



**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

**June 14, 2021
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 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/83765923530?pwd=eWRvWWJDUU4ra1VuUmd6UU54Q0N1QT09>

Join teleconference:

Call-in Number: 1.669.900.6833

Meeting ID: 837 6592 3530#

Passcode: 414741#

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

Matters listed here comprise a consent agenda that 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 6, 2021 meeting.

CA-2) Unaudited Interim Financial Reports for the Periods Ending April 30 and May 31, 2021

Receive and file unaudited interim financial reports for the periods ending April 30 and May 31, 2021.

REGULAR AGENDA

RA-1) State Water Board Order and Federal Consultation Process Update

Consider a status update regarding State Water Resources Control Board Water Rights Order 2019-0148 and the Consultation process underway with the U.S. Bureau of Reclamation and National Marine Fisheries Service. (Est. time: 5 min.)

RA-2) Update: Continuing State Support of Virtual Meetings for Agencies and Boards

Receive a briefing on the State of California's continuing support for the ability of public agencies and boards to meet virtually while complying with applicable meeting laws and guidance. (Est. time: 10 min.)

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)

CS-2) Public Employee Performance Evaluation

Government Code section 54957(b)(1)(Executive Director)

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

REGULAR AGENDA (CONT.)

RA-3) Identify Agenda Items for Future Board Meetings

RA-4) Set Next Meeting for 2 PM Thursday, July 1, 2021 by 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.]

**MINUTES OF A REGULAR MEETING
of the
CACHUMA CONSERVATION RELEASE BOARD
held by Videoconference**

May 6, 2021, 2:00 pm

CALL TO ORDER, ROLL CALL

The videoconference meeting was called to order at 2:00 pm by board President Lauren Hanson. Those attending the meeting were:

Directors Present:

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

Also Present:

Ryan Drake	Ted Harris
Cathy Taylor	Joel Mulder
Peter Cantle	Ali Taghavi
Sam Bivins	

PUBLIC COMMENT

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

CONSENT AGENDA

Director Plough moved and Director Sneddon seconded approval of the Consent Agenda. The motion passed on a 3-0 roll call vote.

REGULAR AGENDA

RA-1, State Water Board and Federal Consultation Process Update. Executive Director Cantle advised the board that US Bureau of Reclamation (Reclamation) submitted a revised Biological Assessment (BA) to the National Marine Fisheries Service (NMFS) on April 30. Reclamation anticipates meeting with NMFS to discuss the revised submittal prior to initiating formal consultation. Regarding the Water Board Order, Reclamation continues to work on a Term 25 plan, which calls for gauging of Santa Ynez River flows at highway 154, among other things. Reclamation anticipates discussion with Water Board and other staff on this matter following plan submittal.

CLOSED SESSION

CS-1) Conference with Legal Counsel – Anticipated Litigation. The board went into closed session at 2:07 pm to discuss matters regarding potential litigation. The board came out of closed session at 2:27 pm with no reportable actions.

RA-2, Identify Agenda Items for Future Board Meetings. An executive director performance evaluation and status update on the state's interest in maintaining the ability of agencies, boards and commissions to meet virtually into the future were identified as future agenda items.

RA-3, Confirm Next Meeting(s) and Adjourn. Due to schedule conflicts with the regular June 3 meeting date, the board determined instead to hold a special meeting at 2:00 pm June 14, 2021 by videoconference. President Hanson adjourned the meeting at 2:35 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Carr", is written over a horizontal line. The signature is fluid and cursive.

Secretary to the Board



Cachuma Conservation
Release Board
Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of: June 14, 2021

Estimated Time: (Consent)

Continued Item: No

If Yes, date from:

TO: Board Members
FROM: Peter Cantle, Executive Director
SUBJECT: CA-2: Unaudited Interim Financial Report for Period Ending April 30, 2021

Legal Concurrence

As to form: N/A

Recommended Actions

Receive and file an Unaudited Interim Financial Report for the period ending April 30, 2021.

Discussion

The Board of Directors approves the CCRB budget each fiscal year. Upon subsequent approval by each Member Agency's governing body, it becomes CCRB's operating budget for the fiscal year beginning July 1. As the fiscal year progresses, the Board receives monthly unaudited financial reports to compare fiscal performance against the adopted budget. This report addresses the period ending April 30, 2021.

