



## CACHUMA CONSERVATION RELEASE BOARD

### REGULAR MEETING AGENDA

**Goleta Water District  
Board Conference Room  
4699 Hollister Ave.  
Goleta, CA 93110**

City of Santa Barbara

Goleta Water District

Montecito Water District

**September 6, 2018  
10:00 AM**

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#### **Roll Call**

#### **Public Comment Period**

Any member of the public may address the Board of Directors (Board) on any subject within the jurisdiction of the Board that is not scheduled for a public hearing before the Board. The President of the Board will determine the total time for public comments. If you wish to address the Board, please complete and deliver to the Secretary of the Board, before the meeting is convened, a "Request to Speak" form including a description of the subject you wish to address.

#### **Consent Agenda**

All matters listed hereunder constitute a consent agenda and may be acted upon by a single roll call vote of the Board.

##### **CA-1) MEETING MINUTES**

Approval of minutes of the Board of Directors' July 12, 2018 meeting.

##### **CA-2) UNAUDITED INTERIM FINANCIAL STATEMENT – PERIOD ENDING July 31, 2018**

Receive and file the Unaudited Interim Financial Statement – Period Ending July 31, 2018.

#### **Closed Session Agenda**

##### **CS-1) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Government Code section 54956.9(d) (One potential case)

##### **CS-2) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Government Code section 54956.9(d)(1) (One case: State Water Resources Control Board adjudicatory proceeding regarding Cachuma Project water rights)

**Reconvene into open session and report on actions taken in closed session pursuant to Government Code Section 54957.1**

## Regular Agenda

**RA-1) DRAFT POLICY RESOLUTION – MEMBER AGENCY BRIEFINGS BY CCRB STAFF**

Consider and approve or provide direction regarding a draft policy resolution for the briefing of CCRB member agencies' governing bodies on activities underway with CCRB.

**RA-2) UPDATE – DRAFT WATER BOARD ORDERS (APPLICATIONS 11331 and 11332)**

Receive an oral status update regarding water rights orders that are currently in process with the State Water Resources Control Board.

**RA-3) UPDATE – FEDERAL RECONSULTATION PROCESS FOR CACHUMA PROJECT**

Receive an oral status update regarding the Endangered Species Act-related Reconsultation process that is underway in conjunction with the US Bureau of Reclamation and NOAA Fisheries (National Marine Fisheries Service).

**RA-4) SET NEXT MEETING (Time, Date, Location) AND ADJOURN.**

### NOTICE TO PUBLIC

**Americans with Disabilities Act:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Cachuma Conservation Release Board representative at (805) 879-4627 at least 48 hours prior to the meeting to enable the Board to make reasonable arrangements.

[This Agenda was posted at the Goleta Water District, 4699 Hollister Avenue, Goleta CA and delivered in accordance with §54954.1 and .2 of the Government Code.]

**MINUTES OF A REGULAR MEETING**  
**of the**  
**CACHUMA CONSERVATION RELEASE BOARD**  
**held at the**  
**Montecito Water District**  
**Board Conference Room**  
**583 San Ysidro Road**  
**Montecito, CA 93108**

**Thursday, August 2, 2018, 10:00 am**

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**CALL TO ORDER, ROLL CALL**

The meeting was called to order at 10:05 a.m. by board President Lauren Hanson, recognizing Board member Sneddon to be delayed in arrival. Those in attendance were:

**Directors Present:**

Lauren Hanson	Goleta Water District
Doug Morgan	Montecito Water District
Kristen Sneddon (arr. 10:20)	City of Santa Barbara

**Also Present:**

John McInnes  
Ryan Drake  
Josh Haggmark  
Peter Cantle

**Present by Phone:**

Kevin O'Brien  
Sam Bivins  
Dan Hentschke  
Jean Baldrige (Closed Session)  
Joel Mulder (Closed Session)  
Enrique Lopezcalva (Closed Session)  
Warren Greco (Closed Session)  
Charles Watson (Closed Session)

**PUBLIC COMMENT**

No one from the general public was present; there was no public comment.

**CONSENT AGENDA**

Items on the Consent Agenda were considered and addressed as follows:

- Approval was moved and seconded (Morgan/Hanson) for minutes from the CCRB meeting held July 12, 2018, and passed by a vote of 2-0. Consideration of minutes from the CCRB June 19, 2018 meeting was deferred until arrival of Director Sneddon, as Director Morgan did not attend the meeting.

- It was moved and seconded (Morgan/Hanson) and passed by a vote of 2-0 to receive and file the Unaudited Interim Financial Status Statement for the Period Ending June 30, 2018 and to approve a constructive return to Member Agencies for FY2017/2018.

#### **REGULAR AGENDA**

The Board was updated on Regular Agenda items as follows, pending Director Sneddon's arrival.

**RA-1. PRA Request.** A citizen requested copies of 10 fraudulent checks that had been issued against CCRB's account in July 2017. The checks were deemed to be publicly-available records and subsequently provided timely to the requester (account and routing numbers having been redacted). Sam Bivins will handle any necessary follow-up.

**RA-2. Move to New Bank.** Executive Director Cantle noted that CCRB is now prepared to move its banking accounts to Community West Bank. The transition will occur in August.

#### **CLOSED SESSION**

The Board went into closed session at 10:20 a.m. to discuss matters regarding existing and potential litigation. The Board came out of closed session and reconvened the public meeting at 11:00 a.m. There was no reportable action from closed session.

#### **CONSENT AGENDA**

The Board returned to Consent Agenda CA-1 to consider minutes from the June 19, 2018 special meeting. Director Sneddon requested that Executive Director Cantle's title be spelled out rather than abbreviated. With this edit, approval of the minutes was moved and seconded (Sneddon/Hanson) and passed 2-0-1 (Morgan).

#### **REGULAR AGENDA**

The Board returned to the Regular Agenda to address **RA-3, Set Next Meeting and Adjourn.** The next regular meeting of the Cachuma Conservation Release Board will be held at 10:00 am September 6, 2018 at the Goleta Water District. President Hanson also noted the potential need for one or more special Board meetings during August and September due to the anticipated issuance of State Water Board permits during this time period. Director Sneddon noted she will be unavailable August 16-23, but otherwise available. The meeting adjourned at 11:05 a.m.

Respectfully submitted,



Secretary to the Board



Cachuma Conservation  
Release Board  
Agenda Letter

**Board of Directors**

City of Santa Barbara  
Goleta Water District  
Montecito Water District

**For Agenda Of:** September 6, 2018  
**Estimated Time:** (Consent)  
**Continued Item:** No  
**If Yes, date from:**

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**TO:** Board Members  
**FROM:** Peter Cantle, Executive Director  
**SUBJECT:** Unaudited Interim Financial Statement - Period Ending July 31, 2018

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**Legal Concurrence:**

As to form: N/A

**Recommended Actions:**

Receive and file the Unaudited Interim Financial Statement – Period Ending July 31, 2018.

**Discussion:**

The Board of Directors approves the CCRB budget each fiscal year, which is subsequently ratified by each Member Agency's governing body. Following budget approval, unaudited interim financial results are provided each month to the Board to compare fiscal performance against the adopted budget. This report addresses the period ending July 31, 2018.

**Fiscal Analysis:**

Total income through July 31 was \$265,587.62, reflecting receipt of first-quarter billings from two of three Member Agencies. Expenses through July 31 (\$32,376.51) reflected costs incurred for CCRB management, legal and strategic regulatory support, and essential administrative processes (e.g., accounting, auditing, computer/website support, insurance).

**Attachments:**

Attachment 1: Unaudited Interim Financial Statement for the period ending July 31, 2018

**Authored by:**

Peter Cantle, Executive Director

**ATTACHMENT 1**

**UNAUDITED INTERIM FINANCIAL STATEMENT – PERIOD ENDING  
JULY 31, 2018**

**Cachuma Conservation Release Board**  
**Statement of Revenue and Expense- Budget vs. Actual**  
**July 2018**

	Jul 18	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
4200 · Income	265,587.00	1,062,350.00	-796,763.00	25.0%
4300 · Interest Income	0.62			
<b>Total Income</b>	<b>265,587.62</b>	1,062,350.00	-796,762.38	25.0%
<b>Expense</b>				
5050 · Office Lease	542.00	4,800.00	-4,258.00	11.3%
5100 · Audit	4,625.00	8,000.00	-3,375.00	57.8%
5200 · Liability Insurance	3,525.77	5,300.00	-1,774.23	66.5%
5301 · Managers Salary	12,500.00	165,000.00	-152,500.00	7.6%
5304 · Administrative Support	0.00	9,600.00	-9,600.00	0.0%
5312 · Misc Admin Expense	322.17	4,000.00	-3,677.83	8.1%
5313 · Communications/Computer	378.96	6,000.00	-5,621.04	6.3%
5316 · Admin Fixed Assets	482.61	4,000.00	-3,517.39	12.1%
5330 · Admin Travel Expense	0.00	8,000.00	-8,000.00	0.0%
5331 · Travel Federal & State Meetings	0.00	20,000.00	-20,000.00	0.0%
5332 · Transportation	0.00	1,000.00	-1,000.00	0.0%
6500 · Contingency	0.00	75,150.00	-75,150.00	0.0%
7000 · Legal	0.00	40,000.00	-40,000.00	0.0%
7001 · BO Reconsultation Legal Support	0.00	546,500.00	-546,500.00	0.0%
7002 · SWRCB Water Rights	0.00	165,000.00	-165,000.00	0.0%
7400 · Legislative/Regulatory Analyst	10,000.00			
<b>Total Expense</b>	<b>32,376.51</b>	1,062,350.00	-1,029,973.49	3.0%
<b>Net Ordinary Income</b>	233,211.11	0.00	233,211.11	100.0%
<b>Net Income</b>	<b>233,211.11</b>	<b>0.00</b>	<b>233,211.11</b>	<b>100.0%</b>

