



San Joaquin County  
**Flood Control & Water  
Conservation District**  
1810 EAST HAZELTON AVENUE  
STOCKTON, CALIFORNIA 95205  
TELEPHONE: (209) 468-3000

**FRITZ BUCHMAN**  
DIRECTOR OF PUBLIC WORKS  
FLOOD CONTROL ENGINEER

## **ADVISORY WATER COMMISSION**

**May 17<sup>th</sup> 2023, 1:00 p.m.**

**San Joaquin County Robert J. Cabral Agricultural Center  
2101 E. Earhart Avenue, Stockton, CA 95206**

### **AGENDA**

- I. Roll Call**
- II. Approve Minutes for the Meeting of April 19<sup>th</sup>, 2023 – [page 2](#)**
- III. Discussion/ Action Items:**
  - A. LCMA SJAFCA Presentation
  - B. 2022/2023 Hydrologic Conditions and Water Supply Forecast
  - C. CRS – Flood Insurance
- IV. Staff Reports**
  - D. SJAFCA
  - E. SJC
  - F. DWR
- V. Public Comment: *Please limit comments to three minutes.***
- VI. Commissioner Comments**
- VII. Future Agenda Items**
- VIII. Adjournment**

### **Next Regular Meeting**

**June 21<sup>st</sup>, 2023, 1:00 p.m.**

**San Joaquin County Robert J. Cabral Agricultural Center  
2101 E. Earhart Avenue, Stockton, CA 95206**

**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

**Advisory Water Commission of the San Joaquin County  
Flood Control and Water Conservation District Meeting Minutes  
Wednesday, April 19th, 2023**

**I. Call to Order/Roll Call**

The Advisory Water Commission (AWC) meeting was held at the San Joaquin County Robert J. Cabral Agricultural Center in Stockton, California (2101 E. Earhart Avenue Conference Rm 1). At approximately 1:00pm. Angie Provencio of San Joaquin County Public Works conducted roll call. Roll call was taken of members only.

In attendance: Commissioners; Charlie Starr, Christopher Neudeck, Dante Nomellini, David Breitenbucher, Gary Barton, George Hartmann, John Herrick, Mary Elizabeth, Michael Panzer, Stephanie Reyna-Hiestand, Tom Gau, Tom Patti, Thomas McGuirk, Will Pierce and Secretary Matt Zidar.

**II. Approval of the August 17<sup>th</sup>, 2022, Minutes:**

Motion: John Holbrook

2nd: David Breitenbucher

Minutes were approved unanimously after one correction in the August 17<sup>th</sup> 2023 minutes stating: *“small communities are not financially feasible.”*

**III. Discussion/Action Items:**

1. Introduction of New Members

Introduced were Mary Elizabeth and Commissioner Tom Patti.

2. Fall Groundwater Report

Matt Zidar shared that Stockton hit 16.2” of rain, 14.2” in Modesto so far. Snowpack moisture equivalent is at 72”, Mammoth got over 800”. Matt Zidar shared information on the Table Flow Gages in the agenda package and commented that everything south of the American River will be on watch.

3. Management and Use of Storm and Floodwater

a. Hydrologic & Snow Melt Runoff Conditions: Chris Neudeck commented San Joaquin County is in a heavy monitoring stage, and if this can be maintained at this level it will be okay. The County has slowed down inspections to once a week, Engineers play a role in monitoring and are very helpful.

b. Executive Orders: Brandon Nakagawa stated there has been a lot of legislation the past 3 years, and a lot of attention to water rights, fees, penalties, and majority of the water in this community is being targeted to go somewhere else other than our community. He let the committee know he and his team are fighting 2 bills right now and asking for

the committee's support in case it gets sent to the judicial level. Brandon Nakagawa will let the committee know when the next batch of letters will be out.

- c. Reports from Members: Activities to Capture Flood Waters: Gary Barton asks what is the deficit of current groundwater? Matt Zidar commented that the goal is to reduce pumping by 90k acre feet. Fritz Buchman commented 90k is average per year, but this number varies if there is a good water year, like this year. John Holbrook shared this also means clean water chemical use goes down and saves the city money, minimum of 69k acre feet because farmers are taking surface water and no pumping.

4. Flood Fight, Damages and Recovery Efforts

Matt Zidar reviewed the slides provided in the agenda and Fritz Buchman shared the only repair was north of Liberty Road and they are hoping it will be finished soon.

5. Reservoir Operations. USACE.

This item was not discussed, per Matt Zidar.

6. SGMA

- a. DWR and ESJ Plan Acceptance: Matt Zidar shared he is still waiting for the DWR response, this effort was a big accomplishment and shared gratitude to the Eastern San Joaquin Groundwater Authority Board.
- b. SGMA Annual Reports: Matt Zidar shared these reports were sent to DWR by the April 1, 2023, deadline and are posted on the GWA website.

