

**South San Joaquin Groundwater Sustainability Agency  
Regular Meeting  
Manteca, California  
May 20, 2020**

The Governing Board of the South San Joaquin Groundwater Sustainability Agency (SSJGSA) met in regular session in person at the South San Joaquin Irrigation District (SSJID) Board Room at 9:00 a.m., with public access provided via the online Zoom meeting platform. Chairman Holmes called the meeting to order and led the flag salute.

Upon roll-call the following members were noted present:

**PRESENT:** Tammy Alcantor, City of Escalon  
Robert Holmes, South San Joaquin Irrigation District  
Mike Weststeyn, South San Joaquin Irrigation District  
Daniel de Graaf, City of Ripon

**ABSENT:** Dave Kamper, South San Joaquin Irrigation District

Also present were SSJID General Manager, Peter Rietkerk; SSJID Water Resources Coordinator, Brandon Nakagawa; Special SSJGSA Counsel, Valerie Kincaid; SSJID General Counsel, Mia Brown (via Zoom); and SSJID Clerk of the Board, Danielle Barney.

**Public Comment** – None

**ACTION CALENDAR**

**Item #1 – Welcome and Introduction to the South San Joaquin Groundwater Sustainability Agency, a Joint Powers Authority**

Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, addressed the Board and welcomed all to the inaugural meeting of the South San Joaquin Groundwater Sustainability Agency (SSJGSA), a Joint Powers Authority (JPA). A copy of the “Joint Exercise of Powers Agreement Establishing the South San Joaquin Groundwater Sustainability Agency as a Joint Powers Authority (Agreement),” between SSJID and the Cities of Escalon and Ripon, was included as Item 1, Attachment A of the agenda packet.

**Item #2 – Election of Officers and Board Designees**

- a) Chairperson**
- b) Vice-chairperson**
- c) Administrator**
- d) Secretary**
- e) Treasurer**

Mr. Nakagawa addressed the Board regarding the election of officers and Board designees to the SSJGSA. He further explained that the Agreement prescribes the election of a Board Chair and Vice-chair, and also requires that the Chair and Vice-chair be selected from the SSJGSA Board of Directors. The three (3) other positions on the SSJGSA Board need not be SSJGSA Directors. In addition, the position of Administrator is prescribed in the Agreement to be the SSJID General Manager. The appointed Secretary shall be the keeper of records, and the Treasurer shall meet the qualifications set forth in California Government Code §6505.5 as a depository of funds for the SSJGSA.

Staff recommends the SSJGSA Board elect a Chairperson, a Vice-chairperson, and designate as follows: Mr. Peter Rietkerk, SSJID General Manager, as the SSJGSA Administrator; Mr. Nakagawa as the SSJGSA Secretary; and Mr. Bere Lindley, SSJID Assistant General Manager, as the SSJGSA Treasurer.

**MOTION:** A motion was made by Director de Graaf and seconded by Director Weststeyn to elect Director Bob Holmes as Chairperson of the South San Joaquin Groundwater Sustainability Agency, a Joint Powers Authority.

The motion passed 4 to 0 by the following vote:

AYES:           ALCANTOR de GRAAF HOLMES WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        KAMPER

**MOTION:** A motion was made by Director Holmes and seconded by Director Alcantor to elect Director Daniel de Graaf as Vice-chairperson of the South San Joaquin Groundwater Sustainability Agency, a Joint Powers Authority.

The motion passed 4 to 0 by the following vote:

AYES:           ALCANTOR de GRAAF HOLMES WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        KAMPER

**MOTION:** A motion was made by Director de Graaf and seconded by Director Weststeyn to appoint Mr. Peter Rietkerk, SSJID General Manager, as the SSJGSA Administrator; Mr. Nakagawa as the SSJGSA Secretary; and Mr. Bere Lindley, SSJID Assistant General Manager, as the SSJGSA Treasurer.

