



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

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Kris Balaji
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ADVISORY WATER COMMISSION

January 19, 2022, 1:00 p.m.

Call-In Information Provided

AGENDA

- I. Roll Call
- II. Approve Minutes for the Meeting of October 20, 2021 ([Attachment 1 – Page 3](#))
- III. Discussion/ Action Items:
 - A. 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 ([Attachment 2 – Page 6](#))
 - B. Reminder to Commissioners of Required Oath of Office Submittal to the San Joaquin County Clerk of the Board's Office
 - C. Adopt 2022 Regular Meeting Schedule
 - D. Review of 2021 Annual Activities and Major Water Management Actions
 1. Water Resources ([Attachment 3 – Page 8](#))
 2. Flood Control and Management
 - E. Strategic Priorities for 2022
 1. Purpose, Mission and Role of the AWC
 2. Identification and Discussion of Water Resources Issues
 3. Identification and Discussion of Water Resources Opportunities, Projects and Programs
 - F. State and Federal Funding and Grants
- IV. Staff Reports
- V. Public Comment: *Please limit comments to three minutes.*
- VI. Commissioner Comments
- 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 December 15, 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,,946899870#](#) United States, Stockton

Phone Conference ID: 946 899 870#

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

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Once connected, we request you kindly mute your phone.

Next Regular Meeting
February 16, 2022, 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.

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE San Joaquin COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
October 20, 2021**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, October 20, 2021, beginning at 1:00 p.m., via the Microsoft Teams Meeting Platform.

I. Roll Call

Present were Commissioners Star, Roberts, Torres-O'Callahan, Breitenbucher, De Graaf, Herrick, Holbrook, Elizabeth, Hartmann, Panzer, Winn, Price, and Neudeck; Alternates Reyna-Hiestand, Weststeyn and Henneberry-Schermesser; Secretary Zidar and Chairman McGurk. Also in attendance was Commissioner Nomellini 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 September 15, 2021 Meeting

Commissioner Christopher Neudeck made the motion and Commissioner Jennifer Torres-O'Callahan second to approve the minutes of September 15, 2021.1:05pm. The motion passed.

SCHEDULED ITEMS

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

III. Discussion Items / Action Items:

A. Brown ACT Requirements to comply with AB 361

Secretary Matt Zidar explains the Brown Act Requirements to comply with AB 361. This will be done at every meeting and a motion will be made at every meeting. Motion R-21-01 Commissioner Neudeck made the motion, Commissioner Panzar second the motion. Please add the resolution number R-21-126. All agreed and the motion passed.

B. OES and County Drought Response

Ms. Cindy Matthews with National Oceanic and Atmospheric Administration (NOAA) gave an update on current weather conditions and how much rain is expected with the next approaching storm. Also stated that although we are in a drought there maybe flooding in some areas. Above normal temperatures for November, December, and January.

Mr. Lowell Allen Emergency Planner with Office of Emergency Service (OES) for San Joaquin County (SJC) – activated the emergency operations center in support of agencies trying to manage the effect of the droughts, consistent with the emergency action plans. Discussion was had regarding maintaining situational awareness, as well as the <https://sjready.org/> link for droughts, public questions and for resources with assistance mechanisms.

C. Central Valley Flood Protection Plan (CVFP) Update 2022

Ms. Mary Jimenez and Mr. Steve Rother with the California Department of Water Resources (DWR) and Ms. Ruth Darling, Program Manager for the Flood Protection Board (Board) provided an overview discussion of the 2022 CVFP Update.

Mr. Rother discussed the importance of working together with local agencies to allow DWR to understand the issues and provide flood management resources. Mr. Rother noted that DWR is looking forward to continued partnership and working together on future projects. Mr. Rother provided an overview of his team and their task of updating the Central Valley Flood Protection Plan every 5 years for CVFPB Board adoption. He noted the 3 central themes to the update: building flood system climate resiliency, alignment with other state planning efforts, and accountability and performance tracking.

Ms. Jimenez provided an overview of the 2022 plan update, noting updates in the working draft. Ms. Jimenez additionally noted areas of concern and improvement, including the most severe concern of climate change. Ms. Jimenez provided details on the policy issues, implementation of the plan, and funding plan and investment concerns. An overview of the schedule and next steps provided, as well as mapping for reference.

The Commission Members provided comment on the funding challenges and multi-benefit projects.

D. FloodMAR Calaveras DWR Pilot Project

Secretary Zidar provided a brief overview of the project status and upcoming.

E. 2019 Groundwater Report

Mr. Glenn Prasad with San Joaquin County provided an overview of the 2019 Groundwater Report status and the status of future reports, noting data collection challenges and areas of improvement.

