

EASTERN SAN JOAQUIN REGION SUSTAINABLE GROUNDWATER MANAGEMENT ACT WORK GROUP

MEETING NOTICE SGMA WORK GROUP

Wednesday, September 14, 2016 9:30 a.m. – 12:00 p.m.



San Joaquin County – Robert J. Cabral Agricultural Center 2101 E. Earhart Avenue – Assembly Room #1, Stockton, California

Safety Announcement

Approval of Minutes for the Meeting of August 10, 2016

SCHEDULED ITEMS

Discussion:

- a. SGMA Activities and Roadmap Discussion
- b. Presentation of the GSP Program Guide Brandon Nakagawa
- c. Progress on Attorney's Drafting Committee Downey Brand
- d. Roundtable on GSA status "Which GSA will your agency be a part of and have other agencies decided to join?": All SGMA Work Group Members

Public Comment:

Next Regular Meeting October 12, 2016, at 10:00 a.m.

San Joaquin County - Robert J. Cabral Agricultural Center 2101 E. Earhart Ave., Assembly Rm. #1, Stockton, California

Action may be taken on any item

Agendas and Minutes may also be found at http://www.qbawater.org
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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 REGION SUSTAINABLE GROUNDWATER MANAGEMENT ACT WORK GROUP

MINUTES - SGMA WORK GROUP

Wednesday, August 10, 2016

Follow up items:

- Update Roadmap monthly
- SGMA WG members to engage Boards and Commissions on centralized GSA JPA concept

Present at the SGMA WG meeting of August 10, 2016 were the following SGMA WG Members:

	MEMBER AGENCY	MEMBERS
1.	Calaveras County	Not Represented
2.	Calaveras County Water District (CCWD)	Not Represented
3.	California Water Service Company (Cal Water)	John Freeman
4.	Central Delta Water Agency (CDWA)	Dante Nomellini
5.	Central San Joaquin Water Conservation District (CSJWCD)	Reid Roberts
6.	City of Escalon	Not Represented
7.	City of Lathrop	Greg Gibson
8.	City of Lodi	Lance Roberts
9.	City of Manteca	Not Represented
10.	City of Ripon	Not Represented
11.	City of Stockton	Antonio Tovar
12.	Linden County Water District (LCWD)	David Fletcher
13.	Local Agencies of the North Delta (LAND)	Erik Ringelberg
14.	Lockeford Community Services District (LCSD)	Mike Henry
15.	North San Joaquin Water Conservation District (NSJWCD)	Thomas Flinn
16.	Oakdale Irrigation District (OID)	Erik Thorburn
17.	San Joaquin County	Chuck Winn
18.	San Joaquin Farm Bureau Federation (Associate Member)	Julianne Phillips
19.	South Delta Water Agency (SDWA)	Not Represented
20.	South San Joaquin Irrigation District (SSJID)	Peter Rietkerk
21.	Stanislaus County	Walter Ward
22.	Stockton East Water District (SEWD)	Scot Moody
23.	Woodbridge Irrigation District (WID)	Doug Heberle

MOTION: Minutes for the meeting of July 13, 2016 were unanimously approved.

SCHEDULED ITEMS

Ms. Carolyn Lott, SGMA Work Group (SGMA WG) facilitator, welcomed the SGMA WG and invited each member to introduce themselves. Also present was Mr. George Hartmann, SGMA Ombudsman.

I. <u>Discussion:</u>

- a. <u>SGMA Activities and Roadmap Discussion</u>: Mr. Nakagawa displayed an updated GSA boundary map to assist the SGMA Workgroup in its discussions regarding overlap issues. This updated map contains boundaries at the parcel level to clearly define boundaries. The maps and/or updates reflect the following:
 - City of Lodi Intent is to form its own GSA and is scheduled to go before its City Council to sign an MOU with NSJWCD, which has approved to relinquish an area in East Lodi to the City of Lodi;
 - NSJWCD and LCSD have approved an MOU lifting NSJWCD's claim to LCSD's area;
 - WID has an agreement that the overlap areas with the City of Lodi will be mapped into the City of Lodi's GSA;
 - Discussions are progressing amongst the following agencies with overlapping areas: SEWD, the City of Stockton, Cal Water and the County;
 - The map reflects South County for CSJWCD and SSJID spheres of influence;
 - Oakdale continues discussions with its Board of Directors and has expressed the intent to file as its own GSA; and
 - Productive discussions have been held between SSJID and the cities of Ripon, Manteca, and Escalon.

The GSA boundary map is taking shape. Mr. Nakagawa encouraged the SGMA WG to contact Mr. Gerardo Dominguez, Water Resources (staff) for assistance finalizing their boundary maps at the parcel level.

Mr. Nakagawa concluded his presentation and opened the floor for discussion.

Mr. Tom Flinn commended Mr. Nakagawa and staff of the work being done on GSA mapping. He recalled when LAFCo desired all areas to be represented thus added areas to NSJWCD. He referenced the updated GSA boundary map noting areas of the County (e.g. CSJWCD) are not covered and inquired whether LAFCo may be concerned. Mr. Nakagawa responded that LAFCo conducted a Municipal Service Review (MSR) with information provided by the County on the groundwater management plan and IRWMP. He added there is a sphere of influence designated for the unorganized areas adjacent to CSJWCD and SSJID. Mr. Flinn suggested a discussion with LAFCo regarding unrepresented areas. Mr. Nakagawa added that LAFCo would set a sphere of influence based on information provided in the MSR, and the districts are responsible for the annexations on their timetable, which is a process unto itself. The County would cover the "white areas" until such annexations take place.

Mr. Walter Ward requested for the GSA Boundary Map to be displayed to show the entire basin. He expressed opinion the map implies that Calaveras County and Stanislaus County are not in the Eastern San Joaquin Subbasin. Mr. Nakagawa concurred and the map will be revised.

b. <u>Update on Ad Hoc Technical Review Committee Discussion</u>: Mr. Nakagawa began discussion of the recent GBA action to approve a scope of work with an On-Call consultant by referencing upcoming difficult policy issues that must be resolved. The scope of work as drafted will help advance discussions in a more enlightened way regarding potentially costly issues such as monitoring (what kind, how much), cost, and funding, and alternatives to avoiding well meters which are expensive. He also hinted that the group is keenly interested in the draft Joint Exercise of Powers Agreement (JPA) and a guiding document of policy issues which are scheduled to be presented by SGMA Counsel later in today's meeting. He emphasized that the Attorney Group was reminded they are attorneys and not the policy makers who sit on the SGMA WG. Policies should also be going back to our respective Board of Directors, City Councils, or agencies for review.

Ms. Lott asked the WG if there were any objections to proceed with the proposed consultant scope of work recommended by the Ad Hoc Technical Review Committee as well as the GBA Board. Mr. Dante Nomellini inquired as to whether the grant program covers the recommended scope of work. He does not oppose the expenditure, but expressed concern regarding duplication of effort. Mr. Nakagawa replied that the grant has been brought forward to the group prior to application and award. It can be sent forward to the group again for reference.

There is a focus in the grant that differs from the proposed scope of work. While each will help the SGMA WG move towards development of the GSP, the grant will support work to bring a local groundwater model in compliance with SGMA by helping to develop a water budget based on cropping patterns, irrigation demands, municipal water production data and surface water delivery. The on-call scope of work will focus more on the structure as well as operation and maintenance of a well monitoring network.

Motion: Mr. Scott Moody made a motion to approve the scope of work with the On-Call Consultant as recommended by the Ad Hoc Technical Review Committee and recent action by the GBA Board. The motion was seconded by Mr. Ward and passed unanimously.

c. <u>Roundtable Discussion</u>: Ms. Lott began the discussion by reviewing the set of information required by DWR when initial GSA paperwork was filed: bylaws; internal documents of governance; resolution by governing board; and description of boundaries. She stressed the importance of getting these documents amended and/or developed as required for DWR filing.

Ms. Lott requested the following question be answered by the SGMA WG members for this roundtable discussion:

• "What remaining issues need to be resolved before filing your amended paperwork with DWR?"

San Joaquin County: Mr. Chuck Winn invited Mr. Nakagawa to comment. Mr. Nakagawa stated the simple answer is, "the map is key." Completion of the map is the last element needed for filing.

Currently, the County is in discussions with the City of Stockton and Linden. There has also been discussion regarding what can be done to assist SSJID and surrounding cities, as well as discussion of the language reflected in the JPA document regarding the North Delta areas. Ms. Lott asked when the Board might expect to take action on a GSA Resolution? Mr. Nakagawa answered to hopefully have a JPA by early next year.

Stanislaus County: Mr. Walter Ward reported they are having continued discussions with Calaveras County, Valley Springs PUD, Calaveras County Water District (CCWD), and Rock Creek Water District. CCWD legal counsel, Downey Brand LLP, has created a draft document of governance structure which is being reviewed by Stanislaus legal counsel, Tom Boze. Stanislaus County has almost completed their mapping at the parcel level. Stanislaus' timeline is to work through all requirements of SB 13 (public notice, filing, public hearing, resolution language, etc.) by this Fall and take action by early 2017.

City of Lodi: Mr. Lance Roberts reported that on August 17, 2016, the MOU with NSJWCD will go before City Council. Discussions with the County have been positive and he does not foresee mapping issues. An important factor will be the JPA but there are no further issues.

Lockeford Community Services District (LCSD): Mr. Mike Henry reported that LCSD is in agreement with City of Lodi and NSJWCD and has drafted an MOU which will require LCSD Board approval. Mr. Henry asked in the filing process with DWR, does a hard copy of the MOU with NSJWCD need to be included? Ms. Lott suggested that when filing with DWR, submit a complete packet. She added that if resubmitting a revision, to submit an entire revised packet to DWR – not just the revised sections.

City of Lathrop: Mr. Greg Gibson reported the City of Lathrop has not filed independently and is currently covered by the County filing. The governance and funding structure is under discussion and will be a factor in the ultimate decision to remain within the County's filing or file as its own GSA. Lathrop straddles two subbasins: 1) Tracy Subbasin – would file within the County; and, 2) San Joaquin Valley Subbasin – more information is needed on governance and funding to present before City Council. Mr. Roberts requested one-on-one discussions with the County. Mr. Nakagawa agreed.

Linden County Water District (LCWD): Mr. David Fletcher reported LCWD filed as its own GSA deeming it necessary for the agency to have a seat at the table. After hearing Mr. Nakagawa's presentation regarding GSA filing, he requested clarification on joining the County GSA. Mr. Fletcher requested the GSA map be revised to reflect LCWD's area. He added LCWD is a dually-elected board providing service to 550 municipal connections. In addition, all out-of-district customer APN's have been sent to Mr. Dominguez to establish boundaries. Mr. Kris Balaji interjected that the map will be revised as requested. To clarify Mr. Fletcher's concern of the unrepresented areas in WID being represented by the County, Mr. Balaji explained that there must be a land-use authority for those "white" areas and an effort will be made with all parties involved to clarify how each will be represented.

City of Stockton: Mr. Antonio Tovar reported that the City of Stockton and Cal Water have remaining mapping details to work through with consensus expected within the next month. He expects the final mapping details to go before City Council for approval by year's end.

Ombudsman: Mr. George Hartmann reiterated Mr. Fletcher's concern and stated per the current structure in the JPA drafted by the Attorney's Group, you can be a member and have a seat at the table if your district has not elected to be a GSA. However, only GSAs are "voting" members. Ms. Lott added these issues are still being resolved by the Attorney's Group.

South San Joaquin Irrigation District (SSJID): Mr. Peter Rietkerk reported SSJID has met or will be meeting with the cities of Ripon, Manteca, and Escalon on governance structure. He added the mapping is "there" but final decisions are needed to determine which entities will be part of the SSJID GSA. There have been progressive discussions with 3-cities in the south county area to become one GSA.

Stockton East Water District (SEWD): Mr. Scot Moody reported that SEWD has come to an agreement with Cal Water, the City of Stockton, and the County regarding the separation of boundaries at the parcel level. SEWD has a preliminary map and will submit it to Mr. Dominguez to be included in the comprehensive boundary map. Since SEWD has filed with DWR as a GSA, further action will be to file a modified map and possibly a resolution.

Oakdale Irrigation District (OID): Mr. Eric Thorburn reported that OID presented to its Board of Directors on July 19, 2016. On August 2, 2016, the Board instructed OID staff to pursue forming its own GSA for its service area within the Eastern San Joaquin Subbasin. General discussions have been held with the County. Mapping is being done internally and he anticipates boundary issues to be resolved by September. Amended paperwork will be filed to DWR by the end of 2016.

Woodbridge Irrigation District (WID): Mr. Doug Heberle reported not much has changed except the possibility of LAND and CDWA may form independent GSAs. He does not foresee this as an issue as WID shares boundaries with these entities. Mr. Heberle will present this issue to WID Board of Directors at its August 11, 2016 meeting to receive further direction.

Central San Joaquin Water Conservation District (CSJWCD): Mr. Reid Roberts reported CSJWCD will proceed as an independent GSA. An issue to resolve is Farmington Water Company. It is completely encompassed within the CSJWCD boundary. In addition, another issue is acreage to the east of the County line. Two years ago, CSJWCD petitioned annexation of this land, to which LAFCo indicated an election would be required. Subsequently, CSJWCD complied and a pocket of 5-10 acre residential lot owners voted against annexation due, in part, to the fee associated with this action. What can be done with this area that remains in CSJWCD sphere of influence? This is a significant area and CSJWCD is willing to make them part of their GSA but the landowners are difficult to contact. Ms. Lott asked if CSJWCD does not take in this area, will they become part of the County GSA? Mr. Roberts believes this unrepresented area would fall under the County's GSA.

California Water Service Company (Cal Water): Mr. John Freeman concurred with the updates given by City of Stockton and SEWD. He added there are no outstanding issues and Cal Water will meet the September 30th deadline.

Central Delta Water Agency (CDWA): Mr. Dante Nomellini reported that CDWA and SDWA met with the County regarding GSA standing. The initial (and probable) decision is to be a part of the County

GSA. Both CDWA and SDWA overlap the Eastern San Joaquin and Tracy subbasins and an agreement will be drafted amongst the districts.

North San Joaquin Water Conservation District (NSJWCD): Mr. Tom Flinn reported that NSJWCD is in an agreement with the City of Lodi and LCSD. There are still some questionable County service areas within NSJWCD boundaries to resolve. However, Jennifer Spaletta, NSJWCD legal counsel, has informed Mr. Flinn that the boundary issues are under control.

Local Agencies of the North Delta (LAND): Mr. Erik Ringelberg reported the Northern Delta GSA has three reclamation districts and there is an area of potential overlap with WID. LAND is not interested in overlapping within WID boundaries, but rather looking to pick up the areas of the reclamation districts outside the water district. Currently, Mr. Ringelberg is creating a universal template for the funding analysis for their 9 districts. LAND has its own GIS shape files and will consolidate with the County map. Mr. Ringelberg foresees getting the GSA resolutions out by October-November 2016. In addition, LAND intends to meet with the County to confirm boundary issues.

Ms. Lott concluded the roundtable discussion and stated that based upon the agency updates, it seems boundary issues will be sorted out by the September deadline. She proposed that February 2017 become the drop-dead date for each GSA to pass resolutions, and for each entity to file their paperwork with DWR no later than March 2017. She feels that filing by March 2017 will give ample time for any potential corrections to this paperwork before the DWR filing deadline of June 2017. She asked the SGMA WG if there were any concerns regarding that time frame?

Mr. Henry asked Mr. Nakagawa if he anticipates that the JPA will be completed by the January-February estimation? Mr. Nakagawa responded affirmatively. Ms. Lott reiterated to keep these target dates to which Mr. Ward concurred. Mr. Ward added that DWR workload will be heavy if we wait until the last minute to file.

d. <u>Progress on Attorney Drafting Committee</u>: Mr. Nakagawa introduced Ms. Meredith Nikkel, Downey Brand Special Water Co-counsel to Kevin O'Brien, hired by the County to provide JPA drafting services. Ms. Nikkel discussed the draft JPA, the process used to create the draft, and the drafting committee. Discussion today will include process, discussion moving forward, and setting goals.

Ms. Nikkel reported the drafting committee had met four separate times – twice in person; and, twice via phone. The process included productive dialogue which crystalized to the Attorney's Group that there are policy issues which they are not in a position to decide. Thus, a JPA was drafted to put concepts into a solid form for policy makers to debate and make the final decision. The attorneys refer to the agreement as a "place to start."

Two documents were presented for distribution:

- Summary/Narrative Help identify key policy issues to be decided; and,
- The Draft JPA itself.

Ms. Nikkel briefly discussed the key principles and policy issues considered in the JPA agreement. She advised the SGMA WG members to read the document and take it back to their respective boards and city councils for discussion. After internal discussions, she requests the agencies report back to the Attorney's Group with the issues each entity is willing to support, and to identify which policy issues require further discussion. The JPA is designed for a collective group of multiple GSAs that have formed under SGMA and overlie the Eastern San Joaquin Subbasin.

Key principles:

- A legal issue and key purpose of a JPA is it can exercise the common powers of all the members. If one member is not a GSA, then the JPA cannot exercise the authority of a GSA because that power is not common among all its members. The policy issue for discussion is what is the criteria for membership to the JPA, GSAs only vs. agencies with the potential to be a GSA.
- The JPA is intended to be a collection of GSAs with the goal and intent of developing a single GSP. The JPA itself does not serve as a coordination agreement. A coordination agreement is only required when two GSAs are developing separate GSPs within a single basin. Currently, the proposal is to only have one GSP for the entire San Joaquin Subbasin for all to sign on to. But, if a separate GSA decides to develop their own GSP, a coordination agreement must be in place and the JPA can be a vehicle to assist.
- Voting is an important policy issue. The JPA is currently drafted to strive for consensus and then "one member one vote" type of agreement. This concept of the JPA can always be revised. The desire and goal is for all to have a voice and for the group reach consensus when the JPA takes action.
- Funding sources will include existing Zone 2, initial grant funding, and initial member contributions. A JPA Board of Directors is proposed to ultimately determine allocations.

The initial JPA is designed to allow for flexibility in recognizing the goals and requirements of SGMA. Ms. Nikkel encouraged the SGMA WG to take the documents back to their Boards, attorneys, and landowners for review and local discussions. She invited the members to bring suggestions back to the Attorney's Group at the September SGMA meeting.

Mr. Hartmann inquired if you are a non-voting member of the JPA, are you exercising any power? Ms. Nikkel responded that the JPA laws states if you are a party to JPA agreement, then the common powers rule applies. If an entity wants to sit at the table in the JPA, definition of their membership will need to be developed regarding common power. Mr. Hartmann suggested an advisory board to which Ms. Nikkel concurred. However, if the JPA is not exercising a SGMA authority, it may not be necessary. Mr. Hartmann suggested looking at the original mission statement of goals and objectives to formulate policy. He commended the Attorney's Group on the structure of the draft JPA.

Mr. Henry inquired who would be the single contact with DWR as required by SGMA? Ms. Nikkel answered the JPA Board will approve the final GSP which will appoint the contact entity. Mr. Ward asked why the creation of a JPA, and not an MOA if all members are their own GSA? He requested a concept diagram for clarification to take back to his Board. Ms. Nikkel responded that a JPA can be

an agreement amongst public entities that is not a separate entity, itself. However, if one of the common powers among members is to contract, then the JPA can exercise that power. There was discussion amongst the Attorney's Group if the JPA should become its own entity – requiring reporting requirements as a public entity. Currently, the JPA is not set up as an entity. Ms. Nikkel concurred that the JPA is set up as a type of MOA but allows for flexibility in the future to become a separate entity.

Mr. Nomellini added that the draft document was developed with disagreement amongst the lawyers but created for policy makers to view and discuss. Of particular concern was the structure where a majority vote can transition this entity (e.g. MOU) into a body that begins to contract, incur indebtedness, etc. Mr. Nomellini expressed concern of creating a body that could have authority to conduct itself like a GSA. Mr. Ward reiterated his opinion regarding the concept and the structure of a member agency that is a GSA of its own accord with its own governance and decision making to the member agency's Board of Directors, but then is subject to decision making by a higher structure.

Ms. Nikkel clarified this document is a working draft open for discussion amongst each agency's respective boards and councils. She is requesting feedback from the SGMA WG by September 9, 2016 prior to the next SGMA meeting on September 14th. Ms. Lott added they are looking for common policy issues that need to be resolved. Ms. Lott asked if there is one GSP, would the JPA be the applicant for the DWR grant for plan development? Her understanding is there is one planning grant allowed per basin thus making the JPA the DWR contact? Ms. Nikkel stated that issue will be flagged for discussion as all details have not been sorted out.

Mr. Hartmann added that Attorney's Group was careful to reserve unto the GSAs – the powers of the GSA. As the organization evolves, it may become appropriate the idea of transferring some GSA powers to an entity.

Mr. Flinn commended the Attorney's Group on handling a very difficult subject. He inquired as to the process regarding overlying authority the County has over their entities (e.g. land use, health issue) and if these governance issues were considered in the draft document. Ms. Nikkel answered it was not considered in-depth as it is a policy issue. But she reiterated Mr. Hartmann's comment that there is no intent of the JPA or the County to exercise special powers of members or GSA's within the County. The document is a collective of the GSAs acting together to satisfy the requirements of the SGMA. Mr. Nakagawa added that the context of his comments reflected the intent to respect each other's autonomy. The County does have certain authorities regarding land use, health and safety, and police powers. He added the document does respect the autonomies of each individual GSA, including the County's powers.

Ms. Lott asked if all members of the JPA do not have land use authority, then the JPA does not have land use authority? Ms. Nikkel clarified it depends on the definition of land use but is still an open policy question. Mr. Nomellini interjected that the members agree the authority, itself, is not intended to be a GSA but the members may elect GSA status at their discretion at a future time. He added this document was submitted to the members for policy guidance to the drafters of the agreement. Mr. Balaji encouraged comments and/or suggestions needed on this draft document.

Ms. Lott reiterated the need for review on the draft JPA for key fundamental policy issues and language. Mr. Hartmann referred to the draft JPA, Article 4.4.6 – Voting: The first obligation is to reach consensus with voting as a way to ratify a consensus decision. Thus, non-SGMA entities can still participate in consensus building.

Ms. Lott concluded the meeting and thanked the Attorney's Group for their hard work and a job well done. Mr. Nakagawa added that Staff will send out the documents electronically.

PUBLIC COMMENT

No public comment was offered.

MEETING ADJOURNED

11:37 A.M.

NEXT REGULAR MEETING

Next SGMA WG Meeting: Wednesday September 14, 2016, 10:00 a.m. – 12:00 p.m. at the San Joaquin County - Cabral Agricultural Center, Stockton

Submitted by: Danielle Barney, San Joaquin County

Eastern San Joaquin Subbasin Sustainable Groundwater Management Act Work Group

Date: August 10, 2016 Time: 10:00 a.m.

San Joaquin County Robert J. Cabral Agricultural Center, Stockton

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	Terry Withrow	Stanislaus County Alternate	525-6560	withrowt@stancounty.com
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	Anders Christensen	Woodbridge Irrigation District Alternate	625-8438	widirrigation@gmail.com

SGMA Associate Member

INITIAL	Member's Name	Organization	Phone	Email
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SGMA Staff

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SGMA – OTHER INTERESTED PARTIES Sign-In Sheet

Eastern San Joaquin Subbasin Sustainable Groundwater Management Act Work Group

Date: August 10, 2016

Time: 10:00 a.m.

San Joaquin County Robert J. Cabral Agricultural Center, Stockton

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