



Board Members:

San Joaquin County
Robert Rickman - Chair

Stockton East Water District
Mel Panizza (Vice Chair)

California Water Service
Company
Jeremiah Mecham

Central Delta Water Agency
George Biagi Jr.

Central San Joaquin Water
Conservation District
Grant Thompson

City of Lodi
Alan Nakanishi

City of Manteca
David Breitenbucher

City of Stockton
Dan Wright

Eastside San Joaquin GSA
Gary Tofanelli

Linden County Water District
Myron Blanton

Lockeford Community
Services District
Mike Henry

North San Joaquin Water
Conservation District
Jason Colombini

Oakdale Irrigation District
Eric Thorburn

South Delta Water Agency
John Herrick

South San Joaquin Irrigation
District
Robert Holmes

Woodbridge Irrigation District
Keith Bussman

Steering Committee Meeting

AGENDA

Wednesday October 11th, 2023

8:30 AM - 10:00 AM

San Joaquin County Public Works
1810 Hazelton Ave. Stockton CA 95206

- I. Call to Order/Pledge of Allegiance & Safety Announcement/Roll Call**
- II. Scheduled Items**
 - A. Discussion / Action Items:
 1. Approval of the August 23rd, 2023, Special Meeting Minutes - [Page 3](#)
 2. Recommendations to Improve Public Participation in ESJ GWA Meetings - [Page 5](#)
 3. Receive ESJ GWA Financial Report
 4. Approve a Task Order with Woodard & Curran for Preparation of the Water Year 2023 Report for an Amount Not to Exceed \$52,810 - [Page 20](#)
 5. Update on Monitoring Well Drilling Task Fund by a Department of Water Resources Grant
 6. Update on Fall Groundwater Levels and Water Quality Monitoring Event
 7. Recommendation to Negotiate a Proposal with Woodard & Curran for the Eastern San Joaquin GSP 2025 Update - [Page 28](#)
- III. Staff/DWR Reports**
 - A. Staff Reports
 - B. DWR Report
- IV. Directors' Comments and Project Status Reports**
- V. Public Comment (items not on the agenda)**
- VI. Future Agenda Items**
- VII. Adjournment**

EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

Board of Directors Meeting

AGENDA

(Continued)

Next Meeting

Wednesday, November 8th, 2023

Action may be taken on any item

Agendas and Minutes may also be found at <http://www.ESJGroundwater.org>

Note: If you need disability-related modification or accommodation in order to participate in this meeting, please contact San Joaquin County Public Works Water Resources Staff at (209) 468-3089 at least 48 hours prior to the start of the meeting.

Eastern San Joaquin Groundwater Authority Special Steering Committee Meeting Minutes

Wednesday, August 23rd, 2023

I. Call to Order/Roll Call

The Eastern San Joaquin Groundwater Authority (GWA) Special Steering Committee meeting was held at the Robert Cabral Agricultural Center (2101 E. Earhart Stockton CA 95206). At approximately 8:30AM call to order was conducted by Chairman Robert Rickman and roll call was taken of members only.

In attendance were a quorum of Directors and Alternates: Andrew Watkins, Mike Henry, Jason Colombini, Brandon Nakagawa, Chairman Robert Rickman and Secretary Fritz Buchman

II. Scheduled Items

A. Discussion/Action Items

1. Approval of the July 12th, 2023, minutes

Motion to approve the minutes: Jason Colombini

2nd: Andrew Watkins

The vote was unanimous.

2. Grand Jury Response

Fritz Buchman reviews the Grand Jury response draft with the Steering Committee.

Brandon Nakagawa to provide red lines. Budget documents are to be added to the ESJ GWA website and a link to the Auditors Controllers Office. Additional tasks to be completed include adding the ESJ GWA Board Members names to the agendas and the website, creating a separate column for the meeting minutes for easier reference.

Motion to submit the purposed response draft to the GWA as amended: Mike Henry 2nd:

Brandon Nakagawa

The vote was unanimous.

3. Communications and Engagement Plan Review Process

Matt Zidar shared the C&E Plan dates:

- 9/1/23 Draft C&E Update to ESJGWA due (Stantec) for Internal review
- 9/6/23 Internal review comments due to Stantec
- 9/8/23 Mail draft to Steering Committee and GSA
- 9/29/23 Comments to C&E Plan due from agencies to GWA staff and Stantec

Brandon Nakagawa advised to accept as a recommended plan then the Board can make the final decision about which items to implement.

4. Staffing Support Plan

Fritz Buchman shared Matt Zidar’s retirement and that Brandon Nakagawa will be serving as interim staff in the meantime until recruit comes. Brandon Nakagawa has accepted and will be compensated by SJC Public Works for his time. A MOU will be presented to the GWA board.

Motion of recommendation to utilize Brandon Nakagawa for interim staff: Andrew Watkins

2nd: Mike Henry

The vote was unanimous.

III. Staff/DWR Reports

1. Well Mitigation Program: Matt Zidar shared the Tracy sub-basin has this issue and the sub-basin East San Joaquin. Matt Zidar recommends a document that could support consideration by both entities. Brandon Nakagawa commented the policy is what was agreed to in the GSP update and would not necessarily warrant the same response in both Subbasins.
- 2.
3. DWR Report: attached to the agenda for review.

IV. Public Comment – none

V. Directors Comment – Chairman Robert Rickman shared the State of the County will be held on Tuesday, September 19th, 2023, at the Grand Theatre in Tracy from 9-11AM and MOU for distribution of ARPA funds made available through San Joaquin County.

VI. Future Agenda Items – The MOU Adjustments for RRPA Allocation

VII. Adjournment at 10:26AM



MEMO

TO: ESJ GWA Steering Committee
FROM: Brandon Nakagawa, Interim GWA Coordinator
SUBJECT: Discussion and Possible Recommendations to Increase Public Attendance at ESJ GWA Meetings
Date: October 11, 2023

Recommendation

Staff recommends that the ESJGWA Steering Committee discuss and make possible recommendations to the Board of Directors to increase Public Attendance at ESJGWA Meetings.

Discussion

On September 22, 2023, the ESJGWA responded to the San Joaquin County Civil Grand Jury’ Report entitled *The Eastern San Joaquin Groundwater Authority: a Rubik’s Cube of Water Management Case #0622*. Included below is Civil Grand Jury’s Recommendation R3.2.2 and the ESJGWA’s formal response.

R3.2.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors, during a public meeting, discuss and implement options that would enable increased public attendance at its meetings.

GWA Response: This recommendation will be implemented but not by November 1, 2023. At its September 13, 2023, meeting, the GWA Board referred this matter to the Steering Committee to develop recommendations for Board consideration. It is anticipated that the Steering Committee will take this up at its October 11, 2023, meeting and that its recommendations will be presented for consideration at a GWA Board meeting after November 1, 2023.

On September 13, 2023, the ESJGWA Board of Directors directed the ESJGWA Steering Committee to discuss any possible recommendations for the Board of Directors to consider thus fulfilling the ESJGWA’a commitment in its response to Recommendation R3.2.2.

Fiscal Impact: None at this time. Should any recommendations be referred to the Board of Directors for consideration that would be the appropriate time to analyze the potential for fiscal impact.

Attachment

September 22, 2023 ESJGWA response to the San Joaquin County Civil Grand Jury



EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

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Keith Bussman

September 22, 2023

Honorable Michael D. Coughlan, Presiding Judge
San Joaquin Superior Court
180 E. Weber Avenue, Suite 1306J
Stockton, CA 95202

Dear Judge Coughlan:

Responses to 2022-2023 Grand Jury Reports

Pursuant to Section 933.05 of the California Penal Code, attached please find the Eastern San Joaquin Groundwater Authority Board of Directors' responses to the Grand Jury Final Report for the following case:

The Eastern San Joaquin Groundwater Authority: A Rubik's Cube of Water Management (Case #0622)

(Separate responses to this report have been submitted by the San Joaquin County Board of Supervisors and the San Joaquin County Auditor-Controller's Office)

If you have any additional questions regarding these responses, please contact me at (209) 468-3100.

Sincerely,

Fritz Buchman, Secretary
Eastern San Joaquin Groundwater Authority

Attachments:

- Responses to Grand Jury Report
- Board Order

c: Eastern San Joaquin Groundwater Authority Board of Directors

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The Eastern San Joaquin Groundwater Authority: Rubik’s Cube of Water Management
(Case #0622)

Responses to Findings and Recommendations

1.0 Outreach and Engagement Findings

F1.2.1 The Eastern San Joaquin Groundwater Authority has provided no public information events on the status of the adoption and implementation of the Groundwater Sustainability Plan since July 2021, leaving the public largely unaware of what the Eastern San Joaquin Groundwater Authority is doing regarding groundwater sustainability and the associated effects and costs of Groundwater Sustainability Plan implementation.

GWA Response: Disagree. On August 30, 2022, the Eastern San Joaquin Groundwater Authority (GWA) held a public meeting to discuss DWR’s comments on the original Eastern San Joaquin Groundwater Sustainability Plan GSP (GSP) submitted in January 2020, the GWA’s responses thereto, and associated revisions to the GSP. The revised GSP was adopted by the Groundwater Sustainability Agencies (GSAs) and submitted to DWR in July 2022.

The Grand Jury’s findings reflect a misunderstanding regarding the outreach and engagement function of the GWA and the requirements of SGMA. The members of the GWA are each Groundwater Sustainability Agencies (GSAs) who have to comply with SGMA. The GWA is not a GSA and has no legal obligation to comply with SGMA. Rather, the GWA provides a platform for the members to coordinate some, but not all, of their SGMA efforts, particularly technical efforts. The GWA’s outreach and engagement was only a small part of the overall effort by the 16 GSAs. Each GSA performed their own outreach and engagement with their stakeholders regarding the formation and adoption of the original and the amended GSP. The GSA outreach and engagement included regular and special board meetings, landowner workshops, newsletters, and other targeted outreach, such as presentations to local groups including Rotary, Kiwanis and the like by sixteen different GSAs in the subbasin.

F1.2.2 The Eastern San Joaquin Groundwater Authority developed but never formally approved or adopted an engagement and public outreach plan, and although the Department of Water Resources is now funding a consultant firm to work with the Board of Directors to develop one, public communications and engagement efforts so far have been limited and ineffective.

GWA Response: Partially agree. Prior to GSP adoption, the GWA and its GSAs performed outreach efforts beyond those required by SGMA, with most of those efforts performed at the individual GSA level. The California Department of Water Resources found that “The

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Plan provides a detailed explanation of how the various interests of groundwater uses and users in the Subbasin were considered in developing the sustainable management criteria and how those interests would be impacted by the established minimum thresholds. (23 CCR § 355.4(b)(4).)”.

Regarding outreach efforts after adoption and submittal of the GSP, the GWA is working to develop a practical Communications and Engagement Plan (C&E Plan) to help educate the public regarding the Eastern San Joaquin Groundwater Sustainability Plan, the activities and accomplishments of the GSAs in the Eastern San Joaquin Sub-basin, and to inform constituents about the role that they play in contributing to overdraft and how they can help achieve sustainability.

The GWA and its GSAs generally recognize that there is a need to inform and educate the public as to the critical nature of groundwater overdraft and the need to fund and implement the program management actions identified in the GSP which will help achieve sustainability. The GWA website has been updated to include an option (Get Connected tab) for the public to subscribe to the GWA mailing list. This engagement feature allows anyone to be alerted to current and upcoming GWA activities. Further, each GSA continues to perform its own public outreach through regular public board meetings, newsletters, workshops, tours and the like. Again, the GWA is not charged with performing all of the public outreach for SGMA for the subbasin. The GWA merely supplements and coordinates efforts of its members on specific topics.

Recommendations

R1.2.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors, in consultation with member Groundwater Sustainability Agencies, develop, adopt, and implement a schedule for regular public events to provide information on Groundwater Sustainability Plan adoption and implementation and the associated effects and costs.

GWA Response: This recommendation requires further analysis. GWA decisions regarding outreach strategy will be made following the release of the Communications and Engagement Plan (C&E Plan) recommendations, which is anticipated to be presented to the GWA within the next six months. Based on the final C&E Plan recommendations, the GWA and GSAs will develop specific plans and schedules for the 2025 GSP Update which would include activities such as public events and communications at the GSA or GWA level, or both.

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R1.2.2 By December 31, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors follow the Department of Water Resources-funded communications consultant’s recommendations in developing, adopting, and implementing a communications and outreach plan and that the plan be posted to its website upon adoption.

GWA Response: This recommendation requires further analysis. The consultant’s recommendations will be reviewed by the GWA and the GSAs in developing and considering adoption of their final C&E Plans. These recommendations will be considered in the context of the statutory and regulatory requirements, along with GSP and GWA objectives, priorities, and available resources. The GWA’s adopted C&E Plan will be posted to the GWA website within 10 days after its adoption.

1.1 Efforts to Reach Diverse Population Groups
Findings

F1.3.1 The Eastern San Joaquin Groundwater Authority’s efforts to identify and engage with people who are members of disadvantaged communities have been limited, potentially excluding members of these communities from learning about and having a voice in groundwater sustainability plans.

GWA Response: Partially agree. Attempts were made to engage DAC stakeholders; however, as the Grand Jury notes in its report, there are significant challenges to engaging DAC communities due to limited communications channels and organized stakeholder groups. During recent development of Greater San Joaquin Integrated Regional Water Management Plan, the County expended \$180,000 to implement the Disadvantaged Community Involvement Program and work with the Environmental Justice Coalition for Water on dedicated DAC outreach efforts. These efforts sought to identify DAC stakeholders and engage them regarding various water issues, including groundwater. There was limited DAC participation and engagement with that effort, which went over and above what was required by SGMA.

Additional public input opportunities during GSP development included four public outreach workshops at various locations within the County and a 60-day public review and comment period prior to GSP adoption by the GSAs. These additional outreach efforts are also above and beyond the extensive public noticing and input opportunities required by SGMA, including a published 90-Day Notice of Intent to Adopt a Groundwater Sustainability Plan, publicly noticed and advertised public hearings by all GSAs in

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consideration of GSP adoption by all 16 GSAs, and a 60-day public review and comment period by DWR after GSP submittal. Additionally, all GWA Board and Steering Committee meetings are noticed public meetings where public input is welcome and encouraged.

F1.3.2 Informational materials used to communicate with and inform residents of the subbasin have been in English and Spanish only, thus leaving subbasin residents who speak and read other languages potentially uninformed about the Eastern San Joaquin Groundwater Authority and its activities.

GWA Response: Agree.

Recommendations

R1.3.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors develop specific methods for better identifying and engaging with disadvantaged communities in the Eastern San Joaquin Subbasin and include these in the communication and engagement plan currently being developed with the Department of Water Resources.

GWA Response: This recommendation requires additional analysis. Methods to potentially improve disadvantaged community outreach and engagement will be considered in conjunction with C&E Plan development.

R1.3.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors develop methods for communicating more effectively with major non-English speaking groups and include these in the communication and engagement plan currently being developed with the Department of Water Resources.

GWA Response: This recommendation requires further analysis. Given the large number of languages utilized within San Joaquin County, it is impractical to translate every communication into all utilized languages. However, communications could potentially be translated to a specific language upon request. Additionally, communications made available via the GWA website potentially could be translated into virtually any desired language using computer-based translators. These issues will be addressed in the pending C&E Plan.

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2.0 Funding, Budgets, and Expenditures

Findings

F2.1.1 The Memorandum of Agreement with Cal Water benefits the County and its taxpayers by reducing the cost allocation paid by the County and incorporates Cal Water’s expertise and support into the Groundwater Sustainability Plan development and implementation.

GWA Response: Agree.

F2.1.2 Zone 2 property fees are collected by the County within the Cal Water-County GSA boundaries. Therefore, it is reasonable and equitable that Cal Water-County GSA receives the same reduction to its member cost allocation as all other County Groundwater Sustainability Agencies to reflect the property fees paid into the Zone 2 fund.

GWA Response: Agree.

2.2 Transparency and Ease of Access to Financial Information

Findings

F2.2.1 Important Eastern San Joaquin Groundwater Authority financial information is not readily available on the Eastern San Joaquin Groundwater Authority website, effectively depriving the public access to this information.

GWA Response: Partially agree. Detailed financial and budget information is available on the GWA website; however, it is noted that facilitating access to this information will be beneficial for interested website users.

Recommendations

R2.2.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board modify the Eastern San Joaquin Groundwater Authority website to provide the public clear and convenient access to a more detailed Eastern San Joaquin Groundwater Authority budget with prior-year actuals.

GWA Response: This recommendation has been implemented. Links to detailed budget information have been added to the GWA website.

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3.0 Public Information and Transparency
Findings

F3.1.1 The Eastern San Joaquin Groundwater Authority website does not provide the State-required Financial Transaction Report or a link to the State Controller’s website, which decreases transparency.

GWA Response: Partially agree. Although the website has not historically provided this information, the requirement to do so applies only to independent special districts and is inapplicable to the GWA.

F3.1.2 The Eastern San Joaquin Groundwater Authority website does not list the Board compensation report or a link to the State Controller’s website, reducing transparency.

GWA Response: Disagree. The GWA does not compensate Board members for their services.

F3.1.3 The Eastern San Joaquin Groundwater Authority website does not provide an Enterprise System Catalog, which violates public records and transparency reporting requirements.

GWA Response: Agree.

F3.1.4 The Eastern San Joaquin Groundwater Authority website does not meet the accessibility requirements established by Government Code Section 7405, which could make it difficult for some members of the public to access the site and could expose the Eastern San Joaquin Groundwater Authority to legal action.

GWA Response: Partially agree. The website accessibility provisions prescribed by Government Code Section 7405 apply only to state agencies and are inapplicable to the GWA.

F3.1.5 The Eastern San Joaquin Groundwater Authority website is not updated in a timely manner, causing frustration for site visitors and the appearance of a lack of transparency.

GWA Response: Disagree. Meeting notices/agendas are posted timely in accordance with Brown Act requirements. It is unclear from the Grand Jury Report what other content is required or desired to be posted or updated in a timelier manner.

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Recommendations

R3.1.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors update their website to include the current Financial Transaction Report (or link to the State Controller’s website) to ensure compliance with SB 929.

GWA Response: This recommendation has been implemented. However, note that SB 929 applies to independent special districts and is inapplicable to the GWA.

R3.1.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors update their website to include a Board compensation report (or link to the State Controller’s website) to ensure compliance with SB 929.

GWA Response: This recommendation has been implemented. Although the GWA does not compensate Board members for their services and SB 929 is inapplicable to the GWA, a link to the State Controller’s website has been added to the GWA website.

R3.1.3 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors update their website to include an Enterprise System Catalog to ensure compliance with SB 272.

GWA Response: This recommendation has been implemented.

R3.1.4 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors ensure that their website complies with the requirements of Government Code Section 7405.

GWA Response: This recommendation has been implemented to enhance public accessibility. However, note that the website accessibility provisions prescribed by Government Code Section 7405 apply only to state agencies and are inapplicable to the GWA.

R3.1.5 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors consult with San Joaquin County’s Information Systems Division to recommend, develop, and implement methodologies to ensure the timely posting of information to the Eastern San Joaquin Groundwater Authority website.

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GWA Response: This recommendation will not be implemented. The County’s Information Systems Division is not involved in managing GWA website content. Additionally, meeting notices/ agendas are posted timely in accordance with Brown Act requirements, and it is unclear from the Grand Jury Report what other content is required or desired to be posted or updated in a timelier manner.

3.1 Board, Standing Committees, and Advisory Committees

Findings

F3.2.1 The Eastern San Joaquin Groundwater Authority Board routinely holds its meetings at times that differ from those stated in its Bylaws and on its website. Together with cancellations and a reduction in the number of Board meetings, this creates confusion and reduces opportunities for public engagement.

GWA Response: Disagree. The GWA Board adopts a schedule of regular meetings near the beginning of each calendar year. The by-laws provide the GWA Board and Secretary flexibility to schedule meetings at different times than the indicated regular meeting times in the by-laws. ESJ Board meeting frequency has varied and will continue to vary depending on the amount and time sensitivity of matters to be considered by the Board.

F3.2.2 The Eastern San Joaquin Groundwater Authority Technical Advisory Committee is a de facto standing committee but does not follow noticing and transparency requirements for its meetings, violating the Brown Act and giving the public no insight or input into its activities.

GWA Response: Disagree. The GWA does not have a standing Technical Advisory Committee. According to Section 4.11 of the Eastern San Joaquin Groundwater Authority JPA, the Board has the power to establish one or more “advisory committees, technical committees, or other committees...” Because of the technical nature of the matters considered by its various ad hoc committees, and because of the advisory role they fulfill for the Board, these committees have often been casually called “technical advisory committees.” Although this casual parlance amongst the GWA Board and staff has clearly led to some confusion regarding the GWA’s committees, the ultimate reality is that the GWA has created numerous ad hoc committees and staff-only working groups to address limited matters prior to bringing them before the Board. Each ad hoc committee has had a limited purpose, a limited duration, and has been dissolved once its tasks have been completed. These various ad hoc committees have been served by different board members and staff members, depending upon the needs of that specific committee.

