CACHUMA CONSERVATION RELEASE BOARD

REGULAR MEETING AGENDA

BY TELECONFERENCE ONLY
(SEE PARTICIPATION DETAILS BELOW)

City of Santa Barbara
Goleta Water District
Montecito Water District

June 4, 2020
2:00 PM

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 teleconference, as described below. The call-in information for the Board and members of the public for this board meeting is as follows:

Call-in Number: 1.669.900.6833

Meeting Number (enter): 84666389463#

Participant code (enter): #

Meeting Passcode (enter): 657148#

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.

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' May 7, 2020 meeting.

CA-2) Unaudited Interim Financial Statement for the Period Ending April 30, 2020.
Receive and file the Unaudited Interim Financial Statement for the Period Ending April 30, 2020.

REGULAR AGENDA

RA-1) State Water Board Order and Federal Consultation Process Updates.
Consider status updates regarding State Water Resources Control Board Water Rights Order 2019-0148 and the Consultation process underway with the US Bureau of Reclamation and National Marine Fisheries Service. (Estimated time: 15 minutes)

CLOSED SESSION AGENDA

CS-1) Conference with Legal Counsel – Anticipated Litigation
Government Code section 54956.9(d) (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) Identify Agenda Items for Future Board Meetings.

RA-3) Set Next Regular Meeting for 2 PM Thursday, July 2, 2020, to be by teleconference until further notice; 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.]

MINUTES OF A MEETING
of the
CACHUMA CONSERVATION RELEASE BOARD
held via Teleconference

Thursday, May 7, 2020, 2:00 pm

CALL TO ORDER, ROLL CALL

The teleconference meeting was called to order at 2:01 p.m. by Board President Lauren Hanson. Those attending the teleconference were:

Directors Present:

Lauren Hanson	Goleta Water District
Kristen Sneddon	City of Santa Barbara
Tobe Plough	Montecito Water District

Also Present:

Ryan Drake	Sam Bivins
Cathy Taylor	Ted Harris
Dan Hentschke	Jean Baldrige
Joshua Haggmark	Joel Mulder
Peter Cantle	Warren Greco

PUBLIC COMMENT

There were no requests from members of the public to address the Board during Public Comment.

CONSENT AGENDA

A motion was made (Plough) and seconded (Sneddon) to approve items on the Consent Agenda. The motion passed 3-0 on a roll call vote.

REGULAR AGENDA

RA-1, State Water Board Order and Federal Consultation Process Updates. The Board considered and discussed a written status update regarding Water Rights Order 2019-0148 (the Order) and the Endangered Species Act-related Consultation process that is underway with the Bureau of Reclamation (Reclamation) and National Marine Fisheries Service (NMFS). With the Board's approval, CCRB technical consultants are assisting Reclamation with development of plans that are required by Term 24 of the Order. Drafts of these plans will be presented to the CCRB Board for approval before they are submitted to Reclamation. Regarding the federal Consultation, the Board discussed NMFS's recent

insufficiency letter and decision to discontinue formal consultation with Reclamation while continuing to consult informally on the new proposed action and associated biological assessment. The Board then directed staff to work with Reclamation and to return at the next meeting with a proposed recommendation and timetable to address the new proposed action and issues identified in the insufficiency letter.

CLOSED SESSION

With Counsel concurrence, the Board determined there was no need for closed session and tabled the closed session items for future discussion.

RA-2, Agenda Items for Future Board Meetings. Staff will develop a proposed recommendation and timetable to address the new proposed action and issues identified in the NMFS insufficiency letter.

RA-3, Set Next Meeting and Adjourn. The next regular meeting of the CCRB Board is scheduled for 2:00 p.m. Thursday, June 4, 2020 and will be held by teleconference. President Hanson adjourned the meeting at 3:23 pm.

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:	June 4, 2020
Estimated Time:	(Consent)
Continued Item:	No
If Yes, date from:	

TO:	Board Members
FROM:	Peter Cantle, Executive Director
SUBJECT:	CA-2: Unaudited Interim Financial Statement - Period Ending April 30, 2020

Legal Concurrence:

As to form: N/A

Recommended Actions:

Receive and file the Unaudited Interim Financial Statement – Period Ending April 30, 2020.