**IV. Staff Reports**

**A. SJAFCA** – Glen Prasad from the Flood Control Agency will be presenting to the AWC and providing an informal update on levees and general maintenance next month. He shared with the committee that there will be a meeting at Stagg High School on the evening of April 19<sup>th</sup>, 2023, and another on April 20<sup>th</sup> at Madison Elementary School. All meetings are on the SJAFCA website.

**B. SJC - none**

**C. DWR** – Mary Elizabeth mentioned the SGMA information from DWR was released last week, Consideration for Identifying and Addressing Drinking Water Well Impact as well as Alignment and Coordination Water Shortage Planning for Rural Communities and Sustainability Groundwater Management, great information to review.

**V. Public Comment – none**

**VI. Commissioner Comments** – Mary Elizabeth passed out correspondence that was provided to the Board of Supervisors in March (comments attached).

**VII. Adjournment – 2:57pm**



**SIERRA CLUB**  
DELTA-SIERRA GROUP  
MOTHER LODE CHAPTER



Board of Supervisors  
44 North San Joaquin Street  
Sixth Floor, Suite 627  
Stockton, CA 95202

3.21.2023

Re: San Joaquin County Drought and Water Shortage Task Force and Development of County Drought and Water Shortage Risk Mitigation Plan

Thank you for your recent action appointing me for a second term as the wildlife/environmental representative on the San Joaquin Advisory Water Commission as I indicated in verbal comments on 3.14.2023. I provide these comments to inform the Board of Supervisors about requirements of the Water Code regarding the establishment of an SB552 compliant standing county drought and water shortage task force; public information barriers; required drought planning; and to describe the current situation with regards to those county residents that have been impacted by the current drought relating to lowering groundwater levels. The San Joaquin Board of Supervisor leadership is needed to form an SB552 compliant county drought and water shortage task force to develop a county drought and water shortage risk mitigation plan that will adequately plan for future droughts increasing our resiliency in times of challenge.

### **County Drought and Water Shortage Task Force Requirement<sup>1</sup>**

By January 1, 2022, each county must establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state smalls and domestic wells within the county's jurisdiction (Water Code §10609.70, subd.(a)). Counties must solicit task-force membership from representatives of state and other local governments, including groundwater sustainability agencies (GSAs), community-based organizations, local water suppliers, and local residents.

As an alternative, a county may implement a different process that facilitates drought and water shortage preparedness for state smalls and domestic wells within the county's jurisdiction. The alternative process will provide opportunities for coordinating and communicating with the state and other local governments, community-based organizations, local water suppliers, and local residents on a regular basis and during drought or water shortage emergencies.

### **County Drought Task Force in San Joaquin County**

San Joaquin County does not have a standing county drought and water shortage task force as described in the Water Code section referred above. There are some county Public Works staff that refer to the Agricultural Drought Task Force as a standing committee<sup>2</sup> which would fall under the requirements of the Brown Act for public notification and those that do not such as OES and County Counsel as will be discussed herein.

The confusion within the county about the Brown Act requirements for a standing committee affects the ability of residents to access public information and participate in the process. The Brown Act applies to

<sup>1</sup> <https://water.ca.gov/Programs/Water-Use-And-Efficiency/SB-552>

<sup>2</sup> Minutes of the Tracy GSP Coordination Committee 1.18.2023 included in the Tracy Subbasin GSP Coordination Committee Meeting Agenda for 2.16.2023.

legislative bodies of local agencies. For example, "All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter." Govt. Code § 54953(a). A "local agency" means "a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency." Govt. Code § 54951.

A "legislative body" means, in relevant part, the "governing body of a local agency or any other local body created by state or federal statute" or a "commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body." Govt. Code § 54952(a).

The San Joaquin County Board of Supervisors established the Agricultural Drought Task Force on 4.5.1988 by Board Order #B-88-471<sup>3</sup> and thus should be open to the public and subject to Brown Act public notice requirements.

The Agricultural Drought Task Force is not open to the public, nor is it being treated as a legislative body formed by Board Order.

### **Efforts to obtain public information regarding required drought planning pursuant to California SB552**

I will briefly summarize highlights in regards to obtaining information conveyed during Agricultural Drought Task Force meetings which are not open to the public or local residents.

On 12.14.2022 I sent a public information request email to SJReady –Pursuant Government Code section 6250 et seq., requesting minutes, agendas, and a list of the county drought and water shortage task force members for the last two years, including reference to (Water Code §10609.70, subd. (a)). On 12.22.2022 I received correspondence from SJ County Counsel that I will receive a response by 1.10.2023. On 1.9.2023, I received correspondence from SJ County Counsel that the County does not have any responsive documents.

On 1.23.2023 I made another public information request for Agricultural Drought Task Force situational reports and Emergency Action Plan monthly reports since January 1, 2022 when the county drought task force should have been convened in a public manner pursuant to SB552. On 2.2.2023 I received correspondence from SJ County Counsel that I will receive a response by 2.16.2023. On 2.16.2023 I received the situational reports and agenda of the Agricultural Drought Task Force with contact information of members redacted pursuant to the following statement:

Objection is made to the production of the work e-mail addresses and telephone numbers on the grounds of Government Code section 7922.000. The public interest in withholding this record clearly outweighs the public interest in disclosure of the record. The County protects e-mail addresses from general public disclosure in order to prevent nonbusiness related e-mail traffic, such as commercial advertisements or "spam" e-mails, and the infection of the County network by viruses, Trojan horses, worms, or other malware transmitted by way of e-mail messages. Furthermore, the burden that mass e-mails can have on County resources, including adversely impacting worker productivity, justifies nondisclosure.

The California Supreme Court has said, "The names of all public employees are viewed as public information under both state and federal law." Commission on Peace Officer Standards & Training v. Superior Court, 42 Cal. 4th 278, 296 (2007)<sup>4</sup>; see also International Federation of Professional & Technical

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<sup>3</sup> SJC OES Drought Annex 2020.

<sup>4</sup> <https://casetext.com/case/comm-on-peace-off-stand-v-superior-court>

Engineers, Local 21, AFL-CIO v. Superior Court, 42 Cal. 4th 319, 331 (2007) (noting "the name of every public officer and employee, as well as the amount of his salary, is a matter of public record" subject to disclosure).

To the extent the task force members are using email for public business and the email addresses are contained in public records, it seems likely that the names and email addresses of the Agricultural Drought Task Force members should be subject to public disclosure, especially given that even personal emails used to conduct public business are generally public records under the CPRA. *City of San Jose v. Superior Court*, 2 Cal. 5th 608 (2017)<sup>5</sup>.

Not providing email addresses whereby members of the public may contact Agricultural Drought Task Force further creates an additional barrier to public participation.

### **County Drought and Water Shortage Risk Mitigation Plan (Water Code §10609.70)<sup>6</sup>**

The San Joaquin County Drought and Water Shortage Hazard Annex dated July 2020 does not fulfill the requirements of the County Drought and Water Shortage Risk Mitigation Plan pursuant to Water Code §10609.70 nor has it been updated every 2 years at minimum as required by the Annex text. On 1.3.2023, I requested the schedule for when the 2020 Drought Annex will be updated, and I received no response from OES.

### ***The requirements of the County Drought and Water Shortage Risk Mitigation Plan pursuant to SB552:***

A county will develop a plan that includes potential drought and water shortage risks and proposed interim and long-term solutions for state smalls and domestic wells within the county's jurisdiction. The plan may be a stand-alone document or may be included as an element in an existing county plan, such as a local hazard mitigation plan, emergency operations plan, climate action plan, or general plan. The plan must include:

- Potential drought and water shortage risk
- Proposed interim and long-term solutions for state smalls and domestic wells in the county

The plan must consider the following, at a minimum (Water Code §10609.70. subd.(b)):

- Consolidations for existing water systems and domestic wells
- Domestic well drinking water mitigation programs
- Provision of emergency and interim drinking water solutions
- An analysis of the steps necessary to implement the plan
- An analysis of local, state, and federal funding sources available to implement the plan

Since July 2022, Self-Help Enterprises has been contracted and paid for by the State of California to respond to our county's drought needs related to dry wells. No exact data has been made available regarding numbers served and costs billed to the state, despite contacts with Self-Help Enterprise or within the reports I received by public record request. Evidently, there are two possible wells that may be replaced using state program funds but applications have not been finalized according to SWRCB staff. The Eastern San Joaquin Groundwater Sustainable Plan submitted in 2020 or 2022 does not contain a mitigation program for wells experiencing the effects of overdraft until sustainability is achieved in 2040.

