



## AGENDA

### REGULAR MEETING OF THE BOARD OF DIRECTORS OF CARPINTERIA VALLEY WATER DISTRICT

CARPINTERIA CITY HALL  
5775 CARPINTERIA AVENUE  
CARPINTERIA, CA 93013

BOARD OF DIRECTORS

*Case Van Wingerden*  
President

*Casey Balch*  
*Polly Holcombe*  
*Shirley L. Johnson*  
*Matthew Roberts*

GENERAL MANAGER

*Robert McDonald, P.E. MPA*

Wednesday, January 11, 2023 at 5:30 p.m.

#### Join Zoom Meeting

<https://us06web.zoom.us/j/86807551680?pwd=RFVLMGVPeU1VZWZrL0w1TVIxbHNudz09>

Meeting ID: 868 0755 1680

Passcode: 301785

Or

Dial by Phone: 1-669-444-9171

If interested in participating in a matter before the Board, you are strongly encouraged to provide the Board with a public comment in one of the following ways:

1. **Comments** during a meeting may be made on any item on the agenda in person or via video conference subject to the Chairperson of the meeting.
2. **Submitting a Written Comment.** If you wish to submit a written comment, please email your comment to the Board Secretary at [Public.Comment@cvwd.net](mailto:Public.Comment@cvwd.net) by **5:00 P.M. on the day of the meeting**. Please limit your comments to 250 words. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.
3. If you wish to make either a general public comment or to comment on a specific agenda item in person, please: attend the Board Meeting at the location noted above and fill out a speaker slip prior to the hearing the item.

- I. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE, President Van Wingerden.**
- II. **ROLL CALL, Secretary McDonald.**
- III. **\*\*Consider Adoption of Resolution 1132 proclaiming a local emergency, ratifying the proclamation of a State of Emergency by Governor Newsom's order dated March 4, 2020, and authorizing remote teleconference meetings of the legislative bodies of the Carpinteria Valley Water District for the period of January 11, 2023, to February 11, 2023 (for action, General Manager McDonald).**
- IV. **PUBLIC FORUM (Any person may address the Board of Directors on any matter within its jurisdiction which is not on the agenda).**

1301 Santa Ynez Avenue  
Carpinteria, CA 93013  
(805) 684-2816

\*\*Indicates attachment of document to agenda packet.

**V. APPROVAL ITEMS**

**A. \*\*Minutes of the Regular Board meeting held on December 14, 2022**

**VI. UNFINISHED BUSINESS – None**

**VII. \*\*ADJOURN to Regular meeting of Carpinteria Groundwater Sustainability Agency (Time Certain 5:40 p.m.)**

**VIII. CVWD BOARD REORGANIZATION for Calendar Year 2023**

**A. Appointment of Temporary Chair**

**B. Election of Board President (currently Case Van Wingerden)**

**C. Election of Board Vice President (currently Vacant)**

**D. Consider Appointments**

**1. General Manager (currently Robert McDonald)**

**2. Internal Auditor (currently Norma Rosales)**

**3. Interim Secretary (currently Robert McDonald)**

**4. Attorneys:**

**a. General Counsel (currently Cari Ann Potts of Myers, Widders, Gibson, Jones & Feingold, LLP)**

**b. Special Counsel: Labor Negotiator (currently Jeffrey A. Dinkin of Stradling Yocca Carlson & Rauth)**

**c. Special Counsel: Groundwater & SGMA (currently Jeremy Jungreis of Rutan & Tucker LLP)**

**d. Special Counsel: Rates & Charges (currently Michael Colantuono of Colantuono, Highsmith & Whatley, PC)**

**E. Consider the location, time and day of regular Board meetings (currently Carpinteria City Hall, 5775 Carpinteria Avenue, Carpinteria, 5:30 p.m., on any given Wednesday or virtually if in a public health emergency as defined in CA AB361)**

**F. Consider the manner by which special Board meetings are called (currently Section 54946 of the Government Code)**

**G. Consider establishing Roberts *Rules of Order* for all proceedings (current)**

**H. Consider re-establishment of Finance Committee (currently all Directors, with the requirement that all bills, statements, invoices or claims exceeding \$300 are reviewed and approved by one member of the committee on a rotating basis, that each member be provided with a list of the routine monthly bills and purchases. Bills smaller than \$300 to be approved by the General Manager.)**

**I. Consider appointments to Joint Powers Authorities (JPAs)**

**1. Cachuma Operation and Maintenance Board  
(currently Polly Holcombe; alternate: Shirley Johnson and Case Van Wingerden)**

**2. Central Coast Water Authority  
(currently Shirley Johnson; alternate: Vacant and Robert McDonald)**

**3. ACWA Joint Powers Insurance Authority  
(JPIA: Matt Roberts; alternate: Polly Holcombe)**

**J. Consider appointments to Board Committees**

**1. Recycled Water Committee  
Matt Roberts and Vacant  
Alternates: Shirley Johnson and Case Van Wingerden**

**2. Rate and Budget  
Matt Roberts and Shirley Johnson  
Alternates: Vacant and Case Van Wingerden**

**3. Strategic Water Management  
Matt Roberts and Shirley Johnson  
Alternates: Vacant and Case Van Wingerden**

**4. Regional Government Relations  
Polly Holcombe and Case Van Wingerden  
Alternates: Vacant and Shirley Johnson**

**5. Community Outreach  
Matt Roberts and Polly Holcombe  
Alternates: Vacant and Case Van Wingerden**

**6. Drought Management & Water Conservation  
Shirley Johnson and Polly Holcombe  
Alternates: Vacant and Case Van Wingerden**

**7. Resource Sustainability**

**Matt Roberts and Case Van Wingerden**

**Alternates: Shirley Johnson and Polly Holcombe**

**8. Groundwater Management & SGMA**

**Shirley Johnson and Case Van Wingerden**

**Alternates: Vacant and Case Van Wingerden**

**9. Administrative**

**Polly Holcombe and Case Van Wingerden**

**Alternates: Matt Roberts and Shirley Johnson**

**IX. \*\*\*ADJOURN to Annual Meeting of Financing Corporation**

**X. UNFINISHED BUSINESS – None**

**XI. NEW BUSINESS -**

**A. \*\*Consider Amended and Restated General Counsel Agreement from Myers, Widders, Gibson Jones & Feingold, L.L.P. (for action, General Manager McDonald).**

**B. \*\*Consider Draft Rule 17, ADU Policy Language for Rules and Regulations (for action, General Manager McDonald)**

**C. \*\*Consider Resolution 1135 for Approval of Making Commitments and Publishing Reports required by CCWA Resolutions 92-2 and 92-11. (for information, General Manager McDonald).**

**D. \*\*Consider Approval of Resolution 1134 Concerning Inventory of District Land and Air Space (for action, General Manager McDonald).**

**E. Discuss December Storms update (for information, General Manager McDonald)**

**F. \*\*Discuss ACWA JPIA Presidents Special Recognition Award under Liability and Property Programs (for information, General Manager McDonald)**

**XII. DIRECTOR REPORTS**

**A. \*\*COMB Regular Board Meeting – December 19, 2022 – Director Holcombe**

**XIII. GENERAL MANAGER REPORTS (for information) – none**

**XIV. [CLOSED SESSION]: PURSUANT TO GOVERNMENT CODE SECTION 54957:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION TITLE: GENERAL  
MANAGER**

**XV. CONSIDER DATES AND ITEMS FOR AGENDA FOR:**

**CARPINTERIA VALLEY WATER DISTRICT BOARD MEETING OF  
JANUARY 25, 2023, AT 5:30 P.M., CARPINTERIA CITY HALL, 5775  
CARPINTERIA AVENUE, CARPINTERIA, CALIFORNIA.**

**XVI. ADJOURNMENT.**

Robert McDonald, Secretary

Note: The above Agenda was posted at Carpinteria Valley Water District Administrative Office in view of the public no later than 5:30 p.m., January 8, 2023. The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied benefits of, the District's programs, services, or activities because of any disability. If you need special assistance to participate in this meeting, please contact the District Office at (805) 684-2816. Notification at least twenty-four (24) hours prior to the meeting will enable the District to make appropriate arrangements. Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Carpinteria Valley Water district offices located at 1301 Santa Ynez Avenue, Carpinteria during normal business hours, from 8 am to 5 pm.

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## RESOLUTION NO. 1132

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CARPINTERIA VALLEY WATER DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM'S ORDER DATED MARCH 4, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF CARPINTERIA VALLEY WATER DISTRICT FOR THE PERIOD JANUARY 11, 2023 TO FEBRUARY 11, 2023 PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, the Carpinteria Valley Water District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings, with the exception of statutorily authorized closed meetings, of Carpinteria Valley Water District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency be declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 1130 on December 14, 2022, finding that the requisite conditions exist for the legislative bodies of Carpinteria Valley Water District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-19; despite sustained efforts, the virus, and its variants, continues to spread and has impacted nearly all sectors of California; and

WHEREAS, the Carpinteria Valley Water District Board of Directors does hereby find that the rise in SARS-CoV-2 Omicron Variant has caused, and will continue to cause, conditions of peril to the safety of persons within Carpinteria Valley Water District's jurisdictional boundaries that are likely to be beyond the control of services, personnel, equipment, and facilities of Carpinteria Valley Water District, and acknowledges and ratifies the proclamation of a state of emergency by the Governor of the State of California and the Santa Barbara County Health Officer's Recommendation for AB 361 for social distancing issued Sept 28, 2021; and

WHEREAS, as a consequence of the local emergency, the Carpinteria Valley Water District Board of Directors does hereby find that meeting in person could pose imminent risks to the health or safety of attendees; and

WHEREAS, the Carpinteria Valley Water District Board of Directors does hereby find that Carpinteria Valley Water District shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times and manner in which the public may participate in the public meetings of Carpinteria Valley Water District and offer public comment by telephone or internet-based services options, including video conference, are posted on the Carpinteria Valley Water District website and physically within Carpinteria Valley Water District's jurisdictional boundaries.

WHEREAS, on March 25, 2020 the Board was presented with the COVID19 Operational Continuity and Social Distancing Plan.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF CARPINTERIA VALLEY WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference
2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.
3. Risks to Health and Safety of Attendees. The Board of Directors hereby determines that meeting in person could present imminent risks to the health and safety of attendees.
4. Ratification of Governor's Proclamation of a State of Emergency. The Board of Directors hereby acknowledges and ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
5. Remote Teleconference Meetings. Carpinteria Valley Water District staff are hereby authorized and directed to take all actions necessary to carry out the intent and

purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

6. Effective Date of Resolution. This Resolution shall take effect on January 11, 2023 and shall be effective until the earlier of (i) February 11, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of Carpinteria Valley Water District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Carpinteria Valley Water District, this 11<sup>th</sup> day of January 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Case Van Wingerden, President

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Robert McDonald, Board Secretary



	<b>MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS</b>	
	<b>CARPINTERIA VALLEY WATER DISTRICT</b>	
	<b>December 14, 2022</b>	
	President Van Wingerden called the regular meeting of the Carpinteria Valley Water District Board of Directors held in the Carpinteria City Hall Chamber to order at 5:30 p.m., Wednesday, December 14, 2022, and led the Board in the Pledge of Allegiance.	
<b>ROLL CALL</b>	Directors Present; Holcombe, Roberts, Balch and Van Wingerden	
	Director Absent: Director Johnson was absent for roll call but joined the meeting at 5:34 p.m.	
	Others Present: Bob McDonald	
	Cari Ann Potts Norma Rosales Lisa Silva Tracey Solomon	Scott Van Der Kar Anthony Brown Haley Kolosieke Andrew Hart Jim Bailard
<b>RESOLUTION 1130</b>	<p>General Manager McDonald presented to consider adopting Resolution 1130 proclaiming a local emergency, ratifying the proclamation of a State of Emergency by Governor Newsom’s order dated March 4, 22, and authorizing remote teleconference meetings of the legislative bodies of the Carpinteria Valley Water District for the period of December 14, 2022 to January 14, 2023.</p> <p>Following discussion, Director Holcombe moved, and Director Roberts seconded the motion to approve the adoption of Resolution 1130. The motion carried by a 4-0-1 vote with Director Johnson absent. The motion was approved by roll call as follows;</p> <p>Ayes: Roberts, Holcombe, Balch and Van Wingerden Nays: None Absent: Johnson</p>	
<b>PUBLIC FORUM</b>	No one from the public addressed the Board, however the Public Forum was reopened after the Approval Items to address questions regarding the Padaro Lane update. See below.	

<b>MINUTES</b>	<p>Following discussion, Director Holcombe moved, and Director Roberts seconded the motion to approve the minutes of the Board meeting held on November 9, 2022. The motion carried by a 3-1-1 vote with Director Balch abstaining and Director Johnson absent. The minutes were approved by roll call as follows;</p> <p>Ayes: Holcombe, Van Wingerden and Roberts  Nayes/Abstain: Balch  Absent: Johnson</p>
<b>DISBURSEMENT REPORT</b>	<p>Following discussion, Director Holcombe moved, and Director Balch seconded the motion to approve the monthly bills for the period of October 16, 2022 through November 15, 2022. The motion carried by a 5-0 vote. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Van Wingerden, Johnson, Balch and Roberts  Nayes: None  Absent: None</p>
<b>PUBLIC FORUM</b>	<p>Haley Kolosieke addressed the Board regarding Padaro Lane with questions concerning the formation of an assessment district to cover expenses of upgrading the waterline and voter requirements - 50% of all voters or just property owners? General Manager McDonald gave a verbal response and will clarify further via email and General Counsel will look into the voter requirements.</p>
<b>ADJOURN</b>	<p>President Van Wingerden opened the regular Carpinteria Groundwater Sustainability Agency meeting at 5:43 p.m.</p>
<b>RECONVENED TO REGULAR BOARD MEETING</b>	<p>At 6:12 p.m. President Van Wingerden reconvened the Board meeting.</p>
<b>AUDITOR’S REPORT AND FINANCIAL STATEMENTS FY 21-22</b>	<p>Assistant General Manager Rosales presented to consider the Independent Auditor’s Report and Financial Statements for FY 21-22 prepared by Bartlett, Pringle &amp; Wolf, LLP with presentation given by Tracey Solomon, CPA.</p> <p>Following discussion, Director Johnson moved, and Director Holcombe seconded the motion to approve the Auditor’s Report and Financial Statements for FY 21-22. The motion carried by a 5-0 vote. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Van Wingerden, Johnson, Balch and Roberts  Nayes: None  Absent: None</p>

<p><b>SHORT-TERM LENDING POLICY FOR CGSA</b></p>	<p>General Manager McDonald presented to consider adoption of Short-Term Lending Policy for Carpinteria GSA cashflow purposes.</p> <p>Short Term Lending (STL) Process defined:</p> <ul style="list-style-type: none"> <li>- AGM will determine need for STL</li> <li>- GM and AGM will authorize wire of necessary amount</li> <li>- Wire transfer between CVWD and CGSA Bank account will occur.</li> </ul> <p>Limits:</p> <ul style="list-style-type: none"> <li>- STL are for single fiscal years</li> <li>- Maximum \$100,000 each STL</li> <li>- Authorized by the CVWD General Manager</li> </ul> <p>Reporting:</p> <ul style="list-style-type: none"> <li>- Monthly reports of STL's made and STL balance to the CVWD Board.</li> </ul> <p>Following discussion, Director Holcombe moved, and Director Balch seconded the motion to approve the adoption of Short-Term Lending Policy for CGSA cashflow purposes. The motion carried by a 5-0 vote. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Van Wingerden, Johnson, Balch and Roberts  Nayes: None  Absent: None</p>
<p><b>CAPP FUNDING UPDATE</b></p>	<p>General Manager McDonald gave a verbal update on CAPP Funding.</p>
<p><b>RESOLUTION 1131</b></p>	<p>General Manager McDonald presented to consider and discuss adopting Resolution 1131 approving a land donation agreement between Anthony E. Brown and CVWD for donation of certain real property, located in an unincorporated portion of Santa Barbara County, to CVWD; approving acceptance of the parcel and recordation of the grant deed; and making related CEQA findings.</p> <p>Recommendation:  Staff recommends the Board approve Resolution 1131 which resolves to:</p> <ol style="list-style-type: none"> <li>1) Approve Land Donation Agreement</li> <li>2) Acceptance of Property and Approval of Recordation of Grant Deed</li> <li>3) Delegation of Authority to General Manager to take all necessary steps to: <ul style="list-style-type: none"> <li>a) completing any further due diligence investigation for the Property;</li> </ul> </li> </ol>

	<p>b) obtaining title insurance for the Property;  c) executing the Certificate of Acceptance for the Grant Deed and cooperating in the recordation thereof;  d) approve any changes and execute any amendments or revisions to the Agreement or the Grant Deed that do not materially alter the nature of this transaction; and  e) execute and deliver any additional papers, documents, and other assurances reasonably necessary in the performance of the District’s obligations under the Agreement or otherwise necessary to carry out the intent of this Resolution.</p> <p>4. CEQA Findings:  a) The District’s execution of the Agreement is not a “project” under CEQA.</p> <p>Anthony Brown addressed the Board concerning making correction of acres from .59 to 1.64 and questions regarding the water meter and personal items on the property. General Manager gave a verbal response.</p> <p>Following discussion, Director Holcombe moved, and Director Balch seconded the motion to adopt Resolution 1131 with the correction of acreage. The motion carried by a 5-0 vote. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Van Wingerden, Johnson, Balch and Roberts  Nays: None  Absent: None</p>
<p><b>DRAFT RULE 17</b></p>	<p>General Manager McDonald presented to discuss Draft Rule 17, ADU Policy Language for Rules and Regulations.</p> <p>Will be brought back to next Board Meeting for approval on January 11, 2023.</p>
<p><b>FLOWERS &amp; ASSOCIATES CONTRACT REVISION</b></p>	<p>General Manager McDonald presented to consider approving the Revision of Santa Claus Lane Improvements contract budget for Flowers &amp; Associates from \$24,800 to \$79,800.</p> <p>Additional scope includes:</p> <ul style="list-style-type: none"> <li>- County Coordination/plan revisions</li> <li>- Facilitate Construction Phasing</li> <li>- UPRR Coordination and incorporation of requirements (relocation of the waterline)</li> </ul> <p>Following discussion, Director Holcombe moved, and Director Johnson seconded the motion to approve the budget revision with Flowers &amp; Associates from \$24,800 to \$79,800. The</p>

	<p>motion carried by a 5-0 vote. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Van Wingerden, Johnson, Balch and Roberts  Nayes: None  Absent: None</p>
<b>2023 BOARD MEETING SCHEDULE</b>	<p>General Manager McDonald presented to consider approving the 2023 Board Meeting Schedule.</p> <p>Following discussion, Director Holcombe moved, and Director Johnson seconded the motion to approve the 2023 Board Meeting Schedule. The motion carried by a 5-0 vote. The motion was approved by roll call as follows;</p> <p>Ayes: Holcombe, Van Wingerden, Johnson, Balch and Roberts  Nayes: None  Absent: None</p>
<b>RATE &amp; BUDGET COMMITTEE MEETING</b>	<p>Directors Johnson &amp; Roberts agreed that report on the Rate &amp; Budget Committee meeting that was held on December 8, 2022 was covered in the Independent Auditor’s Report and Financial Statements presentation from Bartlett, Pringle &amp; Wolf, LLP.</p>
<b>CACHUMA OPERATIONS &amp; MAINTENANCE BOARD ADMINISTRATIVE COMMITTEE MEETING</b>	<p>Director Holcombe gave a verbal report on the COMB Administrative Committee meeting that was held on December 8, 2022.</p>
<b>ADJOURNED TO CLOSED SESSION</b>	<p>President Van Wingerden adjourned the meeting at 7:54 p.m. to convene the Board into closed session for the following matters:</p> <p style="text-align: center;"><b>XI. [CLOSED SESSION]: CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION [GOVERNMENT CODE SECTION 54956.9(D)(4)] STEPHEN TIMOTHY BUYNAK, et al. v. UNITED STATES DEPARTMENT OF THE INTERIOR, et al., USDC Central District of California Case No. 2:22-cv-07271 MWF (MAAx)</b></p>
<b>BOARD RECONVENED IN OPEN SESSION</b>	<p>At 8:06 p.m. President Van Wingerden reconvened the Board meeting with the following reportable actions:</p> <p><b>XI. No reportable action</b></p>

<b>NEXT BOARD MEETING</b>	<p>The next Regular Board meeting is scheduled to be held on January 11, 2023, at 5:30 p.m., Carpinteria City Hall, 5775 Carpinteria Avenue, Carpinteria California and on Zoom.</p> <p>Director Johnson would like a report regarding Groundwater Pumping and Director Holcombe requested a Reserve study update.</p>
<b>ADJOURNMENT</b>	<p>President Van Wingerden adjourned the meeting at 8:07 p.m.</p> <hr/> <p>Robert McDonald, Secretary</p>



## AGENDA

### REGULAR MEETING OF THE BOARD OF DIRECTORS OF CARPINTERIA GROUNDWATER SUSTAINABILITY AGENCY

CARPINTERIA CITY HALL  
5775 CARPINTERIA AVENUE  
CARPINTERIA, CA 93013

Wednesday, January 11, 2023 at 5:40 p.m.

Join Zoom Meeting

<https://us06web.zoom.us/j/86807551680?pwd=RFVLMGVPeU1VZWZrL0w1TVIxbHNUdz09>

Meeting ID: 868 0755 1680

Passcode: 301785

Or

Dial by Phone: 1-669-444-9171

#### 1. CALL TO ORDER

2. **\*\*Consider adopting of Resolution 022 proclaiming a local emergency, re-ratifying the proclamation of a State of Emergency by Governor Newsom's order dated March 4, 2020, and re-authorizing remote teleconference meetings of the legislative bodies of the Carpinteria Groundwater Sustainability Agency for the period of January 11, 2023 to February 11, 2023 (for action, Executive Director McDonald).**

3. **PUBLIC FORUM (Any person may address the Board of Directors on any matter within its jurisdiction which is not on the agenda).**

#### 4. APPROVAL ITEMS

- A. **\*\*Minutes for the Meeting of the Board held on December 14, 2022 (for action, Executive Director McDonald).**

#### 5. UNFINISHED BUSINESS – none

#### 6. NEW BUSINESS

- A. **\*\*Consider Groundwater Sustainability Plan Advisory Committee applications review (for action, Executive Director Bob McDonald).**
- B. **\*\*Consider Draft Bylaws for Groundwater Sustainability Plan Advisory Committee, GSPAC (for action, Executive Director Bob McDonald).**

- C. \*\*Consider Amended and Restated General Counsel Agreement for CGSA from Myers, Widders, Gibson Jones & Feingold, L.L.P. (for action, General Manager McDonald).**

**7. ADJOURNMENT.**

*Robert McDonald, Secretary*

The above matters are the only items scheduled to be considered at this meeting.

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**AGENDA  
ANNUAL MEETING OF  
THE BOARD OF DIRECTORS OF  
CARPINTERIA VALLEY WATER DISTRICT  
FINANCING CORPORATION**

**Wednesday, January 11, 2023 at 5:30 p.m.**

BOARD OF DIRECTORS

*Case Van Wingerden  
President*

*Casey Balch  
Polly Holcombe  
Shirley L. Johnson  
Matthew Roberts*

GENERAL MANAGER

*Robert McDonald, P.E. MPA*

**Join Zoom Meeting**

<https://us06web.zoom.us/j/86807551680?pwd=RFVLMGVPeU1VZWZrL0w1TVIxbHNudz09>

**Meeting ID: 868 0755 1680**

**Passcode: 301785**

**Or**

**Dial by Phone: 1-669-444-9171**

Notice is hereby given that a meeting of the Financing Corporation, will be held on Wednesday, January 11, 2023 at 5:30 p.m. to consider and discuss the following items:

- I. CALL TO ORDER, President Van Wingerden.**
- II. \*\*Consider Adoption of Resolution 1133 proclaiming a local emergency, ratifying the proclamation of a State of Emergency by Governor Newsom's order dated March 4, 2020, and authorizing remote teleconference meetings of the legislative bodies of the Carpinteria Valley Water District for the period of January 11, 2023, to February 11, 2023 (for action, General Manager McDonald).**
- III. PUBLIC FORUM (Any person may address the Board of Directors on any matter within its jurisdiction which is not on the agenda.).**
- IV. APPROVAL ITEMS**
  - A. \*\*Minutes of the Finance Corporation meeting held on January 12, 2022.**
- V. Election of Officers**
  - A. President (currently Case Van Wingerden)**
  - B. Vice President (currently Vacant)**
  - C. Secretary (currently Robert McDonald)**
  - D. Chief Financial Officer (currently Norma Rosales)**
- VI. \*\*Schedule of Debt Service (for information, Chief Financial Officer Rosales)**

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**VII. Consider Date and Items for Agenda for next annual meeting on January 10, 2024 at 5:30 p.m. in Carpinteria City Hall.**

**VIII. ADJOURNMENT.**

Robert McDonald, Secretary

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1301 Santa Ynez Avenue  
Carpinteria, CA 93013  
(805) 684-2816

\*\*Indicates attachment of document to agenda packet.

**GENERAL COUNSEL  
ATTORNEY FEE AGREEMENT**

***THIS LEGAL SERVICES AGREEMENT*** (this “Agreement”) is made between ***MYERS, WIDDERS, GIBSON, JONES & FEINGOLD, L.L.P.***, a California limited liability partnership (“Attorney”), and ***CARPINTERIA VALLEY WATER DISTRICT***, a California county water district (“Client”):

**1. Purpose of Representation.** Attorney will represent Client in connection with general counsel matters, as needed (the “Matter”). ***CARI ANN POTTS***, a member of Attorney, has been specifically designated by Client to act as General Counsel (“General Counsel”). General Counsel or her delegee within Attorney shall perform the services set forth in this Agreement.

**2. Scope of Services.**

**2.1 Scope.** Attorney shall provide to Client the following legal services:

- a. Legal advice, consultation and opinions.
- b. Preparation of all resolutions, agreements, contracts, deeds and other documents of a similar nature.
- c. Attendance at:
  - (i) All Board of Directors meetings, regular, special and closed.
  - (ii) Such Staff meetings as the General Manager deems necessary.
- d. Monitoring of all State and federal legislation as well as current court cases which might have a possible effect on the activities of Client and advise Client’s Staff with respect to same.
- e. Representation of Client in connection with litigation involving Client, including preparation of pleadings and responses thereto, briefs and other documents as well as making court appearances; provided, however, that Attorney shall not be required to represent Client in any criminal enforcement proceeding brought by Client.

**2.2 Bond Opinions.** Review of bond documents and requests for bond opinions will be referred to outside counsel.

**3. Responsibilities of Attorney and Client.** Attorney will perform the legal services called for under this Agreement, keep Client informed of progress and developments, and respond promptly to Client’s inquiries and communications. Client will be truthful and cooperative with Attorney; keep Attorney reasonably informed of developments and of

Client's address, telephone number, and whereabouts; and timely make any payments required by this Agreement.

**4. Attorney's Fees.** Attorney shall be compensated by Client for legal services as follows:

**4.1 Non-litigation Services.** All non-litigation services shall be billed at the rate of Two Hundred Forty-Five Dollars (\$245.00) per hour for partners and associates. Services provided by Attorney's legal assistants and paralegals will be charged at an hourly rate of One Hundred Eighty Dollars (\$180.00). All rates are subject to periodic review and change of which Client will receive notice. Attorney will charge in increments of one-tenth (1/10) of an hour, rounded off for each particular activity to the nearest one-tenth (1/10) of an hour. The minimum time charged for any particular activity will be one-tenth (1/10) of an hour.

**4.2 Litigation Services.**

4.2.1. Litigation services shall be billed at a twenty percent (20%) discount from the current standard hourly rates of Attorney. In no event shall such litigation services charged to Client exceed Three Hundred Dollars (\$300.00) per hour.

4.2.2. Litigation services shall not be rendered to Client by Attorney unless and until first authorized by the Board of Directors. A prior written statement of the estimated costs of such services shall be rendered upon request of the General Manager.

**4.3 Increase in Fees.** Unless the Parties otherwise agree, the hourly rate charged to Client shall be increased by five percent (5%) every three years after this Agreement's execution. For example, on January 1, 2026, the hourly rate charged to Client for non-litigation services will increase to Two Hundred Fifty-Seven Dollars and Twenty-Five Cents (\$257.25).

**4.4 Charges.** Attorney normally charges for all activities undertaken in providing legal services to Client under this Agreement, including, but not limited to, the following: conferences, including preparation and participation; preparation and review of contracts, legal memoranda, correspondence, including e-mails, and other documents; legal research and telephone calls, including calls with Client, other attorneys or persons involved with the Matter, and governmental agencies. The legal personnel assigned to the Matter will confer among themselves about the Matter, as required. When they do confer, each person will charge for the time expended. Likewise, if more than one of Attorney's legal personnel attends a meeting or other proceeding, each will charge for the time spent. Attorney will charge for travel time, both local and out of town.

Client acknowledges that Attorney has made no promises about the total amount of attorney's fees to be incurred by Client under this Agreement.

5. **Costs.** Client will pay all “costs” in connection with Attorney’s representation of Client under this Agreement. Costs include, but are not limited to, long-distance telephone charges, messenger service fees, photocopying expenses, copying by outside copying services and postage. Attorney sometimes will make payment for, and then bill Client for reimbursement of, smaller items such as photocopying services, recording fees, and messenger service fees. When substantial expenditures involving outside vendors are to be incurred, or when substantial out-of-pocket expenditures (such as extended field expenses, or large outside copying jobs) occur, Attorney may require that Client pays those sums to Attorney before Attorney expends them, that Client provides an advance deposit for such expenditures, or that Client directly contracts with and pays the outside vendor.

Travel expenses shall be billed at the applicable Internal Revenue Service rate; provided, however, that travel expenses to Client’s office or the Board of Directors meetings shall not be billed.

6. **Deposit.** Currently, no deposit is being required. However, at any time, Attorney may request Client to deposit funds with Attorney in advance of services being performed. The amount of any future deposit will be determined by the anticipated scope of the work to be performed and other factors Attorney believes to be relevant, such as Client’s payment history. Attorney will deposit these funds in Attorney’s client trust account. Payment for Attorney’s hourly fees and costs will be drawn from this account. If Client fails to provide a deposit within ten (10) calendar days after it is requested by Attorney, Attorney has the right to resign immediately from further representation of Client.

7. **Statements and Payments.** Attorney will send Client monthly statements indicating attorney’s fees and costs incurred and their basis, any amounts applied from the deposit, if any, and any current balance owed. If no attorney’s fees or costs are incurred for a particular month, or if they are minimal, the statement may be held and combined with that for the following month unless a statement is requested by Client. Hourly fees and costs will be billed to Client on a monthly basis and shall be paid within thirty (30) calendar days. If not so paid, a one and one-half percent (1½ %) late charge shall be assessed.

Attorney does its best to see to it that its clients are satisfied not only with Attorney’s legal representation and services, but also with the reasonableness of Attorney’s charges. Therefore, if Client should have any question about or objection to a monthly statement, Attorney’s services or Attorney’s charges, Client should raise it promptly for discussion. If Client objects only to a portion of the charges on a statement, Client agrees to pay the remainder, which will not constitute a waiver of Client’s objection.

8. **Professional Liability Insurance.** Attorney agrees that at all times it is providing services to Client pursuant to this Agreement it shall maintain professional liability insurance for protection against claims arising out of the negligent acts, errors or omissions of Attorney’s operations under this Agreement in an amount of not less than One Million Dollars (\$1,000,000.00). Attorney shall provide a certificate of insurance coverage required herein upon the request of Client.

**9. Approval Necessary for Settlement.** No settlement of any nature shall be made for any of Client's legal matters without Client's complete approval.

