



SAN JOAQUIN COUNTY

## FLOOD CONTROL & WATER CONSERVATION DISTRICT

P. O. BOX 1810

STOCKTON, CALIFORNIA, 95201

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**Kris Balaji**  
DIRECTOR OF PUBLIC WORKS

### ADVISORY WATER COMMISSION

February 16, 2022, 1:00 p.m.

**Call-In Information Provided**

#### AGENDA

- I. Roll Call
- II. Approve Minutes for the Meeting of January 19, 2022 ([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 15](#))
  - B. Mitigation Banking Needs and Approaches for San Joaquin County- Examples, Need and Opportunity
  - C. Drinking Water and Well Drought Impacts, Issues and Opportunities (DWR)
  - D. American River Water Right - SWRCB Administrative Hearing Officer Recommended Cancellation of Application
  - E. Eastern San Joaquin Groundwater Sustainability Agency Sustainable Groundwater Management Act Implementation Grant Application
- IV. Staff Reports
  1. SJAFCA
  2. SJC
- 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](#)

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

*Once connected, we request you kindly mute your phone.*

**Next Regular Meeting**  
**March 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  
January 19, 2022**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, January 19, 2022, 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 1:03 pm.

**I. Roll Call**

Present were Commissioners Nomellini, Roberts, Torres-O'Callaghan, Swimley, Winn, Herrick, Holbrook, Elizabeth, Hartmann, Panzer, and Gau; Alternate Valente; Secretary Zidar and Chairman McGurk. Also in attendance were Commissioners Breitenbucher and 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 October 20, 2021 Meeting**

Commissioner Thomas Gau asked to have the minutes modified to reflect that he was present at the October 20, 2021 meeting.

Commissioner Mary Elizabeth made the motion and Commissioner John Holbrook second to approve the minutes of October 20, 2021. With none opposed, the motion passed.

**SCHEDULED ITEMS**

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

**III. Discussion Items / 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

Secretary Matt Zidar reminded the group for the need to approve the resolution every 30 days. There were some questions from the group on the verbiage, which were clarified as being correct and the resolution formatted correctly.

Commissioner Michael Panzer made the motion and Commissioner John Herrick second to approve the resolution R-22-XX, allowing for teleconferencing. With none opposed, the motion passed.

- B. Reminder to Commissioners of required Oath of Office Submittal to the San Joaquin County (SJC) Clerk of the Board (COB) Office

Secretary Zidar addressed the Commission and advised of the need to submit Oaths of Office if they

were requested to do so by the SJC COB. Members had question as to whether they needed to supply a new Oath of Office. Ms. Kristy Smith with SJC advised that she would reach out to the COB Office and request that they resend the Oath of Office to the required members of the Commission.

### C. Adopt 2022 Regular Meeting Schedule

Secretary Zidar provided details on the 2022 meeting schedule and the need to adjust the start time of four upcoming meetings, to secure an in-person meeting location. The four meetings that need approval to meet from 8:30-10:30am are February 16<sup>th</sup>, May 18<sup>th</sup>, August 17<sup>th</sup>, and November 16<sup>th</sup>. All other meetings would remain the same. Secretary Zidar asked for approval to move those four meetings and adopt the updated 2022 meeting schedule.

Secretary Zidar requested some input from the Commission on their desire to meet virtually or in-person for February meeting. A majority of the members who spoke, wished to keep virtual meetings. Mr. Fritz Buchman with SJC questioned if a Hybrid Meeting was possible. Ms. Smith advised that a Hybrid Meeting was possible at the Ag Center, however, the technology was only a work around. It was decided to keep February's meeting virtual and then go from there in the following months, depending on Covid guidelines.

Commissioner Thomas Gau made the motion and Commissioner John Herrick second to adopt the 2022 meeting schedule including time changes and virtual/hybrid meetings. With none opposed, the motion passed.

### D. Review of 2021 Annual Activities and Major Water Management Actions

Secretary Zidar provided a review of the 2021 activities and projects, noting many accomplishments and project movement, despite Covid and restrictions. The following Water Resources items were provided to the Commission with brief overview when needed.