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<sup>5</sup> <https://casetext.com/case/city-of-san-jose-v-superior-court-of-santa-clara-cnty-8>

<sup>6</sup> [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/SB-552/Primer-of-SB-552-052522\\_final.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/SB-552/Primer-of-SB-552-052522_final.pdf)

## Current Situation of Dry Wells in San Joaquin County

The OES situational reports referenced the DWR dry well website but no specific data was provided. I have periodically been providing updates of dry well in public comments to the Eastern San Joaquin Groundwater Authority. Information available on the DWR website<sup>7</sup> indicate that in the last 30 days prior to 3.13.2023, 4 wells have been reported dry and within the last 365 days 47 wells have been reported dry. Overwhelmingly these wells that have gone dry are domestic wells. We do not have a well mitigation program in San Joaquin County. While there are some temporary provisions for considering nearby wells when permitting, there is no public process or public notification requirements or review of agricultural well permit applications, nor requiring that the wells that are being replaced are destroyed. Situational reports regarding the impacts of drought should include dry well information as well as locations where new wells have been installed and statistics regarding the costs that the people of California have incurred to take care of dry wells in San Joaquin County. SB552 anticipated that each county will develop a plan to take care of their own residents in times of drought.

I have been advocating that the County of San Joaquin apply for drought planning money to respond to the current drought most recently to OES 1.3.2023. There was still money available as of the most recent webinar regarding county drought planning that I attended. I submitted on 3.14.2023 comments on the draft county drought guidance and agree that OES is uniquely positioned to be able to leverage more funds to assist our county which I have attached for your reference. The final DWR guidance is now available<sup>8</sup>. I have also attached recent correspondence to the Eastern San Joaquin Groundwater Authority regarding well mitigation and public outreach which I also submitted on 3.14.2023.

If you would like to discuss county drought planning, please feel free to contact me at [melizabeth.sierra@gmail.com](mailto:melizabeth.sierra@gmail.com)

Sincerely,



Mary Elizabeth M.S., R.E.H.S.  
Delta Sierra Group Conservation Chair, Sierra Club



Barbara Barrigan-Parrilla  
Executive Director, Restore the Delta

### Attachments:

- 2.8.2023 Comments to Eastern San Joaquin Groundwater Authority
- 1.20.2023 Comments on Draft County Drought Resilience Plan Guidebook
- 1.10.2023 Comments to Eastern San Joaquin Groundwater Authority

<sup>7</sup> <https://mydrywell.water.ca.gov/report/publicpage>

<sup>8</sup> [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/County/CountyGuidebook\\_DWR\\_20230307\\_ADA\\_508.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/County/CountyGuidebook_DWR_20230307_ADA_508.pdf)



**Catholic Charities  
of the Diocese of Stockton**

*Help for Today...Hope for Tomorrow*

**BOARD OF DIRECTORS**

April 3, 2023

**Bishop Myron J. Cotta**  
*President*

Dear Board of Supervisors,

**Mark Croce**  
*Chair*  
Croce, Sanguinetti, & Vander  
Veen: CPA, Shareholder

Initiating the county drought task force development and planning process is important to protect and plan for vulnerabilities that still exist in our critically overdrafted Subbasin – as well as in the Tracy Subbasin where a well has been identified as a dry well even though Tracy is only considered a medium priority basin.

**Don Geiger**  
*Vice Chair*  
Attorney at Law  
Retired

The State Department of Water Resources has recently developed guidance for counties to use to increase the likelihood of a successful plan implementation. The guidance can be found here: [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/County/CountyGuidebook\\_DWR\\_20230307\\_ADA\\_508.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/County/CountyGuidebook_DWR_20230307_ADA_508.pdf)

**Luke Anderson**  
*Treasurer*  
F&M Bank  
Sr. Vice President

**Bruce Patrick**  
*Secretary*  
LAPATA International Ltd.  
President

**Msgr. John Armistead, S.T.L.**  
*Vicar For Priests*

We support the efforts of the Delta-Sierra Group of the Sierra Club and Restore the Delta to elevate the need for San Joaquin County to initiate required planning in an open and transparent manner. The Catholic Charities of Stockton's Environmental Justice Program and the Delta-Sierra Group are members of the Greater San Joaquin Coordinating Committee involved with the development of the Integrated Water Management Plan. We supported the DAC projects that were proposed and including in the planning document and look for opportunities to support grant applications for the funding of the Thornton Water Loop project in the future. We understand that the project is in the final design phase.

**Claudia Moreno-Rabago**  
*Director of Labor Relations*  
Human Resources  
Retired

**Odette Fattal**  
*Business Owner*

**Vince Kilmartin**  
*Superintendent Business*  
and Operations  
Retired

**Claudia Mall**  
*Business Owner*

As wells are continued to be impacted by over-extraction of groundwater and drought we also support the development of a well mitigation program as outlined in the DWR guidance referenced above.

**Esperanza Molina**  
*Community Volunteer*

**Tina Welch**  
*Spiritual Advisor*

**Martha Arevalos**  
*Interim Executive Director*

Sincerely,

Ector Olivares, Program Manager  
Environmental Justice Program  
eolivares@ccstockton.org

