

**EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY**  
**Board Meeting Minutes**  
**April 13, 2022**

**I. Call to Order/Pledge of Allegiance & Safety Announcement/Roll Call**

The Eastern San Joaquin Groundwater Authority (GWA) Board Teleconference meeting convened, and Chairman Chuck Winn called the meeting to order, via the online Microsoft Teams Meeting platform, at 9:06 a.m. on April 13, 2022. The meeting was Teleconference only.

Chairman Winn led the agenda.

Mrs. Kristy Smith with San Joaquin County conducted the roll call.

In attendance were Chairman Chuck Winn; Vice Chairman Mel Panizza; Secretary Kris Balaji; Directors Alan Nakanishi, David Breitenbucher, Dan Wright, Gary Tofanelli, Myron Blanton, Mike Henry, Tom Flinn, Eric Thorburn, John Herrick, Robert Holmes. Director Jeremiah Mecham was also in attendance but arrived after roll call was taken.

**II. Scheduled Items**

**A. Discussion/Action Items:**

**1. Approval of the March 9, 2022 Meeting Minutes**

Chairman Winn called for the approval of minutes of the meeting on March 9, 2022. There were no comments by the GWA Board members and no comments by the public.

**Motion:**

Director Robert Holmes moved, and Director John Herrick second, approval of the March 9, 2022 minutes. Roll Call Vote was conducted, the motion passed.

**2. Discussion and Possible Action to Adopt Resolution R-22-XX Determining to Conduct Meetings Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361**

Chairman Winn requested input from Mr. Rod Attebery with Neumiller & Beardslee, regarding the status of AB361 and teleconferencing. Mr. Attebery addressed the possibility of a renewal of the teleconference policy via the State. Mr. Attebery noted that other agencies are conducting hybrid meetings and it was his recommendation to approve the resolution for possible future teleconference or hybrid meetings, as unsure of where the State will land after their April 14<sup>th</sup> meeting. additional discussion was had on the Ag Center meeting facility and their electronic capabilities for hybrid meetings.

Chairman Winn asked for a motion to approve the Resolution Determining to Conduct Meetings Using Teleconferencing Pursuant to Government Code 54953 as Amended by AB 361.

**Motion:**

Director Robert Holmes moved, and Director Dan Wright second, adoption of the resolution R-22-XX. Roll Call Vote was conducted, the motion passed unanimously.

### **3. GWA Committee Assignments**

Mr. Matt Zidar with San Joaquin County provided an overview of the Technical Advisory Committee (TAC) and Legal/Policy Committee member volunteers, noting that if other GSA representatives wished to participate, they should voice their interest.

Mr. Attebery noted that no action by the Board is needed, as the JPA identifies that Ad Hoc Committee appointments are done through the Chairman. Additionally noted was the fact that now would be the appropriate time for interested parties to represent their GSA and voice their interest in participation.

It was noted that additional GSA member representatives are being sought in addition to the regular TAC member roster. The group suggested that interested parties be provided a list of the TAC members for reference. Director Mike Henry requested to be added to the Legal/Policy Committee.

### **4. FY 2022-23 Budget Discussion, Approach, Programs, and Schedule**

Mr. Zidar provided the Board a brief overview of the Fiscal Year 2022/2023 Budget, noting that development of the budget is in progress and input is requested. Mr. Zidar advised that budget development would continue into May and go through the TAC for input. Mr. Zidar questioned the formation of an Ad Hoc Budget Committee as done in previous years. No definitive response from Board provided. Mr. Zidar discussed the GWA Programs and Projects, noting those that are regular or ongoing and those that are a special study or service. Mr. Zidar opened the discussion for input and thoughts.

Director Tom Flinn expressed the desire for discussions on funding sources, specifically Zone 2 funds, as part of the budget discussions. Mr. Zidar provided some details on the use of Zone 2 funds pertaining to the GWA, the Tracy Subbasin and monitoring networks, noting the need to look at the use of Zone 2 fund strategically to go over the 20-year plan. Mr. Zidar advised that the Zone 2 fund/budget will be taken before the Advisory Water Commission at their May meeting, for discussion.

Director John Herrick noted the need to have conversations with the ILRP Water Quality Coalition before budgeting for monitoring well efforts, as there may be overlap in efforts. Director Herrick additionally questioned if there is a modest expected increase in GSA contribution or a more substantial increase. Mr. Zidar noted some potential increases but advised the Board that additional discussions and work needed to be done before a definitive increase amount could be provided.

### **5. DWR Comments and GWA Response – Status Report and Direction**

Mr. Zidar provided a status report of the work being done in regard to the GWA responses to DWR comments on the GSP and the direction moving forward. Mr. Zidar noted that an initial meeting with DWR was had on April 4<sup>th</sup> and the final workplan and schedule is being developed currently. Additionally noted were the joint TAC and Legal/Policy Committee meeting to be held on April 14<sup>th</sup> and additionally in May and the first part of June, with GWA and GSA action in June. Mr. Zidar noted that the GWA comments are due to DWR by July 27<sup>th</sup> and will require that each GSA adopt the responses and GSP updates. Discussion was had on the timing of GSA Board Meetings to the needed adoption of updates and responses. Mr. Zidar advised that a GWA motion and approval is needed to submit the responses by the July deadline, while the individual GSA adoptions are required but not necessary by the July GWA Board Meeting.

