



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

P. O. BOX 1810

STOCKTON, CALIFORNIA, 95201
TELEPHONE (209) 468-3000
FAX NO. (209) 468-2999

Kris Balaji
DIRECTOR OF PUBLIC WORKS

ADVISORY WATER COMMISSION

October 20, 2021, 1:00 p.m.

Teleconference Only

Call-In Information Provided

AGENDA

- I. Roll Call
- II. Approve Minutes for the Meeting of September 15, 2021 (Attached - Page 4)
- III. Discussion/ Action Items:
 - A. AB 361 Brown Act Resolution (Attached - Page 7)
 - B. OES and County Drought Response
 - C. Central Valley Flood Protection Plan Update 2022
 - D. FloodMAR Calaveras DWR Pilot Project
 - E. 2019 Groundwater Report
 - F. Grants
- IV. Staff Reports
- V. Public Comment: *Please limit comments to three minutes.*
- VI. Commissioner Comment
- VII. Future Agenda Items
- VIII. Adjournment

NOTICE: Coronavirus COVID-19

Based on guidance from the California Department of Public Health and the Governor's office, the following teleconference information is being provided to you for participation in the October 20, 2021 Advisory Water Commission Meeting.

You are strongly encouraged to listen to the Advisory Water Commission Meeting by attending the teleconference:

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 209-645-4071,,231322388#](#) United States, Stockton

Phone Conference ID: 231 322 388#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Once connected, we request you kindly mute your phone.

Next Regular Meeting
November 17, 2021, 1:00 p.m.
Location TBD

Commission may make recommendations to the Board of Supervisors on any listed item.

If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Water Resources Staff at (209) 468-3089 at least 48 hours prior to the start of the meeting. Any materials related to items on this agenda distributed to the Commissioners less than 72 hours before the public meeting are available for public inspection at Public Works Dept. Offices located at the following address: 1810 East Hazelton Ave., Stockton, CA 95205. These materials are also available at <http://www.sjwater.org>. Upon request these materials may be made available in an alternative format to persons with disabilities.

2021 ADVISORY WATER COMMISSION ROSTER, ROLL CALL & VOTE SHEET

(5 members necessary for quorum)

AGENCY	REP	TERM	ALT	TERM	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
					20	17	17	21	19	16	21	18	15	20	17	15
CDWA	Nomellini, Dante J. ●	12/11/23	Nomellini, John Dante, Jr	12/11/23	X	X	C	C	X	X	C	C				
CSJWCD	Roberts, Reid	12/12/22	Thompson, Grant	12/12/22			A	A	X	X	A	A				
City of Escalon	Alves, Edward B.	02/25/24	Laugero, Jeff	02/25/24			N	N			N	N				
City of Lathrop	Torres-O'Callahan, Jennife ●	12/12/22	Lazard, Diane	12/12/22	X	X	C	C	X	X	C	C				
City of Lodi	Swimley, Jr., Charlie ●	02/21/21	Richle, Andrew	02/21/21	X	X	E	E	X		E	E				
City of Manteca	Breitenbucher, David ●	03/13/23				X	L	L	X	X	L	L				
City of Ripon	de Graaf, Daniel ● <i>Late</i>	06/27/21	Uecker, Dean	06/27/21	X	X	L	L	X	X	L	L				
City of Stockton	Lincoln, Kevin		Canepa, Paul	03/14/23	X	X	E	E			E	E				
City of Tracy	Sharma, Kuldeep	01/16/23	Reyna-Hiestand, Stephanie ●	01/16/23	X	X	D	D	X	X	D	D				
NSJWCD	Starr, Charlie	12/11/23	Valente, Joe	12/11/23					X							
OID	VACANT		VACANT													
BOS	Sup. Winn, Chuck ●	12/31/21	Sup. Miller, Kathy	12/31/21	X	X				X						
SDWA	Herrick, John ●	01/27/24	Ruiz, Dean	01/27/24	X	X			X	X						
SSJID	Holbrook, John ●	01/18/25	Weststeyn, Mike	01/18/25	X	X			X	X						
SW County	Weisenberger, David	09/26/18	VACANT													
WID	Christensen, Anders	12/12/22	VACANT													
Enviro/Fish/Wildlife Org	Elizabeth, Mary ●	03/13/23	N/A		X	X			X	X						
Urban Flood Control RD	Hartmann, George ●	08/20/23	N/A		X	X			X	X						
Urban Flood Control RD	Panzer, Michael ●	08/20/23	N/A			X			X	X						
General Bus Com	Price, Will ●	08/21/23	N/A		X	X			X							
Bldg & Constr Industry	Neudeck, Christopher ●	08/20/23	N/A		X	X			X	X						
SECRETARY	Zidar, Matt ●	N/A	N/A		X	X			X	X						
At-Large Rep	Gau, Thomas ●	01/16/23	Annette Henneberry Schermesser	01/16/23		X			X	X						
CHAIRMAN	SEWD McGurk, Thomas ●	12/11/23	SEWD Sanguinetti, Paul	12/11/23	X	X			X	X						
STOP HERE ON ROLL CALL																
CA Water Service Co	VACANT	PERM														

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE San Joaquin COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
September 15, 2021**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, September 15, 2021, beginning at 1:00 p.m., via the Microsoft Teams Meeting Platform.