Fiscal Analysis

Total income shown through April 30, 2021 was \$733,199.80, reflecting first, second and third quarter billings to the three Member Agencies. (As noted in previous reports, fourth-quarter billings have not been issued to Member Agencies, as cash on hand is deemed sufficient to complete the fiscal year.) Expenses booked through April 30 were \$395,429.01, reflecting the late-October resumption of CCRB's technical support and engagement with Bureau of Reclamation in the State Water Board Order and Consultation regulatory processes, support and engagement which was paused at the start of the fiscal year.

Attachments

Attachment 1: Unaudited Interim Financial Report for the period ending April 30, 2021

Authored by

Peter Cantle, Executive Director

ATTACHMENT 1

**UNAUDITED INTERIM FINANCIAL REPORT FOR THE
PERIOD ENDING APRIL 30, 2021**

Cachuma Conservation Release Board
Statement of Revenue and Expense- Budget vs. Actual
July 2020 through April 2021

	Jul '20 - Apr 21	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4200 · Income	733,199.80	1,222,000.00	-488,800.20	60.0%
Total Income	733,199.80	1,222,000.00	-488,800.20	60.0%
Expense				
5050 · Office Lease	2,810.00	5,000.00	-2,190.00	56.2%
5100 · Audit	5,395.50	10,000.00	-4,604.50	54.0%
5200 · Liability Insurance	2,978.63	7,000.00	-4,021.37	42.6%
5301 · Managers Salary				
5301.01 · Managers Gross Wages	129,230.85	0.00	129,230.85	100.0%
5301.02 · Employer Tax Expense	8,409.02			
5301 · Managers Salary - Other	0.00	179,000.00	-179,000.00	0.0%
Total 5301 · Managers Salary	137,639.87	179,000.00	-41,360.13	76.9%
5304 · Administrative Support	4,353.17	16,000.00	-11,646.83	27.2%
5312 · Misc Admin Expense	2,099.61	4,000.00	-1,900.39	52.5%
5313 · Communications/Computer	4,112.91	8,000.00	-3,887.09	51.4%
5316 · Admin Fixed Assets	0.00	4,000.00	-4,000.00	0.0%
5318 · Fraud	0.00			
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	103,000.00	-103,000.00	0.0%
7000 · Legal	112,941.18	146,000.00	-33,058.82	77.4%
7001 · BO Reconsultation Legal Support	117,777.14	406,000.00	-288,222.86	29.0%
7002 · SWRCB Water Rights	5,211.00	80,000.00	-74,789.00	6.5%
7100 · SWRCB Support				
7200 · SWRCB Proceedings Support	110.00	185,000.00	-184,890.00	0.1%
Total 7100 · SWRCB Support	110.00	185,000.00	-184,890.00	0.1%
7500 · Hydrologic Technical Support	0.00	40,000.00	-40,000.00	0.0%
Total Expense	395,429.01	1,222,000.00	-826,570.99	32.4%
Net Ordinary Income	337,770.79	0.00	337,770.79	100.0%
Net Income	337,770.79	0.00	337,770.79	100.0%

2:36 PM

05/04/21

Cachuma Conservation Release Board
Reconciliation Summary
1020 · CWB - Chkg #7204, Period Ending 04/30/2021

	<u>Apr 30, 21</u>
Beginning Balance	436,118.10
Cleared Transactions	
Checks and Payments - 15 items	-49,715.94
Total Cleared Transactions	-49,715.94
Cleared Balance	<u>386,402.16</u>
Uncleared Transactions	
Checks and Payments - 6 items	-50,928.91
Total Uncleared Transactions	-50,928.91
Register Balance as of 04/30/2021	<u>335,473.25</u>
New Transactions	
Checks and Payments - 3 items	-6,690.62
Total New Transactions	-6,690.62
Ending Balance	<u><u>328,782.63</u></u>

OK
May 4, 2021

Cachuma Conservation Release Board
Reconciliation Detail
1020 · CWB - Chkg #7204, Period Ending 04/30/2021

