policies on specified matters, potentially including well registration and metering, rate collection methods, annual reports and other required reporting, monitoring and measurement, grant funding, etc.

To achieve economies of scale in the retention of staff and consultants, contracting for insurance, conducting rate studies and ballot proceedings, and other administrative matters.

To provide a single point of contact with DWR.

Basin-Wide JPA Structure

The members of the Basin-Wide JPA would be the three GSAs in the Basin (WMA, CMA, and EMA). Its governing body would be composed of the combined governing bodies of the three GSAs, each GSA collectively casting one vote on matters before the JPA. Each GSA’s vote on the JPA Board would be cast based on a vote of its GSA members according to their usual voting procedures. All JPA actions would require a unanimous vote of the three GSAs. Therefore, Basin-Wide JPA decisions would require the consensus and approval of all three GSA JPA members.

Certain SGMA powers would be delegated to the Basin-Wide JPA by the GSAs, but other powers would be expressly retained at the GSA level. For instance, GSAs would continue to make all decisions pertaining to the implementation of their respective GSP as well as updates and amendments to their respective GSPs.

Powers that would be delegated to the Basin-Wide JPA would include the funding authorities provided by SGMA and other SGMA powers for which a consistent, basin-wide policy or program would be more conducive to good management. Which specific powers should be included should be a topic of open discussion, but one example would be the power to require registration and metering of wells and the reporting of groundwater production. The GSAs would agree to set such policies at a basin-wide level through the Basin-Wide JPA rather than at an individual management area level.

In addition to exercising those selected SGMA powers, the Basin-Wide JPA would achieve economies of scale by sharing common staff and consultants to work on behalf of all three GSAs, administering grants, and maintaining the financial accounts for the three GSAs.

In order to resolve questions that have been raised regarding the capacity of a non-JPA GSA to enter into a JPA, the three GSAs could first be converted to JPAs, which would then be parties to the Basin-Wide JPA.

Functions of the JPA

The JPA would perform the day-to-day administrative work on behalf of the GSAs. This may include preparing meeting notices, agendas, and minutes, preparing financial statements, preparing required reports, contracting for services, consultants, and staff, coordinating between the GSAs, setting rates, and collecting fees.

The JPA would contract for shared services on behalf of the three GSAs, including consultants, legal services, and insurance. The JPA would also hire staff to support the functions of the JPA.

JPA Financial Administration

Each GSA would have its own bank account administered by the JPA. Fees collected from each management area through rates or received through grants would be deposited into the respective GSA's account. The JPA staff and consultants may be directed to work on behalf of the GSAs, the cost of which would be charged to the management area's account.

Costs that are shared by the three GSAs may include staff, office, insurance, rate study, implementing basin-wide policies, etc. and would be apportioned to each respective management area by some appropriate formula (perhaps their proportional share of the pumping in the basin on a rolling average of the past three years) and charged to the management areas' accounts.

Basin-Wide Rate Setting

Before a rate can be set, a budget would first need to be prepared by the JPA to determine the total common costs (e.g., staff, office, insurance, rate study, etc.). That total JPA budget would then be allocated to the management areas proportional to the agreed upon methodology.

Then, each GSA would make projections of costs it anticipates for its own compliance activities, projects, and management actions. That amount would be added to the GSA's share of the basin-wide budget to reach the total budget for the GSA.

Finally, that total budget would be collected from each management area. The Basin-Wide JPA would perform the rate study, conduct any appropriate election processes, and bill and collect the fees based on the determined rates.

Basin-Wide Fee Collection

The JPA would be responsible for collecting fees assessed by the GSAs within their respective management areas. The JPA would collect the fees according to the policies set by the JPA. The fees collected on behalf of each GSA would be placed in the respective GSA's bank account for use by the GSA according to policy set by the JPA.