### **6. Funding and Financing Options**

Chairman Winn provided the group an overview of funding and financing options for water related projects, in the form of a sales tax measure to be taken to ballot in November. Chairman Winn noted that documents went out to the group for review and to prompt discussions within the group regarding needed water projects and the funding mechanism for those projects. Chairman Winn briefly reviewed the documents, noting the white paper document contained 2019 Fresno State study and discussed funding resources and options in the form of ballot measures and how they fared. Chairman Winn noted that he is not looking for an endorsement today, but rather input and thoughts from the group. Additionally, he has already met with County Counsel and has had preliminary discussions on the ballot measure efforts. Chairman Winn noted that constituents are asking for resolutions to problems and decisions regarding emergency orders and guidelines, they do not want to hear that nothing can be done and are satisfied when efforts being made to solve their problems. Chairman Winn added that the information provided today will allow for a mechanism to share with the public, allowing them to make decisions on their future related to water issues. Chairman Winn advised that he is requesting discussions over the next month and would like to bring before Board in August for endorsement for the November ballot.

Director John Herrick noted his support of the idea and questioned any leeway in the meaning of Water Infrastructure being used on the potential measure. Could the funds from the measure be a potential funding source for future routing and dredging projects or just new water supply projects? Chairman Winn noted there is the ability for flexibility, to review and adjust verbiage.

Ms. Mary Elizabeth with the Sierra Club noted that for the sake of Disadvantaged Communities (DAC) she would like to see a Property Tax rather than a Sales Tax measure, as this will assess individual property owners with more ability to pay additional tax assessments. Director Dan Wright noted he agreed with the suggested Property Tax or Parcel Tax route, as sales taxes hurt the poor more than it would the middle- or upper-class communities.

Director Tom Flinn noted that NSJWCD is targeting a June ballot measure with a water use tax of their rate payers, allowing for funding of SGMA projects. Director Flinn additionally questioned the boundary of proposed measure, the specific projects of interest, and who the governing body would be.

Chairman Winn discussed the potential revenue with approximately 800,000 residences in San Joaquin County, noting that with a sales tax, people with the ability to purchase products would be paying more than people with lesser means to purchase products. Chairman Winn noted that the assessment needs to be proportional across the County and that if the measure were to move forward, there would be a portion of funds to assist the DAC.

The consensus of the group was there is a desperate need for funding, as everyone's needs require funding and projects need to be done to protect and secure the future of San Joaquin County water. There is a great need to move forward and do something like this to secure funding for the future.

### **III. Staff and DWR Reports**

#### **A. Staff Reports**

Mr. Zidar provided a brief overview of a DWR report showing drought conditions and updates, noting it was just a snapshot of the dire conditions we are facing.

##### **1. Legislation**

Mr. Zidar provided an overview of the Legislative resources and firms available and used for maintaining up to date information on activities in Sacramento and Washington, noting that when items arise that will

affect the GWA, he will provide the details for the group to review and discuss. Ms. Elizabeth noted she found some information interesting from the NGO and Environmentalist stance. Ms. Elizabeth pointed out AB2201 by Bennet and provided link in the chat.

## **2. Executive order N-7-22**

Mr. Zidar discussed the Executive Order N-7-22, included in the agenda package, noting specifically No. 9 of the Order, which states permits for a new or for altering existing groundwater wells in the basin must be approved by the GSA for meeting sustainability and be approved by Environmental Health Department (EHD) as not interfering with existing wells. Ms. Kirin Virk of San Joaquin County Counsel provided additional detail on the Executive Order and noted that the County is moving to get a definitive process in place to meet the expectations of the Executive Order. It was noted that there are two paths to comply with the order, through GSA and through EHD.

Discussion was had on proposed wells being near another GSA boundary and if those surrounding GSAs have a way to comment on a proposed new well. It was advised that there is not current process for public review. Mr. Zidar noted that the entire Executive Order N-7-22 document is included in the agenda package and worth review, for other sections that do apply to GSAs. It was additionally noted that it is a good idea to get out AB2201 for GSA review and comment.

## **3. Grants and Funding**

Mr. Zidar provided a brief overview and review of the grants and funding for the GWA, noting specifically the adjustment required by DWR to the spending plan and projects for the SGMA Implementation Round 1 Grant as the amount was reduced to 7.6 million after application process.

## **B. DWR Report**

Mr. Mattipohto Siltanen with California Department of Water Resources (DWR) provided an overview of the DWR report provided by Ms. Chelsea Spier, noting some of the items of importance being the following.

- A Fact Sheet on the Executive Order N-7-22 was sent via chat for review.
- Reminder to GSAs to update the DWR Portal with their Spring monitoring levels.
- Reminder of the continued AEM flights during April.
- There is a Watersmart Small Scale grant opportunity available, with an application due date of 4/28.
- Note that on March 11<sup>th</sup> DWR release their Groundwater Conditions Report for review.

## **IV. Directors' Comments**

Mr. Scot Moody with SEWD requested letters of support from the GSAs, in regard to SEWD efforts to remove the rate cap for their area.

Mr. Zidar requested recommendation assistance from the GSAs in San Joaquin County Public Work's efforts to fill Engineer vacancies.

## **V. Public Comment**

Ms. Mary Elizabeth with the Sierra Club commented that she provided a link in the chat box related to the SAFER funding opportunities, noting the need to encourage County agencies like Environmental Health and Office of Emergency Service to seek out this funding source to assist with outreach, organization, and mitigation for domestic and small well water systems. Ms. Elizabeth additionally noted her request for the meeting recordings to be posted on the website on a regular basis, for public viewing.

**VI. Future Agenda Items**

None Provided.

**VII. Adjournment:**

Chairman Winn adjourned the April 13, 2022 meeting at 10:56 a.m.

**Next Regular Meeting:**

Wednesday, May 11, 2022

10:30 am – 12:00 pm

San Joaquin County Robert J. Cabral Agricultural Center