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Temporary advisory committees (i.e., “ad hoc committees”) serve a limited or single purpose, have a limited duration, and will be dissolved once their specific task is completed. Such temporary advisory committees are not subject to Brown Act. (Gov. Code § 54925(b), *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) Cal.4th 821.) By contrast, standing committees have either: (1) a continuing subject matter jurisdiction, or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body. (Gov. Code § 54925(b).)

In summary, this misunderstanding is fundamentally a product of nomenclature used by the GWA Board and staff. Because the JPA states that the Board can create advisory and technical committees, and because its various ad hoc committees analyze very technical issues and play advisory roles before the Board, the term “technical advisory committee” has been loosely used to describe numerous, discrete ad hoc committees that have been created over the years. Each of these committees has had a limited purpose, a limited duration, are dissolved upon the completion of their task, and are therefore not subject to the Brown Act.

F3.2.3 The Eastern San Joaquin Groundwater Authority does not identify the individuals who serve on the Board of Directors on either its website or its agendas, making it difficult for the public to ascertain who governs the Eastern San Joaquin Groundwater Authority and who from each Groundwater Sustainability Agency sits on their Board.

GWA Response: Agree.

Recommendations

R3.2.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors amend its Bylaws and update its website to reflect the actual meeting time of the Board.

GWA Response: This recommendation will not be implemented. The GWA Board adopts a schedule of regular meetings near the beginning of each calendar year. The by-laws provide the GWA Board and Secretary flexibility to schedule meetings at different times than the indicated regular meeting times in the by-laws. ESJ Board meeting frequency has varied and will continue to vary depending on the amount and time sensitivity of matters to be considered by the Board.

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R3.2.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors, during a public meeting, discuss and implement options that would enable increased public attendance at its meetings.

GWA Response: This recommendation will be implemented but not by November 1, 2023. At its September 13, 2023, meeting, the GWA Board referred this matter to the Steering Committee to develop recommendations for Board consideration. It is anticipated that the Steering Committee will take this up at its October 11, 2023, meeting and that its recommendations will be presented for consideration at a GWA Board meeting after November 1, 2023.

R3.2.3 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors acknowledge at one of its meetings that the Technical Advisory Committee (TAC) is a standing committee and direct that the TAC begin holding its meetings in compliance with the Brown Act.

GWA Response: This recommendation will not be implemented. The GWA does not have a standing Technical Advisory Committee. Over the years, the GWA has created numerous ad hoc committees and staff-only working groups to address limited matters prior to bringing them before the Board. Each ad hoc committee has had a limited purpose, a limited duration, and has been dissolved once its tasks have been completed. These various ad hoc committees have been served by different board members and staff members, depending upon the needs of that specific committee. Each of these committees has had a limited purpose, a limited duration, are dissolved upon the completion of their task, and are therefore not subject to the Brown Act.

R3.2.4 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors ensure that its website has been updated to include the name, position, and contact information for each person serving on the Board and that this information be kept current.

GWA Response: This recommendation has been implemented. GWA Board member and GSA contact information has been posted on the GWA website and will be kept current.

R3.2.5 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors ensure the name and position of each current Board member be included in the

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agenda of each Board meeting.

GWA Response: This recommendation has been implemented.

3.2 Meeting Minutes

Finding

F3.3.1 The minutes of Board and Steering Committee meetings are difficult to locate on the Eastern San Joaquin Groundwater Authority website and sometimes are not posted for months or at all, resulting in frustration for interested parties and a lack of transparency.

GWA Response: Partially agree. GWA staff is unaware of any instances where minutes were not posted to the website. It is acknowledged that the minutes can be difficult to locate for those unfamiliar with the GWA website, and the minutes are not available on the website until they are approved at the subsequent Board or Steering Committee meeting, which is usually a month or more later.

Recommendation

R3.3.1 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board of Directors make changes to the website to ensure all meeting minutes (including drafts) are posted within 10 business days of the meeting adjournment and made easily available to the public.

GWA Response: This recommendation will be implemented, except that minutes will not be posted within the suggested 10-business day timeframe. Meeting minutes for past meetings are now available via a separate link next to the associated meeting agenda link rather than as part of the subsequent agenda package. Subsequent meeting minutes will be posted to the website once approved by the Board or Steering Committee, as appropriate, which will invariably be beyond the requested 10-business day timeframe. Once approved, meeting minutes will be posted to the website within 10 business days. Draft minutes are not required to be posted to the website.

4.0 Administrative Issues

Findings

F4.2 The Eastern San Joaquin Groundwater Authority has insufficient staff support, which negatively impacts its ability to operate efficiently and can result in staff burnout and possible administrative delays and errors.

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GWA Response: Partially agree. The San Joaquin County Water Resources Division (WRD) provides staff support to the GWA and has typically had several vacant positions over the past several years due to recruitment and retention challenges resulting from an extraordinarily tight labor market for public works and water resources professionals. The WRD staffing shortages have been the result of vacant positions rather than insufficient positions being allocated to the WRD. Also, note that GWA had full staff support from the WRD when the administrative oversight was made regarding amending or renewing the Cal Water – County MOA.

Recommendations

R4.2 By November 1, 2023, the Eastern San Joaquin Groundwater Authority Board develop a recommendation and proposal for additional staffing necessary to adequately support its activities and present this proposal to the member Groundwater Sustainability Agencies’ Boards and the County Board of Supervisors for approval.