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						436,118.10
Cleared Transactions						
Checks and Payments - 15 items						
Bill Pmt -Check	03/24/2021		Downey Brand Attor...	X	-24,389.00	-24,389.00
Bill Pmt -Check	03/24/2021		California Strategies...	X	-8,000.00	-32,389.00
Bill Pmt -Check	03/24/2021		Bartlett, Pringle & W...	X	-2,607.00	-34,996.00
Bill Pmt -Check	03/24/2021		AccountabilityPlus, Inc	X	-420.92	-35,416.92
Bill Pmt -Check	03/24/2021		Peter Cante	X	-356.15	-35,773.07
Bill Pmt -Check	03/24/2021		Patterson Self-Stora...	X	-280.00	-36,053.07
Bill Pmt -Check	03/24/2021		CIO Solutions, LP	X	-63.26	-36,116.33
Check	04/07/2021		Payroll Tax	X	-3,815.86	-39,932.19
General Journal	04/07/2021		Peter Cante	X	-2,808.77	-42,740.96
Check	04/07/2021		Payroll Vault	X	-66.00	-42,806.96
Check	04/14/2021		Ei- Printing/Checks f...	X	-48.88	-42,855.84
Check	04/21/2021		Payroll Tax	X	-3,815.84	-46,671.68
General Journal	04/21/2021		Peter Cante	X	-2,808.78	-49,480.46
Bill Pmt -Check	04/21/2021		Peter Cante	X	-169.48	-49,649.94
Check	04/21/2021		Payroll Vault	X	-66.00	-49,715.94
Total Checks and Payments					-49,715.94	-49,715.94
Total Cleared Transactions					-49,715.94	-49,715.94
Cleared Balance					-49,715.94	386,402.16
Uncleared Transactions						
Checks and Payments - 6 items						
Bill Pmt -Check	04/21/2021		Downey Brand Attor...		-42,059.00	-42,059.00
Bill Pmt -Check	04/21/2021		California Strategies...		-8,000.00	-50,059.00
Bill Pmt -Check	04/21/2021		AccountabilityPlus, Inc		-452.90	-50,511.90
Bill Pmt -Check	04/21/2021		Patterson Self-Stora...		-290.00	-50,801.90
Bill Pmt -Check	04/21/2021		Rauch Communicati...		-63.75	-50,865.65
Bill Pmt -Check	04/21/2021		CIO Solutions, LP		-63.26	-50,928.91
Total Checks and Payments					-50,928.91	-50,928.91
Total Uncleared Transactions					-50,928.91	-50,928.91
Register Balance as of 04/30/2021					-100,644.85	335,473.25
New Transactions						
Checks and Payments - 3 items						
Check	05/05/2021		Payroll Tax		-3,815.84	-3,815.84
General Journal	05/05/2021		Peter Cante		-2,808.78	-6,624.62
Check	05/05/2021		Payroll Vault		-66.00	-6,690.62
Total Checks and Payments					-6,690.62	-6,690.62
Total New Transactions					-6,690.62	-6,690.62
Ending Balance					-107,335.47	328,782.63



OK
May 4, 2021



Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara
Goleta Water District
Montecito Water District

For Agenda Of: June 14, 2021
Estimated Time: (Consent)
Continued Item: No
If Yes, date from:

TO: Board Members
FROM: Peter Cantle, Executive Director
SUBJECT: CA-2: Unaudited Interim Financial Report for Period Ending May 31, 2021

Legal Concurrence

As to form: N/A

Recommended Actions

Receive and file an Unaudited Interim Financial Report for the period ending May 31, 2021.

Discussion

The Board of Directors approves the CCRB budget each fiscal year. Upon subsequent approval by each Member Agency's governing body, it becomes CCRB's operating budget for the fiscal year beginning July 1. As the fiscal year progresses, the Board receives monthly unaudited financial reports to compare fiscal performance against the adopted budget. This report addresses the period ending May 31, 2021.

Fiscal Analysis

Total income shown through May 31, 2021 was \$733,199.80, reflecting first, second and third quarter billings to the three Member Agencies. (As noted in previous reports, fourth-quarter billings have not been issued to Member Agencies, as cash on hand is deemed sufficient to complete the fiscal year.) Expenses booked through May 31 were \$438,954.63, reflecting the late-October resumption of CCRB's technical support and engagement with Bureau of Reclamation in the State Water Board Order and Consultation regulatory processes, support and engagement which was paused at the start of the fiscal year.