F. Grants

Mr. Glenn Prasad from Public Works Water Resources spoke about SGMA Grants and how they will be distributed, noting that 2 million is going to be available for high priority basins while 9.5 million will be for severely disadvantaged communities. There will be one application for the group.

IV. Staff Reports

Director Kris Balaji of San Joaquin County Public Works Department introduced Mr. David Tolliver as the newly appointed Deputy Director of Operations at Public Works. Mr. Tolliver addressed the Commission, introduced himself, noting his eagerness to meet and work with the Commission.

V. Public Comment: Public comments, adopted by the Advisory Water Commission on January 17, 2018, will be limited to 3-minutes, unless extended to the discretion of the Chair.

None.

VI. Commissioner Comments:

None provided.

VII. Future Agenda Items:

The following future items were noted for discussion at the next meeting.

- The DREAM Project and status update.
- Discussion on the purpose and mission of the AWC.

It was noted to send any additional agenda items to Matt Zidar for inclusion on upcoming meetings.

Next Regular Meeting: November 17, 2021 at 1:00 p.m.
Via Microsoft Teams

VIII. Adjournment:

Chairman McGurk Adjourned the meeting at 3:17pm.

BEFORE THE ADVISORY WATER COMMISSION

RESOLUTION

R-22-XX

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 January 19, 2022, by the following vote of the Advisory Water Commission, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DIVISION 1. - ADVISORY WATER COMMISSION

CHAPTER 1 - ESTABLISHMENT AND DUTIES

Sections:

F-1000 - CREATION.

Pursuant to Section 7 of the San Joaquin County Flood Control and Water Conservation District Act (Chap. 46, Stats. 1956, First Extra-Session), an Advisory Water Commission is hereby created.

(Res. R-86-438)

F-1001 - MEMBERSHIP.

The members of the Commission shall be appointed by the Board of Supervisors and it shall consist of not more than twenty-six (26) members, including twenty-three (23) regular members and three (3) ex officio member. The regular members of the Commission shall serve for a term of four (4) years, or until the entity which the member represents revokes its recommendation of appointment of the member, whichever occurs first. All appointments shall also be at the pleasure of the Board of Supervisors, which may remove a member prior to the end of the member's term. In the event of a vacancy in office, a Commissioner appointed to fill that vacancy shall serve for the unexpired term of that vacancy, subject to the term restrictions as set out in this paragraph.

The Board of Supervisors shall appoint as regular members to the Commission, one (1) representative and one (1) alternate representative from two (2) or more nominees submitted by the districts, cities and agencies listed in this section. The names submitted to the Board shall clearly indicate which of the recommended appointments is to be the regular member and which is to be the alternate member.

- (a) North San Joaquin Water Conservation District;
- (b) Stockton East Water District;
- (c) Central San Joaquin Water Conservation District;
- (d) South Delta Water Agency;
- (e) Central Delta Water Agency;
- (f) Woodbridge Irrigation District;
- (g) The City of Stockton;
- (h) The City of Lodi;
- (i) The City of Manteca;

- (j) The City of Ripon;
- (k) The City of Escalon;
- (l) The City of Tracy;
- (m) The City of Lathrop;
- (n) South San Joaquin Irrigation District;
- (o) Oakdale Irrigation District;
- (p) The irrigation and water districts of southwestern San Joaquin County which are not specifically listed above in this section;
- (q) The San Joaquin County Board of Supervisors;
- (r) An at-large representative who shall be a consumer of water;
- (s) A representative of an environmental or fish and wildlife organization;
- (t) Urban flood control reclamation district;
- (u) Urban flood control reclamation district;
- (v) Building and construction industry;
- (w) General business community.

In the event that the regular member cannot attend a meeting of the Commission, the alternate member may attend and serve as a full regular member during such absence. The absence for which the alternate member serves shall not constitute an absence for the purpose of determining whether there is a vacancy in office.

(Res. R-86-438: Ord. 3457; Ord. 3920 § 1, 1997)

(Ord. No. 4408, §§ 1, 2, 6-14-2011)

F-1002 - EX OFFICIO MEMBERS.

The Director of the San Joaquin County Department of Public Works or his designate, the County Counsel or his designate, and one (1) representative of the California Water Service Company, shall serve as ex officio members of the Commission. The ex officio members of the Commission shall not make motions or offer resolutions, or vote as members of the Commission, but may participate in Commission discussion. The ex officio members of the Commission shall not receive compensation for their services with the Commission other than the compensation to which they are otherwise entitled as County or District officers or employees.

(Res. R-86-438)

F-1003 - POWERS.

The Commission shall have advisory powers only and all action of the Commission, other than matters relative to the internal operation of the Commission, shall be subject to final approval by the Board. For the purpose of transacting business, five (5) regular members of the Advisory Water Commission shall constitute a quorum.

(Res. R-86-438: Ord. 3457)

F-1004 - RECOMMENDATIONS.

The Commission shall, either at the request of the Board or upon its own initiative, study and investigate matters of concern to the district and make recommendations thereon to the Board. Such matters shall include, but are not limited to, the following:

- (a) Flood control;
- (b) Drainage;
- (c) Water conservation;
- (d) Water distribution;
- (e) Underground water conditions;
- (f) Water pollution;
- (g) District water needs;
- (h) The exportation of water from the District area;
- (i) Supplemental water supplies for the District area;
- (j) State and federal water projects of benefit to the District;
- (k) Salinity control;
- (l) Water quality;
- (m) The protection of water rights of landowners within the District; and
- (n) Recreation activities and development in connection with water conservation and flood control activities.

(Res. R-86-438)

F-1005 - PLAN.

The Commission shall adopt a long range plan, which plan shall effectuate the intent and purposes of the San Joaquin County Flood Control and Water Conservation District Act, and shall further adopt policies to effectuate said long range plan.

(Res. R-86-438)

F-1006 - BUDGET.

The Commission shall have no responsibility or authority regarding an annual budget for the District, except as directed by the Board of Supervisors.

(Res. R-86-438)

F-1007 - SUBDIVISION MAPS.

The Commission shall perform such functions in connection with Subdivision Maps as may be assigned to the Commission by the San Joaquin County Subdivision Ordinance.

(Res. R-86-438)

F-1008 - GENERAL PLAN.

The Commission shall cooperate with the Planning Commission of the County of San Joaquin, with particular reference to the ultimate preparation of a conservation element of the general plan of San Joaquin County, and shall further cooperate with and advise the Planning Commission in connection with the timely review and revision of said conservation element.

(Res. R-86-438)

F-1009 - COORDINATING AGENCY.

It is recognized by this Board that there are numerous districts, municipalities, and private agencies within the District engaged in various activities relating to water. It is intended by this Board that the Commission shall serve as a coordinating agency with reference to activities concerning water matters as set out in Section F-1004.

(Res. R-86-438: Ord. 3457)

F-1010 - PROJECTS, ZONES, TAX RATE.

Prior to the undertaking of any project by the District, the creation of any zone by the District, or the establishment of any tax rate for any zone by the District, the matter shall be considered by the Commission and the Commission shall hold a public hearing thereon and make a recommendation to the Board. Prior to the holding of such hearing, notice shall be published once at least ten (10) days prior to the public hearing in a newspaper of general circulation published in the affected zone, or if none is published in the affected zone, then in a newspaper of general circulation published in the District. No hearing held by the Commission pursuant to this Section shall constitute a substitute for any hearing required to be held by the Board pursuant to the San Joaquin County Flood Control and Water Conservation District Act, and this

Section shall not constitute a delegation of the duty of the Board to hold any hearing. This section shall not be construed to require the annual budget or assessment report of any zone to be submitted to the Commission for a hearing under this section.

(Res. R-86-438; Ord. 3552)

F-1011 - OFFICERS.

The members of the Commission shall, at the time of their initial appointment, and annually thereafter during the month of January, select from among their members a chairman and vice- chairman. At the time of selecting the chairman and vice-chairman the Commission shall also select a secretary who need not be a member of the Commission.

(Res. R-86-438)

F-1012 - RULES.

The Commission shall adopt rules for the conduct of its meetings.

(Res. R-86-438)

F-1013 - MEETINGS—OFFICER VACANCY.

The Commission shall establish regular meeting dates and may, from time to time, call special meetings. The Commission shall meet at least once each calendar month. The Office of any Commissioner may be declared vacant in the event a Commissioner is absent from three consecutive regularly scheduled meetings, unless said absences are excused by the Chairman of the Commission. Any declaration of vacancy by the Commission shall be referred to the Board of Supervisors with a recommendation that the Board make an appointment to fill that vacancy. Attendance and vacancy requirements shall not apply to the Board of Supervisors' representative and/or alternate.

(Res. R-86-438; Ord. 3920 § 2, 1997)

F-1014 - COMPENSATION.

The members of the Commission, other than the advisory ex officio members, shall receive such compensation for their services as is established by resolution of the Board, and shall in addition thereto receive their actual and necessary expenses incurred in the performance of their duties including, but not limited to, mileage to and from the meetings of the Commission.

(Res. R-86-438)

F-1015 - REPORT TO BOARD OF SUPERVISORS.

Once in each three (3) month period either the Chairman or the secretary of the Commission shall appear before the Board and report on the activities of the Commission during the preceding three (3) month period.

(Res. R-86-438)