Mr. Thomas McGurk, Chairman of the Advisory Water Commission (AWC), called the meeting to order at 1:05 pm.

I. Roll Call

Present were Commissioners Nomellini, Torres-O'Callahan, Swimley, Breitenbucher, Winn, Herrick, Holbrook, Elizabeth, Hartmann, Panzer, Price, Neudeck, and Gau; Alternate Reyna-Hiestand; Secretary Zidar, and Chairman McGurk. Also in attendance was Commissioner de Graaf who arrived after roll call was completed.

Others present are listed on the Attendance Sheet. The Commission had a quorum.

II. Approval of Minutes for the June 16, 2021 Meeting

Commissioner Joh Herrick made the motion and Commissioner Christopher Neudeck second to approve the minutes of June 16, 2021.

Chairman McGurk asked for any Opposed or Abstained. Commissioner Thomas Gau abstained. With none opposed, the motion passed.

SCHEDULED ITEMS

Mr. Thomas McGurk, Chairman of the Advisory Water Commission (AWC), led the agenda.

III. Discussion Items:

A. SWRCB Emergency Curtailment Orders

Secretary Matt Zidar began the discussion on the issued SWRCB Curtailment Orders. Commissioner John Herrick provided details on Curtailment Orders effecting his District and lawsuits being filed. Mr. Brandon Nakagawa with SSJID also made note of additional groups filing lawsuits.

B. Drought Conditions; Local and State Response

Secretary Zidar discussed the Office of Emergency Services (OES) Meeting that occurred earlier in the day and requested input from anyone who may have attended the meeting. Alternate Commissioner Stephanie Rayna-Heistand stated that she attended the meeting and noted that the meeting presentation would be shared by OES.

Secretary Zidar added that there has been an increase in the number of well permits being sought and provided some resource details on wells and dry well reporting. It was noted that OES has resources posted for the public.

Commissioner Mary Elizabeth advised that she received an email regarding an upcoming webinar on

funding for drought mitigation, through DWR and SWRCB. Commissioner Elizabeth noted a thank you to Public Works for linking resources on website for customers, while stating that both OES and Environmental Health have not provided those links to customers. Commissioner Elizabeth stated that outreach to well owners needed to be done by the agencies to help their customers.

Secretary Zidar noted some support resources for well owners currently available and additional resources hopefully coming soon. Mr. Kris Balaji addressed the Commission and suggested if the Chairman and Commission so desire, OES could be brought into the next meeting to provide an update. The consensus was yes, that was a good idea. Secretary Zidar added that he also has OES Planning and Development Reports that could be shared. Chairman McGurk asked to confirm that OES would be willing to get specific with any questions the Commission might have during this update. Commissioner Neudeck added that OES should be asked to bring the right people to the discussion.

C. Project Updates

1. American River Water Right Application 29657

Secretary Zidar provided an overview of events and processes completed and upcoming, related to the American River Water Right Application Status Hearing. Secretary Zidar noted that the goal was to keep the permit for future water needs and provided details on the support Policy Statements received or to be received on our behalf.

2. Eastern San Joaquin Groundwater Authority (ESJ GWA) – Next Steps Toward Implementation of the GSP

Secretary Zidar discussed the details of the implementation of the Eastern San Joaquin Groundwater Authority GSP. He noted that the current work on the Model Update and the upcoming discussions on the Accounting Framework and Financing Alternatives, were all vital in moving towards implementation of the GSP. Secretary Zidar added that DWR has provided a FSS Facilitator through Stantec, who will assist with the discussions to come. Stantec will also be providing case study services on other basin's accounting framework.

Commissioner Elizabeth questioned if it was possible for the GWA to consider resuming the meetings of the Stakeholder Group, as there are still funds in the GWA budget and outreach is an item on the GSP. Commissioner Elizabeth additionally questioned if everyone received the comment letter that was sent by SWRCB. Secretary Zidar responded that there was limited GWA budget for outreach, but will do outreach to the GSAs with the intent for them to do additional outreach within their GSA area. He additionally noted that if funds were made available there was a potential for Stakeholder meetings. Secretary Zidar additionally responded that the comment letter from SWRCB was provided to email list and that the GWA Board decided to not formally respond to the SWRBC letter as it is directed to DWR as a form of public comment.

3. Tracy Subbasin GSP

Secretary Zidar provided a brief overview of the Tracy Subbasin GSP, and progress made, noting that the public comment period has closed. Secretary Zidar further noted that the group will be discussing the MOA during their meeting the following day and that the intent is have the plan officially adopted by November for submittal to DWR by the January 2022 deadline. It was also noted that the group is working on a cost allocation strategy plan for the GSP.