Attachments

Attachment 1: Unaudited Interim Financial Report for the period ending May 31, 2021

Authored by

Peter Cantle, Executive Director

ATTACHMENT 1
UNAUDITED INTERIM FINANCIAL REPORT FOR THE
PERIOD ENDING MAY 31, 2021

Cachuma Conservation Release Board
Statement of Revenue and Expense- Budget vs. Actual
July 2020 through May 2021

	<u>Jul '20 - May 21</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
4200 · Income	733,199.80	1,222,000.00	-488,800.20	60.0%
Total Income	733,199.80	1,222,000.00	-488,800.20	60.0%
Expense				
5050 · Office Lease	3,100.00	5,000.00	-1,900.00	62.0%
5100 · Audit	5,395.50	10,000.00	-4,604.50	54.0%
5200 · Liability Insurance	3,697.49	7,000.00	-3,302.51	52.8%
5301 · Managers Salary				
5301.01 · Managers Gross Wages	141,538.55	0.00	141,538.55	100.0%
5301.02 · Employer Tax Expense	9,350.56			
5301 · Managers Salary - Other	0.00	179,000.00	-179,000.00	0.0%
Total 5301 · Managers Salary	150,889.11	179,000.00	-28,110.89	84.3%
5304 · Administrative Support	4,980.95	16,000.00	-11,019.05	31.1%
5312 · Misc Admin Expense	2,322.51	4,000.00	-1,677.49	58.1%
5313 · Communications/Computer	4,329.75	8,000.00	-3,670.25	54.1%
5316 · Admin Fixed Assets	0.00	4,000.00	-4,000.00	0.0%
5318 · Fraud	0.00			
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	103,000.00	-103,000.00	0.0%
7000 · Legal	123,026.68	146,000.00	-22,973.32	84.3%
7001 · BO Reconsultation Legal Support	134,613.64	406,000.00	-271,386.36	33.2%
7002 · SWRCB Water Rights	6,489.00	80,000.00	-73,511.00	8.1%
7100 · SWRCB Support				
7200 · SWRCB Proceedings Support	110.00	185,000.00	-184,890.00	0.1%
Total 7100 · SWRCB Support	110.00	185,000.00	-184,890.00	0.1%
7500 · Hydrologic Technical Support	0.00	40,000.00	-40,000.00	0.0%
Total Expense	438,954.63	1,222,000.00	-783,045.37	35.9%
Net Ordinary Income	294,245.17	0.00	294,245.17	100.0%
Net Income	294,245.17	0.00	294,245.17	100.0%

1:04 PM

06/01/21

Cachuma Conservation Release Board
Reconciliation Summary
1020 · CWB - Chkg #7204, Period Ending 05/31/2021

	<u>May 31, 21</u>
Beginning Balance	386,402.16
Cleared Transactions	
Checks and Payments - 13 items	-64,385.15
Total Cleared Transactions	-64,385.15
Cleared Balance	<u>322,017.01</u>
Uncleared Transactions	
Checks and Payments - 7 items	-30,069.38
Total Uncleared Transactions	-30,069.38
Register Balance as of 05/31/2021	<u>291,947.63</u>
New Transactions	
Checks and Payments - 3 items	-6,690.62
Total New Transactions	-6,690.62
Ending Balance	<u><u>285,257.01</u></u>



OK
June 2, 2021

Cachuma Conservation Release Board
Reconciliation Detail
1020 · CWB - Chkg #7204, Period Ending 05/31/2021

