

**MINUTES OF A REGULAR MEETING
of the
CACHUMA OPERATION & MAINTENANCE BOARD**

**held at
3301 Laurel Canyon Road, Santa Barbara, CA
Monday, June 22, 2015**

1. Call to Order, Roll Call

The meeting was called to order at 2:05 p.m. by President Lauren Hanson who chaired the meeting. Those in attendance were:

Directors present:

Lauren Hanson	Goleta Water District
Doug Morgan	Montecito Water District
Kevin Walsh	SYR Water Conservation District, ID No. 1
Dale Francisco	City of Santa Barbara
Polly Holcombe	Carpinteria Valley Water District

Others present:

Janet Gingras	Sam Schaefer
Dave Stewart	William Carter
Tim Robinson	Jane Usher
Kelley Dyer	Adelle Capponi
Mitchell White	Amy Smith

2. Introduction of New Staff

Janet Gingras, Administrative Manager, introduced Amy C. Smith. Ms. Smith is filling an Administrative Assistant I position with COMB and began work in May 2015. The Board welcomed Ms. Smith to COMB and noted they looked forward to working with her.

President Hanson at this time noted that Janet Gingras, Administrative Manager, was sitting for the General Manager in his absence at today's meeting.

3. Public Comment

Sam Schaefer inquired on the allocations from the lake for each member unit, especially if there are no rain events. President Hanson stated that Mr. Schaefer is welcome to contact COMB staff at any time to obtain information on his inquiry.

4. Verbal Reports From Board Committees

- *Ad Hoc Drought Contingency Committee Meeting, June 10, 2015*: President Hanson stated that the committee discussed operational impacts of varying lake elevation; barge and line relocation; and, proposed change orders to Cushman Contracting. The two proposed change orders were reviewed in detail, and would be forwarded to the Board with a recommendation to approve.

- *Administrative Committee Meeting, June 10, 2015:* President Hanson mentioned the ongoing discussion with respect to the COMB office building replacement, stating a more detailed proposal is likely to come before the Board the following month. The final three items: Budget Adjustment-Settlement and Release Agreement, GPS device purchase, and Fluidigm equipment purchase, were considered and would be forwarded to the Board with recommendation to approve.

5. Consent Agenda

- a. **Minutes**
 - April 27, 2015 Regular Board Meeting
 - May 18, 2015 Regular Board Meeting
 - May 18, 2015 Special Board Meeting
- b. **Investment Funds**
 - Financial Reports
 - Investment Reports
- c. **Payment of Claims**
- d. **Progress Report on Lake Cachuma Oak Tree Program**
- e. **Fisheries Division Report**
- f. **Operations Division Report**
- g. **Monthly Cachuma Project Reports**
- h. **Approval of Cushman Contracting Change Orders**
 - 1) **Bronze Stem Guide Inserts**
 - 2) **Dredging – Site 1 (EPFP)**
- i. **Approval of Fluidigm Equipment Purchase**
- j. **Approval of GPS Equipment Purchase**

Director Francisco moved to approve the Consent Agenda, seconded by Director Holcombe. President Hanson inquired if there were any items for discussion. Director Morgan asked to pull for discussion Items 5d, 5f, and 5h2. Director Walsh requested to also remove Items a, c, d, and i for further clarification. Items were addressed in order of the requestor.

Examining Item 5d, Director Morgan posed a question to Tim Robinson, Fisheries Division Manager, regarding the process of getting water to the newly planted oak trees. Mr. Robinson explained that due to lower lake elevation, staff drives a 1,000 gallon tank to the dam, fills it with water, then delivers that water to the necessary sites; he confirmed this is the same process they have been employing for some time. Fortunately, he added, most sites are relatively close to the dam.

Considering Item 5f, Director Morgan commended Dave Stewart, Operations Division Manager, and the operations crew for doing an excellent job, specifically with regards to the concrete pipe support in the Lauro Yard valve pit. Director Morgan next addressed Item 5h2-Cushman Contracting Change Order-related to dredging. Mr. Stewart described the dredging process and referenced the analysis conducted by HDR. Director Morgan stated that much of the information should have been in a report provided to the Board, and requested a copy be mailed to him that evening. President Hanson added that this change order is within the current budget for the existing project.

