

**South San Joaquin Groundwater Sustainability Agency
Regular Meeting
Manteca, California
July 20, 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
Dave Kamper, South San Joaquin Irrigation District
Dominique Romo, City of Escalon
Mike Weststeyn, South San Joaquin Irrigation District

ABSENT: None

Also present were SSJID General Manager Peter Rietkerk, SSJID Water Resources Coordinator Brandon Nakagawa, SSJID Finance and Administration Manager Sonya Williams, SSJID Assistant Finance and Administration Manager Sarah Bloom, SSJID General Counsel Mia Brown, and SSJID Clerk of the Board Danielle Barney.

Public Comment – None

ACTION CALENDAR

Chairman Holmes announced that agenda Item #4 – Consider Approval of Resolution 22-08-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency would be the first item heard on the Action Calendar.

Item #4 – Consider Approval of Resolution 22-08-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency

MOTION: A motion was made by Director Kamper and seconded by Director de Graaf to adopt Resolution 22-08-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION No. 22-08-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 **July 21, 2022** and shall remain in effect for thirty (30) days thereafter (until August 20, 2022), provided the conditions set forth in Section 2 remain.
5. This Resolution repeals and replaces Resolution 22-05-Y.

PASSED AND ADOPTED by the Board of Directors of the South San Joaquin Groundwater Sustainability Agency this 20th day of July, 2022, by the following vote:

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

Item #1 – Approval of the Meeting Minutes of May 18, 2022

MOTION: A motion was made by Director de Graaf and seconded by Director Romo 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 – Public Hearing Regarding Adoption of the Revised Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan

Mr. Brandon Nakagawa, SSJGSA Secretary and SSJID Water Resources Coordinator, addressed the Board and gave a PowerPoint presentation depicting status of the Eastern San Joaquin Groundwater Authority's (ESJGWA) Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan (GSP) of which the SSJGSA is a member agency; response and approach to the California Department of Water Resources' (DWR) comments of the initial GSP submitted in January 2019; and corrective actions. He provided detailed explanations of DWR's requirements to address all deficiencies identified in the initial GSP through preparation and submittal of a "Technical Memorandum" (TM); DWR's identified deficiencies including water year designations, water availability for recharge analysis, adaptive management options, shallow wells, drinking water impacts, groundwater quality, and subsidence; corrective actions listed in TM 1, 2, 3 and 4; hydrologic groundwater budget comparisons; groundwater projects; and minimum thresholds.

Mr. Nakagawa summarized that all ESJGWA GSAs are set to adopt the revised GSP by their respective boards and councils allowing the ESJGWA to submit the revised plan to DWR by the July 27 deadline, and if all member GSAs fail to adopt the revised GSP, DWR and the State Water Resources Control Board (SWRCB) will initiate state intervention. He added that it is speculated that state intervention would occur only to the individual member GSAs who have not adopted the revised GSP, and not the entire ESJGWA.

Staff recommended the Board open the Public Hearing to receive testimony from the public regarding revisions to the GSP, and adopt Resolution 22-07-W Adopting the Revised Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan.

Board discussion included commending Mr. Nakagawa on the concise update; accounting hours and/or budget amounts required to revise and further implement the GSP; and lack of legislation declaring a response time for DWR to respond to the revised GSP. Mr. Nakagawa stated that once the ESJGWA GSP is submitted and posted on the DWR website, it will initiate a 60-day public comment period and that public comments are anticipated from environmental groups.

- Open Public Hearing – Chairman Holmes opened the Public Hearing at 9:31 a.m.
- Public Comments – None
- Closed Public Hearing – Chairman Holmes closed the Public Hearing at 9:34 a.m.

Item #3 – Consider Adoption of Resolution 22-07-W Adopting the Revised Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan

MOTION: A motion was made by Director de Graaf and seconded by Director Weststeyn to adopt Resolution 22-07-W Adopting the Revised Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION NO. 22-07-W**

**RESOLUTION ADOPTING THE REVISED EASTERN SAN JOAQUIN GROUNDWATER
SUBBASIN GROUNDWATER SUSTAINABILITY PLAN**

WHEREAS, on August 29, 2014, the California Legislature passed, and on September 16, 2014, the Governor signed legislation creating the Sustainable Groundwater Management Act (“SGMA”) “to provide local groundwater sustainability agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater” (Wat. Code, § 10720, (d)); and

