



CACHUMA CONSERVATION RELEASE BOARD BOARD OF DIRECTORS

SPECIAL MEETING AGENDA

BY VIDEOCONFERENCE
(PARTICIPATION DETAILS BELOW)

City of Santa Barbara

Goleta Water District

Montecito Water District

April 8, 2021

11:00 AM

MODIFIED BROWN ACT COMPLIANCE IN LIGHT OF COVID-19

Pursuant to State of California Executive Orders N-25-20 and N-29-20, members of the Cachuma Conservation Release Board (CCRB) Board of Directors (Board) and members of the public will participate in this meeting electronically by video- and/or teleconference, as described below. The access information for the Board and members of the public for this board meeting is as follows:

Join videoconference:

<https://us02web.zoom.us/j/82237958097?pwd=VWJCd21TU3BDR0MzeFRQMIBNwGZBdz09>

Join teleconference:

Call-in Number: 1.669.900.6833

Meeting ID: 822 3795 8097#

Passcode: 113335#

The Board may utilize different call-in information for any Closed Session items.

Any member of the public on the telephone may speak during the **Public Comment Period** or may email public comments to pcantle@ccrb-board.org and all comments will be read aloud during the meeting. During this period of modified Brown Act compliance, CCRB will use best efforts to swiftly resolve requests for reasonable modifications or accommodations for individuals with disabilities, consistent with the Americans with Disabilities Act, and will resolve any doubt whatsoever in favor of accessibility.

ROLL CALL

PUBLIC COMMENT PERIOD

Any member of the public may address the Board on any subject within the jurisdiction of the Board. The President of the Board will determine the total time for public comments. If you wish to address the Board, please email pcantle@ccrb-board.org, with subject line of "Request to Speak" and include a description of the subject you wish to address.

REGULAR AGENDA

RA-1) Fiscal Year 2021/2022 (FY22) Revised Draft Budget

Consider and potentially approve a revised draft FY22 budget for CCRB. If approved, provide direction to the Executive Director to circulate the budget to Member Agencies for approval. (Est. time: 30 minutes)

CLOSED SESSION AGENDA

CS-1) Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to Government Code section 54956.9(d)(4) (one potential case)

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

REGULAR AGENDA (CONT.)

RA-2) Confirm Next Regular Meeting for 2 PM Thursday, May 6, 2021, by teleconference and/or videoconference; 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 (pcantle@ccrb-board.org) at least 48 hours prior to the meeting to enable the Board to make reasonable arrangements.

[This Agenda was posted to the CCRB website and delivered in accordance with Sections 54954.1 and 54956 of the Government Code.]



Cachuma Conservation
Release Board
Agenda Letter

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of: April 8, 2021
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:

TO: Board Members

FROM: Peter Cante, Executive Director

SUBJECT: RA-1. Revised Proposed Budget for Fiscal Year 2021/2022

Legal Concurrence

As to form: N/A

Recommended Actions

Consider and potentially approve a revised proposed budget for upcoming Fiscal Year 2021/2022 (FY22). If approved, provide direction to the Executive Director to circulate the approved budget to CCRB's Member Agencies for their consideration and approval.

Discussion

Per the terms of the Joint Powers Agreement (JPA) by which CCRB is formed, the CCRB Board of Directors approves a draft operating budget prior to the July 1 start of each fiscal year. Not less than 60 days prior to July 1, the CCRB-approved operating budget is to be submitted to each Member Agency's governing body for consideration and approval. When all Member Agencies have approved it, the budget is final.

The process of approving CCRB's FY22 operating budget initiated during the CCRB Board of Directors' April 1, 2021 meeting. Attachment 1 (Table 1) presents a revised proposed FY22 budget, including the new column "*Revised Proposed FY22*," that reflects input received from the Board at the April 1 meeting.

As noted in the April 1, 2021 staff report, many of the Table 1 Account Codes that comprise the proposed budget are easily derived. For example, there are reasonably predictable auditing, accounting, storage, information technology and management costs that can be anticipated, calculated and budgeted. Other costs are not as easily derived; reasoned estimates of anticipated (and sometimes unpredictable) workload and associated costs are used to inform these proposed line items.

As a result, the legal and technical support-related costs in Table 1 are necessarily based on several assumptions. The assumptions derive from discussions with CCRB's legal and technical representatives, federal and state agency personnel, and the considered input of the CCRB Board regarding likely workload that could result from actions taken by the state and federal agencies that ultimately control the regulatory processes in which CCRB is involved.

Fiscal Analysis

The revised proposed FY22 CCRB budget is \$1,145,000 (Table 1), which reflects a reduction of \$60,000 from the draft FY22 budget the Board considered on April 1, 2021, and a \$77,000 reduction from CCRB's current-year budget of \$1,222,000. The cost allocation to CCRB Member Agencies (Table 2) is based on allocation percentages established by the JPA. The account codes that make up the proposed budget and the assumptions on which they are based are discussed below.