4. Integrated Regional Water Management (IRWM) Project Selection Process

Secretary Zidar provided the Commission with an update on the IRWM plan, project selection and

processes, noting that the plan was submitted to and approved by DWR. Secretary Zidar added that the Project Selection Committee would be providing their selection results at the IRWM Meeting later in the day. As a review, Secretary Zidar noted that the Selection Committee reviewed 9 total submitted projects for the distribution of the remaining funds from the 6.5-million-dollar grant, after \$900K went to DAC projects. Secretary Zidar advised that the projects selected were conjunctive use recharge projects, with \$3 Million going to a NSJWCD project and \$2 Million going to a City of Stockton project.

5. Demonstration Recharge Extraction and Aquifer Management (DREAM) Project Update

Secretary Zidar provided the Commission with an update and overview of the DREAM Project, noting that the project is underway with permitting being a constraint. Mr. Zidar added that the hope is to expand on this type of process and partnerships in the future.

Mr. Kris Balaji added that this is a fitting tribute to Commissioner Gau coming aboard the Commission, as it is his work in previous years that is being carried on today. Commissioner Gau noted that he was looking forward to watching the project come to fruition.

6. Groundwater Reports

Secretary Zidar provide the Commission with an update on the status of outstanding and current Groundwater Reports. He advised that the 2019 report was completed and will be provided at the next meeting. Secretary Zidar further advised that the 2020 report is in process of completion, with all data collected, and the 2021 report will follow shortly after. Secretary Zidar noted that it is a priority to keep reports on a timely schedule moving forward and not fall behind again.

D. Reports from Member Agencies

Commissioner George Hartmann provided input to the Commission, noting that as a silent observer in the IRWM Project Selection process, he gives kudos to them as everything was handled very well. Additionally, Commissioner Hartmann advised that in regards to drought water rights, they have been able to keep the Delta from Curtailment Orders with the assistance of the State Water Master. He wants to be sure the group understands the amount of work that has gone into saving the Delta from these orders. Commissioner Hartmann added that when coming together to discuss JPA funding solutions, it becomes a battle of the haves and have nots.

Secretary Zidar questioned the members with legacy knowledge, as to how they see progress being made. Commissioner Gau advised that as he has been away from the game for some time, he just wants to gather information about what is going on now and go on from this point. He added that moving forward there needs to be trust and relationship building in order to get projects moving.

E. Grants and Funding

1. WaterSMART FY 2022

- a. *Drought Response Program: Drought Resiliency Projects for Fiscal Year 2022 – closes on October 5, 2021*
- b. *Water Energy and Efficiency Grants – closes on November 3, 2021*
- c. *Environmental Water Resources Projects – closes on December 9, 2021*

Secretary Zidar provided an overview of the three WaterSmart Grants currently available, providing

BEFORE THE ADVISORY WATER COMMISSION

RESOLUTION

R-21-##

Implementation of AB 361 Brown Act Teleconferencing Requirements

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, the proclaimed state of emergency remains in effect; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act, provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

WHEREAS, the CDC has established a “Community Transmission” metric with four tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and,

WHEREAS, San Joaquin County currently has a Community Transmission metric of “high,” which is the most serious of the tiers; and,

WHEREAS, Cal/OSHA has adopted guidelines recommending social distancing and,

WHEREAS, the County of San Joaquin Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public health, welfare and safety within the unincorporated areas of the County; and,

WHEREAS, on September 28, 2021, the Board of Supervisors adopted a resolution finding that meeting in person for meetings of all County of San Joaquin related legislative bodies subject to the Ralph M. Brown Act would present risks to the health or safety of attendees, and thus invoked the provisions of AB 361 related to teleconferencing for in person meetings of all County related legislative bodies; and

Although the resolution encompasses County boards and commissions, including the San Joaquin County Flood Control and Water Conservation District and related Advisory Water Commission, County Counsel publicly recommended that the County's individual Boards and commissions similarly adopt such a resolution; and

WHEREAS, the Advisory Water Commission is a standing committee under the San Joaquin County Flood Control and Water Conservation District Act and County Code of Ordinance, and appointed by the Board of Supervisors, and has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings subject to the Brown Act; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Advisory Water Commission deems it necessary to find that meeting in person for its meetings subject to the Ralph M. Brown Act would present risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, BE IT RESOLVED by the Advisory Water Commission as follows:

1. The recitals set forth above are true and correct.
2. The Advisory Water Commission finds that meeting in person for its meetings subject to the Ralph M. Brown Act would present risks to the health or safety of attendees.
3. Advisory Water Commission Staff is directed to return no later than thirty (30) days after the adoption of this resolution with an item for the Advisory Water Commission to consider making the findings required by AB 361 in order to continue meeting under its provisions.

PASSED AND ADOPTED _____, by the following vote of the Advisory Water Commission, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN: