

# MEETING MINUTES

## SANTA YNEZ RIVER WATER CONSERVATION DISTRICT

May 6, 2020

A special meeting of the Board of Directors of the Santa Ynez River Water Conservation District was held on Wednesday, May 06, 2020. As a result of the COVID-19 emergency and Governor Newsom's Executive Orders to protect public health by issuing shelter-in-home standards, limiting public gatherings, and requiring social distancing, this meeting occurred solely via teleconference as authorized by and in furtherance of Executive Order Nos. N-29-20 and N-33-20.

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

Others Present: General Manager Kevin Walsh, Groundwater Program Manager Bill Buelow, Board Secretary Amber Thompson, Legal Counsel Steve Torigiani, and 1 member of the public

### I. CALL TO ORDER AND ROLL CALL

President Allen called the meeting to order at 4:10 p.m. Ms. Thompson called the roll. All Directors were present providing a quorum.

### II. ADDITIONS, IF ANY, TO THE AGENDA

There were no additions to the agenda.

### III. PUBLIC COMMENT

There was no public comment.

### IV. APPROVAL OF MINUTES

President Allen submitted the minutes of the special meeting of March 4, 2020 for Board approval. Director Marymee made a MOTION to approve the minutes. Director Altshuler seconded the motion and passed by the following roll call vote:

|                    |   |
|--------------------|---|
| AYES, Directors:   | Cynthia Allen<br>Mark Altshuler<br>Art Hibbits<br>Steve Jordan<br>Brett Marymee |
| NOES, Directors:   | None  |
| ABSENT, Directors: | None  |

**V. PUBLIC HEARING ON THE 42ND ANNUAL ENGINEERING SURVEY AND REPORT ON WATER SUPPLY CONDITIONS OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, 2019-2020**

President Allen opened the public hearing. Ms. Thompson announced that she received the 42<sup>nd</sup> Annual Engineering Survey and Report on Water Supply Conditions of the Santa Ynez River Water Conservation District for 2019-2020 on April 22, 2020, the Public Hearing was properly noticed, and the full report is available to the public on the District's website ([www.SYRWCD.com](http://www.SYRWCD.com)). Mr. Buelow, Groundwater Program Manager, provided a review of the report including changes derivative of Director comments and requests on the 41<sup>st</sup> Annual Report.

Discussion followed. There was no public comment.

President Allen closed the public hearing and continued the hearing to the June 10, 2020 Special Board meeting to allow the public 30 days to review the report.

**VI. CONSIDER RESOLUTION NO. 697 – ESTABLISHING A PURCHASING POLICY AND PROCEDURES**

The Board reviewed and briefly discussed the Purchasing Policy and Procedures. There was no public comment.

President Allen waived reading of the Resolution. Director Jordan MOVED to adopt Resolution No. 697: ESTABLISHING A PURCHASING POLICY AND PROCEDURES.

The motion was seconded by Director Marymee and the resolution was adopted and passed by the following roll call vote:

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

NOES, Directors: None

ABSENT, Directors: None

**VII. GROUNDWATER PROGRAM MANAGER REPORT**

**A. Consider Resolution 698 – AMENDING THE DECEMBER 2018 GRANT AGREEMENT BETWEEN THE DISTRICT AND STATE OF CALIFORNIA**

The Board reviewed and briefly discussed the Amendment to Grant Agreement. There was no public comment.

Director Jordan waived reading of the Resolution and MOVED to adopt Resolution No. 698: AMENDING THE DECEMBER 2018 GRANT

## AGREEMENT BETWEEN THE DISTRICT AND STATE OF CALIFORNIA

The motion was seconded by Director Altshuler and the resolution was adopted and passed by the following roll call vote:

|                    |   |
|--------------------|---|
| AYES, Directors:   | Cynthia Allen<br>Mark Altshuler<br>Art Hibbits<br>Steve Jordan<br>Brett Marymee |
| NOES, Directors:   | None  |
| ABSENT, Directors: | None  |

- B. Consider authorizing the General Manager or Designee to enter into contract(s) with Ramboll (or its US subsidiary) and SkyTEM (or its US subsidiary) or at the option of the General Manager, authorize Stetson Engineers to subcontract those firms as a contract amendment