Director Walsh made a correction on Item#5a, page 8, under Item 6 in the minutes from the May 18, 2015 Regular Board Meeting: “The Board took action by a vote of 6/1/0 ~~all~~ in support [...]”. Director Walsh noted that a request he made at the April 27, 2015 meeting (under Item 8

Directors' Request for Agenda Items) to have a discussion regarding the process for requesting and obtaining information and records was not, in fact, an agenda item on the current meeting's agenda. President Hanson pointed out the last line in the April 27, 2015 minutes in response: "The requests noted above will be considered either at the June regular board meeting, or at a future meeting." Director Walsh noted he would clarify his requests under Item 11 of this agenda.

Director Walsh next addressed Item 5c, stating he opposed paying a specific item included on a March 2015 invoice from General Counsel, Musick, Peeler & Garrett LLP, as he felt it stemmed from action unapproved by the Board. Director Walsh apologized to President Hanson, saying he misspoke; he did not have any questions or comments concerning Item 5d.

Regarding Item 5i, Director Walsh reminded the Board of ID No.1's long-standing objection to projects like the one presented in this item. He stated that these types of Fisheries Division projects do not meet any requirement for compliance under the Biological Opinion (BO), and are thus unnecessary costs. Additionally, Director Walsh noted that this project had not been presented to ID No. 1 for review, as required by the 2001 Memorandum of Understanding (MOU).

Following further discussion, Director Francisco amended his original motion to approve Items 5a through 5j of the Consent Agenda, seconded by Director Holcombe, to now approve the Consent Agenda minus Item 5c. Seconded by Director Holcombe, the motion passed by unanimous roll call vote:

Items 5a, b, d, e, f, g, h, i and j: 7/0/0

Ayes: Morgan, Walsh, Holcombe, Francisco, Hanson

Nayes: None

Abstain/Absent: None

President Hanson called for the vote on Item 5c. Director Francisco moved approval; the motion was seconded by Director Hanson. Following discussion relating to the approval of payment of claims, specifically legal claims; the motion passed by roll call vote as follows:

Item 5c: 6/1/0

Ayes: Morgan, Holcombe, Francisco, Hanson

Nayes: Walsh

Abstain/Absent: None

6. Consider Proposed FY 2014-15 Budget Adjustment – Settlement and Release Agreement

The Administrative Committee brought forth the recommendation to approve the budget adjustment. Director Holcombe expressed her gratitude to Janet Gingras and Randall Ward, General Manager, for finding and appropriating the funds necessary to satisfy the settlement. Director Morgan moved the recommendation proposed. Seconded by Director Holcombe, the motion passed by roll call vote 6/0/1 as follows:

Ayes: Morgan, Holcombe, Francisco, Hanson

Nayes: None

Abstain/Absent: Walsh

7. Cachuma Project Trust Fund/Renewal Fund Meeting and County's Public Meeting on Cachuma Project Betterment Fund, May 7, 2015

- a. *Approval of Plan and Program Expenditure of Trust Fund for FY 2015-2016*
- b. *Approval of Program Expenditure of County Water Agency's Betterment Fund for FY 2015-2016*

Janet Gingras highlighted the memo and Plan as included in the board packet, which detailed the project's allocated use of funds. Along with Ms. Gingras, the committee meeting attendees were Matt Naftaly from the County of Santa Barbara, and Scott Taylor from the Bureau of Reclamation (via phone). Director Walsh commented again that this did not follow the process outlined in the 2001 MOU and is therefore in violation of that document. Director Francisco moved recommendations a and b as noted in the memo. Director Walsh requested further discussion, stating that he intended to vote "No" not because ID No. 1 does not like fish, but because it is their belief that there are much better projects at this juncture, and that many of these projects do nothing to satisfy the BO. President Hanson noted the motion, seconded by Director Morgan and passed by roll call vote 6/1/0 as follows:

Ayes: Morgan, Holcombe, Francisco, Hanson

Nays: Walsh

Abstain/Absent: None

8. General Manager's Report

Janet Gingras, Administrative Manager, fielded questions regarding the General Manger's Report in Randall Ward's absence.

