

**South San Joaquin Groundwater Sustainability Agency
Regular Meeting
Manteca, California
January 19, 2022**

The Governing Board of the South San Joaquin Groundwater Sustainability Agency (SSJGSA) met in regular session in person at the South San Joaquin Irrigation District (SSJID) Board Room at 9:00 a.m., with public access provided via the online Zoom meeting platform. Chairman Holmes called the meeting to order at 9:05 a.m. and led the flag salute.

Upon roll-call the following members were noted present:

PRESENT: Daniel de Graaf, City of Ripon
Robert Holmes, South San Joaquin Irrigation District
Dave Kamper, South San Joaquin Irrigation District
Dominique Romo, City of Escalon
Mike Weststeyn, South San Joaquin Irrigation District

Also present were SSJID General Manager, Peter Rietkerk; SSJID Water Resources Coordinator, Brandon Nakagawa; Special SSJGSA Counsel, Valerie Kincaid; and SSJID Clerk of the Board, Danielle Barney.

Public Comment – None

ACTION CALENDAR

Item #1 – Approval of the Meeting Minutes of October 20, 2021

MOTION: A motion was made by Director de Graaf and seconded by Director Weststeyn to approve the minutes as submitted.

The motion passed 5 to 0 by the following vote:

AYES: de GRAAF HOLMES KAMPER ROMO WESTSTEYN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Item #2 – Consider Adoption of Resolution 22-01-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953

MOTION: A motion was made by Director Kamper and seconded by Director de Graaf to adopt Resolution 22-01-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION No. 22-01-Y**

**RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings; and

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so; and

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the Board of Directors of the South San Joaquin Groundwater Sustainability Agency hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The Board of Directors of the South San Joaquin Groundwater Sustainability Agency finds, by a majority vote, the following:
 - a. That there exists a proclaimed state of emergency; and
 - b. State or local officials have imposed or recommended measures to promote social distancing.
3. District staff is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.
4. That this Resolution shall take effect **February 16, 2022** and shall remain in effect for thirty (30) days thereafter (until March 18, 2022), provided the conditions set forth in Section 2 remain.

PASSED AND ADOPTED by the Board of Directors of the South San Joaquin Groundwater Sustainability Agency this 19th day of January, 2022, by the following vote:

AYES: de GRAAF HOLMES KAMPER ROMO WESTSTEYN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Item #3 – Presentation of the YTD Financial Statements though December 2021

Mr. Bere Lindley, SSJGSA Treasurer and SSJID Assistant General Manager, addressed the Board and distributed a handout titled South San Joaquin Groundwater Sustainability Agency Financial Statements December 31, 2021. He provided detailed descriptions of the balance sheet, bank reconciliation, accounts receivables including SSJGSA member contributions, accounts payable, total liabilities and members' capital contributions, changes in net position, and a summary of the 2021 budget.

Item #4 – Consider Adoption of the SSJGSA 2022 Annual Budget

Mr. Brandon Nakagawa, SSJGSA Secretary and SSJID Water Resources Coordinator, addressed the Board and explained that the proposed 2022 SSJGSA Annual Budget was presented at the last meeting on October 20, 2021, and that the member agencies shared the draft budget with their respective councils. He further explained grant opportunities and the groundwater accounting framework, as well as anticipated expenses on the proposed budget including Eastern San Joaquin Groundwater Authority (ESJGWA) membership contributions. Mr. Nakagawa noted that the 2022 budget amount remains the same as 2021, with a slight increase in staff time and ESJGWA contributions, and decrease in technical consultants. Discussion included the SSJGSA receiving deserved credit for future groundwater projects that contribute to the Eastern San Joaquin Subbasin.

Staff recommended adoption of the 2022 Annual Budget as proposed totaling \$244,900.

MOTION: A motion was made by Director de Graaf and seconded by Director Romo to adopt the 2022 South San Joaquin Groundwater Sustainability Agency Annual Budget.

The motion passed 5 to 0 by the following vote:

AYES: de GRAAF HOLMES KAMPER ROMO WESTSTEYN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Item #5 – Discussion and Possible Action to Approve a Task Order with Davids Engineering, Inc., to Develop SSJGSA Data for the Groundwater Sustainability Plan Annual Report Not to Exceed \$11,678

Mr. Nakagawa addressed the Board and prefaced his presentation with background of the ESJGWA's request for data of groundwater pumping, surface water use, and net groundwater recharge to build the database for the Groundwater Sustainability Plan (GSP) annual report to the California Department of Water Resources (DWR). SSJID has worked with Davids Engineering, Inc., (Davids) to develop the technical tool to calculate the numeric water balance for the SSJID service area and the collection of additional well production data from the Cities of Escalon and Ripon.

