

**South San Joaquin Groundwater Sustainability Agency
Regular Meeting
Manteca, California
August 19, 2020**

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: Tammy Alcantor, City of Escalon
Daniel de Graaf, City of Ripon
Robert Holmes, South San Joaquin Irrigation District
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; SSJID General Counsel, Mia Brown; and SSJID Clerk of the Board, Danielle Barney.

Public Comment – None

ACTION CALENDAR

Item #1 – Approval of the Meeting Minutes of May 20, 2020

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

The motion passed 4 to 0 by the following vote:

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

Item #2 – Presentation of YTD Financial Statements Through July 2020

Mr. Bere Lindley, SSJGSA Treasurer and SSJID Assistant General Manager, addressed the Board and distributed handouts of the SSJGSA YTD Income and Expense Summary, and Expense Transaction Details through July 31, 2020. He noted YTD total expenses were approximately \$120K which included payroll, benefits and wages at approximately \$75K, and legal expenses at approximately \$31K. He summarized that there has been no net income/revenue received resulting in an accumulated deficit totaling \$148,209. Each SSJGSA member will be billed for their cost share of the deficit at: City of Escalon (5%) = \$7,410; City of Ripon (10%) = \$14,821; and SSJID (85%) = \$125,978.

Item #3 – Discussion and Possible Action to Approve the Updated SSJGSA Budget for the Remainder of 2020 and Send Invoices to the Members for Past Expenditures

Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, addressed the Board regarding the SSJGSA proposed budget for the remainder of 2020, and distributed handouts depicting actual expenses from January through July 2020; the approved SSJGSA 2020 budget; and the proposed SSJGSA budget for August through December 2020. Due to discrepancies identified, from the YTD Financial Statements through July 2020 regarding expenditures billable to the SSJGSA, staff requested the agenda item be tabled and a final budget will be presented at the next scheduled board meeting. Mr. Nakagawa added that the discrepancy is in regard to employee costs related to specific line items that could be considered payroll and employee benefit expenses. Mr. Nakagawa added that the goal of coming up with a methodology for showing expenditures and apportioning costs to the members in a transparent manner remains unchanged, and that the Board would have the opportunity to approve what staff brings back.

Item #4 – Consider Approval of Resolution 20-01-F Authorizing Staff to Enter into an Agreement with U.S. Bank for Banking Services

Mr. Nakagawa addressed the Board in regard to establishing a bank account for the SSJGSA with U.S. Bank. He added that checks will require a co-signing procedure of one (1) named director of the SSJGSA, namely Robert Holmes (Chairman) or Daniel de Graaf (Vice-Chair); and one (1) named officer of the SSJGSA or staff of the South San Joaquin Irrigation District (SSJID), namely Peter Rietkerk (SSJGSA Administrator), Bere Lindley (SSJGSA Treasurer), or Robin Giuntoli (SSJID Accounting and Customer Service Manager).

MOTION: A motion was made by Director Alcantor and seconded by Director de Graaf to adopt Resolution 20-01-F Authorizing Staff to Enter into an Agreement with U.S. Bank for Banking Services.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION NO. 20-01-F**

**AUTHORIZING STAFF TO ENTER INTO AN AGREEMENT
WITH U.S. BANK FOR BANKING SERVICES AND
DESIGNATING AUTHORIZED SIGNERS**

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 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, U.S. Bank currently provides banking services to the SSJID.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the South San Joaquin Groundwater Sustainability Agency hereby authorizes and directs SSJID staff to enter into an agreement with U.S. Bank for banking services for the financial needs of the South San Joaquin Groundwater Sustainability Agency; and,

BE IT FURTHER RESOLVED, that any one of the following named officers of the South San Joaquin Groundwater Sustainability Agency:

Robert Holmes, Chairman, or,
Daniel de Graaf, Vice-chair,

and any one of the following named officers or staff:

Peter Rietkerk, Administrator, or,
Bere Lindley, Treasurer, or,
Robin Giuntoli, SSJID Accounting and Customer Service Manager,

are hereby authorized to co-sign checks, drafts and other orders on behalf of the South San Joaquin Groundwater Sustainability Agency; and,

BE IT FURTHER RESOLVED, that Bere Lindley, Treasurer, and Robin Giuntoli, SSJID Accounting and Customer Service Manager, are hereby authorized to conduct all other banking related transactions related to carrying out the duties of the Treasurer of the South San Joaquin Groundwater Sustainability Agency.

