

San Antonio Basin Water District

1005 S. Broadway - Santa Maria, California 93454

Phone: (805) 937-0511 - Fax: (805) 754-2874

Meeting Minutes

Board of Directors Regular Meeting

July 21, 2020 at 1:00 P.M.

Join Zoom Meeting

<https://us02web.zoom.us/j/84279217392?pwd=Q2FoMDFJYkpqY2dNMFM2SVM3RnpBZz09>

Meeting ID: 842 7921 7392

Password: 189908

Dial by your location

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 842 7921 7392

Password: 189908

Find your local number: <https://us02web.zoom.us/j/84279217392?pwd=Q2FoMDFJYkpqY2dNMFM2SVM3RnpBZz09>

Consistent with Executive Order N-29-20 suspending provisions of the Brown Act to allow for public meetings to be conducted remotely, the District will hold its regular Board of Directors meeting by teleconference. There will be no meeting site open to the public. Public participation is encouraged using the teleconference information referenced above.

1) Call to Order

The meeting was called to order at 1:04 p.m. by President Merrill.

2) Roll Call

The following directors were present, constituting a quorum for the transaction of business.

Directors Present:

Kevin Merrill – at the LACSD

Randy Sharer - joined via Zoom

Craig Reade - joined via Zoom

Ken Hunter - joined via Zoom

Members absent: Victor Schaff

Others in attendance: Alan Doud, Young Wooldridge, via Zoom. Kari Wagner and Bill Lindahl, Wallace Group, LLC, Lon Fletcher, Water District Formation Coordinators for the Friends of the San Antonio Basin Water District and Donna Glass, District Manager were all present at the LACSD.

3) Self-Introductions

Tiffany Abeloe and Roy Killgore (present outside) joined via Zoom

4) Proposition 218 Hearing Regarding Proposed Assessment

President Merrill opened the hearing and announced it was being recorded and a transcript could be prepared if necessary.

District staff, Alan Doud and Kari Wagner, made some brief presentations regarding the background for the proposed assessment.

The public was invited to provide comments, questions or objections to the proposed assessment. During the hearing and until it closed, Landowners were able to cast new or revised assessment ballots.

The hearing was conducted remotely via Zoom and phone due to the Coronavirus and the various state and local public health directives related to it. Landowners were advised by the District in a letter and a notice on the District's Web site, that no physical location for the hearing would be available

The District's Engineer, District's Manager and President Merrill were present at the District's regular meeting place, the offices of the Los Alamos Community Services District, because they needed to have a physical location for receiving new or amended ballots and a physical location for the engineer to tally the vote. Anyone arriving at the CSD building was met in the parking lot by a District representative, who provided instructions on how to submit a new or amended ballot.

After Alan Doud finished his remarks and Kari Wagner presented her report President Merrill asked the board if they had any questions or comments of the staff. There being no questions or comments by the board there was a call for questions, comments or objections by District landowners concerning the proposed assessment or any matters concerning the preliminary roll as it applies to specific parcels. There were no questions, comments or objections.

There being no further testimony to be presented at the hearing, President Merrill declared the public participation part of the hearing closed, subject to the voting process that followed.

Alan Doud described the voting process and District staff confirmed that no landowners were waiting outside the LACSD who wished to submit new or amended ballots.

President Merrill announced that at the conclusion of the hearing the ballots would be opened and counted. The Board designated Kari Wagner as the person to count the ballots. The hearing was closed and Kari Wagner was excused to count the ballots.

5) Open General Meeting

President Merrill announced that while the ballots were being opened and counted by Kari Wagner and Bill Lindahl they would be visible via Zoom and the regular board meeting would resume.

- 6) Public Comment:** This portion of the meeting is set aside to provide the public an opportunity to bring to the attention of the Board members matters that are within the jurisdiction of the Board and that are not on today's agenda. No action will be taken on any matter discussed during this portion of the meeting. The total time allotted for this portion of the meeting may be limited to no more than 3 minutes per speaker.

There were no public comments

7) Minutes

a. June 16, 2020 Board Meeting Minutes – Board Approval Needed

Motion was made by Director Sharer to approve the minutes as presented and seconded by Director Hunter.

A roll call vote was taken and the motion carried.

AYES: Director Hunter, Merrill, Reade and Sharer.

NOES: None; **ABSTAIN:** None; **ABSENT:** Director Schaff

8) Financial Report

a. Open SABWD Bank Account

Donna Glass give a brief update that the new Bank account was opened and the check approved at the last meeting from the FSAWB for \$225,000.00 was deposited on July 1, 2020. As soon as checks arrive there are a number of invoices that will to be paid.