Mr. Buelow reported that the District, on behalf of the Central Management Area (CMA) and Western Management Area (WMA) Groundwater Sustainability Agencies (GSAs), has been working with consultant firms Ramboll and SkyTEM to conduct the proposed Aerial Electromagnetic (AEM) survey of the CMA and WMA. The scope of work would be as proposed in the submitted Proposition 68 grant application prepared by the District. As part of the proposal effort, the District received cost-estimates from both firms. Both firms confirmed the costs quoted in their estimates are valid through 2020. Additionally, Stetson Engineers provided a cost estimate to integrate the new AEM data into the Groundwater Sustainability Plans (GSPs). The estimated total cost for the project is \$400,000 with \$296,000 provided by the Proposition 68 grant award.

The WMA and CMA surveys would complement the AEM Survey of the Eastern Management Area (EMA) funded by the Santa Barbara County Water Agency. The District, County of Santa Barbara Water Agency and consultants are coordinating on the schedule of the surveys to potentially coincide.

Discussion followed. Director Jordan commented that the consultants should expect and consider on-going agricultural operations, especially in the WMA where there are many large field crews. Mr. Jordan added that farmers need to be notified of the timing of the AEM survey.

There was no public comment.

Director Marymee MOVED to authorize the General Manager or Designee the following contracting options: 1) District provide a change order to Stetson Engineers to subcontract Ramboll (or its US subsidiary) and SkyTEM (or its US subsidiary) or; 2) at the option of the General Manager, the District enter into contract(s) with those firms. The maximum aggregate contract should not exceed

\$425,000 without further Board approval. Director Jordan seconded the motion and passed by the following roll call vote:

|                    |   |
|--------------------|---|
| AYES, Directors:   | Cynthia Allen<br>Mark Altshuler<br>Art Hibbits<br>Steve Jordan<br>Brett Marymee |
| NOES, Directors:   | None  |
| ABSENT, Directors: | None  |

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

Ms. Thompson reported election information will be emailed to Directors Altshuler and Jordan, both have terms expiring in 2020.

**IX. REQUEST FOR ITEMS TO BE INCLUDED ON THE NEXT AGENDA**

No requests were made for items to be included in the next agenda.

The next Board meeting will be a Special meeting on May 12, 2020 time to be determined. Due to COVID-19 restrictions, it will be held via teleconference call.

The next Regular Meeting scheduled for June 3, 2020, will be cancelled, and rescheduled as a Special Meeting for June 10, 2020, 5:00 p.m., location to be determined. Due to COVID-19 restrictions, it may be held via teleconference call.

**X. CLOSED SESSION**

To accommodate the teleconferencing format of this meeting, Ms. Thompson announced that the public participation phone line would be closed for sixty (60) minutes while the Board of Directors convenes into closed session and would be reopened at 6:25 p.m. The Board adjourned into Closed Session at 5:25 p.m. to discuss the following topics:

- A. Conference with Legal Counsel – Pending Litigation (Government Code section 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; 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.

- B. Conference with Legal Counsel - Pending Litigation (Government Code section 54956.9, subd. (d)(1)): Wolff vs SYRWCD, Superior Court of California, County of Santa Barbara, Case No. 20CV01552
- C. Conference with Legal Counsel – Anticipated Litigation: Possible initiation of litigation (Government Code section 54956.9, subd. (d)(4) (one item).

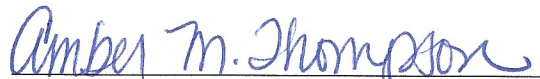
**XII. RECONVENE OPEN SESSION/REPORT FROM CLOSED SESSION**

Open session reconvened at 6:35 p.m. The public participation phone line was reopened. President Allen stated there is nothing to report.

**XIII. ADJOURNMENT**

There being no further business, President Allen adjourned the meeting at 6:35 p.m.

  
Cynthia Allen, President

  
Amber M. Thompson, Secretary

**RESOLUTION NO. 697**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
ESTABLISHING POLICIES AND PROCEDURES OF SAID DISTRICT FOR  
PURCHASES OF SUPPLIES, EQUIPMENT, MATERIALS AND SERVICES**

**WHEREAS**, Government Code section 54202 provides that, "Every local agency shall adopt policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency."