**10. Association of Other Attorneys.** Attorney may, after consultation with Client and with Client's approval, associate other attorneys who may have expertise in particular areas of the law in representing Client.

**11. Attorney's Authority.** Client gives Attorney the power and authority to execute any and all pleadings, claims, settlements, drafts, checks, compromises, releases, dismissals, deposits and orders and other papers which Client would properly execute and to receive on Client's behalf any moneys or other things of value to which Client may be entitled because of any judgment rendered or any settlement agreement reached in connection with any legal matters of Client.

**12. Dispute Resolution.** In the unfortunate event Client makes a claim against Attorney based upon alleged errors or omissions in rendering or failing to render professional services, the parties will first attempt to resolve said claim in good faith by mediation through a single mediator to be mutually agreed upon. Each party shall pay one-half (½) of the mediator's fees. If the claim is not resolved through mediation, it shall be submitted to binding arbitration pursuant to California Code of Civil Procedure Sections 1280, *et seq.*, before a single arbitrator to be mutually agreed upon. Each party shall initially be responsible for paying one-half (½) of the arbitration fees. The losing party in any arbitration proceeding shall pay the prevailing party's costs and attorney's fees, except that any party who has refused a demand for mediation shall not be entitled to recover any costs or attorney's fees, even if said party prevails at arbitration. In arbitration, the parties shall have the right to discovery in accordance with Code of Civil Procedure Section 1283.05. This paragraph shall not limit Client's right to file an application with the Ventura County Bar Association for mandatory arbitration of any fee dispute.

Explained, Read, and Approved: \_\_\_\_\_ (Client's initials)

**13. Mutual Trust and Confidence.** The attorney-client relationship is one of mutual trust and confidence. If Client has any questions or concerns about the provisions of this Agreement or Attorney's services, Client should discuss them with Attorney.

**14. Withdrawal from Representation.** If Client does not meet Client's obligation of timely payments or deposits under this Agreement, Attorney reserves the right to withdraw from Client's representation on that basis alone, subject, of course, to any required judicial, administrative, or other approvals.

This Agreement is also subject to termination by either party upon reasonable notice for any reason. If there were to be such a termination, however, Client would remain liable for all unpaid charges for services provided and expenditures advanced or incurred.

**15. Duties upon Termination of Active Representation.** Upon termination of Attorney's active involvement in a particular matter for which Attorney had previously been engaged, Attorney will have no further duty to inform Client of future developments or changes in law which may be relevant to such matter in which Attorney's representation has terminated. Further, unless Client and Attorney agree in writing to the contrary, Attorney will have no obligation to monitor renewal or notice dates or similar deadlines that may arise from the matters for which Attorney had been engaged.

**16. Indemnification.**

**16.1** Attorney shall indemnify, defend, and hold harmless Client, its boards, officers, employees, and agents from any and all claims, demands, losses, damages, and expenses, including legal fees and costs, arising out of or related to Attorney's performance of its services pursuant to this Agreement, save and except for any such claim, liability or expense arising out of the sole negligence or concurrent active negligence of Client and/or Client's boards, officers, employees or agents.

**16.2** Client shall indemnify, defend, and hold harmless Attorney, its employees, and its agents from any and all claims, demands, losses, damages, and expenses, including legal fees and costs arising out of or related to Client's performance of its obligations pursuant to this Agreement, save and except for any such claim, liability or expense arising out of the sole negligence or concurrent active negligence of Attorney and/or Attorney's employees or agents.

**17. Document Storage Policies.** Attorney's policy with regard to documents and other materials at the conclusion of a matter is to maintain them in storage for a period of no more than seven (7) years. All documents and other materials in Attorney's file will then be destroyed or discarded without notice to Client. Accordingly, if there are any documents or other materials Client wishes to have retrieved from Client's file at the conclusion of a matter, it will be necessary for Client to advise Attorney of that request to ensure that they are not destroyed.

**18. Consent to Electronic Communications.** In order to maximize efficiency in the Matter, Attorney intends to use state of the art communications devices to the fullest extent possible (e.g., e-mail, document transfer by computer, cellular telephones, etc.). The use of such devices under current technology may place Client's confidences and privileges at risk. However, Attorney believes the effectiveness involved in use of these devices outweighs the risk of accidental disclosure. By signing this Agreement, Client acknowledges Client's consent to the use of these devices.

**19. Disclaimer of Guarantee.** Nothing in this Agreement should be construed as a promise or guarantee about the outcome of any matter which Attorney is handling on Client's behalf. Attorney's comments about the outcome of the Matter are expressions of opinion only. If Attorney should provide Client with an estimate of the fees and costs which may be

incurred in connection with Attorney's representation of Client, it is important that Client understands, and Client hereby acknowledges, that any such estimate is merely an estimate based on numerous assumptions which may or may not prove to be correct and that any estimate is not a guarantee or agreement of what the maximum amount of fees and/or costs will be.

**20. Future Matters.** Unless Client and Attorney otherwise agree in writing, all other matters referred to Attorney for representation shall be governed by the terms of this Agreement. However, Attorney's obligation to represent Client in such matters shall consist of an obligation to furnish appropriate representation with reasonable diligence as applicable to the particular matter in question.

**21. Client.** Attorney's client, or clients, for the purpose of representation is, or are, only the person(s) and/or entities identified in the opening paragraph of this Agreement. Unless expressly agreed, Attorney is not undertaking the representation of any related or affiliated person or entity, nor any parent, sibling, officer, director, agent, or employee.

**22. Authorization to Sign.** The person or persons signing this Agreement on behalf of the represent that they have authority to so act.

**23. Term.** This Agreement shall be effective as of January 1, 2023, and shall continue until June 30, 2024. Notwithstanding, this Agreement shall automatically renew for additional periods of one (1) year unless either party hereto gives the other at least sixty (60) days' prior written notice of termination or non-renewal.

**24. Miscellaneous Provisions.** This Agreement shall be binding upon and shall inure to the benefit of Attorney, Client and their respective partners, heirs, successors, representatives, and assigns. This Agreement is made and entered into in the State of California and shall be interpreted, applied, and enforced under and pursuant to the laws of the State of California. Each party has cooperated in the drafting and preparation of this Agreement. Accordingly, this Agreement shall be construed as if all parties prepared it. This Agreement may be executed in counterparts and, as executed, shall constitute one agreement which shall be binding on the parties. No distinction shall be made between an originally-typed document and faxed or machine-copied documents, provided that the faxes or electronic copies contain a copy of the original signatures. This is the entire agreement between the parties with respect to the subject matter hereof and it supersedes all prior and contemporaneous oral and written agreements and discussions. This Agreement may be amended only by an agreement in writing.

[SIGNATURES ON NEXT PAGE]



**EXECUTED** on the \_\_\_\_\_ day of January, 2023.

CARPINTERIA VALLEY WATER DISTRICT

By \_\_\_\_\_  
Case Van Wingerden, President  
“Client”

MYERS, WIDDERS, GIBSON,  
JONES & FEINGOLD, L.L.P.