GWA Response: This recommendation will not be implemented. It is unclear at this time that full staffing of currently allocated WRD positions would result in insufficient staff support for the GWA. Other options besides additional County staff include increased use of consultants, use of GSA staff, and/or other in-kind assistance from GSAs. If the GWA Board determines that additional staffing / consultant resources are needed to support GWA activities, a strategy will be developed at that time.

Before the Board of Directors

Eastern San Joaquin Groundwater Authority

B-23-01

Approve Responses to the 2022-2023 Grand Jury Report

THIS BOARD OF DIRECTORS DOES HEREBY:

1. Approve the responses to the 2022-2023 Grand Jury Reports; and
2. Authorize and direct the Secretary to sign a letter with attached responses to the Presiding Judge of the Superior Court.

I HEREBY CERTIFY that the above order was passed and adopted on September 13, 2023 by the following vote of the Board of Supervisors, to wit:

MOTION: Jason Colombini

AYES: Jeremiah Mecham, David Breitenbucher, Mike Henry, Eric Thorburn, John Herrick, Robert Holmes, Mel Panizza, Robert Rickman, Dante Nomellini, Charlie Swimley, Douglas Smith

NOES:

ABSENT:

ABSTAIN: Keith Bussman

By: Angie Provencio
Angie Provencio, Clerk

Attest: 
Fritz Buchman, Secretary



MEMO

TO: ESJ GWA Steering Committee

FROM: Fritz Buchman, Secretary and San Joaquin County Public Works Director

SUBJECT: Recommendation To Approve a Task Order for the Preparation of Water Year 2023 Annual Report

Date: October 11, 2023

Recommendations

Staff recommends that the ESJGWA Board of Directors approve a task order for the preparation of the Water Year 2023 Annual Report.

Discussion

The preparation of an annual report is a statutory requirement of the Sustainable Groundwater Management Act (SGMA). The Water Year 2023 Annual Report is compiled from data spanning the water year beginning October 2022 and ending September 30, 2023. The ESJGWA FY 2023-24 Budget includes a \$55,000 allocation for consultant help for this item. Staff has prepared Draft Task Order No. 11 to Agreement A-20-1 with Woodard Curran which is attached to this Staff Report.

Fiscal Impact: Following a formal recommendation by the Steering Committee, the Secretary of the ESJGWA will sign Task Order No. 11 with Woodard Curran for the Preparation of Water Year 2023 Annual Report for a not to exceed cost of \$52,810 which is fully appropriated in the ESJGWA's FY 2023-24 Budget.

Attachments

A-20-1 draft

Agreement A-20-1
Task Order No. 11 Prepare Water Year 2023 Annual Report
for the Eastern San Joaquin Groundwater Subbasin

Agreement Number A-20-1, "Agreement for Consulting Services for the Implementation of the Eastern Joaquin Subbasin Groundwater Sustainability Plan" (GSP), entered into February 12, 2020 ("Effective Date") by and between the Eastern San Joaquin Groundwater Authority (GWA) and Woodard & Curran, Inc. (W&C), allows for the issuance of Task Orders which identify the specific scope of work, schedule, budget and assigned staff for additional work to be performed under the Agreement. This Task Order No. 11 to Agreement A-20-1 identifies the scope, schedule, and budget to prepare the Water Year 2023 Annual Report for the Eastern San Joaquin Groundwater Subbasin; and further acts as a Notice to Proceed for a portion of the work described herein.

Background

Under Water Code Section 10733.2, the California Department of Water Resources (DWR) was required to draft and adopt emergency regulations for the evaluation and implementation of Groundwater Sustainability Plans (GSPs). The adopted emergency regulations spell out what is required in a GSP, and Article 7 covers Annual Reports and Periodic Evaluations by the Agency and describes the procedural and substantive requirements for the annual reports. Each Ground Water Sustainability Agency (GSA), or the GWA on behalf of the Eastern San Joaquin Subbasin GSAs, is required to submit an annual report to DWR by April 1 of each year following the adoption of the Plan (§ 356.2. Annual Reports). The annual report must include the following components for the preceding water year:

1. General information, including an executive summary and a location map depicting the basin covered by the report.
2. A detailed description and graphical representation of the following conditions of the basin managed in the Plan:
 - 1) **Groundwater elevation data from monitoring wells** identified in the monitoring network shall be analyzed and displayed as follows:
 - A. **Groundwater elevation contour maps** for each principal aquifer in the basin illustrating, at a minimum, the seasonal high and seasonal low groundwater conditions.
 - B. **Hydrographs of groundwater elevations** and water year type using historical data to the greatest extent available, including from January 1, 2015, to current reporting year.
 - 2) **Groundwater extraction for the preceding water year.** Data shall be collected using the best available measurement methods and shall be presented in a table that summarizes groundwater extractions by water use sector, and identifies the method of

measurement (direct or estimate) and accuracy of measurements, and a map that illustrates the general location and volume of groundwater extractions.

- 3) **Surface water supply used or available for use, for groundwater recharge or in-lieu use** shall be reported based on quantitative data that describes the annual volume and sources for the preceding water year.
 - 4) **Total water use** shall be collected using the best available measurement methods and shall be reported in a table that summarizes total water use by water use sector, water source type, and identifies the method of measurement (direct or estimate) and accuracy of measurements. Existing water use data from the most recent Urban Water Management Plans or Agricultural Water Management Plans within the basin may be used, as long as the data are reported by water year.
 - 5) **Change in groundwater in storage** shall include the following:
 - A. Change in groundwater in storage maps for each principal aquifer in the basin.
 - B. A graph depicting water year type, groundwater use, the annual change in groundwater in storage, and the cumulative change in groundwater in storage for the basin based on historical data to the greatest extent available, including from January 1, 2015, to the current reporting year.
3. A description of progress towards implementing the Plan, including achieving interim milestones, and implementation of projects or management actions since the previous annual report.