The motion passed 4 to 0 by the following vote:

AYES:           ALCANTOR de GRAAF HOLMES WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        KAMPER

Ms. Robin Giuntoli, SSJID Accounting and Customer Service Manager, conducted the Oath of Office and Swearing-In Ceremony of the South San Joaquin Groundwater Sustainability Agency Joint Powers Authority Board of Directors, named as follows: Tammy Alcantor – City of Escalon; Daniel de Graaf – City of Ripon; Robert Holmes – South San Joaquin Irrigation District; and Mike Weststeyn – South San Joaquin Irrigation District. David Kamper – South San Joaquin Irrigation District, will be sworn in at a later date.

**Item #3 – Approval of Meeting Minutes of February 19, 2020**

**MOTION:** A motion was made by Director Weststeyn and seconded by Director de Graaf to approve the minutes as submitted.

The motion passed 4 to 0 by the following vote:

AYES: ALCANTOR de GRAAF HOLMES WESTSTEYN  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: KAMPER

**Item #4 – Presentation of YTD Financial Statements Through April 2020**

Mr. Lindley distributed handouts of the SSJGSA Income and Expense Summary YTD as of April 30, 2020; and the SSJGSA Expense Transaction Details YTD as of April 30, 2020, which provided accounting details of SSJGSA member contributions, total expenses, net income, monthly budget, and the accumulated deficit of (\$78,272) as of April 30, 2020. Mr. Lindley gave detailed explanations of the year-to-date expenses for communications, consulting fees, general materials, legal expenses, membership fees and dues, and travel expenses.

Future actions will include establishing a checking account for the SSJGSA, filing the Notice of a Joint Powers Agreement with the California Secretary of State, and filing for a Federal Tax Identification Number. Mr. Lindley recommended establishing a date to fund the new checking account with the member contributions collected from the SSJGSA member agencies at an allocated 5% from the City of Escalon; 10% from the City of Ripon; and 85% from SSJID.

Staff will present a resolution, regarding specifications for the new SSJGSA bank account, for Board approval at the next SSJGSA Board meeting in June, with intent to establish the new bank account in July.

**Item #5 – Authorize Staff to File a Notice of a Joint Powers Agreement to the Secretary of State**

Mr. Nakagawa addressed the Board and stated that the Notice of a Joint Powers Agreement, to be filed with the California Secretary of State, is a standard form to be submitted per California Government Code §6305.5, which states, “Whenever a joint powers agreement provides for the creation of an agency or entity that is separate from the parties to the agreement and is responsible for the administration of the agreement, such agency or entity shall, within 30 days after the effective date of the agreement or amendment thereto, cause a notice of the agreement or amendment to be prepared and filed with the office of the Secretary of State.” In addition, a copy of the full text of the Joint Powers Agreement and amendments, if any, must be submitted to the State Controller’s Office.

**MOTION:** A motion was made by Director Alcantor and seconded by Director de Graaf to authorize staff to file a Notice of a Joint Powers Agreement to the State of California Secretary of State and other actions to comply with State laws when forming a Joint Powers Authority; and submit a copy of the Joint Powers Agreement to the California State Controller’s Office.

The motion passed 4 to 0 by the following vote:

AYES: ALCANTOR de GRAAF HOLMES WESTSTEYN  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: KAMPER

**Item #6 – Authorize Staff to Publish a Notice of Intent to Adopt a Conflict of Interest Code**

Mr. Nakagawa addressed the Board regarding the requirement to publish a Notice of Intent (NOI) pursuant to California Code of Regulations, Title 2, §18750, subdivision (a)(3), that the SSJGSA, a Joint Powers

Authority, intends to adopt a Conflict of Interest Code, pursuant to California Government Code §87300, and California Code of Regulations, Title 2, §18750, subdivision (a).

Discussion arose regarding inclusion of the newly designated Board Officers and Designees on the Conflict of Interest Code. Ms. Mia Brown, SSJID General Counsel, concurred that the designated positions should be included and that the draft Conflict of Interest Code must be amended. The NOI to Adopt a Conflict of Interest Code, and a revised copy of the draft Conflict of Interest Code will be posted on the SSJID website for a 45-day public comment period commencing on May 21, 2020 and terminating at 5:00 p.m. on July 6, 2020. The SSJGSA Board of Directors will consider adoption of the proposed Conflict of Interest Code at the regular Board meeting on July 15, 2020. A copy of the draft NOI, and draft Conflict of Interest Code was included as Item 1, Attachment C of the agenda packet.

Mr. Nakagawa further explained that Board members will be required to disclose certain investments, income, interests in real property, and business positions per annual filing of the Statement of Economic Interests Form 700 with the California Fair Political Practices Commission.

**MOTION:** A motion was made by Director de Graaf and seconded by Director Weststeyn to authorize staff to publish a Notice of Intent to Adopt a Conflict of Interest Code.

The motion passed 4 to 0 by the following vote:

AYES:	ALCANTOR de GRAAF HOLMES WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	KAMPER

**Item #7 – Discussion and Possible Action to Create the SSJGSA Technical Advisory Committee**

Mr. Nakagawa informed the Board that the SSJGSA Joint Powers Agreement prescribes the creation of the Technical Advisory Committee (TAC), made up of Member staff, whose role is to develop a process to direct and coordinate Agency activities including the development, planning, financing, environmental review, permitting, implementation, and long-term monitoring of the Groundwater Sustainability Plan (GSP), and/or for the Agency’s participation in the Eastern San Joaquin Groundwater Authority (ESJGWA). The TAC shall keep the Board apprised of activities, advise the Board in the development and implementation of the GSP in the Agency Managed Area, and make recommendations to the Board on all actions and/or items related to the JPA. At least one (1) member from each Member Agency may serve on the TAC.

There was discussion among the Board regarding the powers of the TAC, financial topics, and the SSJGSA voting structure. Mr. Rietkerk stated that under the original Memorandum of Agreement that preceded the now active JPA Agreement, the TAC would confer on strategic direction; determine appropriate business for Board discussion and consideration; and would exist in an advisory capacity to the Board and not make decisions on behalf of the Board. Mr. Rietkerk suggested that the TAC, as formed under the JPA, would function in a similar manner. Ms. Valerie Kincaid, Special Counsel, added that the premise would be for the TAC to make recommendations to the Board, with the Members informing their respective city councils of a potential intent to vote. Staff is requesting Board approval to create the SSJGSA TAC with intent to appoint the committee members when needed.

**MOTION:** A motion was made by Director de Graaf and seconded by Director Weststeyn to create the South San Joaquin Groundwater Sustainability Agency Technical Advisory Committee, with intent to staff the Committee in the future when needed.

The motion passed 4 to 0 by the following vote:

AYES: ALCANTOR de GRAAF HOLMES WESTSTEYN  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: KAMPER

**Item #8 – Discussion and Possible Action to Establish SSJGSA Committee Assignments**

- a) **ESJGWA Board of Directors**
- b) **ESJGWA Steering Committee**
- c) **ESJGWA Ad Hoc Technical Committee**

Mr. Nakagawa explained that the Board assignees represent the SSJGSA in the ESJGWA Board of Directors and its various standing and ad hoc committees. The assignees serve in these roles at the pleasure of the Board, and the current assignments are being revisited as the SSJGSA meets for the first time as a Joint Powers Authority. Director Holmes stated that the existing committee assignments are listed in the SSJGSA Memorandum of Understanding (MOU).

The current SSJGSA Committee Assignment Roster is as follows:

- a) ESJGWA Board of Directors: Bob Holmes – Primary; Brandon Nakagawa – Alternate
- b) ESJGWA Steering Committee: Bob Holmes – Primary; Brandon Nakagawa – Alternate
- c) ESJGWA Ad Hoc Technical Committee – Brandon Nakagawa

**MOTION:** A motion was made by Director de Graaf and seconded by Director Weststeyn to approve the SSJGSA committee assignments as listed below, and as is currently established in the SSJGSA MOU which will remain under effect in the SSJGSA Joint Powers Agreement.

