

# **SPECIAL MEETING MINUTES**

## **SANTA YNEZ RIVER WATER CONSERVATION DISTRICT AUGUST 15, 2023**

A special meeting of the Board of Directors of the Santa Ynez River Water Conservation District was held on Tuesday, August 15, 2023, at 6:30 p.m. at the Buellton City Council Chambers, 140 West Highway 246, Buellton, California.

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

New Appointment to the Board: Larry Lahr

Others Present, in-person: Sarah Suput, Assistant General Manager Bill Buelow, Board Secretary Amber Thompson, and General Manager Kevin Walsh

Others Present, remote participation: Michelle Gearhart (Adamski Moroski Madden Cumberland & Green LLP, during closed session only) and Steve Torigiani (Young Wooldridge LLP)

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

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

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

President Allen led the Pledge of Allegiance.

### **3. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF JUNE 27, 2023**

President Allen submitted the minutes of the Special Meeting of June 27, 2023 for Board approval. There was no discussion or public comment.

Director Jordan made a **MOTION** to approve the minutes of the Special Meeting of June 27, 2023, as presented. Director Altshuler seconded. There was no discussion. The motion passed by voice vote 3-0-1, with Director Marymee abstaining.

### **4. PUBLIC COMMENT**

There was no public comment. Ms. Thompson announced that no written public comments were received prior to the meeting.

### **5. APPOINTMENT TO FILL DIVISION 4 DIRECTOR VACANCY PURSUANT TO GOVERNMENT CODE SECTION 1780(D)**

a) Review and Consider Information from and regarding Applicants and Selection of

Appointee to Fill the Vacancy in the Position of Division 4 Director

President Allen welcomed the two applicants, Mr. Larry Lahr and Ms. Sarah Suput, and asked if they had any comments for the Board to consider before making a decision. Both Ms. Suput and Mr. Lahr addressed the Board and Directors asked follow-up questions of the candidates. Discussion followed. No public comment was received.

The Directors thanked both candidates for their interest in serving as a Director for the SYRWCD and commended them on their qualifications.

b) Consideration of Adoption of Resolution No. 723 Making an Appointment to Fill the Vacancy in the Office of Director of Division 4

After deliberations, the Directors selected Mr. Larry Lahr to fill the vacancy in the Office of Director of Division 4.

Director Marymee **MOVED** to nominate Larry Lahr to Office of Director of Division 4. Mr. Torigiani, Legal Counsel, advised the board on the wording in Resolution No. 723. Director Marymee **AMENDED THE MOTION** to add LARRY LAHR to the blanks of Resolution No. 723, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT APPOINTING \_\_\_\_ TO FILL THE VACANCY IN THE OFFICE OF DIRECTOR OF DIVISION 4. Director Jordan seconded the motion. There was no public comment or additional discussion. The motion passed 4-0 by the following roll call vote:

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

Director Jordan **MOVED** to adopt Resolution No. 723, as amended, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT APPOINTING LARRY LAHR TO FILL THE VACANCY IN THE OFFICE OF DIRECTOR OF DIVISION 4. Director Altshuler seconded the motion. There was no public comment or additional discussion. The motion passed 4-0 by the following roll call vote:

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

Director Marymee noted that with the appointment of Mr. Lahr to the SYRWCD Board of Directors, Mr. Lahr would need to resign from the Citizens Advisory Group (CAG) for the Central Management Area (CMA) Groundwater Sustainability Agency (GSA). He asked Ms. Suput to contact Mr. Buelow regarding any interest in participating in the CMA GSA Committee meetings and the CMA CAG.

c) Oath of Office of Person Appointed to Fill Division 4 Director Vacancy

Ms. Amber Thompson, Secretary to the Board, administered the Oath of Office to Director Larry Lahr and he took his seat on the dais for the remainder of the meeting.

**6. CONSIDERATION OF ADOPTION OF RESOLUTION NO. 724 EXPRESSING APPRECIATION TO DIRECTOR ART HIBBITS**

President Allen presented Resolution No. 724 for consideration. Discussion followed. There was no public comment.