- Eastern San Joaquin (ESJ) Groundwater Authority (GWA) Model Update – working currently.
- Facilitation Agreement with State of California Department of Water Resources (DWR) to provide consultant services through Stantec. Stantec is handling discussions related to Funding and Finance.
- DWR Comments received on the ESJ GWA Groundwater Sustainability Plan (GSP). Staff is currently in the informal consultation phase with DWR. Responses to their comments are being formed now with input from GSAs, legal and consultants.
- Tracy Subbasin GSP has been completed, approved by the SJC Board of Supervisors and is ready to be submitted to DWR.
- A SGMA Grant Application was submitted in 2021, by the GWA on behalf of a NSJWCD project, but funding was not received.
- The IRWM brought in grant funds for projects in the basin. Projects include DAC Projects, City of Stockton project, and NSJWCD South System project.
- Completed drilling of two monitoring wells with DWR.
- The Demonstration Recharge, Extraction and Aquifer Management (DREAM) Project is in progress, with coordination with East Bay Mud (EBMUD).
- Work progressing on the DWR Watershed FloodMar Project. Support from DWR for a pilot project on the Calaveras.
- Still drilling small wells to provide monitoring improvements.

- Significant work completed on the Annual Groundwater Reports. The Reports are up to date through 2021 and will be provided to the group at the February meeting.

Additionally, Secretary Zidar provided an overview of the 2021 Flood Control and Management accomplishments. The following items were provided to the Commission.

- Completed the Deferred Maintenance Program Phase I. Negotiated Phase II and secured the repair of 100 levee pipes with the assistance of DWR, at a cost of 10-13 million dollars.
- The Mormon Slough Repair Project is moving along, with some major milestones completed. Completed components include, the design, the permitting, DWR negotiations, bid out. Still to come with the project are Board of Supervisor approval and the project beginning this Spring/Summer.
- Completion of several System Wide Improvement Framework (SWIF) Reports.
- The National Flood Insurance Program is being actively worked, with new permitting to keep in compliance based on the Flood Ordinance. Secretary Zidar noted some changes to the Flood Ordinance were coming in this next year.
- The Community Rating System (CRS) Program is being worked to improve the overall score and ultimately saving the community members money. We are currently at a rating of 7 and have a goal to get the rating back to a 6 or possibly a 5.
- The National Pollution Discharge Elimination System (NPDES) Program had some significant accomplishments. Secretary Zidar reviewed the program projects, permitting obtained, reports completed and noted that in cooperation with the City of Stockton, working to combine the Phase I and Phase II Permits.

Secretary Zidar opened the agenda item up for questions or comments.

Commissioner Mary Elizabeth made note that the creation of wetlands, that could be purchased cheap and used for future projects, is a great idea. Secretary Zidar noted it is a possibility, especially if there is funding.

Alternate Commissioner Annette Henneberry-Schermesser questioned the DWR surplus funds paying for levee pipe repair and how the funding came about. Secretary Zidar explained that through survey records and repair plans, DWR stepped up to assist in the funding of the needed repairs. Mr. Buchman added that it was a 2-step process, beginning with surveys and plans of pipes needing repair. Mr. Buchman added that DWR originally paid for partial repairs and in a second go-around has paid for a majority of the remaining repairs. Alternate Commissioner Henneberry-Schermesser questioned if any surplus funds by the State going towards mitigating homelessness and the effects on the waterways. Secretary Zidar advised he was unsure at this time. Mr. Buchman added that the County entered into an agreement with the Central Valley Flood Protection Board, allowing homeless issues on State owned land to be addressed.

Commissioner George Hartmann provided a comment regarding the creation of wetlands, noting that in partnership with Fish and Wildlife 67 acres of habitat was created at a cost of \$300,000. Commissioner Hartmann noted that cost is very doable and that there are plenty of places on the Delta to do these projects. Commissioner Hartmann added that due to crop change on the Delta, from grapes to rice, there is an influx of swan and wildlife, and he encourages the group to come out and see. A public comment from Mr. Omar Al-Hindi reiterated Commissioner Hartmann's comment. Mr. Al-Hindi noted that the rice fields on the Delta rely solely on rainwater for irrigation.

Secretary Zidar noted that there are often not a lot of multi-benefit project opportunities on the levees, as primary projects are maintenance projects. Secretary Zidar requested assistance with

multi-benefit project ideas. Commissioner Hartmann added that there is a ton of funding for multi-benefit projects, for those who know how to get it. Commissioner Herrick added that he is embarking on the approach now with the Paradise Cut dredging project, constructing habitats, and repairing those in need of repair. Commissioner Herrick added that the biggest help is coming from State Water Contractors and that he is working to get funding in the State Budget for these projects. Commissioner Dante Nomellini noted that COG has been beneficial on levee projects but could expand their habitat mitigation efforts.

Volunteers were sought to participate in further defining opportunities for habitat creation, restoration and for creation of mitigation banks for upland, riparian and wetlands habitats so the multi-benefit projects could be defined and funded; and so that public agencies could have access to cost effective mitigations when required for their individual projects. Misters Hartman, Herrick and Winn agreed to meet.