Also reported was the remaining balance in the FSAWB accounts as of July 20, 2020 was:

GSA = \$19,805.66

WD = \$21,818.65

TOTAL = \$41,624.31

These remaining funds will be used to dissolve the FSAWB. The balance remaining has been budgeted to go to the SABWD.

b. Review and Approve GSA June Financial Statement

Donna Glass reported on the GSA Financials as of June 30, 2020. The SABGSA account has \$-239.74 and \$-10.00 in a MMKT account for a total of \$-249.74. The expenses for June were \$44,963.94. YTD total expenses were \$202,185.77. Net Income YTD was \$-138,832.92. The board will need to approve a transfer of money from the SABWD to the SABGSA.

Motion was made by Director Sharer to approve the GSA Financials as presented and transfer \$75,000 from the SABWD account to the SABGSA account and seconded by Director Hunter.

A roll call vote was taken and the motion carried.

AYES: Director Hunter, Merrill, Reade and Sharer.

NOES: None; **ABSTAIN:** None; **ABSENT:** Director Schaff

9) Management/Administration

a. Status Report

Donna Glass reported on the status report provided in the board packet. It included:

- The Bylaws were approved by the Board of Supervisor's July 14, 2020 and the BOS minute order had been received.
- A request for payment from LAFCO to the California State Board of Equalization for LAFCO Application No. 18-01 for the formation of the San Antonio Basin Water District

had been made by the FSAWB. Once payment is processed the LAFCO Certificate of Completion recorded on or about June 26, 2020 will be finalized.

- Due to COVID 19 modifications to the Board Meeting and Prop 218 Assessment Hearing scheduled for July 21, 2020 needed to be made. A letter explaining the changes was mailed to all landowners on July 30, 2020 and posted to the SABWD website.

10) Proposition 218 Assessment Ballot Proceedings Matters

a. Receive Ballot Count

Kari Wagner reported that having reviewed and tabulated all ballots submitted, she conclude that the weighted votes in favor of the proposed assessment outweigh the weighted ballots in opposition, with the results being that 590,401.03 votes are in favor of the proposed assessment, and 50 votes in opposition to the proposed assessment.

b. Review and Approve 2020/2021 Budget

The 2020/2021 Budget and 5 year Assessment Options 1 & 2 were reviewed and discussed.

Option 1 proposed a fee of \$53 for Irrigated Acres and \$.050 for Non-Irrigated for each of the 5 years, 2020/21-2024/25.

Option 2 proposed the same fee, (\$0.50) for Non-Irrigated Acres all five years. However for the Irrigated Acres the fee would start the first year at \$48.00 and gradually increase for the following years. 2021/22 - \$50.00, 2022/23 - \$55.00, 2023/24 - \$56.00 and year 2025/25 - \$56.00.

Motion was made by Director Merrill to approve the 2020/2021 Budget and Assessment Option 2 as presented with the Assessment Fee for FY 2020/2021 set as \$48.00 for Irrigated Acres and \$0.50 for Non-Irrigated Acres. Motion seconded by Director Reade.

A roll call vote was taken and the motion carried.

AYES: Director Hunter, Merrill, Reade and Sharer.

NOES: None; **ABSTAIN:** None; **ABSENT:** Director Schaff

c. Consider Resolution Confirming Results from Prop 218 Assessment Ballot Proceeding and Authorizing Levy and Collection of Assessment

President Merrill announced that in light of the reported ballot count by Kari Wagner a majority protest as defined by Proposition 218 did **NOT** exist, and the Board may impose the charges as proposed in its Resolution.

Donna Glass read Resolution 20-05 which is attached to these minutes.

A **Motion** was made by Director Merrill and seconded by Director Hunter to approve the Resolution as presented with the:

- Assessment for 2020, that being less than that authorized by the Assessment Ballot Proceedings and the above reference Petition for Formation, shall be **\$48.00** per acre for Irrigated Agriculture, **\$0.50** per acre for Non-Irrigated Agriculture, and **\$0.00** for Non-Overlying; Provided, however, the Board determined that if the aggregate assessment of any owner of Irrigated Agriculture or Non-Irrigated Agriculture results in

an assessment of less than \$50, that owner shall be subject to a minimum assessment of \$50.

- Notice of Assessment: Within 10 days of the Assessment being due and payable, the Assessor shall publish a notice as specified by Water Code Section 36826, including the date the Assessments are due and payable, the time when Assessments are delinquent, which is six months from when they become due as provided by Water Code Section 36950, and that a delinquency penalty of five percent (5%) of the amount delinquent will be applicable; provided, however, landowners will be asked to make payment of Assessments within 60 days of the date due and payable.