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						386,402.16
Cleared Transactions						
Checks and Payments - 13 items						
Bill Pmt -Check	04/21/2021		Downey Brand Attor...	X	-42,059.00	-42,059.00
Bill Pmt -Check	04/21/2021		California Strategies...	X	-8,000.00	-50,059.00
Bill Pmt -Check	04/21/2021		AccountabilityPlus, Inc	X	-452.90	-50,511.90
Bill Pmt -Check	04/21/2021		Patterson Self-Stora...	X	-290.00	-50,801.90
Bill Pmt -Check	04/21/2021		Rauch Communicati...	X	-63.75	-50,865.65
Bill Pmt -Check	04/21/2021		CIO Solutions, LP	X	-63.26	-50,928.91
Check	05/05/2021		Payroll Tax	X	-3,815.84	-54,744.75
General Journal	05/05/2021		Peter Cantle	X	-2,808.78	-57,553.53
Check	05/05/2021		Payroll Vault	X	-66.00	-57,619.53
Check	05/11/2021		Payroll Vault	X	-75.00	-57,694.53
Check	05/19/2021		Payroll Tax	X	-3,815.84	-61,510.37
General Journal	05/19/2021		Peter Cantle	X	-2,808.78	-64,319.15
Check	05/19/2021		Payroll Vault	X	-66.00	-64,385.15
Total Checks and Payments					-64,385.15	-64,385.15
Total Cleared Transactions					-64,385.15	-64,385.15
Cleared Balance					-64,385.15	322,017.01
Uncleared Transactions						
Checks and Payments - 7 items						
Bill Pmt -Check	05/25/2021		Downey Brand Attor...		-20,200.00	-20,200.00
Bill Pmt -Check	05/25/2021		California Strategies...		-8,000.00	-28,200.00
Bill Pmt -Check	05/25/2021		SDRMA		-718.86	-28,918.86
Bill Pmt -Check	05/25/2021		AccountabilityPlus, Inc		-627.78	-29,546.64
Bill Pmt -Check	05/25/2021		Patterson Self-Stora...		-290.00	-29,836.64
Bill Pmt -Check	05/25/2021		Peter Cantle		-169.48	-30,006.12
Bill Pmt -Check	05/25/2021		CIO Solutions, LP		-63.26	-30,069.38
Total Checks and Payments					-30,069.38	-30,069.38
Total Uncleared Transactions					-30,069.38	-30,069.38
Register Balance as of 05/31/2021					-94,454.53	291,947.63
New Transactions						
Checks and Payments - 3 items						
Check	06/02/2021		Payroll Tax		-3,815.84	-3,815.84
General Journal	06/02/2021		Peter Cantle		-2,808.78	-6,624.62
Check	06/02/2021		Payroll Vault		-66.00	-6,690.62
Total Checks and Payments					-6,690.62	-6,690.62
Total New Transactions					-6,690.62	-6,690.62
Ending Balance					-101,145.15	285,257.01



OK
June 2, 2021



Cachuma Conservation
Release Board

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of: June 14, 2021

Estimated Time : 5 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 Update

Legal Concurrence:

As to form: N/A

Recommended Actions:

Receive a status update regarding the State Water Resources Control Board (Water Board) Water Rights Order and the federal Endangered Species Act Sec. 7 Consultation process 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 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 Order. At Reclamation's request, CCRB is providing technical assistance in developing multiple plans required by the Order. This assistance is generally in the field of fisheries biology, with hydrology and legal regulatory input, as needed. Assistance efforts were paused at the CCRB board's direction in July 2020 and resumed in mid-October. CCRB staff continue to meet at regular intervals with Reclamation staff in furtherance of providing technical assistance.

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 Reclamation to develop a plan for conducting studies identified in Term 24 "and any other studies that may be necessary to determine the measures necessary to protect the public trust resources of the Santa Ynez River and keep the steelhead fishery in the Santa Ynez

River in good condition at the individual, population and community level.” CCRB assisted Reclamation in drafting the Term 20 plan, which Reclamation submitted to the Water Board for review on March 17, 2020. Reclamation has yet to receive substantive input on its Term 20 plan submittal.

Term 24 of the Order requires of Reclamation, among other things, a study plan to evaluate water quality issues that may impact steelhead in the lower Santa Ynez River. Following CCRB board review, a draft water quality study plan for the lower river was transmitted in January 2021 to Reclamation for its consideration. (Additional plans with which CCRB staff provides assistance will be presented for CCRB board review before issuance to Reclamation.) Reclamation has not submitted the water quality study plan, as the agency is seeking to clarify the Water Board’s review and response process. Per Reclamation, Water Board staff are currently focused on the intensifying statewide drought, which, coupled with staffing changes within the agency for the Cachuma Project, has meant that exchange with the Water Board regarding Reclamation’s Order-related submittals and associated issues has been delayed.

Cachuma Project Section 7 Consultation Process. In November 2019, Reclamation submitted to NMFS a Biological Assessment (BA) of a proposed action that CCRB and the downstream interests helped develop. NMFS responded to this BA in February 2020 with a detailed insufficiency letter. When Reclamation didn’t respond timely with information requested by the letter, NMFS terminated consultation on the proposed action. On December 18, 2020, after working collaboratively with CCRB and the downstream interests, Reclamation submitted a revised BA to NMFS. This revised BA updates the November 2019 BA and uses the Water Rights Order 2019-0148 flow regime, with some key modifications, as its basis. The BA is also scoped to include other anticipated Reclamation actions, such as the long-term Master Service Contract and the COMB O&M contract. Reclamation tasked Stetson Engineering with producing hydrological modeling of specific scenarios in support of the revised BA. The modeling output was not ready by the submittal date; Reclamation thus submitted the BA to NMFS on December 18, 2020 without the hydrological modeling.