WHEREAS, SGMA requires sustainable management through the development of groundwater sustainability plans (“GSPs”), which can be a single plan developed by one or more groundwater sustainability agencies (“GSA”) or multiple coordinate plans within a basin or subbasin (Wat. Code, § 10727); and

WHEREAS, Division 13 commencing with Section 21000 of the Public Resources Code (California Environmental Quality Act) does not apply to the preparation and adoption of GSPs (Wat. Code, § 10728.6); and

WHEREAS, SGMA requires a GSA to manage groundwater in all basins designated by the Department of Water Resources (“DWR”) as a medium or high priority, including the Eastern San Joaquin Subbasin (designated basin number 5-22.01); and

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, SSJGSA has the authority to draft, adopt, and implement a GSP (Wat. Code, § 10725 *et seq.*); and

WHEREAS, the SSJGSA is a member of the Eastern San Joaquin Groundwater Authority (“ESJGWA”) formed as a Joint Powers Authority pursuant to Government Code § 6500 *et seq.* for the purpose developing a single GSP and coordinating sustainable groundwater management in the Eastern San Joaquin Subbasin (Wat. Code, § 10723.6■); and

WHEREAS, the ESJGWA submitted an Initial Notification to DWR on behalf of its members to jointly develop a single GSP for the Eastern San Joaquin Subbasin on February 8, 2017; and

WHEREAS, the SSJGSA has coordinated and continues to coordinate with all other GSAs in the Eastern San Joaquin Subbasin through the ESJGWA; and

WHEREAS, on November 20, 2019, the SSJGSA Board of Directors held a public hearing to consider public comment and prior to adopting the ESJ GSP; and

WHEREAS, the ESJ GSP was submitted to the DWR and posted on DWR’s SGMA portal on January 19, 2019, initiating the statutory public comment period and review by DWR; and

WHEREAS, on January 28, 2022, the DWR issued a letter to the ESJGWA indicating that the submitted ESJ GSP was determined to be incomplete and directing the ESJGWA to address all identified deficiencies by July 27, 2022; and

WHEREAS, the ESJGWA has prepared significant revisions to the ESJ GSP supported by additional technical analysis and policy discussions which have been memorialized in several technical memoranda; and

WHEREAS, the ESJGWA has made the Revised ESJ GSP and supporting documents available to the public at www.ESJGroundwater.org; and

WHEREAS, on April 15, 2022, the ESJGWA published a Notice of Intent to Adopt an Amended Groundwater Sustainability Plan pursuant to Water Code Section 10728.4; and

WHEREAS, on July 5 and 12, 2022, the SSJGSA published in the Manteca Bulletin a Notice of Public Hearing pursuant to Government Code Section 6066 setting the public hearing and adoption date of the Revised ESJ GSP at 9:00 a.m., Wednesday, July 20, 2022, in the South San Joaquin Irrigation District Board Room in Manteca, California; and

WHEREAS, on July 20, 2022, the SSJGSA Board of Directors held a public hearing to consider public comments prior to adopting the Revised ESJ GSP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the SSJGSA hereby approves as follows:

1. The SSJGSA Board of Directors adopts the Revised ESJ GSP attached hereto as Exhibit A.
2. The SSJGSA hereby authorizes the ESJGWA, its consultants, and the Plan Manager to take such other actions as may be reasonably necessary to submit the Revised ESJ GSP and all other required documentation to DWR by July 27, 2022.

PASSED AND ADOPTED this 20th day of July 2022 by the following vote:

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

Item #5 – Discuss and Approve Board Appointment of SSJGSA Treasurer

Ms. Sarah Bloom, SSJID Assistant Finance and Administration Manager, addressed the Board regarding the onboarding of Ms. Sonya Williams as SSJID Finance and Administration Manager and required appointment as Treasurer to the SSJGSA Joint Powers Authority. She added that Ms. Williams’ appointment would be effective immediately.

MOTION: A motion was made by Director Weststeyn and seconded by Director de Graaf to appoint Ms. Sonya Williams, SSJID Finance and Administration Manager, as the SSJGSA Treasurer. The motion passed 5 to 0 by the following vote:

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

Chairman Holmes welcomed and congratulated Ms. Williams on her appointment.

Item #6 – Consider Adoption of Resolution 22-09-F Update Signature Card with Financial Institution

Ms. Bloom addressed the Board and explained that adoption of Resolution 22-09-F would add Ms. Williams as a signatory to co-sign checks, drafts, and other orders for and on behalf of the SSJGSA. She added that she and Mr. Peter Rietkerk, SSJGSA Administrator and SSJID General Manager, would also remain as signatories with the financial institution.