Discussion:

The Board of Directors approves the CCRB budget each fiscal year. It is subsequently approved by each Member Agency's governing body and becomes CCRB's annual operating budget. 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 April 30, 2020.

Fiscal Analysis:

Total income through April 30 was $1,146,003.00, reflecting full receipt of Member Agencies' third-quarter assessments (issued in January). Total expenses booked through April were $585,847.41, reflecting costs incurred for CCRB management, legal, technical and strategic regulatory support driven by the Consultation and Water Board Order processes underway, as well as essential administrative processes (e.g., accounting, auditing, computer/website support, insurance).

As of April 30, 2020, CCRB's expenditures stand at approximately 38% of total budget of $1,528,000, due primarily to Consultation and Water Board Order litigation and technical support expenses that were anticipated but have not occurred in the current year. In recognition of Member Agencies' covid-19-related financial concerns, fourth-quarter assessments (which would normally have issued in early April) have not been sent. It is currently expected that the fiscal year will be completed with the existing funds in hand ($1,146,003), followed by constructive returns to Member Agencies of any remaining FY20 funds.

Attachments:

Attachment 1: Unaudited Interim Financial Statement for the period ending April 30, 2020

Authored by:

Peter Cantle, Executive Director

ATTACHMENT 1

UNAUDITED INTERIM FINANCIAL STATEMENT
PERIOD ENDING APRIL 30, 2020

Cachuma Conservation Release Board
Statement of Revenue and Expense- Budget vs. Actual
July 2019 through April 2020

	Jul '19 - Apr 20	Budget	$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4200 · Income	1,146,003.00	1,528,000.00	-381,997.00	75.0%
Total Income	1,146,003.00	1,528,000.00	-381,997.00	75.0%
Expense				
5050 · Office Lease	2,800.00	5,000.00	-2,200.00	56.0%
5100 · Audit	4,120.00	10,000.00	-5,880.00	41.2%
5200 · Liability Insurance	5,122.53	7,000.00	-1,877.47	73.2%
5301 · Managers Salary				
5301.01 · Managers Gross Wages	129,230.85			
5301.02 · Employer Tax Expense	10,460.16			
5301 · Managers Salary - Other	0.00	175,000.00	-175,000.00	0.0%
Total 5301 · Managers Salary	139,691.01	175,000.00	-35,308.99	79.8%
5304 · Administrative Support	4,367.58	18,000.00	-13,632.42	24.3%
5312 · Misc Admin Expense	1,749.15	4,000.00	-2,250.85	43.7%
5313 · Communications/Computer	3,707.22	8,000.00	-4,292.78	46.3%
5316 · Admin Fixed Assets	0.00	4,000.00	-4,000.00	0.0%
5330 · Admin Travel Expense	0.00	8,000.00	-8,000.00	0.0%
5331 · Travel Federal & State Meetings	1,883.02	20,000.00	-18,116.98	9.4%
5332 · Transportation	0.00	1,000.00	-1,000.00	0.0%
6001 · BO Reconsultation Activities	174,589.25	414,000.00	-239,410.75	42.2%
6500 · Contingency	0.00	54,000.00	-54,000.00	0.0%
7000 · Legal	40,124.49	50,000.00	-9,875.51	80.2%
7001 · BO Reconsultation Legal Support	58,719.41	150,000.00	-91,280.59	39.1%
7002 · SWRCB Water Rights	24,941.25	252,000.00	-227,058.75	9.9%
7100 · SWRCB Support				
7200 · SWRCB Proceedings Support	7,862.50	110,000.00	-102,137.50	7.1%
Total 7100 · SWRCB Support	7,862.50	110,000.00	-102,137.50	7.1%
7400 · Legislative/Regulatory Analyst	80,000.00	96,000.00	-16,000.00	83.3%
7500 · Hydrologic Technical Support	36,170.00	142,000.00	-105,830.00	25.5%
Total Expense	585,847.41	1,528,000.00	-942,152.59	38.3%
Net Ordinary Income	560,155.59	0.00	560,155.59	100.0%
Net Income	**560,155.59**	**0.00**	**560,155.59**	**100.0%**

Cachuma Conservation Release Board
Reconciliation Summary
1015 · CWB - Checking, Period Ending 04/30/2020