In early February, CCRB staff and the downstream interests met with Reclamation and Stetson for an initial review of the hydrological modeling results. Following the meeting, Reclamation committed to providing more information about the modeling output, analytical methods and assumptions prior to submittal of the modeling to NMFS. CCRB staff and the downstream interests have continued to meet with Reclamation and Stetson personnel to review and understand the inputs and assumptions used to produce the hydrological modeling supporting Reclamation’s revised BA.

On February 8, 2021, NMFS issued Reclamation an insufficiency letter identifying information NMFS needs to initiate formal consultation on the revised BA and its proposed action. NMFS required Reclamation to respond to the letter within 45 days. CCRB and the downstream interests assisted Reclamation in addressing multiple issues identified in the letter. CCRB received Reclamation’s March 18 response to the insufficiency letter on March 31. In addition to this March insufficiency letter response, Reclamation submitted to NMFS on April 30 an updated version of the BA addressing insufficiency issues and incorporating the hydrological modeling discussed above. CCRB staff engaged with and assisted Reclamation regarding the updated BA prior to its submittal and now looks forward to assisting the agency in responding to input following the document’s review by NMFS. Reclamation is scheduled to meet late in June with NMFS to initiate discussion of the revised BA and proposed action prior to entering Section 7 formal consultation. CCRB’s assistance has been offered for this process.

We will continue to update the board with new information as it becomes available on these consultation and Water Rights Order matters.

Fiscal Analysis:

CCRB's approved FY21 budget provides for staff and consulting support related to both the Water Board Order and the federal Consultation process; costs incurred to date are well within budget.

Attachments:

None.

Report authored by:

Peter Cantle, Executive Director



Cachuma Conservation
Release Board
Agenda Letter

Board of Directors

City of Santa Barbara

Goleta Water District

Montecito Water District

For Agenda Of: June 14, 2021
Estimated Time : 10 minutes
Continued Item: No
If Yes, date from:

TO: Board Members
FROM: Peter Cante, Executive Director
SUBJECT: Item RA-2: Continuing State Support of Virtual Meetings for Agencies and Boards

Legal Concurrence:

As to form: Not applicable.

Recommended Actions:

Receive a briefing on the State of California's continuing support for the ability of public agencies and boards to meet virtually while complying with applicable meeting laws and guidance.

Discussion

On June 2, 2021, Governor Newsom's office issued a letter (Attachment 1) of ongoing support for agencies and boards to continue to meet virtually after June 15, the date which numerous pandemic-related restrictions imposed by the Governor's *Blueprint for a Safer Economy* will be lifted. The flexibility to meet virtually while complying with state meeting laws was granted March 17, 2020 under Executive Order N-29-20 and CCRB has conducted its board meetings and most other business virtually and efficiently since April 2020.

It is my belief that the ability of CCRB's board members, staff and consultants to attend meetings virtually has improved the conduct of CCRB's business. California Strategies, CCRB's regulatory affairs advisor, also notes (Attachment 2) that efficiencies and public participation in governmental affairs have been enhanced and that important environmental benefits have been realized, such as substantial reductions in vehicle miles traveled (VMT) and greenhouse gas and ozone precursor emissions. Given the state's ongoing support for virtual meetings as a means of conducting business as well as the associated benefits that attend, I recommend the CCRB board consider retaining the practice for the foreseeable future.

Fiscal Analysis:

An annual videoconferencing subscription (CCRB has been using Zoom) costs \$150, which is covered within the approved CCRB budget.

Attachments:

Attachment 1. *OFFICE OF THE GOVERNOR MEMORANDUM DATED JUNE 2, 2021*

Attachment 2. *CALIFORNIA STRATEGIES MEMORANDUM (JUNE 7, 2021)*

Authored by:

Peter Cantle, Executive Director

ATTACHMENT 1

OFFICE OF THE GOVERNOR MEMORANDUM

DATED JUNE 2, 2021



OFFICE OF THE GOVERNOR

June 2, 2021

VIA EMAIL

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RE: Transition Period Prior to Repeal of COVID-related Executive Orders

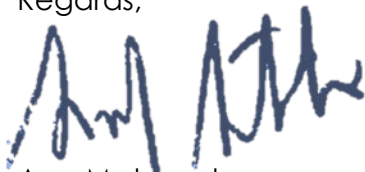
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

Thank you for your correspondence of May 18, 2021, inquiring what impact the anticipated June 15 termination of the Blueprint for a Safer Economy will have on Executive Order N-29-20, which provided flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic.