**WHEREAS**, consistent with section 54202, the Board of Directors of the Santa Ynez River Water Conservation District desires to adopt a policy establish methods to provide for a more formal process for the procurement of equipment, service, and materials for the operation of the District's business; and

**WHEREAS**, a proposed draft of "The Santa Ynez River Water Conservation District Purchasing Policy and Procedures Including Competitive Bidding Requirements" (the "Purchasing Policy") is attached to this Resolution as Exhibit A; and

**WHEREAS**, the Board of Directors has reviewed the Purchasing Policy.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of the Santa Ynez River Water Conservation District, as follows:

1. The attached Purchasing Policy is hereby adopted.
2. District staff shall implement the Purchasing Policy immediately upon adoption of this Resolution.
3. Changes or revisions in the Purchasing Policy shall be adopted by further Resolution of this Board.

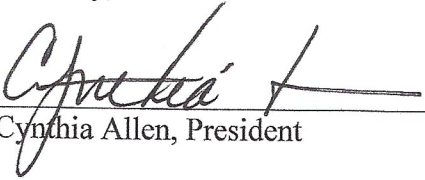
The foregoing resolution being on motion of Director Jordan, seconded by Director Marymee, was authorized by the following vote:


|  |   |
|--|---|
| <b>AYES</b> , and in favor thereof, Directors: | Cynthia Allen<br>Mark Altshuler<br>Art Hibbits<br>Steve Jordan<br>Brett Marymee |
|--|---|

|                          |      |
|--------------------------|------|
| <b>NOES</b> , Directors: | None |
|--------------------------|------|

|                                       |      |
|---------------------------------------|------|
| <b>ABSENT/ABSTAINING</b> , 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 the 6<sup>th</sup> of May, 2020.

  
Cynthia Allen, President

  
Amber M. Thompson, Secretary

**SANTA YNEZ RIVER WATER CONSERVATION DISTRICT**  
**PURCHASING POLICY AND PROCEDURES**  
**INCLUDING COMPETATIVE BIDDING REQUIREMENTS**

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**1. PURPOSE AND SCOPE**

This Purchasing Policy and Procedures provides for the purchase of supplies and equipment, as required by Government Code Section 54202, and also addresses securing services and public works contracts. Nothing herein shall abrogate state or federal law establishing a more stringent purchasing procedure. The District's General Manager or designee shall be the Purchasing Agent (PA). As used herein, the definition of Public Works Contract shall be as found in California Public Contract Code section 1101, i.e., "an agreement for erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind."

**2. PURCHASES OF \$3,000.00 OR UNDER**

The PA may purchase supplies, services, equipment and enter into a Public Works Contract estimated to cost \$3,000.00 or less without solicitation of bids.

**3. PURCHASES COSTING MORE THAN \$3,000.00, BUT NOT MORE THAN \$50,000.00**

Supplies, services, equipment and a Public Works Contract estimated to cost more than \$3,000.00 but less than \$50,000.00 may be purchased by the PA after receiving at least three proposals. Services may also be purchased by the PA by sole source process on the basis of demonstrated competence and having the professional qualifications necessary for satisfactory performance of the services required.

**4. SUPPLIES, SERVICES, AND EQUIPMENT PURCHASES COSTING MORE THAN \$50,000.00**

Supplies, services, and equipment estimated to cost more than \$50,000.00 may be purchased by the Board of Directors (Board) after the PA has provided at least three written proposals based upon written specifications provided to vendors. Services may also be purchased by the Board by sole source process on the basis of demonstrated competence and having the professional qualifications necessary for satisfactory performance of the services required.

**5. PUBLIC WORKS CONTRACT COSTING MORE THAN \$50,000.00**

Although procedures for soliciting and awarding a Public Works Contracts is not provided for California Water Conservation Districts in the Public Contract Code, unless otherwise provided by the Board, a Public Works Contracts with estimated to cost more than \$50,000.00 may be purchased by the Board from the lowest responsive and responsible bidder after the publication of a notice inviting proposals, once a week for two successive weeks, the last publication to be made not less than one week prior to the opening of proposals.



All bids shall be opened publicly and the dollar amount of each bid shall be read aloud at the designated time for opening bids. Under no circumstances shall a bid which is received at the designated place of opening after the closing time be opened or considered.