The fifth annual report for the ESJ Subbasin GSP will be due on April 1, 2024. Per California Code of Regulations §356.2 (SGMA regulations), annual reports must include three key sections: 1) General Information, 2) Basin Conditions, and 3: Plan Implementation Progress. Tasks to complete the Annual Report are detailed below.

Scope of Services

The scope is summarized below.

Task 1 – Collect, Compile, and Analyze Data

The Basin Conditions section of the annual report will describe the current groundwater conditions and monitoring results, described further in the bullets below. Woodard & Curran will work with the County to develop a list of each necessary dataset, the responsible GSA, and due dates for data. Data will be compiled and reviewed for basic quality control (e.g., duplicate data or flagging data expected to have errors). Groundwater elevation and groundwater quality data will be compiled and imported into the ESJ Subbasin Data Management System (DMS) in Task 2. Additionally, Woodard & Curran will update the historical ESJWRM model to extend the hydrologic period to Water Year 2023 to support the estimation of data for the Annual Report. This is further explained in Task 3.

Data will be collected, analyzed and presented for each data type as follows:

- Groundwater Elevation
 - Woodard & Curran will obtain groundwater elevation data compiled from the County and the GSAs for monitoring Spring and Fall WY 2023 groundwater levels and develop groundwater elevation contour maps for the principal aquifer that illustrates seasonal high and seasonal low groundwater conditions for WY 2023.
 - Hydrographs will also be generated for each representative monitoring well, showing available historical groundwater elevations through WY 2023 with reference to water year type.
- Groundwater Extraction
 - The WY 2023 historical ESJWRM model will be used to estimate the agricultural groundwater extraction. Groundwater extraction by municipalities will be collected from the GSAs and analyzed by Woodard & Curran for inclusion in the model.
- Surface Water Supply and Use
 - WY 2023 surface water diversion data will be collected from the GSAs and analyzed by Woodard & Curran for inclusion in the model. Surface water use data will be estimated consistent with the parameters (e.g., recoverable and non-recoverable losses), as well as delivery areas in the calibrated model.
- Total Water Use
 - Total water use will be estimated using the results from the updated historical model and will include estimated groundwater extraction and surface water use data and summarized by water use sector and water source type. The measurement method and accuracy of measurements will be documented per the source of data, method of analysis using the model, as required by DWR.
- Annual Water Budget and Change in Groundwater Storage
 - The updated historical model (ESJWRM) will be used to establish a hydrologic groundwater budget for WY 2023. The model update will be as described in Task 3.
 - The updated historical model (ESJWRM) will be used to estimate change in groundwater in storage for the principal aquifer. A map will be generated to show the location of change in storage, as well as graphical figures showing year type, groundwater use, the annual change in groundwater in storage, and the historical cumulative change in groundwater in storage from 1995 through WY 2023.

Task 2 – Update ESJ Subbasin Data Management System

This task includes time spent making the following updates to the ESJ Subbasin DMS.

- Input data received for Annual Report in template format
- Creation of hydrographs and chemographs for inclusion in the annual report

Task 3 – Update ESJWRM Model for Annual Report Requirements

Woodard & Curran will update the ESJWRM model through WY 2023. Note that this task does not include updating the historical model calibration. The model update includes:

- Extend precipitation data for WY 2023
- Extend streamflow data for WY 2023
- Update of population record and unit water use for municipalities for WY 2023 if available
- Update surface water delivery model input for WY 2023 data from agricultural entities and municipalities
- Update groundwater pumping input data for WY 2023 data from municipalities
- Add recharge and/or extractions associated with any new project implemented during the water year

The resulting ESJWRM simulation period will be through WY 2023. This updated model will provide the following information:

- Estimates of agricultural water demand for WY 2023
- Estimates of urban water demand for WY 2023
- Surface water delivery for WY 2023
- Estimate of groundwater pumping for WY 2023
- Estimate of groundwater storage change from WY 2022 to WY 2023
- Simulated groundwater levels in contour map as well as monthly trends in simulated groundwater level at the model calibration wells.

Task 3 Assumptions:

San Joaquin County, with the support of Woodard & Curran, will be responsible for coordinating with the GSAs for the collection of all required data for WY 2023 for input to the model as follows:

- Surface water diversion data by each agricultural entity
- Surface water diversion data by each municipality
- Groundwater extraction data for each well and for each municipality
- Population records for each municipality
- If data requested does not come in, Woodard & Curran will use the latest year information available and will extrapolate with reasonable water year assumptions.

Task 4 – Document Plan Implementation Progress

The Plan Implementation section of the annual report will describe the progress made towards achieving interim milestones as well as implementation of projects and management actions. Woodard & Curran will work with the GSAs to evaluate and report on the progress towards implementing the GSP, including the status of the shortlisted projects and ongoing development of management actions. Shortlisted projects will be summarized in tabular format. Management actions will be summarized in paragraph form.