Please be assured that this Executive Order Provision will not terminate on June 15 when the Blueprint is scheduled to terminate. While the Governor intends to terminate COVID-19 executive orders at the earliest possible date at which conditions warrant, consistent with the Emergency Services Act, the Governor recognizes the importance of an orderly return to the ordinary conduct of public meetings of state and local agencies and boards. To this end, the Governor's office will work to provide notice to affected stakeholders in advance of rescission of this provision to provide state and local agencies and boards time necessary to meet statutory and logistical requirements. Until a further order issues, all entities may continue to rely on N-29-20.

We appreciate your partnership throughout the pandemic.

Regards,

A handwritten signature in blue ink, appearing to read 'Ana Matosantos', written in a cursive style.

Ana Matosantos
Cabinet Secretary

ATTACHMENT 2

CALIFORNIA STRATEGIES MEMORANDUM

(JUNE 7, 2021)



CALIFORNIA STRATEGIES, LLC

Update on California Public Meeting Options

June 7, 2021

Background:

Governor Gavin Newsom issued Executive Order N-29-20 on March 17th, 2020 to allow flexibility for state and local government to hold open and public meetings via teleconference or internet-based virtual meetings. The Order authorized local legislative bodies and state bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically available to all members of the public. Specifically, the Order suspends and waives the following requirements:

- i. State and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- ii. Each teleconference location be accessible to the public.
- iii. Members of the public may address the body at each teleconference conference location.
- iv. State and local bodies post agendas at all teleconference locations.
- v. At least one member of the state body be physically present at the location specified in the notice of the meeting.
- vi. During teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Extension of EO N-29-20 Allowing Virtual Meetings Until Further Notice:

Governor Newsom released a letter last week clarifying that the Executive Order Provisions to waive the requirements above will not terminate on June 15th. The Governor recognizes the success of public participation in public meetings, which is at the highest levels in state history. In addition, the Governor's Office of Planning and Research (OPR), which oversees the California Environmental Quality Act (CEQA), current key focus is to reduce Vehicles Miles Traveled (VMT) statewide, and they strongly encourage local and state agencies to do virtual meetings to reduce VTM to meetings, eliminate associated greenhouse gas (GHG) and other emissions, as well as realize cost savings and other efficiencies.

The Governor's Office will work to maintain the efficiencies realized during the pandemic and will provide notice in advance of the eventual rescission of this provision. In the meantime, all affected State, local, and regional governmental bodies may continue to rely on N-29-20 waivers and are encouraged to continue to meet virtually, until further notice.

Pending Legislation:

There are two bills currently moving through the legislative related to allow increased use of virtual meetings and teleconferencing or internet-based virtual options.

AB 361 (R. Rivas) Open Meetings: Local Agencies: Teleconferences

Purpose: Allows a local or regional agency to continue to use teleconferencing under during emergencies. Specifically, the bill would exempt local agencies from the Brown Act's physical access and quorum requirements for teleconferenced meetings when:

- Proclaiming or ratifying a local emergency,
- During a proclaimed state of emergency or declared local emergency, and state or local officials have imposed or recommended measures to promote social distancing, or
- Or, during a declared local emergency and the legislative body determines by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

If a state of emergency or local emergency remains active or state or local officials have imposed or recommended measures to promote social distancing, the bill requires a legislative body to make specified findings by majority vote within 30 days after teleconferencing for the first time and every 30 days thereafter in order to continue teleconferencing without complying with the Brown Act's physical access and quorum requirements.

Status: Passed Assembly, to the Senate.

AB 339 (Lee) Local Government: Open and Public Meetings

Purpose: Requires, until December 31, 2023, all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing at least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option. Requires all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. Requires all open and public meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option.

Status: Passed Assembly, to the Senate.

Conclusion:

State, local, and regional governmental bodies are encouraged to continue to meet virtually in 2021, until further notice. The Governor's Office and State agencies seek to maintain the efficiencies and increased public participation that has been realized during the Pandemic—as well as reduced VMT, reduced GHG and other emissions, cost savings, and other efficiencies. Lawmakers are considering expanding legislative changes to increase virtual meeting options ongoing and are beginning to discuss potential changes to allow virtual public meetings permanently.