Director Jordan made a **MOTION** to adopt Resolution No. 724 Expressing Appreciation to Director Art Hibbits, as presented. Director Marymee seconded the motion. The motion passed 5-0 by the following roll call vote:

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

NOES, Directors: None

ABSENT, Directors: None

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

Ms. Thompson reported on the election results of the SDRMA Board of Directors.

**8. REQUESTS FROM THE BOARD OF DIRECTORS FOR ITEMS TO BE INCLUDED ON THE NEXT AGENDA**

Director Jordan requested an updated on the GSAs future governance process.

**9. NEXT REGULAR MEETING IS SCHEDULED FOR WEDNESDAY, SEPTEMBER 6, 2023, AT BUELLTON CITY COUNCIL CHAMBERS, 140 WEST HIGHWAY 246, BUELLTON, CALIFORNIA**

The next scheduled regular meeting of the Board meeting will be Wednesday, September 6, 2023, at 6:30 p.m., at the Buellton City Council Chambers, 140 West Highway 246, Buellton, California.

**10. CLOSED SESSION**

At 7:06p.m., President Allen closed the Open Session and the Board convened into Closed Session from 7:06 p.m. to 7:57 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).

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

At 7:57 p.m., The Board reconvened into Open Session and President Allen advised there is nothing to report from Closed Session.

**12. ADJOURNMENT**

There being no further business, President Allen adjourned the meeting at 7:57 p.m.

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Cynthia Allen, President

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Amber M. Thompson, Secretary

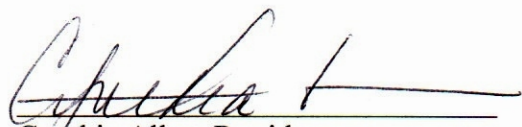
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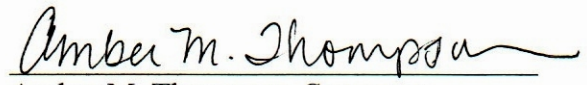
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**12. ADJOURNMENT**

There being no further business, President Allen adjourned the meeting at 7:57 p.m.

  
Cynthia Allen, President

  
Amber M. Thompson, Secretary



**RESOLUTION NO. 723**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
APPOINTING LARRY LAHR TO FILL THE VACANCY  
IN THE OFFICE OF DIRECTOR OF DIVISION 4**

**WHEREAS**, by reason of the retirement of ART HIBBITS effective June 30, 2023, a vacancy has been created in the office of Director of Division 4 of this District, and the District timely notified the county elections official of said vacancy as required by Government Code Section 1780(b); and

**WHEREAS**, Government Code Section 1780 (referenced and incorporated by Water Code §74202) authorizes this Board to appoint a person to fill the vacancy and serve until the next general district election scheduled one hundred thirty (130) or more days after the effective date of the vacancy; and

**WHEREAS**, this Board previously elected to fill said vacancy by appointment pursuant to Section 1780(d); and

**WHEREAS**, a Notice of Vacancy, including notice of the District's election to fill said vacancy by appointment, was duly posted as required by Government Code Section 1780 at three (3) conspicuous places within the District not less than fifteen (15) days prior to the adoption of this Resolution; and

**WHEREAS**, the power and privilege of filling said vacancy by appointment now rests with the remaining members of the Board of Directors by virtue of said Section 1780; and

**WHEREAS**, LARRY LAHR is knowledgeable about the affairs of the District and has been determined by this Board of Directors as an appropriate person to fill said vacancy.

**NOW, THEREFORE, BE IT RESOLVED**, by this Board of Directors as follows:

1. That LARRY LAHR be and hereby is appointed to the office of Director of Division 4 of this District, formerly held by ART HIBBITS, to hold said office until the next general district election and thereafter until the person who is elected at that election has been qualified.
2. That the Secretary of the District prepare and transmit to the Secretary of State and the Santa Barbara County Clerk an amended Statement of Fact as required by Government Code Section 53051(b) and notify said county elections official of said appointment no later than 15 days after the appointment.

3. That the District's staff and attorneys are authorized to do all things necessary to carry out the appointment of LARRY LAHR.

The foregoing resolution being on motion of Director Jordan, seconded by Director Altshuler, was authorized by the following vote:

**AYES**, and in favor thereof, Directors: Allen, Altshuler, Jordan, and Marymee

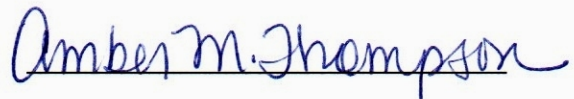
**NOES**, Directors: None

**ABSENT/ABSTAINING**, Directors: None

I HEREBY CERTIFY that the foregoing resolution is the resolution of said district as duly passed and adopted by said Board of Directors at a special meeting duly held on the 15<sup>th</sup> day of August 2023.



Cynthia Allen, President



Amber M. Thompson, Secretary



**RESOLUTION NO. 724**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
EXPRESSING ITS APPRECIATION TO**

**ART HIBBITS**

**WHEREAS**, ART HIBBITS was duly appointed to the Board of Directors of the Santa Ynez River Water Conservation District on September 14, 2005 and served on the District Board with distinction and competence from that date until June 30, 2023; and

**WHEREAS**, during this period he was involved in extensive conservation, protection, and planning activities of the District, including:

- ◆ Operation of the required downstream release provisions relating to the Cachuma Project, which resulted in the efficient recharge of the aquifers of the Santa Ynez River above the Lompoc Narrows and the aquifers of the Lompoc Groundwater Basin;
- ◆ Protection of the rights of the District's groundwater pumpers;
- ◆ Defense of the Cachuma Project Settlement Agreement, involving issues relating to water quantity, water quality, environmental protection, and flood control;
- ◆ Improvement of the District's Groundwater Well Registration and Production Reporting Program;
- ◆ Compliance with the Sustainable Groundwater Management Act (SGMA) of 2015;
- ◆ Creation and implementation of three Groundwater Sustainability Plans for the Santa Ynez River Groundwater Basin, Bulletin 118 Basin No. 3-15, Central, Western and Eastern Management Areas, and the formation of three Groundwater Sustainability Agencies;
- ◆ Compliance with all laws, regulations and executive orders of the United States and State of California;
- ◆ Promotion of sound District finances and long-term planning; and
- ◆ Involvement in many issues associated with the protection of water rights within the District; and

**WHEREAS**, his in-depth knowledge of farming and agriculture was an invaluable resource to the District.



**WHEREAS**, Art Hibbits is younger than the hills and valley that surround his family's farm and older than most of the trees he steadfastly cares for; orchardist, vigneron, and farmer in the Lompoc Valley for over 50 years, steadfastly and responsibly caring for his crops; master of his home, his dog and his barbeque pit; tirelessly working with consistency and dedication.

**NOW, THEREFORE, BE IT RESOLVED**, by this Board of Directors as follows:

1. ART HIBBITS be acknowledged and honored on his departure from his position as Director of Division 4 of the Santa Ynez River Water Conservation District; and
2. On behalf of the citizens of the Santa Ynez and Lompoc Valleys, the Board of Directors and Staff of the Santa Ynez River Water Conservation District hereby conveys to ART HIBBITS its sincere appreciation for a job well done and its heartfelt belief that the community in which he served remains indebted to him for his valuable service.
3. Commends ART HIBBITS for being a gracious host, a family man, a pillar of the community, and a friend to all who meet him.

The foregoing resolution being on motion of Director Jordan, seconded by Director Marymee, was authorized by the following vote:

**AYES**, and in favor thereof, Directors: Allen, Altshuler, Jordan, Lahr, and Marymee

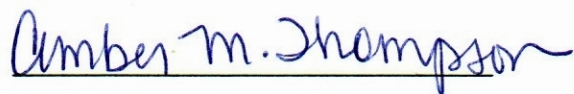
**NOES**, Directors: None

**ABSENT/ABSTAINING**, Directors: None

I HEREBY CERTIFY that the foregoing resolution is the resolution of said district as duly passed and adopted by said Board of Directors on the 15<sup>th</sup> day of August 2023.



Cynthia Allen, President



Amber M. Thompson, Secretary