11:00 AM

08/02/18

**Cachuma Conservation Release Board**  
**Reconciliation Summary**  
**1010 · Union Bank Checking #4102, Period Ending 07/31/2018**

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	Jul 31, 18	
Beginning Balance		49,973.76
Cleared Transactions		
Checks and Payments - 11 items	-75,240.28	
Deposits and Credits - 2 items	34,765.62	
Total Cleared Transactions	-40,474.66	
Cleared Balance		<u>9,499.10</u>
Register Balance as of 07/31/2018		9,499.10
Ending Balance		9,499.10



OK  
Aug 23, 2018



**Cachuma Conservation Release Board**  
**Reconciliation Detail**  
**1010 · Union Bank Checking #4102, Period Ending 07/31/2018**

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						49,973.76
<b>Cleared Transactions</b>						
<b>Checks and Payments - 11 items</b>						
Bill Pmt -Check	06/21/2018	3086	Rauch Communicati...	X	-261.88	-261.88
Bill Pmt -Check	07/02/2018	3088	SDRMA	X	-3,525.77	-3,787.65
Bill Pmt -Check	07/02/2018	3087	Patterson/101 Allstore	X	-271.00	-4,058.65
Bill Pmt -Check	07/23/2018	3093	Downey Brand Attor...	X	-46,877.04	-50,935.69
Bill Pmt -Check	07/23/2018	3091	Cantle Environment...	X	-13,167.36	-64,103.05
Bill Pmt -Check	07/23/2018	3090	California Strategies...	X	-10,000.00	-74,103.05
Bill Pmt -Check	07/23/2018	3089	AccountabilityPlus, Inc	X	-471.44	-74,574.49
Bill Pmt -Check	07/23/2018	3094	Patterson/101 Allstore	X	-271.00	-74,845.49
Bill Pmt -Check	07/23/2018	3092	CIO Solutions, LP	X	-85.00	-74,930.49
Bill Pmt -Check	07/23/2018	3095	Premier Global (PGI)	X	-8.41	-74,938.90
Check	07/31/2018			X	-301.38	-75,240.28
Total Checks and Payments					-75,240.28	-75,240.28
<b>Deposits and Credits - 2 items</b>						
Payment	07/02/2018	64625	Montecito Water Dis...	X	34,765.00	34,765.00
Deposit	07/31/2018			X	0.62	34,765.62
Total Deposits and Credits					34,765.62	34,765.62
Total Cleared Transactions					-40,474.66	-40,474.66
Cleared Balance					-40,474.66	9,499.10
Register Balance as of 07/31/2018					-40,474.66	9,499.10
<b>Ending Balance</b>					<b>-40,474.66</b>	<b>9,499.10</b>



OK

Aug 23, 2018



Cachuma Conservation  
Release Board  
Agenda Letter

**Board of Directors**

City of Santa Barbara

Goleta Water District

Montecito Water District

**For Agenda Of:** September 6, 2018  
**Estimated Time :** 15 minutes  
**Continued Item:** No  
**If Yes, date from:**

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**TO:** Board Members

**FROM:** Peter Cante, Executive Director

**SUBJECT:** Draft Policy Resolution 2018-6: Member Agency Briefings by CCRB Staff

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**Legal Concurrence:**

As to form: Yes; the draft Policy Resolution attached hereto was drafted by CCRB Counsel for the Board's consideration.

**Recommended Actions:**

Consider and approve or provide editorial input and direction regarding the attached draft Policy Resolution for briefing of CCRB member agencies' governing bodies on activities underway with CCRB.

**Discussion**

In its July 12, 2018 meeting, the CCRB Board requested a Policy Resolution to address the briefing of CCRB Member Agencies' governing bodies on activities underway with CCRB. The request grew out of the Montecito Water District's Board of Directors' desire to be briefed by CCRB staff in closed session on the progress and status of state and federal regulatory processes in which CCRB staff are currently engaged. While it is the general practice and expectation that individual CCRB Board members liaise with the governing bodies of their respective agencies regarding CCRB's activities, the CCRB Board also recognized the potential need to provide more in-depth informational briefings from CCRB staff, if requested and reasonably necessary for the accomplishment of CCRB's objectives. The attached draft Policy Resolution contemplates a staff-level briefing to each Member Agency governing body once per calendar year upon request and with the CCRB Board's approval, with additional briefings being charged to the requesting agency to recover associated costs.