By \_\_\_\_\_  
Douglas A. Bordner  
“Attorney”

\\mvgjf-dc01\shared\wpdocs\1. clients\carpvalleywaterdist\general counsel agreement - 2023 v3.docx

# HOURLY FEE SCHEDULE

## PARTNERS

ERIK B. FEINGOLD .....	\$495.00
STEVEN P. LEE .....	\$475.00
DOUGLAS A. BORDNER .....	\$495.00
JILL L. FRIEDMAN .....	\$495.00
MICHAEL S. MARTIN .....	\$450.00
JACQUELYN D. RUFFIN .....	\$425.00
JAMES E. PERERO .....	\$425.00
SASHA L. COLLINS .....	\$410.00

## OF-COUNSEL

MONTE L. WIDDERS .....	\$395.00
KELTON LEE GIBSON .....	\$425.00
DENNIS NEIL JONES .....	\$495.00
RANDALL H. GEORGE .....	\$450.00
DAVID S. BAUMWOHL .....	\$450.00
WILLIAM D. RAYMOND, JR. ....	\$425.00*
WILLIAM D. RAYMOND, JR. ....	\$400.00
WILLIAM S. DUNLEVY .....	\$400.00

## ASSOCIATES

CARI ANN POTTS .....	\$385.00
SHERI L. VALLEY .....	\$325.00
MICHAEL J. PELLEGRINI .....	\$375.00
MONIQUE L. FIERRO .....	\$375.00

## PARALEGALS

HEATHER E. MAGALLANES .....	\$225.00
MONICA M. YOUNG .....	\$200.00
ELIZABETH A. DORN .....	\$175.00

## LEGAL & ADMINISTRATIVE ASSISTANTS

SANDRA PUGA .....	\$150.00
CURTIS C. GOSTANIAN .....	\$150.00
LYDIA RAMIREZ .....	\$150.00

\*(ESTATE PLANNING, PROBATE & TRUST ADMIN MATTERS)

Memo

To: Board of Directors  
From: Norma C. Rosales, Assistant General Manager  
cc: Bob McDonald, General Manager  
Date: January 11, 2023  
Re: Updated Rules and Regulations

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Staff have proposed revisions to the following Rules:

<b>RULE</b>	<b>PAGE</b>	<b>DESCRIPTION</b>
Rule 17e	32-33	Revised ADU text to comply with the updated rules from the State of California and to align with the updated rules from the City of Carpinteria. Specifically, the District will differentiate between ADUs smaller than 750 sq ft and those with a footprint of 750 square feet or more.

## METERS AND APPLIANCES

- a. **Meters and Appliances:** All meters and appliances (such as meter boxes, valves, radios, external antennas etc.) installed by the District upon the customer's property for the purpose of delivering water to the customer shall be the property of the District, and may be repaired, replaced or removed by the District at any time. No customer may refuse the installation of any type of water meter for any reason. Customers may opt-out of the installation of any radio transmitter associated with meter reading after completing an application for opt-out and payment of any associated fees and charges. (See Appendices C and J.)

Meters and appliances must be accessible to the District or its duly authorized agents at all times. Barriers to access – including but not limited to fences, landscaping, gates, locks, vehicles, equipment, dogs or other animals or refuse will be reported to the customer and required to be corrected immediately. Should a condition limiting access remain, the District reserves the right to discontinue service after giving written notice to the customer via certified mail with return receipt. Service may be discontinued seven days after customer receipt of written notice and remain discontinued until such time as the condition limiting access has been modified or removed and access is deemed safe and acceptable by the District.

Except as herein otherwise provided, no rent or other charge shall be made by the customer against the District nor by the District against the customer for placing or maintaining said meters and appliances upon the customer's premises. The customer shall exercise reasonable care to prevent the District's meters and equipment from being injured or destroyed. In the event customer identifies any defect in the meter, customer shall notify the District thereof immediately.

The District shall have the right to remove any and all of its facilities installed on customer's premises at the termination of the service.

- b. **Meter Installation:** All meters and appliances shall be installed by the District. Meters, wherever practicable, shall be placed in suitable meter boxes located in the parkway adjacent to the curb line. When it is not practicable to place meters in the parkway, the meters shall be installed in some convenient place approved

by the District upon the customer's premises, in an approved easement, and in a location that is at all times accessible for inspection, reading and testing. The District shall not install submeters. The District shall not use customer installed submeters for its metering or billing.

- c. **Meter Tampering**: The customer shall not make or maintain any by-pass or other connection between the meter and the District's main. The customer shall not tamper with the meter or any other appliance or interfere with the operation of the meter or appliances in any manner or for any purpose. Penalties for tampering with a meter or appliances or bypassing a meter may include, but are not limited to, tampering fines and penalties, fees for unmeasured water consumption, meter and appliance replacement costs and labor, criminal prosecution and disconnection of District water service (see [Appendix C](#)).
  
- d. **Number of Customers per Water Service Connection**: In all cases in which water is to be served to a building occupied by multiple customers, independent services to the curb line must be provided for each such independent customer (see [Appendix E](#)). For example, a development is proposed to include four residential condominiums and three commercial stores. The proposed development would require seven appropriately-sized service connections in addition to any fire service connections deemed necessary by the responsible agency.

Individual parcels with multiple residential dwelling units shall be served with a separate meter for each residential dwelling unit except on agricultural parcels. If a second residential dwelling unit is proposed on a parcel zoned for single-family residences, the new residential dwelling unit must be serviced by a separate meter.

- e. **Accessory Dwelling Units**: ~~Notwithstanding section 17.d. above,~~ District rules and regulations shall comply with California and local requirements regarding Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU). ~~ADU/JADU applications through the City of Carpinteria or the County of Santa Barbara are not available yet but will comply with State requirements once finalized. When permitting is available by land use agencies, District will rely on~~

~~these permits to establish qualification for ADU/JDU status. In the interim, the District will treat applications on a case-by-case basis.~~

ADUs / JADUs constructed ~~on single-family residential parcels,~~ either within an existing building envelope or in a new permitted structure, will not be required to be independently metered, nor will the ~~ADU/JADU development~~ be subject to Capital Cost Recovery Fees (CCRF). ~~However, A~~all ADU / JADU developments will be required to meet District and local agency requirements for hydraulic capacity of service, including service line capacity, water meter capacity and if applicable fire sprinkler capacity. In the event that ADU / JADU developments require increased service or meter capacity, costs associated with increased service will be applied as described in Rules 9 and 10 and Appendix D.

~~The District will consider ADUs with a footprint of 750 square feet or more as separate dwelling units from the main structure. The District will reclassify accounts with ADUs of 750 sqft or greater as Master Meter Residential service. Such developments will be re-classified by the District as Master-metered residential service and these accounts will be subject to the rates and charges associated with this customer class service. The District will not consider JADUs or ADUs with a footprint of less than 750 square feet as separate dwelling units. The District will not reclassify accounts that add an ADU / JADU of less than 750 square feet.~~

~~All other ADU / JADU applications will require independent water service and metering and be subject to CCRF.~~

e.f. **Irrigation Meters:** Facilities for irrigation of new and existing parks, medians, landscaped public area, lawns or gardens surrounding condominiums, townhouses, apartments, and industrial parks shall be designed and installed in such a way to conserve water. The rate and extent of water application shall be controlled by the owner so as to minimize water usages.

Dedicated landscape water meters are required for residential landscapes over 5,000 square feet, non-residential landscapes over 1,000 square feet, and shared landscaped common areas. Dedicated landscape meters must be installed by the District, be on a dedicated service line and be installed with approved backflow prevention.

In most cases the irrigation meter shall be sized based on the peak flow through a single valve of the irrigation system (i.e. highest producing valve). However, the District reserves the right to further evaluate the system and to select a meter size that best meets the needs of the system. The meter size may be based on multiple valves, branches of the system , square footage, or as deemed most appropriate by the District.

**RESOLUTION NUMBER 1135**

**RESOLUTION OF THE BOARD OF DIRECTORS  
CARPINTERIA VALLEY WATER DISTRICT  
MAKING THE COMMITMENTS AND PUBLISHING THE REPORT  
REQUIRED BY CENTRAL COAST WATER AUTHORITY  
RESOLUTIONS 92-2 AND 92-11**

**WHEREAS**, the Carpinteria Valley Water District (“District”) has a Water Supply Agreement with the Central Coast Water Authority; and

**WHEREAS**, one of the conditions of approval of the Santa Ynez and Mission Hills Extensions to the Coastal Branch Phase II of the State Water Project as found in Central Coast Water Authority Resolutions 92-2 and 92-11 requires the following commitments:

- A. Prior to the District’s use of State Project water, the District will commit that the use of that water will be used first to offset the District’s proportionate share of groundwater basin overdraft, if any, and to improve water quality for its consumers, if appropriate, before being made available for other purposes.
- B. Beginning in the year that State Water Project water is first delivered and annually thereafter the District will commit to prepare and publish an annual report on its long-term water supply. This report shall include a calculation which quantifies:
  - (1) the obligation to offset groundwater overdraft and improve water quality, if any, set forth in the prior condition; and
  - (2) reasonable estimates of total supplies available to the District including but not limited to local supplies and the District’s prediction regarding State Water Project urban delivery capacity, determined from DWR operations studies; and
  - (3) the available water supply for the ensuing year and the amount of State Water Project water necessary to fulfill the District’s obligations; and
  - (4) Sufficient information to monitor compliance.