#### E. Strategic Priorities for 2022

Secretary Zidar provided a look forward of the 2022 priorities and plans. An overview of the AWC and makeup of the Commission was provided, along with an overview of the AWC duties and responsibilities. The Commission discussed the strategic plans and goals for future resources, as well as the filing of reports, minutes, etc. to the SJC Clerk of the Board Office.

Chairman McGurk questioned previous grievance with the AWC regarding the loss of direction and wondered if the AWC was back on track. Commissioner Nomellini added that the AWC needs to concentrate on staying engaged and getting physical things accomplished, such as Delta projects. Additionally noted was the need for political help in obtaining funding. Commissioner Charles Winn added that with his experience as a SJC Supervisor, he has seen and had many opportunities to adjoin with other Counties through COG, to navigate legislative issues. Commissioner Winn noted that the AWC handles all facets of water, with their primary role being that of a consult to the SJC Board of Supervisors. It as noted that there is opportunity this year to return to a true forum and advocate to multiple groups.

Mr. Tom Flinn, a member of the public, provided a comment based on historical perspective, noting that in the past the agencies within the county were very divided and it was hard for any agency to get anything accomplished or funded. Mr. Flinn added that the Commission needs to be sure they are consulted on the technical and funding aspects.

Commissioner Herrick noted the Commission needs to flush out a plan of attack for projects to begin. It was recommended that members provide input to develop such a plan. Commissioner Nomellini added that it is feasible to see the AWC as a Grant seeking agency, funding on a short term, to get projects done for the community. Secretary Zidar noted the group is more effective with an agreement on potential projects. The projects include levees in Western Delta, habitat mitigation/multi-benefit projects, fill overdraft hole in East side, and water quality projects. Commissioner Elizabeth added her support for gathering projects and developing a plan of attack and noted the idea of AWC members coming together to compose a draft project list for the next meeting, in lieu of Public Works Staff managing. Commissioner Jennifer Torres-O'Callaghan agreed that asset of goals is a great idea and asked to have water quality and how the homeless are affecting it added to the list.

Mr. Chris Elias with SJAFCA provided a public comment, noting that the conversation was a good start to a working group. Mr. Elias added noted the working group would need to come up with top 3 goals/projects, decide the criteria of potential projects, determine projects ready for funding

opportunities, determine local match pool funds, and bring the list to the AWC.

Ms. Betty Wilson with Business Council provided a public comment, noting that she would like to see water storage as a topic of future AWC discussions, both surface water storage and recharge.

#### F. State and Federal Funding Grants

Secretary Zidar provided a brief overview of the State and Federal Grant opportunities, noting that staff tracks at both the State and Federal levels.

Secretary Zidar requested the Chairman to solicit participation for a working group, to discuss funding opportunities and compose a list of projects.

Commissioner Hartmann volunteered to participate in the working group, noting the need to keep projects simple as the AWC is in a good position to approach projects as a neutral party.

Commissioner Elizabeth volunteered as well, noting her interest in DAC, domestic drinking wells, and climate change projects.

Additionally, Commissioners Herrick and Nomellini volunteered to participate in the working group.

#### IV. **Staff Reports**

None provided.

#### 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 provided.

#### VI. **Commissioner Comments:**

None provided.

#### VII. **Future Agenda Items:**

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

- Staff Report form SJAFCA to be provided at the next meeting.

**Next Regular Meeting:** February 16, 2022 at 1:00 p.m.  
Via Microsoft Teams

#### VIII. **Adjournment:**

Chairman McGurk Adjourned the meeting at 2:58pm.

# 2021 ADVISORY WATER COMMISSION ROSTER, ROLL CALL & VOTE SHEET

(5 members necessary for quorum)