	Apr 30, 20	
Beginning Balance		643,995.82
Cleared Transactions		
Checks and Payments - 10 items	-22,538.49	
Total Cleared Transactions	-22,538.49	
Cleared Balance		**621,457.33**
Uncleared Transactions		
Checks and Payments - 8 items	-63,599.28	
Total Uncleared Transactions	-63,599.28	
Register Balance as of 04/30/2020		**557,858.05**
Ending Balance		557,858.05

May 2, 2020

Cachuma Conservation Release Board
Reconciliation Detail
1015 · CWB - Checking, Period Ending 04/30/2020

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						643,995.82
Cleared Transactions						
Checks and Payments - 10 items						
Bill Pmt -Check	03/24/2020	4547	California Strategies...	X	-8,000.00	-8,000.00
Bill Pmt -Check	03/24/2020	4550	Patterson/101 Allstore	X	-280.00	-8,280.00
Bill Pmt -Check	03/24/2020	4548	CIO Solutions, LP	X	-75.76	-8,355.76
Check	04/08/2020	EFT	Payroll Tax	X	-3,809.10	-12,164.86
General Journal	04/08/2020	PR04...	Peter Cantle	X	-2,815.52	-14,980.38
Check	04/08/2020	EFT	Payroll Vault	X	-66.00	-15,046.38
Check	04/22/2020	EFT	Payroll Tax	X	-3,809.10	-18,855.48
General Journal	04/22/2020	PR04...	Peter Cantle	X	-2,815.52	-21,671.00
Check	04/22/2020	EFT	Payroll Vault	X	-66.00	-21,737.00
Bill Pmt -Check	04/24/2020	4557	Peter Cantle	X	-801.49	-22,538.49
Total Checks and Payments					-22,538.49	-22,538.49
Total Cleared Transactions					-22,538.49	-22,538.49
Cleared Balance					-22,538.49	621,457.33
Uncleared Transactions						
Checks and Payments - 8 items						
Bill Pmt -Check	03/24/2020	4549	Downey Brand Attor...		-12,841.19	-12,841.19
Bill Pmt -Check	04/24/2020	4555	Downey Brand Attor...		-40,466.25	-53,307.44
Bill Pmt -Check	04/24/2020	4553	California Strategies...		-8,000.00	-61,307.44
Bill Pmt -Check	04/24/2020	4552	California Special Di...		-1,446.00	-62,753.44
Bill Pmt -Check	04/24/2020	4556	Patterson/101 Allstore		-280.00	-63,033.44
Bill Pmt -Check	04/24/2020	4554	CIO Solutions, LP		-75.76	-63,109.20
Bill Pmt -Check	04/24/2020	4558	Rauch Communicati...		-70.00	-63,179.20
Bill Pmt -Check	04/25/2020	4559	AccountabilityPlus, Inc		-420.08	-63,599.28
Total Checks and Payments					-63,599.28	-63,599.28
Total Uncleared Transactions					-63,599.28	-63,599.28
Register Balance as of 04/30/2020					-86,137.77	557,858.05
Ending Balance					**-86,137.77**	**557,858.05**

May 2, 2020

Cachuma Conservation
Release Board
Agenda Letter

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of:	June 4, 2020
Estimated Time :	15 minutes
Continued Item:	No
If Yes, date from:	

TO: Board Members

FROM: Peter Cantle, Executive Director

SUBJECT: Item RA-1: State Water Board Order and Federal Consultation Process Updates

Legal Concurrence:
As to form: N/A

Recommended Actions:

Receive a status update regarding the State Water Resources Control Board (State Water Board) Water Rights Order and the federal (Endangered Species Act Sec. 7) Consultation underway with the U.S. Bureau of Reclamation (Reclamation) and National Marine Fisheries Service (NMFS).

Discussion

State Water Resources Control Board Water Rights Order. The State Water Board approved Water Rights Order 2019-0148 (the Order) on September 17, 2019. The Order requires Reclamation, as permit holder, to: a) release additional water from Cachuma Reservoir during wetter-than-normal years; and, b) develop plans and conduct studies to assess, among other things, the feasibility of steelhead passage around Bradbury Dam, the benefits of the increased flows, other opportunities for habitat enhancement, and reduction of predatory invasive species in the watershed.

