

**South San Joaquin Groundwater Sustainability Agency
Regular Meeting
Manteca, California
October 20, 2021**

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

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 June 16, 2021

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

Item #2 – Approval of the Special Minutes of July 22, 2021

MOTION: A motion was made by Director Weststeyn and seconded by Director de Graaf to approve the special 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 #3 – Consider Adoption of Resolution 21-01-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953

Ms. Mia Brown, SSJID General Counsel, explained Governor Gavin Newsom’s Executive Order N-29-20 (March 18, 2020) which waived certain requirements of the Ralph M. Brown Act regarding teleconference attendance by Board Members, and Executive Order N-8-21 (June 11, 2021) which continued suspension of the Brown Act’s teleconferencing requirements through September 30, 2021. Pursuant to recent legislation enacted to continue the modified teleconferencing attendance requirements permitted under the now-expired executive orders, staff is seeking Board adoption of Resolution 21-01-Y which would allow Board Members to attend board meetings via teleconference in the same manner as was previously allowed under the executive orders. Per legislation, the resolution will need to be renewed every thirty (30) days.

MOTION: A motion was made by Director de Graaf and seconded by Director Romo to adopt Resolution 21-01-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953.

**SOUTH SAN JOAQUIN GROUNDWATER SUSTAINABILITY AGENCY
RESOLUTION No. 21-01-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 **November 17, 2021** and shall remain in effect for thirty (30) days thereafter (until December 17, 2021), 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 20th day of October, 2021, by the following vote:

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

Item #4 – Presentation of YTD Financial Statements Through September 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 September 30, 2021. He provided detailed descriptions of the cash balance, billing, accounts receivable including SSJGSA member contributions, accounts payables, total liabilities and members capital, bank reconciliation, capital contributions, and changes in net position.

Item #5 – Approval of Payment to the Eastern San Joaquin Groundwater Authority for FY 2021-2022 Membership Dues in the Amount of \$20,815

Mr. Brandon Nakagawa, SSJGSA Secretary and SSJID Water Resources Coordinator, addressed the Board and explained that the SSJGSA is a member agency of the Eastern San Joaquin Groundwater Authority (ESJGWA), a joint powers authority created to assist the sixteen (16) Groundwater Sustainability Agencies (GSAs) in the Eastern San Joaquin Basin to coordinate and implement the adopted Groundwater Sustainability Plan (GSP) per requirements of the Sustainable Groundwater Management Act (SGMA). He further explained that on June 9, the ESJGWA adopted their budget for FY 2021-2022, which allocated shares of cost to each GSA based on total groundwater pumped and population. The SSJGSA membership dues for FY 2021-2022 is \$20,815. The ESJGWA invoice, Resolution R-21-02, and allocation spreadsheet were included as attachments to Agenda Item #5.

MOTION: A motion was made by Director Weststeyn and seconded by Director de Graaf to approve payment to the Eastern San Joaquin Groundwater Authority for the FY 2021-2022 membership dues in the amount of \$20,815.

The motion passed 4 to 0 by the following vote:

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

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

Mr. Nakagawa addressed the Board, noted a calendar matrix of SGMA-related meetings from June 16 through October 13, and detailed discussion and/or action taken at the SSJGSA, ESJGWA Technical Advisory Committee, ESJGWA Steering Committee, and ESJGWA Board meetings listed. Highlights included the ESJGWA being awarded several grants for SGMA efforts; the anticipated response from the California Department of Water Resources (DWR) on the adequacy of the adopted GSP; and preparation for the next GSP update due to DWR in early 2025.

Mr. Nakagawa presented a PowerPoint presentation, by Stantec, of the ESJGWA basin accounting framework and next steps. Board discussion included the ESJGWA groundwater model; groundwater model updates; groundwater recharge projects; the collaborated views of the ESJGWA member agencies to determine GSA projects; the GSA water budgets; potential subsidizing via parcel tax and/or county-wide sales tax; and DWR’s determination letter of the ESJGWA GSP.

Item #7 – Discussion and Possible Action on Proposed 2022 Annual Budget

Mr. Nakagawa addressed the Board, displayed the adopted SSJGSA 2021 budget, and provided detailed explanations of expenses incurred including staff time, and line items associated with the ESJGWA. He stated proposed adjustments to the proposed 2022 budget including an increase to ESJGWA contributions, and a decrease to legal expenses.

Mr. Nakagawa directed the Members to take the preliminary 2022 Budget to their respective agencies for review, with the expectation that the final budget will be presented and adopted by the SSJGSA Board of Directors at the January 2022 meeting. He offered to appear before the Board’s respective councils to address any questions and/or concerns.

COMMUNICATIONS

Item #8 – 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

Ms. Kincaid noted that there are no updates to report on Closed Session Item 9.a.

Item #9 – 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 #10 – Adjournment

There being no further business to discuss, the meeting was adjourned at 10:40 a.m.

ATTEST:

Danielle Barney, Clerk of the Board