MOTION: A motion was made by Director de Graaf and seconded by Director Romo to adopt Resolution 22-09-F Update Signature Card with Financial Institution.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION NO. 22-09-F**

UPDATE SIGNATURE CARD WITH FINANCIAL INSTITUTIONS

TO BE EFFECTIVE JULY 20, 2022

WHEREAS, Sonya Williams has been appointed the officer position of Treasurer, and

WHEREAS, the South San Joaquin Groundwater Sustainability Agency (SSJGSA) must update its signature cards with its financial institutions.

THEREFORE, BE IT RESOLVED, that any one of the following named officers of the SSJGSA,

Robert Holmes, Chairman
Daniel de Graaf, Vice-chair

and any one of the following named officers or staff,

Peter M. Rietkerk, Administrator
Sonya Williams, Treasurer
Sarah Bloom, SSJID Assistant Finance & Administration Manager

are authorized to co-sign checks, drafts, and other orders for and on behalf of the SSJGSA.

BE IT FURTHER RESOLVED, that Sonya Williams, Treasurer, is hereby authorized to conduct all other banking related transactions related to carrying out the duties of the Treasurer of the SSJGSA.

PASSED AND ADOPTED this 20th day of July 2022 by the following roll call vote:

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

Item #7 – Quarterly Presentation of YTD Financials through June 2022

Ms. Bloom addressed the Board and stated she had SSJGSA checks requiring signature from the Chairman or Vice-chair. The checks were handed to Vice-chair de Graaf for signature.

Ms. Bloom distributed a handout titled South San Joaquin Groundwater Sustainability Agency Financial Statements June 30, 2022. She provided detailed descriptions of the balance sheets, bank reconciliation, statement of changes in net position, statements of members' capital, budget comparison of actual expenses and remaining budget; and total expenses incurred through June 2022 including additional charges from SSJID to the SSJGSA, and the Groundwater Resources Association. She noted that total 2022 SSJGSA expenses incurred by SSJID of \$51,907.00 versus the SSJGSA reimbursements to SSJID of \$49,422.00 show a difference of \$2,485.00 due to a late adjustment to be settled in future billing, which occurred due to under billing the member agencies in the April-June quarter.

Board discussion included that the term of the SSJGSA budget is annually from January through December; the auditors (Brown Armstrong) are still working on the SSJID annual audit and the SSJGSA audit; and the ESJGWA invoice for SSJGSA dues for fiscal year (FY) 2022-23, in the amount of \$21,000.00, is expected in August.

Item #8 – Discussion and Possible Action on Eastern San Joaquin Groundwater Authority Business

Mr. Nakagawa reported that the ESJGWA budget was approved for FY 2022-23 and that the ESJGSA membership dues will remain the same as the previous year(s).

Mr. Nakagawa reiterated that all sixteen (16) member GSAs in the ESJGWA are set to adopt the revised GSP by their respective boards and councils, and the ESJGWA will submit the revised GSP to DWR by the July 27 deadline. Once the revised GSP has been fully adopted, the next steps will be for the ESJGWA to begin the accounting framework, to prioritize SGMA projects and investment amounts, and to identify groundwater recharge credit recipients (e.g. landowner, GSA, and/or ESJGWA).

Board discussion included that the ESJGWA continue to move forward in a positive direction; preparation by the ESJGWA of DWR's responses to the revised GSP which will be provided via DWR's portal; and subsequent coordinated responses, if any, from the ESJGWA GSAs.

Mr. Nakagawa reported that, to date, two required (2) GSA Verification Statements and Well Drilling Permit Acknowledgement Forms were submitted to the San Joaquin County (SJC) Environmental Health Department (EHD) regarding proposed well applications in the SSJGSA region.

Mr. Nakagawa announced the San Joaquin Farm Bureau Water Advisory Committee meeting on July 26, at 5:30 p.m. Mr. Steve Shih, SJC EHD, is slated as a guest speaker to discuss the County's well permitting process.

COMMUNICATIONS

Item #9 – 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 #10 – 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

ADJOURNMENT

Item #11 – Adjournment

There being no further business to discuss, the meeting was adjourned at 9:59 a.m.

ATTEST:

Danielle Barney, Clerk of the Board