Code 5050 – Storage Space. Currently, CCRB pays a local storage facility for space that accommodates multiple four-drawer file cabinets and banker's boxes of hard-copy files that range in date from 1980's to 2020. The \$5,000 budgeted cost is based on \$416/month x 12 months.

Code 5100 – Audit. The auditing of CCRB's accounts is current through FY19; an audit of FY20 will get underway shortly. The FY21 budgeted amount of \$12,000 (an increase of \$2,000 from previous fiscal year, based on increased costs for this service) assumes a single year audit will be performed.

Code 5200 – Insurance. CCRB's board members and certain liabilities are insured through the Special Districts Risk Management Association (SDRMA). To access coverage through SDRMA, CCRB must be a member of and pay dues to the California Special Districts Association (CSDA). As in FY21, \$7,000 is proposed to cover CSDA dues and SDRMA insurance premiums for FY22.

Code 5301 – Executive Director Compensation. The proposed FY22 amount of \$185,000 addresses both compensation as well as administrative costs associated with this employee status (e.g., various state and federal payroll taxes). The budgeted amount also accommodates the potential for the board to consider an increase to the Executive Director's compensation, as allowed by the terms of the contract between the Executive Director and CCRB.

Code 5304 – Accounting and Payroll Support. Accountability Plus and its franchisee Payroll Vault provide bookkeeping, invoicing, accounting and payroll services to CCRB through this code. The proposed budget amount of \$16,000 anticipates an average of \$1,350/month for these services in FY22.

Code 5312 – Miscellaneous Administrative Expenses. This code serves as a contingency for any unanticipated overages in administrative service codes. The budgeted amount (\$4,000) is unchanged from the previous fiscal year.

Code 5313 – Communications/Computer. This code provides funds for CCRB email and website hosting, cell phone, computer, internet and related information technology costs. As in the previous fiscal year, the proposed budget amount of \$8,000 accounts for these costs.

Code 5316 – Admin Fixed Assets. This code provides for job-related hardware and material purchases, should such be necessary. The proposed budget amount of \$4,000 is unchanged from FY21.

Code 5330 – Admin Travel. This code covers Executive Director travel-related costs to allow attendance at professional conferences and symposia representing CCRB. The proposed budget amount of \$4,000 is reduced by \$4,000 from the previous fiscal year.

Code 5331 – Travel Expenses Federal and State Meetings. This code covers Executive Director travel-related costs for attending anticipated meetings in Fresno, Long Beach, Sacramento, Washington DC and possibly elsewhere regarding the state and federal regulatory processes that are underway. These costs did not materialize in FY21 due to coronavirus-related travel restrictions that applied through much of the fiscal year. While travel may continue to be curtailed in the coming year due to coronavirus concerns, in the event that travel to such meetings can be accomplished, an amount of \$14,000 is proposed, which is \$6,000 less than the FY21 budget.

Code 5332 – Transportation. This code covers minor transportation travel costs that may be incurred during the year. The budget amount (\$1,000) is unchanged from the previous fiscal year.

Code 7000 – General Legal and Regulatory Support. This code provides for general counsel services through the year, including attendance at board meetings, review of board agenda materials, preparation of resolutions, employment matters and contract review. This code also includes certain estimated expert consultant costs, representing work that is: (a) being undertaken in anticipation of litigation; and (b) protected from disclosure under the attorney work product privilege and related statutory and common law privileges. A separate confidential memorandum from Downey Brand provides more detail regarding these proposed expert consultant expenditures for consideration by the Board in closed session.

Code 7001 – Sec. 7 Consultation Legal Support. This code includes estimated legal costs related to the Consultation and Biological Opinion (BO) process underway with the U.S. Bureau of Reclamation (USBR) and the National Marine Fisheries Service (NMFS) pursuant to Sec. 7 of the federal Endangered Species Act. Additionally, the code includes certain estimated biological and hydrological consultant costs representing work that is: (a) being undertaken in anticipation of litigation; and (b) protected from disclosure under the attorney work product privilege and related statutory and common law privileges. Based on input received from the Board on April 2, the total proposed amount for this account code has been reduced by \$54,000 (Table 1). A separate confidential memorandum from Downey Brand provides more detail regarding these proposed expert consultant expenditures for discussion with the Board in closed session.

Code 7002 – Water Rights Order Legal Support. This code includes estimated legal costs associated with the State Water Resources Control Board's (SWRCB) ongoing water rights proceeding relating to the Santa Ynez River. The estimate incorporates consideration of requirements imposed by Order 2019-0148, issued September 17, 2019 and any anticipated legal support that will be required in FY22.

Code 7200 – Water Rights Order Biological Support. The SWRCB's September 17, 2019 Order requires that USBR develop and submit for SWRCB review and approval a host of plans that address the effects of the new Order's water flow regime on the Lower Santa Ynez River. Prior to submittal, each plan must be reviewed by NMFS and California Dept. of Fish and Wildlife, and USBR must address each agencies' comments as part of each plan that is submitted for SWRCB consideration. USBR has requested CCRB's assistance in developing several of these plans, and the CCRB board has approved this assistance. The majority of this assistance is biologically based. This Account Code covers the CCRB biological

consultant's (ICF's) estimated costs for draft plan development, responding to agency review, and coordination with USBR and SWRCB in helping to produce the multiple plans required by the Order.