PASSED AND ADOPTED this 19th day of August 2020, by the following vote of the Board of Directors of the South San Joaquin Groundwater Sustainability Agency, to wit:

AYES: ALCANTOR De GRAAF HOLMES WESTSTEYN
NOES: NONE
ABSENT: KAMPER
ABSTAIN: NONE

BY: _____
ROBERT HOLMES, Chairman
Board of Directors

ATTEST:

BRANDON W. NAKAGAWA, Secretary

Item #5 – Discussion and Possible Action to Approve the South San Joaquin Groundwater Sustainability Agency Bylaws

Mr. Nakagawa addressed the Board regarding the SSJGSA draft bylaws, which were included in Item #5 of today’s agenda packet, and identified the final draft version as well as the original draft redline version. Per Board direction, revisions to the original draft redline version include edits to the language regarding voting structure; edits to language regarding purpose of the bylaws; edits to titles; and correction of grammatical errors. Discussion among the Board clarified the voting structure as established in the final draft bylaws.

MOTION: A motion was made by Director Weststeyn and seconded by Director de Graaf to approve the South San Joaquin Groundwater Sustainability Agency Bylaws.

The motion passed 4 to 0 by the following vote:

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

Item #6 – Consider Approval of Resolution 20-02-O Adopting the South San Joaquin Groundwater Sustainability Agency Conflict of Interest Code

Mr. Nakagawa addressed the Board and explained that the adoption of a Conflict of Interest (COI) code is standard practice for government agencies as required by the California Fair Political Practices Commission (FPPC). He added that as a local government agency and clarified by FPPC staff, the SSJGSA will adopt its own COI code and forward to the San Joaquin County Board of Supervisors as the code reviewing body for local agencies.

MOTION: A motion was made by Director Weststeyn and seconded by Director de Graaf to adopt Resolution 20-02-O Adopting the South San Joaquin Groundwater Sustainability Agency Conflict of Interest Code.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION NO. 20-02-O**

**RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE FOR THE
SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY**

WHEREAS, Government Code §81000 *et seq.* requires State and local government agencies to adopt and promulgate a Conflict of Interest Code; and,

WHEREAS, the South San Joaquin County Groundwater Sustainability Agency was formed 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 Fair Political Practices Commission has adopted California Code of Regulations, Title 2, Section 18730, which contains the terms of a standard Conflict of Interest code; and,

WHEREAS, the Conflict of Interest Code found in the California Code of Regulations may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act of 1974.

NOW, THEREFORE, BE IT RESOLVED that the Conflict of Interest Code of the South San Joaquin Groundwater Sustainability Agency is hereby adopted; and,

BE IT FURTHER RESOLVED that Directors and all other positions listed in Appendix A of the Conflict of interest Code shall file their Form 700 Statement of Economic Interest with the Secretary of the South San Joaquin Groundwater Sustainability Agency, and such statements shall be made available for public inspection and reproduction in accordance with State law or regulation; and,

BE IT FURTHER RESOLVED that the Secretary is hereby authorized and directed to forward all Conflict of Interest Code related documents to the San Joaquin County Board of Supervisors as required by State law or regulation.

PASSED AND ADOPTED this 19th day of August 2020, by the following vote of the Board of Directors of the South San Joaquin Groundwater Sustainability Agency, to wit:

AYES: ALCANTOR De GRAAF HOLMES WESTSTEYN
NOES: NONE
ABSENT: KAMPER
ABSTAIN: NONE

BY: _____
ROBERT HOLMES, Chairman
Board of Directors

ATTEST:

BRANDON W. NAKAGAWA, Secretary

CONFLICT OF INTEREST CODE

SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY

The Political Reform Act (Government Code Section 81000 *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation, 2 California Code of Regulations (“CCR”) section 18730, which contains the terms of a standard conflict of interest code. CCR 18730 may be incorporated by reference in an agency’s code, and may be amended by the FPPC after public notice and hearing to conform to amendments to the political Reform Act. Therefore, the terms of CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendices in which members and employees are designated and disclosure categories are set, shall constitute the conflict of interest code of the South San Joaquin Groundwater Sustainability Agency.

