

**South San Joaquin Groundwater Sustainability Agency  
Regular Meeting  
Manteca, California  
May 18, 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 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  
Dominique Romo, City of Escalon  
Mike Weststeyn, South San Joaquin Irrigation District

ABSENT: Dave Kamper, 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 April 21, 2022**

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

The motion passed 4 to 0 by the following vote:

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

**Item #2 – Consider Adoption of Resolution 22-05-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency**

**MOTION:** A motion was made by Director de Graaf and seconded by Director Weststeyn to adopt Resolution 22-05-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY  
RESOLUTION No. 22-05-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 **June 20, 2022** and shall remain in effect for thirty (30) days thereafter (until July 20, 2022), provided the conditions set forth in Section 2 remain.
5. This Resolution repeals and replaces Resolution 22-04-Y.

**PASSED AND ADOPTED** by the Board of Directors of the South San Joaquin Groundwater Sustainability Agency this 18<sup>th</sup> day of May, 2022, by the following vote:

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

Mr. Brandon Nakagawa, SSJGSA Secretary and SSJID Water Resources Coordinator, addressed the Board and recommended convening to Closed Session to discuss agenda business. Chairman Holmes concurred.

*The Board convened to Closed Session at 9:02 a.m.*

**CLOSED SESSION**

**Item #6 – Closed Session**

- a) Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9
  
- b) 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

**RETURN TO OPEN SESSION**

*The Board reconvened to Open Session at 9:45 a.m.*

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

**Item #4 – Consider Adoption of Resolution 22-06-O Authorizing Staff to Prepare a Statement of Finding that a Proposed Well is Not Inconsistent with the Adopted Groundwater Sustainability Plan as Required by Executive Order N-7-22**

**MOTION:** A motion was made by Director de Graaf and seconded by Director Weststeyn to adopt Resolution 22-06-O Authorizing Staff to Prepare a Statement of Finding that a Proposed Well is Not Inconsistent with the Adopted Groundwater Sustainability Plan as Required by Executive Order N-7-22.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY  
RESOLUTION NO. 22-06-O**

**RESOLUTION AUTHORIZING STAFF TO PROVIDE THE COUNTY WITH A RESPONSE  
REGARDING GROUNDWATER SUSTAINABILITY PLAN CONSISTENCY  
AS REQUIRED BY EXECUTIVE ORDER N-7-22**

**WHEREAS**, the City of Escalon, City of Ripon, and the South San Joaquin Irrigation District (SSJID) have jointly and collectively formed South San Joaquin County Groundwater Sustainability Agency (SSJGSA) as a Joint Powers Authority pursuant to Government Code § 6500 *et seq.*, which is a public entity separate and apart from its members; and

**WHEREAS**, the SSJGSA is a recognized groundwater sustainability agency located entirely within the Eastern San Joaquin Subbasin pursuant to the Sustainable Groundwater Management Act (SGMA); and

**WHEREAS**, the SSJGSA is located in both Stanislaus and San Joaquin Counties; and

**WHEREAS**, on November 20, 2020, the SSJGSA Board of Directors adopted the Eastern San Joaquin Groundwater Sustainability Plan (GSP); and

**WHEREAS**, on March 29, 2022, Governor Newsom issued Executive Order N-7-22 which prohibits any county or public agency with well drilling permitting authority from approving a permit for a new groundwater well or for alteration of an existing well without first obtaining written verification from the overlying GSA that proposed well would not be inconsistent with any applicable GSP as adopted by the overlying GSA and would not decrease the likelihood of achieving a sustainability goal in the adopted GSP; and

**WHEREAS**, Executive Order N-7-22 is to remain in effect until rescinded or repealed following the State declared drought emergency; and

**WHEREAS**, San Joaquin County and Stanislaus County are the well permitting authorities for the area managed by the SSJGSA; and

**WHEREAS**, nothing in this Resolution or any documentation provided by the SSJGSA to Stanislaus or San Joaquin Counties is intended to interfere with the authority of either County to approve, disapprove, and/or condition any groundwater well permit.