- a) ESJGWA Board of Directors: Bob Holmes – Primary; Brandon Nakagawa – Alternate
- b) ESJGWA Steering Committee: Bob Holmes – Primary; Brandon Nakagawa – Alternate
- c) ESJGWA Ad Hoc Technical Committee – Brandon Nakagawa

The motion passed 4 to 0 by the following vote:

AYES: ALCANTOR de GRAAF HOLMES WESTSTEYN  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: KAMPER

**Item #9 – Discussion and Possible Action to Approve SSJGSA Bylaws**

Mr. Nakagawa informed the Board that the SSJGSA Joint Powers Agreement provides for the adoption of Bylaws to supplement the provisions of the Agreement. The Bylaws establish additional rules for conducting SSJGSA business (i.e. the use of parliamentary rules, role of the Chairperson, calling of meetings, etc.). In the event the SSJGSA Bylaws conflict with the SSJGSA Joint Powers Agreement, the Agreement is clear that its original provisions prevail. The format of the draft Bylaws have been adapted from the ESJGWA. The draft Bylaws and the Rosenberg’s Rules of Order (Revised 2011) are included as Item 1, Attachment D of the agenda packet.

There was discussion among the Board regarding potential conflicts of interest, and voting structure in the event of an abstain vote. Staff is recommending that the Directors review the draft Bylaws and provide

feedback. A revised version of the SSJGSA Bylaws will be presented to the Board at the June Board meeting.

**Item #10 – Discussion and Possible Action on Eastern San Joaquin Groundwater Authority Business**

Mr. Nakagawa provided an update of recent discussion and activity at the ESJGWA Steering Committee meeting, held on May 13, via the online Webex Meeting platform. The ESJGWA submitted the first Annual Sustainable Groundwater Management Act (SGMA) Report, by the April 1, 2020 deadline, to the California Department of Water Resources. The report consisted of data, compiled from all ESJGWA Groundwater Sustainability Agencies (GSAs), of well production, irrigation delivery and/or groundwater levels.

Mr. Nakagawa displayed a PowerPoint presentation from the ESJGWA Steering Committee meeting which included the FY 2020/21 budget and cost allocation; grant funding opportunities; and financing. He gave detailed descriptions of the ESJGWA budget including expenses, funding sources, and GSA cost allocations which totaled an estimated \$1,021,000 budget for 2020-2021. San Joaquin County will contribute \$225,000 per year from the Water Investigation Zone 2 fund, and GSA allocations were calculated based on recorded groundwater pumping and population. The cost allocation for the SSJGSA is \$16,000.

**Item #11 – Authorize SSJGSA Representatives to Approve the Eastern San Joaquin Groundwater Authority Budget and Cost Allocation for 2020-2021**

The total ESJGWA budget to be considered for adoption is \$1,021,000 through June 30, 2021. The SSJGSA cost allocation would be \$16,000 for the year. Staff is recommending that the Board direct the SSJGSA representatives to vote to approve the ESJGWA budget and SSJGSA cost allocation for FY 2020-21.

**MOTION:** A motion was made by Director de Graaf and seconded by Director Alcantor to authorize the SSJGSA representatives to vote to approve the ESJGWA budget of \$1,021,000, and SSJGSA cost allocation of \$16,000 for FY 2020-2021.

The motion passed 4 to 0 by the following vote:

AYES:           ALCANTOR de GRAAF HOLMES WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        KAMPER

**COMMUNICATIONS**

**Item #12 – Communications**

**a) Staff and Consultant Updates**

None

**b) Technical Advisory Committee**

None

**c) Member Reports**

None

**d) Correspondence**

- i. Joint SSJID/OID Letter to Congressman McNerney; re: Biological Opinions

*It was announced that all items in closed session would be discussed. The Board took a break at 10:26 a.m. and convened to closed session at 10:46 a.m.*

**CLOSED SESSION**

**Item #13 – Closed Session**

13. a. Conference with Legal Counsel – Existing Litigation  
Paragraph (1) of subdivision (d) of Government Code Section 54956.9  
- 1 case

*California Sportfishing Protection Alliance v. Eastern San Joaquin Groundwater Authority  
et al.*

Superior Court of Stanislaus County  
Case No. CV-20-001720

*The Board reconvened to open session at 11:13 a.m.*

Disclosure of reportable actions taken in Closed Session, pursuant to Government Code Section 54957.1:  
There were no reportable actions taken in closed session.

**ADJOURNMENT**

**Item #14 – Adjournment**

There being no further business to discuss, the meeting was adjourned at 11:15 a.m.

**ATTEST:**

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Danielle Barney, Clerk of the Board