Assistance with Plans Required by the Cachuma Project Water Rights Order. In December 2019, the CCRB Board approved Reclamation's request that CCRB provide technical assistance in developing plans required by the Order. CCRB's technical assistance is primarily in the field of fisheries biology, with input from legal counsel and our hydrology consultant, as needed.

To date, CCRB has worked with Reclamation primarily on plans required by Terms 20 and 24, which are closely linked within the Order. Term 20 requires that a study plan be prepared to address multiple studies required by Term 24. Reclamation submitted their draft Term 20 Plan to the State Water Board for review on March 17, 2020 after receiving and addressing NMFS and CDFW input, which CCRB's technical staff reviewed in concert with Reclamation. CCRB staff participated in a March 18 joint Reclamation/Water Board

teleconference to initiate exchange on the draft submittal and other Order implementation matters. The timing of this teleconference coincided with the ramping up of remote working associated with limiting exposure to the COVID-19 virus, and the Water Board's response to submitted materials has been affected by this limitation. A one-hour teleconference is scheduled May 28 between Water Board and Reclamation staff to pick up discussion of submitted plans and other implementation issues. CCRB has been invited and will attend. We will update the CCRB Board with any new information that is available in the June 4 meeting.

In March, CCRB technical staff also initiated coordination with Reclamation personnel regarding the Term 19 Plan, which requires Reclamation to assess the effects of the Order's Table 2 flows on steelhead and steelhead habitat in the lower Santa Ynez River over five Wet and/or Above Normal water years. This coordination has been at a conceptual level, and no additional discussions have ensued since the initial coordination. We will continue to keep the Board informed regarding development of the Term 19 Plan as it moves forward.

Joint Teleconference Invitation: On May 21, Mr. Jackson issued a joint teleconference invitation to the Santa Barbara County Water Agency, Cachuma Operation and Maintenance Board, CCRB, the Santa Ynez Water Conservation District and SYWCD Improvement District #1. The suggested date of the teleconference is June 10, and the generally identified Cachuma Project topics he has listed are the water service contract, Warren Act contract, O & M contract, the Water Board Order, and the Consultation. In a discussion with Mr. Jackson regarding his expectations of the meeting, he stated he is interested in identifying the substantial workload in front of Reclamation and local agencies, as well as identifying any obstacles to accomplishing the workload according to the timelines that apply. We appreciate the Board's input and any direction regarding CCRB's participation in the requested teleconference.

Cachuma Project Section 7 Consultation Process. Mr. Jackson of Reclamation transmitted the completed Biological Assessment (BA) and associated appendices supporting the Cachuma Project new proposed action to NMFS on November 8, 2019. CCRB was deeply involved in bringing these documents to fruition. After multiple requests, CCRB received the BA, appendices and a transmittal letter on April 23, 2020, and confirmed it is substantively the same as that reviewed by CCRB prior to Reclamation's November transmittal to NMFS.

Reclamation received a February 13, 2020 "insufficiency" letter from NMFS representing that agency's review of the new proposed action and the associated BA. The NMFS letter presents a host of policy and technical questions and requests substantial additional information that the agency requires to carry on with formal consultation on the new proposed action. At the end of March, NMFS determined that Reclamation had not responded substantively to the insufficiency letter and closed out Reclamation's request for formal consultation. NMFS will continue to engage with Reclamation in informal consultation until such time as Reclamation provides the information necessary to begin formal consultation on the new proposed action. CCRB staff's analysis of this action is that it allows NMFS to avoid being subject to stricter timelines for formal consultations that have recently been implemented by the federal government. Additional information regarding Reclamation's organizational response to the NMFS insufficiency letter and a potential option to reshape the consultation process, as well as participation in the June 10 meeting noted above as it relates to consultation, are planned for discussion in closed session. We will continue to update the Board with any new information as it becomes available.

Fiscal Analysis:

CCRB's approved FY20 budget of $1,528,000 provides for staff and consulting support related to both the Water Board Order and the federal Consultation process. To date, costs for both processes have been substantially under budget, and are expected to remain so through the end of the fiscal year.

Attachments:

None.

Authored by:

Peter Cantle, Executive Director