**Fiscal Analysis:**

The July 2018 closed session briefing to the Montecito Water District Board of Directors was provided by CCRB's Executive Director, chief and associate counsel, and its regulatory affairs consultant. This level of staffing was appropriate to respond to and address a range of policy and legal questions the board

provided through their representative, Director Morgan. In providing this briefing, CCRB incurred approximately \$2800 in costs, primarily associated with the attorneys' preparation and participation. (CCRB's regulatory affairs consultant and Executive Director are paid a flat monthly rate, thus no additional costs arose from their participation.) Although it is unlikely that future briefings will require staffing other than as described above, additional briefing costs could accrue in the event that CCRB's hydrology and/or biology consultants participate substantially, as these vendors also charge their services on an hourly basis.

**Attachments:**

Attachment 1: [DRAFT] Resolution NO. 2018-6. *A Resolution of the Board of Directors of the Cachuma Conservation Release Board Adopting a Policy for Member Agency Briefings by CCRB Staff*

**Authored by:**

Peter Cante, Executive Director (staff report)

Sam Bivins, Associate Counsel (draft policy resolution)

**ATTACHMENT 1**

[DRAFT] Resolution NO. 2018-6

*A Resolution of the Board of Directors  
of the Cachuma Conservation Release Board  
Adopting a Policy for Member Agency Briefings by CCRB Staff*

**[DRAFT] RESOLUTION NO. 2018-6**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE CACHUMA CONSERVATION RELEASE BOARD  
ADOPTING A POLICY FOR MEMBER AGENCY BRIEFINGS BY CCRB STAFF**

WHEREAS, the Cachuma Conservation Release Board (“CCRB”) is a joint powers agency established under the Joint Exercise of Powers Act, Government Code section 6500 *et seq.*, and formed pursuant to a Joint Powers Agreement dated January 11, 1973 (JPA Agreement); and

WHEREAS, the local agency members of CCRB are the City of Santa Barbara, Goleta Water District, and Montecito Water District; and

WHEREAS, paragraph 1 of the JPA Agreement provides that the purposes of the agreement are “(a) to form a joint powers entity which has authority to represent the parties in promoting their common objective of maximizing the amounts of water which they can obtain from the Cachuma Project or other sources which may be available to them, and (b) to provide for the powers and procedures of such joint entity; provided, that such joint powers entity shall not represent the parties with respect to water rights or projects on the Santa Ynez River or its tributaries upstream from Cachuma Reservoir;” and

WHEREAS, in order to undertake and discharge its purposes as enumerated in the JPA Agreement, the Board of Directors of CCRB adopted Resolution No. 2018-3, and

WHEREAS, Resolution No. 2018-3 permits a representative of a CCRB member agency’s legislative body who is appointed to the CCRB Board, or his/her alternate appointee, to disclose information obtained in a closed session that has direct financial or liability implications for that local agency to legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency, and to other members of the legislative body of the local agency present in a closed session of that member local agency, and

WHEREAS, Resolution No. 2018-3 permits the legislative body of a local agency member, upon the advice of its legal counsel, to conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of CCRB pursuant to Government Code section 54956.96(a)(1), and

WHEREAS, CCRB wishes to allow Downey Brand LLP (“DB”), expert consultants retained by DB on CCRB’s behalf (“Consultants”), and/or CCRB’s Executive Director to disclose information provided or obtained in closed session meetings of the CCRB Board of Directors to its member agencies in closed session meetings of their boards of directors when such disclosure is reasonably necessary for the accomplishment of CCRB’s objectives, and

WHEREAS, CCRB seeks to ensure that it is not adversely affected financially by allowing its Executive Director, DB, and/or Consultants to attend multiple closed session meetings of its member agencies.

NOW, THEREFORE, BE IT RESOLVED that the following policy is hereby adopted:

(1) Upon notification by a representative of a CCRB member agency that the member agency will conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of CCRB, the CCRB Board of Directors may authorize DB, Consultants, and/or CCRB's Executive Director to attend the member agency's closed session meeting and disclose information provided or obtained in a closed session meeting of the CCRB Board of Directors.

(2) The CCRB Board of Directors shall not authorize DB, Consultants, or CCRB's Executive Director to attend more than one closed session meeting per calendar year of any CCRB member agency unless the member agency has agreed to reimburse CCRB for costs it incurs as a result of such attendance.

#### **CERTIFICATION**

The undersigned hereby certifies that the foregoing resolution was approved at a duly noticed meeting of the Board of Directors of the Cachuma Conservation Release Board held on September 6, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

\_\_\_\_\_  
Executive Director

Dated: \_\_\_\_\_