## 7. EXCEPTIONS

The requirements of Sections 3, 4 and 5 of this policy shall not be applicable if:

- (a) Procedures relating to the purchase of supplies, services, equipment or a Public Works Contract may be dispensed with when the price is established by federal, state or local laws, regulations or ordinances.
- (b) An emergency exists which has the potential to have a negative impact on life or property, the General Manager may purchase the supplies, services, and public works necessary to meet the emergency without soliciting bids.
- (c) The purchase is associated with obtaining engineering, scientific, technical, surveying, accounting, bookkeeping, management, legal, artistic or similar services of a specialized nature.
- (d) The purchase is associated with obtaining services to be performed by persons with special education, training, or experience. May include professional services by vendors with specific knowledge of a project due to their involvement in pre-construction services or performance of services on similar projects.
- (e) The purchase is associated with obtaining services on a month to month basis.
- (f) The Board determines that the best interests of the District would be served by not securing competitive bids or issuing a request for proposals.
- (g) The PA finds that the cost of preparing and administering a competitive bidding process in a particular case is disproportional to the estimated contract amount or is otherwise not likely to result in a savings to the District.
- (h) A statutory exemption to obtaining bids or proposals is applicable, including pursuant to Government Code section 4525 et seq.

## 8. OTHER PROCEDURES

The procedure and forms used in the purchasing of supplies, equipment, services or a public works contract shall be approved by the PA and in clear and concise written form consistent with these Purchasing Procedures. The PA may at any time require more stringent procedures be followed than those outlined in this document.

**RESOLUTION NO. 698**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT  
AMDENDING THE DECEMBER 2018 GRANT AGREEMENT BETWEEN THE  
DISTRICT AND STATE OF CALIFORNIA**

**WHEREAS**, the State of California enacted the Sustainable Groundwater Management Act (Water Code Section 10720 et seq.), as amended, which became effective January 1, 2015, pursuant to which certain public agencies may become Groundwater Sustainability Agencies (GSA) and adopt Groundwater Sustainability Plans (GSP) in order to manage and regulate groundwater in underlying groundwater basins; and

**WHEREAS**, SYRWCD, as the Coordinating Agency in the SY Basin, intends to develop and produce one or more GSPs and a Coordination Agreement, as appropriate for the SY Basin, which GSP(s) shall be well coordinated and fully comply with GSP Regulations and be approvable by DWR;

**WHEREAS**, the Board of Directors for SYRWCD under Resolution 695 authorized District Staff to pursue the Proposition 68 Grant Funds;

**WHEREAS** The Santa Ynez River Water Conservation District entered into an agreement with the Department of Water Resources on December 17, 2018 for the original \$1M grant; and

**WHEREAS** The Santa Ynez River Water Conservation District was awarded an additional \$296,000 grant by the California Department of Water Resources under the 2019 Sustainable Groundwater Management Grant Program pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) (Water Code Section 79700 et seq.) and/or the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018 (Proposition 68) for the Santa Ynez River Valley Groundwater Basin, Aerial Electromagnetic Survey of the Western and Central Management Areas in the Santa Ynez River Valley Groundwater Basin.

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

1. The Groundwater Program Manager and/or the General Manager of the Santa Ynez River Water Conservation District or designee is hereby authorized to execute an amendment to the December 2018 grant agreement between the District and the California Department of Water Resources in substantially the form as reflected in Exhibit A, attached hereto.

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

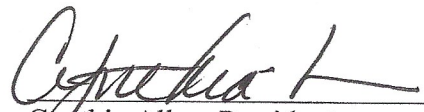
**AYES**, and in favor thereof, Directors: Cynthia Allen  
Mark Altshuler  
Art Hibbits  
Steve Jordan  
Brett Marymee

**NOES**, Directors: None

**ABSENT/ABSTAINING**, Directors: None

#### CERTIFICATION

I HEREBY CERTIFY that the foregoing resolution is a full, true, and correct copy of a resolution of said district as duly passed and adopted by the Board of Directors of the Santa Ynez River Water Conservation District at a meeting held on the 6<sup>th</sup> of May, 2020.

  
Cynthia Allen, President

  
Amber M. Thompson, Secretary