Individuals holding designated positions shall file their statements of economic interest with the Secretary of the South San Joaquin Groundwater Sustainability Agency, who will retain the statements and make the statements available for public inspection and reproduction. (See Government Code § 81010 and 2 CCR § 18115.)

APPENDIX A

**DESIGNATED POSITIONS GOVERNED BY THE CONFLICT OF INTEREST CODE
SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY**

| DESIGNATED POSITIONS TITLE OF FUNCTION | DISCLOSURE CATEGORIES |
|---|-----------------------|
| Directors and Alternate Directors of the Board of Directors | All |
| Administrator | All |
| Treasurer | All |
| Secretary of the Board | All |
| Legal Counsel | All |
| Consultants ¹ | All |

1. Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Chairperson of the Board of Directors may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such a written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Chairperson’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX B
DISCLOSURE CATEGORIES
SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY

Persons in Designated Positions identified in Appendix A must disclose investment, business positions in business entities, and income, including receipt of gifts, loans and travel payments, from sources of all type that provide services supplies, materials, machinery or equipment for to the South San Joaquin Groundwater Sustainability Agency. The following financial interests shall be disclosed by:

1. Each investment in a business entity engaged in the business of providing services or supplies, including equipment or machinery or office supplies, to the South San Joaquin Groundwater Sustainability Agency (SSJGSA) with a fair market value equal to or exceeding \$2,000 or more.
2. Each interest in real property located in whole or in part within the boundaries of the SSJGSA, or within a two-mile radius of the SSJGSA, with a fair market value equal to or exceeding \$2,000 or more (excluding the personal residence of the filer).
3. Each source of income of \$500 or more (including loans) that is located in or doing business in the boundaries of the SSJGSA.

Item #7 – Discussion on Eastern San Joaquin Groundwater Authority Business

Mr. Nakagawa and Chairman Holmes attended the Eastern San Joaquin Groundwater Authority (ESJGWA) Board, and ESJGWA Steering Committee meetings on August 12, via remote access from the SSJID boardroom. Mr. Nakagawa showed the PowerPoint presentation from the Steering Committee meeting and highlighted the following slides:

- Proposed Schedule – ESJGWA Steering Committee will meet monthly / ESJGWA Board will meet quarterly / Technical Advisory Committee (TAC) schedule to be determined
- TAC Role and Purpose – Upcoming future discussions will include well monitoring and locating, the Sustainable Groundwater Management Act (SGMA) Watershed Coordinator grant, and the United States Bureau of Reclamation WaterSMART grant.
- SGMA Watershed Coordinator Grant Proposal
- Summary of Woodard and Curran (Consultant) Master Services Agreement and Scope of Work
- Department of Water Resources’ Draft Proposal for Solicitation Package for Groundwater Sustainability Agency (GSA) Groundwater Sustainability Plan (GSP) Projects – \$26 million in Round 1; \$62 million in Round 2 in 2022
- Draft GSP Grant Schedules

Chairman Holmes stated that activity of the ESJGWA is fast moving from the adoption of the GSP to the implementation process, and that the Steering Committee meetings will keep the GSAs informed of

discussions and planning. He added that Mr. Matt Zidar, San Joaquin County Public Works - Water Resources Coordinator, is acclimating well into his position with the County and in keeping the integrity of the working group.

COMMUNICATIONS

Item #8 – Communications

- a) **Staff and Consultant Updates**
 - 1. A Review of San Joaquin Valley Groundwater Sustainability Plans
- b) **Technical Advisory Committee**
 - None
- c) **Member Reports**
 - None
- d) **Correspondence**
 - 1. Letter of Support for the North San Joaquin Water Conservation District's WaterSmart Grant Program

It was announced that all items in closed session would be discussed. The Board took a break at 9:55 a.m. and convened to Closed Session at 10:00 a.m.

CLOSED SESSION

Item #9 – Closed Session

- 9. 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

The Board reconvened to open session at 10:23 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.

ADJOURNMENT

Item #10 – Adjournment

There being no further business to discuss, the meeting was adjourned at 10:24 a.m.

ATTEST:

Danielle Barney, Clerk of the Board