Code 7500 – Water Rights Order Hydrological Support. Similar to the previous code addressing costs associated with CCRB's biological support to USBR for the SWRCB Order, Account Code 7500 covers estimated costs for CCRB's hydrologic technical consultant, Woodard & Curran, for their assistance in developing, responding to agency review, and coordination with USBR and SWRCB in producing Order-required plans in the coming fiscal year.

Code 6500 – Contingency. The contingency budgeted herein is a calculated buffer representing 12% of the sum of Codes 7000, 7001, 7002, 7200 and 7500. The contingency is intended to address unanticipated yet necessary expenditures (as recommended by the Executive Director and/or legal counsel and authorized by the board) that may arise during the fiscal year.

Quarterly Billings to Member Units

In recognition of coronavirus-related financial uncertainties that CCRB's Member Agencies continue to experience, staff anticipates maintaining the practice currently in place of issuing quarterly billings to Members that are based on anticipated work, rather than a straight, calculated percentage of the total budget. The intent of this process is to bill appropriately to cover anticipated workload, while not unnecessarily holding excess Member Agency contributions in CCRB's account.

With regard to the current-year budget, CCRB appears to have sufficient funding in its account to forego issuance of fourth-quarter assessments to Member Agencies (a total of approximately \$306,000) and still be able to cover anticipated costs through the June 30, 2021 end of the fiscal year. With this in mind, CCRB's bookkeeping firm, Accountability Plus, is being directed to hold issuance of fourth-quarter assessments for the current fiscal year. Member Agencies will also timely receive constructive returns of any remaining funds from the current fiscal year once all current-year invoices have been paid.

Attachments:

Attachment 1: Revised Proposed Fiscal Year 2021/2022 Budget (including Table 1, Table 2)

Authored by:

Peter Cantle, Executive Director

ATTACHMENT 1

**CCRB REVISED PROPOSED
FISCAL YEAR 2021/2022 BUDGET**

TABLE 1

Cachuma Conservation Release Board Revised Proposed FY22 Budget

Account Code	Account Name	Approved FY21	Initial Proposed FY22	Revised Proposed FY22
ADMINISTRATIVE				
5050	Storage Space	5,000	5,000	5,000
5100	Audit	10,000	12,000	12,000
5200	Liability Insurance	7,000	7,000	7,000
5301	Executive Director Compensation	179,000	185,000	185,000
5304	Accounting & Payroll Support	16,000	16,000	16,000
5312	Misc. Admin. Expenses	4,000	4,000	4,000
5313	Communications/Computer	8,000	8,000	8,000
5316	Admin. Fixed Assets	4,000	4,000	4,000
5330	Admin. Travel	8,000	4,000	4,000
5331	Travel Exp. Federal & State Meetings	20,000	14,000	14,000
5332	Transportation	1,000	1,000	1,000
	Subtotal	\$262,000	\$260,000	\$260,000
LEGAL				
7000	General Legal & Regulatory Support	146,000	151,000	151,000
7001	Sec. 7 Consultation Legal Support	406,000	470,000	416,000
7002	Water Rights Order Legal Support	80,000	40,000	40,000
	Subtotal	\$632,000	\$661,000	\$607,000
CCRB CONSULTANT ACTIVITIES				
6001	Sec. 7 Consultation Biological Support	*	*	*
7200	Water Rights Order Biological Support	185,000	165,000	165,000
7400	Legislative & Regulatory Analyst	*	*	*
7500	Water Rights Order Hydrological Support	40,000	18,000	18,000
6500	Contingency	103,000	101,000	95,000
	Subtotal	\$328,000	\$284,000	\$278,000
	TOTAL BUDGET	\$1,222,000	\$1,205,000	\$1,145,000

Table Footnotes:

* Costs for biological, hydrological and legislative/regulatory support are included under LEGAL account codes. These support services are being provided pursuant to separate agreements between CCRB's legal counsel and the subject firms. This work is being undertaken in anticipation of litigation and is protected from disclosure under the attorney work product privilege and related statutory and common law privileges.

TABLE 2

Cachuma Conservation Release Board

Member Agency FY22 Annual Allocation and Quarterly Assessment

MEMBER UNIT	Pro Rata	FY22 Proposed Budget	Annual
Goleta Water District	0.4603	1,145,000	527,044
City of Santa Barbara	0.4088	1,145,000	468,076
Montecito Water District	0.1309	1,145,000	149,881
TOTAL ANNUAL	100.00%		\$1,145,000
Quarterly Assessment *			Amount
Goleta Water District			131,761
City of Santa Barbara			117,019
Montecito Water District			37,470
TOTAL QUARTERLY			\$286,250

Footnotes:

* Note that Quarterly Assessment amounts may vary based on Board direction.