A roll call vote was taken and the motion carried.

AYES: Director Hunter, Merrill, Reade and Sharer.

NOES: None; **ABSTAIN:** None; **ABSENT:** Director Schaff

d. Review and Approve Contract with Wallace Group to Prepare Tax Roll

Motion was made by Director Merrill to approve the Contract with the Wallace Group to Prepare the Tax Roll and seconded by Director Sharer.

A roll call vote was taken and the motion carried.

AYES: Director Hunter, Merrill, Reade and Sharer.

NOES: None; **ABSTAIN:** None; **ABSENT:** Director Schaff

11) New Business— requests for items to be placed on next agenda.

Director Merrill requested a discussion be placed on the next agenda to reduce the regular Board meetings from monthly to quarterly.

Director Hunter requested a discussion about creating a procedure to verify change order requests for reducing irrigated acres to non-irrigated acres on the next agenda.

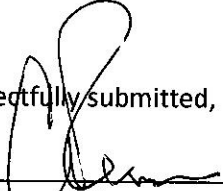
12) Next Meeting Date – August 18, 2020

Motion was made and seconded to set the next meeting date for August 18, 2020

13) Adjournment

Meeting was adjourned by Director Merrill at 2:16 pm.

Respectfully submitted,



Craig Reade, Secretary

Accepted:



Kevin Merrill, President

8-31-20
Date

SAN ANTONIO BASIN WATER DISTRICT

RESOLUTION 20-05

RESOLUTION AUTHORIZING LEVY AND COLLECTION OF 2020 ASSESSMENT

WHEREAS, as authorized by Water Code Section 36550 *et seq.*, and pursuant to Proposition 218, this Board has determined that it is necessary to adopt an assessment to cover certain of the District's estimated costs in order to confer special benefits to the assessed property; and

WHEREAS, the San Antonio Basin Water District ("District") is newly formed and will be levying an assessment for the first time; and

WHEREAS, the Board is in receipt of and previously considered an Engineer's Report, entitled "Engineer's Report For the San Antonio Basin Water District," dated May 19, 2020, prepared for the District in compliance with Proposition 218 by the Wallace Group, which includes a detailed roll of the parcels within the District that would be subject to the proposed assessment; and

WHEREAS, the Engineer's Report discusses the District's anticipated costs and required revenues; and

WHEREAS, the Engineer's Report recommends among other things splitting lands within the District into three classes: Irrigated Agriculture, Non-Irrigated Agriculture, and Non-Overlying as authorized by Water Code Section 36578; and

WHEREAS, the purpose for the proposed assessment is further described in the Engineer's Report; and

WHEREAS, on May 19, 2020, the Board of Directors passed and adopted a Resolution that, among other things, (1) outlined procedures to be used in an assessment ballot proceeding for adopting the proposed Assessment, (2) adopted the Engineer's Report and called for an assessment ballot proceeding, (3) scheduled the Assessment hearing, and (4) directed District personnel to prepare and send notices and ballots for the proceedings; and

WHEREAS, on May 20, 2020, the Wallace Group mailed notices and ballots related to the proposed assessment to all affected landowners, consistent with the requirements of said resolution; and

WHEREAS, pursuant to the Santa Barbara County Local Agency Formation Commission ("LAFCo")'s resolution approving formation of the District conditions the District's formation on

the successful completion of a Proposition 218 and approval of an assessment by June 30, 2020, which date LAFCo subsequently extended to September 30, 2020; and

WHEREAS, Government Code Section 53753 of the Proposition 218 Omnibus Implementation Act provides that any agency that complies with the notice, protest, and hearing requirements of that Act is not required to comply with any other statutory notice, protest, and hearing requirements, and accordingly, these proceedings with respect to notice, protest, and hearing requirements have been conducted in accordance with the Omnibus Implementation Act, rather than the Water Code; and

WHEREAS, this Assessment Ballot Proceeding has been carried out in accordance with the Board of director's May 19, 2020 Resolution, including a hearing conducted on even date herewith; and

WHEREAS, as provided by Water Code Section 36578(d), the proposed Assessment having been levied under the alternate provisions of Section 36577 through 36579, the proceedings for carrying out the Assessment shall be carried out by the Board and the Secretary of the District, rather than the clerk of the Board of Supervisors;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN ANTONIO BASIN WATER DISTRICT does hereby resolve, declare and order as follows:

- 1) Statement of Legislative Intent.** It is the District's intent in adopting this Resolution, to levy and collect an assessment in compliance with Article XIID, Section 4 of the California Constitution, Proposition 218's Omnibus Implementation Act codified in Government Code sections 53750 through 53758, and Division 13, Part 7 of the Water Code.
- 2) Results of the Assessment Ballot Proceedings.** Upon tabulating the votes at the conclusion of the assessment hearing, as conducted by Kari Wagner as designated to perform such function by this Board, certifies that the weighted ballots in favor of the proposed Assessment outweigh the weighted ballots in opposition, with the results being 590,401.03 votes in favor of the assessment and 50 votes in opposition.
- 3) Proceedings to Levy and Collect Assessment.** The following procedures shall be used by the District in levying and collecting the Assessment, as required by Division 13, Part 7 of the Water Code and Article XIID, Section 4 of the California Constitution, and all consistent with the above reference Petition for Formation:
 - a. 2020 Assessment:** The Board determines that the amount of the Assessment for 2020, that being less than that authorized by the Assessment Ballot Proceedings and the above reference Petition for Formation, shall be \$48.00

per acre for Irrigated Agriculture, \$0.50 per acre for Non-Irrigated Agriculture, and \$0.00 for Non-Overlying; Provided, however, this Board determines that if the aggregate assessment of any owner of Irrigated Agriculture or Non-Irrigated Agriculture results in an assessment of less than \$50, that owner shall be subject to a minimum assessment of \$50.

- b. Assessment Book:** The roll attached to the Engineer’s Report, upon which the Assessment Ballot Proceedings have been conducted as hereinafter referred to, shall constitute the Assessment Book for levying an Assessment upon lands with the District, and the Secretary shall cause to be prepared an integrated version of said roll and Assessment Book, including such corrections (the “Integrated Roll”). As provided by Water Code Section 36725, within 10 days, the President and Secretary shall sign duplicate copies of the following documents, which shall be attached to the Assessment Book:
1. A list of all parcels of land subject to the Assessment, that being the Integrated Roll. The list shall specify within each parcel the number of acres of Irrigated Agriculture, the number of acres of Non-Irrigated Agriculture, and the number of acres of Non-Overlying;
 2. The order of the Board of Directors fixing the assessment, that being a copy of this Resolution; and
 3. The annual estimate of the board of directors, that being the District’s 2020 Budget.
- c. Charging the Assessment:** Within 10 days after the obligations in the previous paragraph are completed, the Assessor and Tax Collector (since the offices of Treasurer, Assessor and Tax Collector may be combined as authorized by Water Code Section 34711) shall compute the assessment due on each parcel, and file the Assessment Book, that being the Integrated Roll which identifies by landowner and parcels of each landowner the acreage subject to the Assessment and the amount of the Assessment levied with respect to each parcel. Once the Assessment Book has been filed, the Assessment listed shall be due and payable to the Tax Collector of the District.
- d. Lien:** Pursuant to Water Code Section 36825, upon filing the Assessment Book with the Tax Collector the assessment and any penalties for delinquencies shall constitute a lien on the lands the subject of the Assessment.

- e. **Notice of Assessment:** Within 10 days of the Assessment being due and payable, the Assessor shall publish a notice as specified by Water Code Section 36826, including the date the Assessments are due and payable, the time when Assessments are delinquent, which is six months from when they become due as provided by Water Code Section 36950, and that a delinquency penalty of five percent (5%) of the amount delinquent will be applicable; provided, however, landowners will be asked to make payment of Assessments within 60 days of the date due and payable.
- f. **Other Matters:** The District's staff and officers are authorized and directed to do all things necessary to collect the assessments consist with applicable law.

All the foregoing being on motion of Director Kevin Merrill seconded by Director Ken Hunter and authorized by the following vote, to wit:

AYES: Director Hunter, Merrill, Reade and Sharer

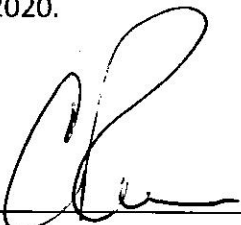
NOES: None

ABSTAIN: None

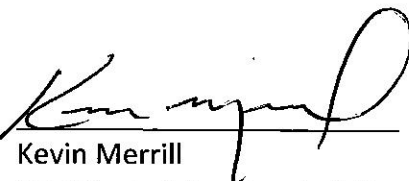
ABSENT: Director Schaff

I HEREBY CERTIFY that the foregoing resolution is the resolution of said District as duly passed and adopted by said Board of Directors on July 21, 2020.

WITNESS my hand of said Board of Directors, July 21, 2020.



Craig Reade
Secretary of the Board of Directors



Kevin Merrill
President of the Board of Directors