- *USBR Site Inspection:* Director Morgan noted there were thirty AVARs that needed repair, twenty have been replaced, with four scheduled for replacement by mid-July. His question was how regarding how many of these were designed by Flowers & Associates. Dave Stewart replied that only the four that are scheduled were addressed by Flowers & Associates as they included a drain. Mr. Stewart continued that the six remaining will likely require engineering services; and Ms. Gingras added they are included in the Infrastructure Improvement Plan (IIP).
- *Santa Barbara County Drought Task Force (DTF)*
- *Encroachment/Right of Way*
- *Drought Contingency Pumping Facility Project*
 - 1) *Construction Status*
 - 2) *Grant Funding:* Janet spoke with Board regarding grant funding reimbursement, noting that a bi-weekly conference call had been arranged for discussion regarding the applications and reimbursements.
- *Infrastructure Improvement Plan (IIP)*
- *Division Manager Comments:* Director Holcombe questioned the status of a decision on barge relocation. Janet Gingras replied that the date is somewhat of a moving target because we don't know where we will be following the downstream water releases. Director Morgan asked Janet if she knew when the water releases would begin, adding that he would like to know when it starts; Janet explained that she was notified several weeks prior that the releases would begin 15 days "either side of July 1st." Tim Robinson, Fisheries Division Manager, added that the Fisheries Division must be notified of the releases at least 5 days in advance.

In conclusion, Ms. Gingras added one final item for information to Board: the North Portal elevator has been repaired and is fully and safely operational.

9. Fiscal Year 2015-16 Elections and Appointments of Cachuma Operation & Maintenance Board

- a. *Election of President:* President Hanson nominated Director Morgan, current Vice-President, for Board President. Hearing no other nominations, Director Morgan was elected Board President by unanimous roll call vote:

Ayes: Morgan, Walsh, Holcombe, Francisco, Hanson

Nayes: None

Abstain/Absent: None

- b. *Election of Vice-President:* President Hanson suggested having a member from one of the large agencies serve on the leadership of the Board and nominated Director Francisco for the Vice Presidency. Hearing no other nominations, Director Francisco was elected Vice President by unanimous roll call vote:

Ayes: Morgan, Walsh, Holcombe, Francisco, Hanson

Nayes: None

Abstain/Absent: None

- c. *Appointment of ACWA/JPIA Representative and Alternate:* President Hanson confirmed that because Randy Ward, General Manager, is retiring, it is acceptable to list the title 'General Manager' without naming a specific person in any instance that the General Manager is appointed to a position. Director Francisco moved that the Board appoint Doug Morgan as ACWA/JPIA Representative and 'General Manager' as Alternate. Seconded by Director Holcombe, the motion passed by unanimous roll call vote:

Ayes: Morgan, Walsh, Holcombe, Francisco, Hanson

Nayes: None

Abstain/Absent: None

- d. *Appointment of General Counsel:* President Hanson asked whether or not both William Carter and Jane Usher are to be listed as General Counsel. Mr. Carter responded that just 'Musick, Peeler & Garrett LLP' would be fine; the Board is welcome to list him and/or Ms. Usher. Director Morgan stated that he would like to have Mr. Carter noted as counsel. Director Francisco moved that the Board appoint William Carter and Musick, Peeler & Garrett LLP for General Counsel. Seconded by Director Holcombe, the motion carried 6/1/0 as follows:

Ayes: Morgan, Holcombe, Francisco, Hanson

Nayes: Walsh

Abstain/Absent: None

- e. *Appointment of Secretary of the Board:* Director Francisco moved that the Board appoint 'General Manager' as Secretary of the Board. Seconded by Director Holcombe, the motion carried 6/1/0 as follows:

Ayes: Morgan, Holcombe, Francisco, Hanson

Nayes: Walsh
Abstain/Absent: None

- f. *Appointment of Treasurer and Auditor-Controller:* Director Francisco moved that the Board appoint Janet Gingras, Administrative Manager, to serve as Treasurer and Auditor-Controller. Seconded by Director Holcombe, the motion passed unanimously by roll call vote:

Ayes: Morgan, Walsh, Holcombe, Francisco, Hanson
Nayes: None
Abstain/Absent: None

10. Potential October 26, 2015 COMB Board Meeting Change of Time or Date to Accommodate Regional ACWA Conference

Director Holcombe gave the Board a quick update on the conference and those planning to attend. After Janet Gingras confirmed that COMB staff will still have ample time to prepare board meeting materials if the meeting were to be scheduled for an earlier date, Director Holcombe moved to change the date of the regularly scheduled October COMB Board meeting to Monday, October 19, 2015 at 2:00 p.m., one week earlier. Seconded by Director Francisco, the motion passed by unanimous roll call vote:

Ayes: Morgan, Walsh, Holcombe, Francisco, Hanson
Nayes: None
Abstain/Absent: None

11. Directors' Request for Agenda Items for Next Meeting

- Director Holcombe requested a discussion on the General Manager transition process and/or a plan for how things will go once Randy Ward, current General Manager, retires. She requested the discussion include the process for finding a replacement and establishing an Interim General Manager.
- Director Walsh requested an agenda item entitled 'Consider Approval for Selection of Bartlett, Pringle & Wolfe LLP to perform the FY 2014-15 Audit.'
- Director Walsh requested an agenda item for consideration of the annually proposed resolutions.
- Director Walsh requested to add an additional resolution for consideration: 'Resolution No. (next-in-order) – Establishing a time and place for standing committee meetings.'
- Director Walsh requested an agenda item entitled 'For Discussion and Possible Action: Policy for Board Members Requesting Items for the Next Meeting.'
- Director Walsh requested an agenda item entitled 'For Discussion and Possible Action: Policy and Process for Board Members Requesting and Obtaining Information and Records.'
- Director Walsh requested an agenda item entitled 'For Discussion and Possible Action: Policy and Process for Member Agencies Requesting and Obtaining Information and Records.'
- Director Walsh requested an agenda item entitled 'For Discussion and Possible Action: Preparation and Distribution of Information to Board Members.'
- Director Walsh requested an item for discussion and possible action: 'Transparency issues, conduct of meeting, and the Brown Act'.
- President Hanson requested for a future meeting a breakdown of COMB legal costs incurred responding to questions or comments from each of the member units.

- Director Walsh echoed President Hanson's request above, and requested it also include 'all Musick, Peeler & Garrett LLP reviews and replies to emails to and from any board member'. Director Walsh categorized it to anytime you replied, teleconferenced, telephoned, in writing or by email to any board member, as well as by agency; and he would like the board members listed by name.

12. [Closed Session]: Conference with Legal Counsel: Existing and Potential Litigation

- a. [Government Code Section 54956.9(d)(4)]
Name of case: California Trout, Inc. v. United States Bureau of Reclamation et al.,
United States District Court, CDCA, Case No. 2:14-CV-7744

The Board went into closed session at 3:22 p.m.

13. Reconvene Into Open Session

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

The Board came out of closed session at 3:45 p.m.

There was no report out of closed session.

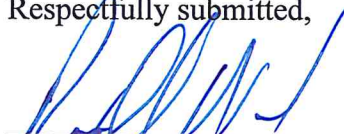
14. Meeting Schedule

- The next regular Board meeting will be held July 27, 2015 at 2:00 p.m.
- The Agendas and Board Packets are available on the COMB website at www.cachuma-board.org

15. COMB Adjournment

There being no further business, the meeting was adjourned at 3:45 p.m.

Respectfully submitted,



Randall Ward, Secretary of the Board

APPROVED:



Lauren Hanson, President of the Board