Davids' proposal includes compiling the necessary data, running the tool, documenting the results, and forwarding the data and information to the ESJGWA on behalf of the SSJGSA. The not to exceed amount for the Task Order is \$11,678, which is slightly higher than the \$10,448 proposed last year.

Board discussion included obtaining calculations of agriculture well/groundwater usage, and the inaccuracy of satellite imagery. Mr. Nakagawa noted that Mr. Bryan Thoreson, former Project Manager/Principal at Davids, had recently left the firm. The remaining staff at Davids has many years of experience and familiarity with the ESJGWA, and was recently selected by the ESJGWA to do the groundwater accounting framework.

MOTION: A motion was made by Director de Graaf and seconded by Director Weststeyn to approve a task order with Davids Engineering, Inc., to develop SSJGSA data for the Groundwater Sustainability Plan Annual Report for a not to exceed amount of \$11,678.00.

The motion passed 5 to 0 by the following vote:

AYES:	de GRAAF HOLMES KAMPER ROMO WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

Item #6 – Discussion and Possible Action on Eastern San Joaquin Groundwater Authority Business

Mr. Nakagawa addressed the Board, noted a calendar matrix of Sustainable Groundwater Management Act (SGMA) related meetings from October 20, 2021 through January 12, 2022 and detailed discussion and/or action taken at the ESJGWA Technical Advisory Committee (TAC), the ESJGWA Steering Committee, and the ESJGWA Board meetings listed. Highlights included the SSJGSA’s submittal to Stantec of the Groundwater Accounting Framework Survey; TAC updates on the 2021 Groundwater Model which will assist the groundwater accounting framework, and the ESJGWA GSP Update to DWR due in 2025; and DWR’s informal comments on the ESJGWA GSP which were read aloud by Mr. Nakagawa.

Ms. Valerie Kincaid, Special SSJGSA Counsel, stated that DWR’s formal comments on the GSP are anticipated in February 2022; discussions had been held with Mr. Matt Zidar, SJC Water Resources Coordinator, on a process to address DWR’s comments; and Woodard & Curran are prepared to respond to DWR’s comments. She noted concerns regarding DWR’s comments including the setting of minimum thresholds based on dry years; the setting of elevation used as proxy; and lack of data substantiating alleged subsidence. A response to DWR’s comments is required by January 21, to which DWR will have 180-days to counter-respond and provide feedback. Ms. Kincaid added that SJC County Counsel has recognized the need for an SJC administrative committee to establish policies and address DWR’s comments, which would include an urban ESJGWA representative, an agricultural ESJGWA representative, and a legal ESJGWA representative. DWR has scheduled a meeting on January 27, with GSAs of critically-overdrafted basins to discuss timelines and deadlines.

Board discussion included the need to address DRW’s definition of minimum thresholds and alleged subsidence comments; the ESJGWA’s prioritization of groundwater projects among its GSA’s; SJC’s role in the ESJGWA; and the importance of returning to in-person County meetings to initiate open communication and participation among the GSAs.

COMMUNICATIONS

Item #7 – Various Reports to the Governing Board:

- a) **Staff and Consultant Updates**
None
- b) **Technical Advisory Committee**
None
- c) **Member Reports**
None
- d) **Correspondence**
None

CLOSED SESSION

Item #8 – Closed Session

- a) Conference with Legal Counsel – Existing Litigation
Paragraph (1) of subdivision (d) of Government Code Section 54956.9
- 1 case

California Sportfishing Protection Alliance v. Eastern San Joaquin Groundwater Authority et al.
Superior Court of Stanislaus County
Case No. CV-20-001720

Disclosure of reportable actions taken in Closed Session, pursuant to Government Code Section 54957.1:
There were no reportable actions taken in closed session.

ADJOURNMENT

Item #9 – Adjournment

There being no further business to discuss, the meeting was adjourned at 10:31 a.m.

ATTEST:

Danielle Barney, Clerk of the Board