**NOW, THEREFORE, BE IT RESOLVED**, that this Board of Directors of the South San Joaquin Groundwater Sustainability Agency hereby authorizes staff to develop a well permitting acknowledgement form to be signed by the well applicant and kept on file with the Secretary of the SSJGSA; and

**BE IT FURTHER RESOLVED**, that this Board of Directors authorizes staff to prepare a response subject to Executive Order N-7-22 that a well application is not inconsistent with the adopted Eastern San Joaquin GSP, if a) the applicant is replacing an existing well or, b) the applicant is a current agricultural customer of the South San Joaquin Irrigation District; and

**BE IT FURTHER RESOLVED**, that this Board of Directors finds that in the cases of a) and b) above, existing water demands have been considered in the adopted Eastern San Joaquin GSP and that the historic and continued use of surface water throughout SSJGSA contributes significantly to the sustainability of the Eastern San Joaquin Subbasin; and

**BE IT FURTHER RESOLVED**, that this Board of Directors directs staff to provide the response to the appropriate well permitting authority; and

**BE IT FURTHER RESOLVED**, that this Board of Director directs staff to defer making findings of consistency or inconsistency with an adopted GSP to this Board of Directors if a proposed well would

increase the overall use of water on the property above historical demand or if the subject property is currently unable to receive SSJID surface water under an Irrigation Service Abandonment Agreement or other reason.

**PASSED AND ADOPTED** by the Board of Directors of the South San Joaquin Groundwater Sustainability Agency this 18<sup>th</sup> day of May, 2022, by the following vote:

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

**Item #3 – Discussion and Possible Action on Eastern San Joaquin Groundwater Authority Business**

Mr. Nakagawa distributed a copy of the PowerPoint presentation from the Eastern San Joaquin Groundwater Authority (ESJGWA) meeting on May 5, depicting status of the ESJGWA’s response approach to the California Department of Water Resources’ (DWR) comments of the Groundwater Sustainability Plan (GSP); ESJGWA members’ current water rights and contracts and subsequent adaptive management options; timeline to meet upcoming deadlines regarding the 2022-2023 budget and work elements, and finalizing and submitting a GSP response package to DWR; updates on groundwater modeling; climate change impacts on the Eastern San Joaquin Subbasin; projected hydrologic groundwater budget; demand reduction scenarios; groundwater pumping density; and monitoring well hydrograph data.

Mr. Nakagawa provided detailed explanations of the baseline used to calculate water usage; potential effects of climate change; potential effects of demand reduction with climate change; and projected effects of groundwater levels falling below minimum thresholds (MTs). He emphasized the need for groundwater recharge projects. Discussion included hypothetical failure for the ESJGWA to implement enough groundwater recharge projects, enforced basin-wide pumping restrictions among the GSAs, and subsequent policy development.

Ms. Valerie Kincaid, Special SSJGSA Counsel, noted the timeline for the ESJGWA to approve the revised GSP, for the GSA’s to adopt the revised GSP by their respective boards and councils, and for the ESJGWA to submit the revised GSP to DWR by July 20. Board discussion included the SSJGSA’s approval of the revised GSP at the July 20 board meeting, and reiterating the timeline to ESJGWA member agencies.

Closing discussion included additional ESJGWA updates regarding status of budget amendments, SSJGSA’s membership dues of \$20,000, and allocation of grant funding to ESJGWA SGMA projects.

**COMMUNICATIONS**

**Item #5 – Various Reports to the Governing Board:**

- a) **Staff and Consultant Updates**  
None
  
- b) **Technical Advisory Committee**  
None

c) **Member Reports**

None

d) **Correspondence**

None

**ADJOURNMENT**

**Item #7 – Adjournment**

There being no further business to discuss, the meeting was adjourned at 10:15 a.m.

**ATTEST:**

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Danielle Barney, Clerk of the Board