Task 5 – Prepare Annual Report

The results of Tasks 1 through 4 will be used to develop the WY 2023 Annual Report, including an executive summary that highlights the key content of the annual report. The following sections will be included:

1. Executive Summary
2. Introduction
3. Basin Setting
4. Groundwater Elevations
5. Groundwater Extractions
6. Surface Water Supply
7. Total Water Use
8. Change in Groundwater Storage
9. Plan Implementation Progress
10. References

A Draft Report will be prepared for review by the GSAs. Comments will be incorporated into a Final Report which will be distributed electronically (PDF). Woodard & Curran will also provide the GSAs a copy of the digital files for supporting data, such as Excel spreadsheets and GIS maps/shapefiles, and will upload the annual report and supporting data to DWR's SGMA Portal on behalf of the ESJ GWA.

Deliverable(s):

- Draft and Final Annual Report (PDF form only)

Budget and Schedule - \$52,810

Woodard & Curran has provided a proposal (Attachment A) with a budget estimate of \$52,810. This total assumes that Woodard & Curran will coordinate directly with the 16 GSAs to perform the data collection, analysis, and quality control efforts. All efforts will be billed monthly on a time and materials basis. Woodard and Curran will start work on the Annual Report following receipt of Notice to Proceed (NTP), with the Annual Report completed and submitted to DWR by April 1, 2024.

Table 1 below summarizes Agreement A-20-1 by task order (TO), TO amount, running total of not-to exceed (NTE) and status of each activity.

Table 1

Activity	TO Amount	A-20-1 Contract NTE	TO Status
TO 1: A-20-1 Annual Report, GWA support TO 1: Revision (3.31.2022)	\$162,000 <u>(8,000)</u> \$154,000	\$162,000	Completed
TO 2: DMS Implementation, Monitoring Network Expansion & Well Drilling ¹ (Engineering) TO 2: Revision (11.9.2022)	\$275,000 <u>\$225,000</u> \$500,000	\$654,000	Well Construction, Funding & Financing to be completed 2024
TO 3: 2021 Water Year Annual Report	\$49,924	\$703,924	Completed
TO 4: Model Development & Support TO 4: Revision (3.31.2022)	\$130,000 <u>13,000</u> \$143,000	\$846,924	Completed
TO 5: GSP Implementation Services	\$90,000 <u>(5,000)</u> \$85,000	\$931,924	Completed
TO 6: Support to GWA for Responding to DWR Comments TO 6: Revision (11.9.2022)	\$100,000 <u>\$100,000</u> \$200,000	\$1,131,924	Completed
TO 7: 2022 Water Year Annual Report	\$49,980	\$1,181,764	Completed
TO 8: Water Accounting Framework	\$75,000	\$1,256,764	In progress
TO 9: SGMA Round 2 Grant Preparation	\$75,000	\$1,331,764	Completed
TO 10: DWR Model Data Request Response	\$15,000	\$1,346,764	To be completed by 12/31/2023
TO 11: 2023 Water Year Annual Report	\$52,810	\$1,399,574	To be completed by April 1, 2024

Notice to Proceed for the Task Order No. 7 Scope of Work

This serves as the Notice to Proceed for the identified Scope of Work for Task Order No. 11 defined herein.

Fritz Buchman, C.E., T.E., CFM
Secretary
ESJGWA
Date: _____

Leslie Dumas
Senior Principal | Sr. Water Resources Engineer
Woodard & Curran, Inc.
Date: _____

APPROVED AS TO FORM:

Tom Terpstra, ESJGWA
General Counsel



MEMO

TO: ESJ GWA Steering Committee

FROM: Fritz Buchman, Secretary and San Joaquin County Public Works Director

SUBJECT: Recommendation to Negotiate a Proposal with Woodard Curran for the Eastern San Joaquin 2025 GSP Update

Date: October 11, 2023

Recommendation

Staff recommends that the ESJGWA Steering Committee direct staff to negotiate a proposal with Woodard Curran for the Eastern San Joaquin 2025 GSP Update.

Discussion

Woodard Curran (WC) was initially contracted to assist the ESJGWA in the development of the Eastern San Joaquin Groundwater Sustainability Plan (2020 GSP) which was adopted by all 16 Groundwater Sustainability Agencies (GSA) and then submitted to the Department of Water Resources DWR in January 2020. The 2020 GSP was reviewed by DWR and found to be incomplete. WC was then tasked with assisting the ESJGWA in developing a response including providing the necessary revisions requested by DWR. The ESJGWA submitted a Revised 2020 GSP to DWR in July 2022.

On July 6, 2023 the ESJGWA received final confirmation that the Revised 2020 GSP did in fact receive an “Approved Determination” from DWR preventing referral to the State Water Resources Control Board for enforcement. DWR’s approval did also come with significant comments and recommendations for improvement. In recent comments made by Paul Gosselin, DWR Deputy Director of SGMA, DWR will be publishing new guidelines for the 2025 GSP updates suggesting the bar for achieving approval would be raised.

WC is a leading firm specializing in SGMA and has served as the ESJGWA’s SGMA consultant since 2018. Given WC’s expertise, history working with local GSAs, stakeholders, and experience across Subbasin boundaries, staff recommends negotiating a scope of work and budget based on DWR’s approval comments and existing DWR information on the 2025 GSP Update. Staff’s recommendation is also based on the short time remaining before the 2025 GSP Update is due (January 2025) and the significant effort it would take to get another firm up to speed to develop the 2025 GSP Update.

Fiscal Impact: None at this time. The ESJGWA is projected to have by the end of June 2024 a \$410,000 reserve balance based on the adopted FY 2023-24 Budget which was intended to be a major local funding source for the 2025 GSP Update.