**WHEREAS**, the District committed to such use of State Water, if and when appropriate, by Resolution Number 673, and does hereby provide the required annual report; and



**WHEREAS,** this Resolution has been presented for adoption to the District's Board of Directors at a public hearing and has been distributed to local libraries and the District office for public review for a period of time in excess of 30 days prior to the hearing.

**NOW THEREFORE IT IS HEREBY FOUND, DETERMINED, RESOLVED AND REPORTED AS FOLLOWS:**

- A. Estimated average annual Long-term overdraft in the Carpinteria Valley Groundwater Basin is determined to be zero acre-feet as shown below:

-Estimated long term average annual safe yield	4,000 AF
-District *long-term average extraction through WY2020	1455 AF
-Private Pumper *long term average through WY 2020	3005 AF
- Average *long term overdraft through WY 2020	455 AF
- Total groundwater extracted in WY 2020	888 AF
*Average taken from WY1985 to WY 2020. Draft GSP Water Budget	

- B. The District is using State Project water within the District's service area in lieu of pumping by the District from the Carpinteria Valley Groundwater Basin to the extent State Water is available. The District is currently in a prolonged drought and has reduced its groundwater extractions to the extent possible from previous levels in order for the basin to recover.
- C. There has been no determination for a need to import State Water for the purpose of improving water quality for the benefit of District consumers.
- D. The water supplies reasonably available to the District during the Water years 2023-24 and 2024-25 and for the long term (five years) are estimated to be:

	<u>2023-24</u>	<u>2024-25</u>	<u>Long Term</u>
1. Cachuma Project Water	2651 AF	2813 AF	2110 AF
2. Groundwater Basin	2000 AF	2000 AF	1400 AF
3. State Water Project	220 AF	220 AF	1320 AF
Total Water Available	4871 AF	5033 AF	4830 AF

E. The amount of water estimated to be required to meet demands within the District's service area during the next two water years and over the long term (five years) is estimated to be:

<u>Water Year</u>	<u>2020-21</u>	<u>2021-22</u>	<u>Long Term</u>
Demand	*3950 AF	*3950 AF	4200 AF
SWP Req	220 AF	220 AF	1320 AF

\*Assumes some continued voluntary water use reduction from CVWD customers during the drought recovery period.

**Vote on the Resolution by roll call resulted as follows:**

**AYES:**  
**NAYES:**  
**ABSENT:**  
**ABSTAIN:**

**The Resolution was thereupon declared, carried and adopted.**

Dated: February 22, 2023

**APPROVED:**

\_\_\_\_\_  
Case Van Wingerden, President

**ATTEST:**

\_\_\_\_\_  
Robert McDonald, Secretary

**RESOLUTION NUMBER 1134**

**RESOLUTION OF THE GOVERNING BOARD OF DIRECTORS OF THE CARPINTERIA VALLEY WATER DISTRICT CONCERNING INVENTORY OF DISTRICT LAND AND AIR SPACE**

Pursuant to the terms and provisions of Article 10 of Chapter 2 of Part 1 of Division 1 of Title 5 of the Government Code (commencing to Section 50568), this District has taken or caused to be taken an inventory (see attached) of all its lands, including air space, owned or controlled by this District, to determine what land, including air rights, if any, is in excess of its foreseeable needs.

**NOW, THEREFORE, BE IT RESOLVED:**

1. That this District by this Resolution finds and determines that it 'has no lands or air space owned or controlled by it in excess of its foreseeable needs.
2. That this Resolution is a matter of public record and a copy shall be made available, without charge to any citizen, limited dividend corporation, housing corporation or nonprofit corporation, who shall request such copy.

**Vote on the Resolution by roll call resulted as follows:**

AYES:  
NAYES:  
ABSENT:  
ABSTAIN:

The Resolution was thereupon declared, carried and adopted.

**DATED: This 11<sup>th</sup> Day of January 2023.**

**APPROVED:**

---

Case Van Wingerden, President

**ATTEST:**

---

Robert Mc Donald, Secretary

**CARPINTERIA VALLEY WATER DISTRICT LAND INVENTORY –**

**January 11, 2023**

<u>DESCRIPTION</u>	<u>ASSESSORS PARCEL</u>
Headquarters Site	003-101-026 003-101-020
Shepard Mesa Tank Site	001-120-004
Gobernador Pump Station Site	001-120-002 001-120-007
Smillie Well Site	001-090-029
Lyons Well Site	001-272-011
High School Well Site (Leased)	004-004-031
El Carro Well Site (Easement)	004-005-004
Foothill Reservoir Site	155-170-080
Gobernador Reservoir Site	001-050-051
Lateral 10 Pump Station Site	155-170-025
Carpinteria Reservoir Site	155-200-008
Casitas Pass Road Parcel	001-101-041
Sentry Well (Easement)	005-460-038

# *President's Special Recognition Award*

*The President of the  
ACWA JPIA  
hereby gives Special Recognition to*

## *Carpinteria Valley Water District*

*for achieving a low ratio of "Paid Claims and Case Reserves" to "Deposit Premiums"  
in the Liability Program for the period 10/01/2018 - 09/30/2021  
announced at the Board of Directors' Meeting in Indian Wells.*



*Melody McDonald*

*Melody McDonald, President*

*November 28, 2022*

# *President's Special Recognition Award*

*The President of the  
ACWA JPIA  
hereby gives Special Recognition to*

## *Carpinteria Valley Water District*

*for achieving a low ratio of "Paid Claims and Case Reserves" to "Deposit Premiums"  
in the Property Program for the period 07/01/2018 - 06/30/2021  
announced at the Board of Directors' Meeting in Indian Wells.*



*Melody McDonald, President*

*November 28, 2022*



**REGULAR MEETING  
OF THE  
CACHUMA OPERATION AND MAINTENANCE BOARD**

**Monday, December 19, 2022  
1:00 P.M.**

---

**BY TELECONFERENCE**

**NOTICE:** Pursuant to California Government Code sections 54953(b)(1), (b)(2), (e)(1) and (e)(3) (AB 361), members of the Cachuma Operation & Maintenance Board (COMB) Board of Directors, staff, and members of the public will participate in this meeting electronically by video and/or teleconference, as described below.

**HOW TO OBSERVE THE MEETING**

Members of the public may observe the meeting as set forth below.

**Join via Video Conference**

<https://us02web.zoom.us/j/81867892892?pwd=VEZFRHF3Y08yYU5xbGE0UmlkU3FMQT09>

Passcode: 093096

**Join via Teleconference**

US: +1 669 900 6833 Webinar ID: 818 6789 2892 Passcode: 093096

**HOW TO MAKE A PUBLIC COMMENT**

Any member of the public may address the Board on any subject within the jurisdiction of the Board of Directors. The total time for this item will be limited by the President of the Board. The Board is not responsible for the content or accuracy of statements made by members of the public. No action will be taken by the Board on any Public Comment item.

**By Video:** Those observing the meeting by video may make comments during designated public comment periods using the “raise hand” feature. Commenters will be required to unmute their respective microphone when providing comments.

**By Telephone:** Those observing the meeting by telephone may make comments during the designated public comment periods by pressing \*9 on the key pad to indicate such interest. Commenters will be prompted to press \*6 to unmute their respective telephone when called upon to speak.

**AMERICANS WITH DISABILITIES ACT**

In compliance with the Americans with Disabilities Act, if you need special assistance to review agenda materials or participate in this meeting, please contact the Cachuma Operation and Maintenance Board office at (805) 687-4011 at least 48 hours prior to the meeting to enable the Board to make reasonable arrangements.

**REGULAR MEETING  
OF THE  
CACHUMA OPERATION AND MAINTENANCE BOARD**

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**Monday, December 19, 2022**

**1:00 PM**

**AGENDA**

**NOTICE:** This Meeting shall be conducted through remote access as authorized and in accordance with Government Code section 54953 and the California Governor’s Executive Orders N-08-21, N-15-21 and as amended by AB 361.

- 1. CALL TO ORDER, ROLL CALL**
- 2. PUBLIC COMMENT** *(Public may address the Board on any subject matter within the Board’s jurisdiction. See “Notice to the Public” below.)*
- 3. CONSENT AGENDA** *(All items on the Consent Agenda are considered to be routine and will be approved or rejected in a single motion. Any item placed on the Consent Agenda may be removed and placed on the Regular Agenda for discussion and possible action upon the request of any Board Member.)*  
Action: Recommend Approval of Consent Agenda by motion and roll call vote of the Board:
  - a. Minutes of November 14, 2022 Regular Board Meeting
  - b. Investment of Funds
    - Financial Reports
    - Investment Reports
  - c. Review of Paid Claims
- 4. RESOLUTION NO. 771 – CONFIRMATION OF LOCAL EMERGENCY - ACKNOWLEDGEMENT OF GOVERNOR NEWSOM’S DECLARED STATE OF EMERGENCY (HEALTH AND SAFETY)**  
Action: Recommend adoption by motion and roll call vote of the Board
- 5. VERBAL REPORTS FROM BOARD COMMITTEES**  
Receive verbal information regarding the following committee meetings:
  - Administrative Committee Meeting – December 8, 2022
  - Fisheries Committee Meeting – December 12, 2022
- 6. TOTAL COMPENSATION SYSTEMS, INC. PRESENTATION OF OTHER POST-EMPLOYMENT BENEFITS (OPEB) ACTUARIAL REPORT AS OF JUNE 30, 2022**  
Action: Receive and file the COMB OPEB Actuarial Report for Fiscal Year-End June 30, 2022
- 7. BARTLETT, PRINGLE WOLF, LLP PRESENTATION OF ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) – FISCAL YEAR ENDING JUNE 30, 2022**  
Action: Receive and file the COMB Fiscal Year 2021-22 Annual Comprehensive Financial Report



- 8. CALIFORNIA STATE CONTROLLER REPORT FOR FISCAL YEAR ENDING JUNE 30, 2022**  
Action: Receive and file the California State Controller Report submitted to the California State Controller's Office for Fiscal Year Ending June 30, 2022
- 9. UNEXPENDED FUNDS – FISCAL YEAR ENDING JUNE 30, 2022**  
Action: Recommend approval by motion and roll call vote of the Board
- 10. CACHUMA PROJECT WARREN ACT TRUST FUND / RENEWAL FUND 2022-23 ANNUAL AND LONG TERM PLAN; SANTA BARBARA COUNTY BETTERMENT FUND USE OF FUNDS**  
Action: Receive and file the Annual and Long Term Plan (once approved by the Funds Committee) and recommend approval of related expenditures by motion and roll call vote of the Board
- 11. LAKE CACHUMA EMERGENCY PUMPING FACILITY SECURED PIPELINE PROJECT – STATUS REPORT**  
Action: Receive and file a status report on the Lake Cachuma Emergency Pumping Facility Secured Pipeline Project
- 12. GENERAL MANAGER REPORT**  
Receive information from the General Manager on topics pertaining to COMB, including but not limited to the following:

  - Administration
- 13. ENGINEER'S REPORT**  
Receive verbal information from the COMB Engineer, including but not limited to the following:

  - Climate Conditions
  - Lake Elevation Projections
  - Infrastructure Improvement Projects
- 14. OPERATIONS DIVISION REPORT**  
Receive verbal information regarding the Operations Division, including but not limited to the following:

  - Lake Cachuma Operations
  - Operation and Maintenance Activities
- 15. FISHERIES DIVISION REPORT**  
Receive information from the Fisheries Division Manager, including, but not limited to the following:

  - LSYR Steelhead Monitoring Elements
  - Tributary Project Updates
  - Surcharge Water Accounting
  - Reporting/Outreach/Training
- 16. PROGRESS REPORT ON LAKE CACHUMA OAK TREE PROGRAM**  
Receive information regarding the Lake Cachuma Oak Tree Program including but not limited to the following:

  - Maintenance and Monitoring

**17. MONTHLY CACHUMA PROJECT REPORTS**

Receive information regarding the Cachuma Project, including but not limited to the following:

- a. Cachuma Water Reports
- b. Cachuma Reservoir Current Conditions
- c. Lake Cachuma Quagga Survey

**18. CALENDAR YEAR 2023 COMB REGULAR BOARD MEETING SCHEDULE**

Receive information regarding the time and place for the 2023 COMB Regular Board meetings

**19. DIRECTORS' REQUESTS FOR AGENDA ITEMS FOR FUTURE MEETING**

**20. [CLOSED SESSION]: CONFERENCE WITH LEGAL COUNSEL: POTENTIAL LITIGATION**

- a. [Government Code Section 54956.9(d)(1)]  
Name of matter: *Kimball-Griffith L.P. v. Brenda Wren Burman, et al.*, Case No. 2:20-cv-10647  
– Request for Declaratory and Injunctive Relief
- b. [Government Code Section 54956.9(d)(1)]  
Name of matter: *Stephen Timothy Buynak, Jr. and Gloria Ann Buynak, as Trustees of the Buynak 1991 Family Revocable Trust v. United States Department of the Interior, et al.*, Case No. 2:22-cv-07271 – Complaint For Injunctive and Declaratory Relief to Enforce Plaintiffs' Riparian Water Rights
- c. Potential Litigation: Conference with Legal Counsel

**21. RECONVENE INTO OPEN SESSION**

[Government Code Section 54957.7]  
Disclosure of actions taken in closed session, as applicable  
[Government Code Section 54957.1]

- 20a. Name of matter: *Kimball-Griffith L.P. v. Brenda Wren Burman, et al.*, Case No. 2:20-cv-10647  
– Request for Declaratory and Injunctive Relief
- 20b. [Government Code Section 54956.9(d)(1)]  
Name of matter: *Stephen Timothy Buynak, Jr. and Gloria Ann Buynak, as Trustees of the Buynak 1991 Family Revocable Trust v. United States Department of the Interior, et al.*, Case No. 2:22-cv-07271 – Complaint For Injunctive and Declaratory Relief to Enforce Plaintiffs' Riparian Water Rights
- 20c. Potential Litigation: Conference with Legal Counsel

**22. MEETING SCHEDULE**

- **Regular Board Meeting – January 23, 2022 at 1:00 PM**
- **Board Packages available on COMB website [www.cachuma-board.org](http://www.cachuma-board.org)**

**23. COMB ADJOURNMENT**

#### NOTICE TO PUBLIC

**Posting of Agenda:** This agenda was posted at COMB's offices, located at 3301 Laurel Canyon Road, Santa Barbara, California, 93105 and on COMB's website, in accordance with Government Code Section 54954.2. The agenda contains a brief general description of each item to be considered by the Governing Board. The Board reserves the right to modify the order in which agenda items are heard. Copies of staff reports or other written documents relating to each item of business are on file at the COMB offices and are available for public inspection during normal business hours. A person with a question concerning any of the agenda items may call COMB's General Manager at (805) 687-4011.

**Written materials:** In accordance with Government Code Section 54957.5, written materials relating to an item on this agenda which are distributed to the Governing Board less than 72 hours (for a regular meeting) or 24 hours (for a special meeting) will be made available for public inspection at the COMB offices during normal business hours. The written materials may also be posted on COMB's website subject to staff's ability to post the documents before the scheduled meeting.

**Public Comment:** Any member of the public may address the Board on any subject within the jurisdiction of the Board. The total time for this item will be limited by the President of the Board. The Board is not responsible for the content or accuracy of statements made by members of the public. No action will be taken by the Board on any Public Comment item.

**Americans with Disabilities Act:** In compliance with the Americans with Disabilities Act, if you need special assistance to review agenda materials or participate in this meeting, please contact the Cachuma Operation and Maintenance Board office at (805) 687-4011 at least 48 hours prior to the meeting to enable the Board to make reasonable arrangements.

**Note:** If you challenge in court any of the Board's decisions related to the listed agenda items you may be limited to raising only those issues you or someone else raised at any public hearing described in this notice or in written correspondence to the Governing Board prior to the public hearing.