Roll Call

AGENCY	COMM	TERM	ALT	TERM	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
					19	16	16	20	18	15	20	17	21	19	16	21
CDWA	Nomellini, Dante J. ●	12/11/23	Nomellini, John Dante, Jr	12/11/23	X											
CSJWCD	Roberts, Reid ●	12/12/22	Thompson, Grant	12/12/22	X											
City of Escalon	Alves, Edward B. ●	02/25/24	Laugero, Jeff	02/25/24												
City of Lathrop	Torres-O'Callahan, Jennife ●	12/12/22	Lazard, Diane	12/12/22	X											
City of Lodi	Swimley, Jr., Charlie ●	02/21/21	Richie, Andrew	02/21/21	X											
City of Manteca	Breitenbucher, David ● <i>late</i>	03/13/23			X											
City of Ripon	de Graaf, Daniel ● <i>late</i>	06/28/25	Uecker, Dean	06/28/25	X											
City of Stockton	Lincoln, Kevin		Canepa, Paul	03/14/23												
City of Tracy	Sharma, Kuldeep	01/16/23	Reyna-Hiestand, Stephanie	01/16/23												
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											
SDWA	Herrick, John ●	01/27/24	Ruiz, Dean	01/27/24	X											
SSJID	Holbrook, John ●	01/18/25	Weststeyn, Mike	01/18/25	X											
S/W 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											
Urban Flood Control RD	Hartmann, George ●	08/20/23	N/A		X											
Urban Flood Control RD	Panzer, Michael ●	08/20/23	N/A		X											
General Bus Com	Price, Will	08/21/23	N/A													
Bldg & Constr Industry	Neudeck, Christopher	08/20/23	N/A													
SECRETARY	Zidar, Matt ●	N/A	N/A		X											
At-Large Rep	Gau, Thomas ●	01/16/23	Annette Henneberry Schermesser ●	01/16/23	X											
CHAIRMAN	SEWD McGurk, Thomas ●	12/11/23	SEWD Sanguinetti, Paul	12/11/23	X											
<b>STOP HERE ON ROLL CALL</b>																
CA Water Service Co	VACANT	PERM														





**SAN JOAQUIN COUNTY  
FLOOD CONTROL & WATER  
CONSERVATION DISTRICT**

**ADVISORY WATER COMMISSION  
MEETING OF JANUARY 19, 2022**

ATTENDANCE SHEET

INITIAL	NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
<i>Present</i>	Nomellini, Dante J	CDWA		
	Nomellini, John Dante Jr	CDWA		
<i>Present</i>	Roberts, Reid	CSJWCD		
	Thompson, Grant	CSJWCD		
	Alves, Edward B	City of Escalon		
	Laugero, Jeff	City of Escalon		
<i>Present</i>	Torres-O'Callaghan, Jennifer	City of Lathrop		
	Lazard, Diane	City of Lathrop		
<i>Present</i>	Swimley, Charlie Jr	City of Lodi		
	Richle, Andrew	City of Lodi		
<i>Present</i>	Breitenbucher, David	City of Manteca		
		City of Manteca		
<i>Present</i>	De Graff, Daniel	City of Ripon		
	Uecker, Dean	City of Ripon		
	Wright, Dan	City of Stockton		

	Canepa, Paul	City of Stockton		
	Sharma, Kuldeep	City of Tracy		
	Reyna-Hiestand, Stephanie	City of Tracy		
	Starr, Charlie	NSJWCD		
<i>Present</i>	Valente, Joe	NSJWCD		
	Doornenbal, Herman	OID		
<i>Present</i>	Sup. Winn, Chuck	BOS		
	Sup. Miller, Kathy	BOS		
<i>Present</i>	Herrick, John	SDWA		
	Dean Ruiz	SDWA		
<i>Present</i>	Holbrook, John	SSJID		
	Weststeyn, Mike	SSJID		
	Weisenberger, David	SW County		
	Christensen, Anders	WID		
		WID		
<i>Present</i>	Elizabeth, Mary	Enviro/Fish/Wildlife Org		
<i>Present</i>	Hartmann, George	Urban Flood Control RD		
<i>Present</i>	Panzer, Michael	Urban Flood Control RD		
	Price, Willard	General Business Community		
	Neudeck, Christopher	Building & Construction Industry		
<i>Present</i>	Zidar, Matt	Secretary		
<i>Present</i>	Gau, Thomas	At Large Rep		
<i>Present</i>	Henneberry-Schermesser, Annette	At Large Alternate		

Present	Chairman McGurk, Thomas	SEWD		
	Sanguinetti, Paul	SEWD		
	Balaji, Kris	San Joaquin County		
Present	Buchman, Fritz	San Joaquin County		
	Myles, Mark	County Counsel		
Present	Kirin Virk	"		
Present	Krishy Smith	SOL		



SAN JOAQUIN COUNTY  
FLOOD CONTROL & WATER  
CONSERVATION DISTRICT

ADVISORY WATER COMMISSION  
MEETING OF JANUARY 19, 2022

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
Bethy Wilson	N/A		
Tom Flinn	NSJWCD		
Mitchell Maickrand	Clb STKN.		
Jose Coronado	SJC PWD		
Brenda Kiely	SJC CAD		
Brandon Nakagawa	SSJID		
Scot Mordy	SEWCD		
Juan Dehna	SJC PWD		
Glenn Prasad	SJC PWD		
Onis Elias	SJAFCGA		
Echey Divares	Catholic Charities		
Gerald Schwartz	N/A		
Omar Al-Hindi	N/A		
Dominick Gulli	N/A		



