

## **SPECIAL MEETING MINUTES**

### **SANTA YNEZ RIVER WATER CONSERVATION DISTRICT FEBRUARY 16, 2023**

A special meeting of the Board of Directors of the Santa Ynez River Water Conservation District was held on Thursday, February 16, 2023, at 6:30 p.m. 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 solely by remote participation via video and teleconference.

Directors Present: Cynthia Allen, Mark Altshuler, Art Hibbits, Steve Jordan and Brett Marymee

Others Present: Groundwater Program Manager Bill Buelow, Carol Redhead, Ron Stassi, Board Secretary Amber Thompson, and Steve Torigiani (Young Wooldridge)

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

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

#### **2. PLEDGE OF ALLEGIANCE**

President Allen led the Pledge of Allegiance.

#### **3. CONSIDER ADOPTING RESOLUTION 718, "RESOLUTION AUTHORIZING REMOTE TELECONFERENCE MEETINGS UNDER AB361"**

The California Governor's State of Emergency due to the COVID-19 pandemic is still in effect, as the Santa Barbara County Public Health Department issued recommendations to protect public health by limiting public gatherings and recommending social distancing, as authorized by State Assembly Bill 361, and as over 30-days had passed since the Board of Directors adopted Resolution No. 716 authorizing remote teleconference meetings under AB361 on December 7, 2022, Resolution No. 718 was presented for consideration. There was no discussion.

Director Jordan waived reading of Resolution No. 718. Director Marymee **MOVED** adopt Resolution No. 718, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS UNDER AB361. Director Hibbits seconded, and the motion passed 5-0 by the following roll call vote:

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

**4. PUBLIC COMMENT**

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

**5. CONSIDER ADOPTING RESOLUTION 719, “RESOLUTION RESCHEDULING THE MARCH 2023 REGULAR BOARD MEETING”**

Mr. Buelow reported the need to reschedule the March 2023 Regular Meeting of the Board. Staff recommended adopting Resolution No. 719 to rescheduling the March 2023 Regular meeting from March 1 to March 15, 2023. Discussion followed.

By consensus, the Directors decided the location of the meeting will be the Buellton City Council Chambers and the format as in-person only. There were no public comments.

Director Hibbits waived the reading of the resolution and made a **MOVED** to adopt Resolution No. 719, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT RESCHEDULING THE MARCH 2023 REGULAR BOARD MEETING. Director Marymee seconded the motion and it passed 5-0 by the following roll call vote:

AYES, Directors: Allen, Altshuler Hibbits, Jordan, Marymee

NOES, Directors: None

ABSENT, Directors: None

**6. ATTORNEY REPORT**

Legal Counsel Steve Torigiani reported on the AB2449 revisions to the teleconferencing rules of the Brown Act.

**7. NEXT REGULAR MEETING MARCH 2023**

The next scheduled Board meeting is a regular meeting on March 15, 2023, at 6:30 p.m., at Buellton City Council Chambers, 140 West Highway 246, Buellton.

**8. CLOSED SESSION**

The Board convened into Closed Session from 6:49 p.m. to 8:08 p.m. to discuss the following items:

- a. Conference with Legal Counsel - Pending Litigation (Gov. Code, § 54956.9, subd. (d)(1)): Wolff vs SYRWCD, Superior Court of California, County of Santa Barbara, Case No. 20CV01552 and Case No. 22CV02062.
- b. Conference with Legal Counsel – Pending Litigation (Gov. Code, § 54956.9, subd. (d)(1)) relating to proceedings pending before the State Water Resources Control Board (SWRCB) regarding Permits 11308 and 11310 issued on Applications 11331 and 11332 of the United

States Bureau of Reclamation for the Cachuma Project, and complaints filed by the California Sport Fishing Protection Alliance regarding the operation of the Cachuma Project and SWRCB Order WR 89-18; proposed changes to the place and purpose of use of waters obtained through aforementioned permits for the Cachuma Project; and Reclamation's Petition for Reconsideration or Rehearing re Order WR 2019-0148; and proceedings related to SWRCB Permit No. 15878 (Application A022423) held by the City of Solvang including the City of Solvang's Petitions for Change and Extension of Time.

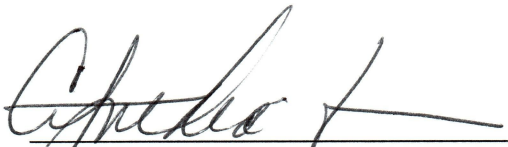
- c. Conference with Legal Counsel – Anticipated Litigation (Gov. Code, § 54956.9, subd. (d)(2)): Significant exposure to litigation (Two Matters).
- d. Conference with Legal Counsel – Anticipated Litigation (Gov. Code, § 54956.9, subd. (d)(4)): Possible initiation of litigation (Two Matters).

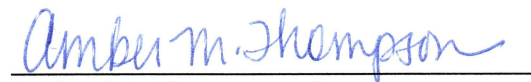
**9. RECONVENE INTO OPEN SESSION / CLOSED SESSION REPORT**

President Allen advised there is nothing to report from Closed Session.

**10. ADJOURNMENT**

There being no further business, President Allen adjourned the meeting at 8:08 p.m.

  
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Cynthia Allen, President

  
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Amber M. Thompson, Secretary

**RESOLUTION NO. 718**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
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 that 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.

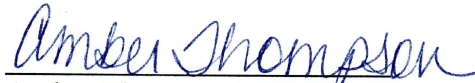
**WE, THE UNDERSIGNED**, being the duly qualified and acting President and Secretary, respectively, of the Board of Directors of the Santa Ynez River Water Conservation District, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Directors at a regular meeting duly held on the 16th day of February, 2023 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

  
Cynthia Allen, President

  
Amber Thompson, Secretary



**RESOLUTION NO. 719**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
RESCHEDULING THE MARCH 2023 REGULAR BOARD MEETING**

**WHEREAS**, Government Code, section 54954(a) provides that the Board of Directors may by resolution set the time and place for holding regular meetings; and

**WHEREAS**, Water Code, section 74224 provides that, notwithstanding Water Code section 74223, the Board of Directors may, by resolution, change the date and location for holding of regular meetings, with notice of such change to be published once a week for at least two consecutive weeks before the date for a regular board meeting in a newspaper of general circulation circulated in the District; and

**WHEREAS**, the District's regular meetings are ordinarily held on the first Wednesday in each of the months of March, June, September, and December, as provided in Resolution No. 694 previously adopted by the Board of Directors pursuant to Water Code, Sections 74223 and 74224; and

**WHEREAS**, the Board of Directors has determined that regular board meeting set to be held on the first Wednesday in March (March 1, 2023) should instead be held on an alternative date and time as set forth below.

**NOW, THEREFORE, IT IS RESOLVED** by the Board of Directors that:

1. The March 1, 2023 regular meeting shall instead be held on March 15, 2023 at 6:30 p.m.
2. The rescheduled March 2023 meeting shall be, for all purposes, a regular meeting of the Board of Directors.
3. The staff are authorized and directed to do all things necessary and appropriate to carry out this action.

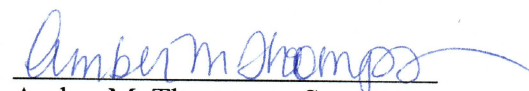
**WE, THE UNDERSIGNED**, being the fully qualified and acting President and Secretary, respectively, of the Board of Directors of the Santa Ynez River Water Conservation District, County of Santa Barbara, California, do hereby certify that the above and foregoing Resolution was duly adopted and passed by the Board of Directors of said District at a special meeting duly held on the 16th day of February, 2023, being on motion of Director Hibbits, seconded by Director Marymee, is authorized by the following vote, to wit:

**AYES**, and in favor thereof, Directors: Cynthia Allen, Mark Altshuler, Art Hibbits,  
Steve Jordan, Brett Marymee

**NOES**, Directors: None

**ABSENT/ABSTAINING**, Directors: None

  
Cynthia Allen, President

  
Amber M. Thompson, Secretary