# 2021 ADVISORY WATER COMMISSION ROSTER, ROLL CALL & VOTE SHEET

(5 members necessary for quorum)

III. A

AGENCY	COMM	TERM	ALT	TERM	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
					19	16	16	20	18	15	20	17	21	19	16	21
CDWA	Nomellini, Dante J. ●	12/11/23	Nomellini, John Dante, Jr	12/11/23	Y											
CSJWCD	Roberts, Reid ●	12/12/22	Thompson, Grant	12/12/22	Y											
City of Escalon	Alves, Edward B.	02/25/24	Laugero, Jeff	02/25/24	Y											
City of Lathrop	Torres-O'Callahan, Jennifer ●	12/12/22	Lazard, Diane	12/12/22	Y											
City of Lodi	Swimley, Jr., Charlie ●	02/21/21	Richie, Andrew	02/21/21	Y											
City of Manteca	Breitenbucher, David ●	03/13/23			Y											
City of Ripon	de Graaf, Daniel ●	06/28/25	Uecker, Dean	06/28/25	Y											
City of Stockton	Lincoln, Kevin		Caneпа, Paul	03/14/23												
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NSJWCD	Starr, Charlie	12/11/23	Valente, Joe ●	12/11/23	Y											
OID	VACANT		VACANT													
BOS	Sup. Winn, Chuck ●	12/31/21	Sup. Miller, Kathy	12/31/21	Y											
SDWA	Herrick, John ●	01/27/24	Ruiz, Dean	01/27/24	Y											
SSJID	Holbrook, John ●	01/18/25	Weststeyn, Mike	01/18/25	Y											
SNW County	Weisenberger, David	09/26/18	VACANT	VACANT												
WID	Christensen, Anders	12/12/22	VACANT													
Enviro/Fish/Wildlife Org	Elizabeth, Mary ●	03/13/23	N/A		Y											
Urban Flood Control RD	Hartmann, George ●	08/20/23	N/A		Y											
Urban Flood Control RD	Panzer, Michael ●	08/20/23	N/A		Y											
General Bus Com	Price, Will	08/21/23	N/A													
Bldg & Constr Industry	Neudeck, Christopher	08/20/23	N/A													
SECRETARY	Zidar, Matt	N/A	N/A													
At-Large Rep	Gau, Thomas ●	01/16/23	Annette Henneberry	01/16/23	Y											
CHAIRMAN	SEWD McGurk, Thomas ●	12/11/23	SEWD Sanguinetti, Paul	12/11/23	Y											
CA Water Service Co	VACANT	PERM														

## 2021 ADVISORY WATER COMMISSION ROSTER, ROLL CALL & VOTE SHEET

(5 members necessary for quorum)

III. C

AGENCY	COMM	TERM	ALT	TERM	MONTHS																			
					JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC								
CDWA	Nomellini, Dante J. ●	12/11/23	Nomellini, John Dante, Jr	12/11/23	Y																			
CSJWCD	Roberts, Reid ●	12/12/22	Thompson, Grant	12/12/22	Y																			
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City of Lodi	Swirley, Jr., Charlie ●	02/21/21	Riche, Andrew	02/21/21	Y																			
City of Manteca	Breitenbucher, David ●	03/13/23			Y																			
City of Ripon	de Graaf, Daniel ●	06/28/25	Uecker, Dean	06/28/25	Y																			
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BOS	Sup. Winn, Chuck ●	12/31/21	Sup. Miller, Kathy	12/31/21	Y																			
SDWA	Herrick, John ●	01/27/24	Ruiz, Dean	01/27/24	Y																			
SSJID	Holbrook, John ●	01/18/25	Weststeyn, Mike	01/18/25	Y																			
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CHAIRMAN	SEWD McGurk, Thomas ●	12/11/23	SEWD Sanguinetti, Paul	12/11/23	Y																			
<b>STOP HERE ON ROLL CALL</b>																								
CA Water Service Co	VACANT	PERM																						



BEFORE THE ADVISORY WATER COMMISSION

RESOLUTION

R-22-XX

**Implementation of AB 361 Brown Act Teleconferencing Requirements**

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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 February 16, 2022, by the following vote of the Advisory Water Commission, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN: