

# Tracy Subbasin GSP Coordination Committee Meeting

Thursday, October 21, 2021  
1:00 PM to 3:00 PM

## Teleconference Meeting Only

Teleconference Link: <https://stantec.zoom.us/j/93541056999>

Phone Number: 1-669-900-6833

Meeting ID: 935 4105 6999

### **NOTICE: CORONAVIRUS COVID-19**

Assembly Bill 361 amends Section 54953 of the Government Code to allow the legislative body of a local agency to meet remotely without complying with the normal teleconference rules for agenda posting, physical location access, or quorum rules. To do so, one of three scenarios must exist, all of which require that the Governor has proclaimed a State of Emergency pursuant to Government Code section 8625:

- A. State or local officials have imposed or recommended measures to promote social distancing;
- B. The agency is holding a meeting for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees; or
- C. The agency is holding a meeting and has determined that meeting in person would present imminent risks to the health or safety of attendees.

Assuming the State of Emergency remains in effect and an agency wishes to continue meeting under the modified rules, it must adopt an initial resolution within 30 days of the first teleconference meeting (which applies retroactively to that first meeting), and then must adopt an extension resolution at least every 30 days thereafter. (Id. at subd. (e)(3).)

California Governor Gavin Newsom declared a state of emergency on March 4, 2020 in response to the COVID-19 pandemic. The state of emergency declaration remains in place. Pursuant to the requirements of Section 54953 of the Government Code, the Tracy Subbasin Sustainability Agencies will consider a resolution to determine whether meeting in person would present imminent risks to the health and safety of attendees. If the resolution is in place, GSP Coordination Committee meetings will continue to be held remotely for a period of at least 30-days.

The following options are available to members of the public to listen to these meetings and provide comments to the Committee Members before and during the meeting:

### **CALL-IN**

Member of the public are encouraged to use the call-in number, which will allow them to fully participate in the meeting without having to be present in person. ***Once connected, we request you kindly mute your phone.***

### **PUBLIC COMMENT**

If you wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Wednesday prior to the meeting. Please submit your comment via email to Matt Zidar, San Joaquin County, at [mzidar@sjgov.org](mailto:mzidar@sjgov.org). Your comment will be shared with the Tracy Subbasin Groundwater Sustainability Agencies members and placed into the record at the meeting. Every effort will be made to read comments received during the meeting into the record but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

### **DISABILITY-RELATED MODIFICATIONS**

If you need disability-related modification or accommodation in order to participate in this meeting, please call 1 (209) 468-3089 at least 48 hours prior to the start of the meeting.

## **AGENDA**

### **I. Opening of Meeting/Roll Call**

### **II. Scheduled Items**

- A. Approval of September 16 and October 5 GSP Coordination Committee Meeting Minutes – *Action Item*
- B. Resolution Proclaiming a Local Emergency, Ratifying the COVID-19 State of Emergency, and Authorizing Remote Teleconference Meetings of the Tracy Subbasin GSP Coordination Committee Pursuant to the Ralph M. Brown Act – *Action Item*
- C. Public Outreach Update – *Discussion Item*
- D. Approval of Budget and Cost Allocation Methodology for GSP Implementation – *Action Item*
- E. Responses to Public and GSA Comments Received on the Draft GSP – *Discussion Item*
- F. Amendment to the Memorandum of Agreement – *Discussion Item*
- G. GSP Adoption Schedule – *Discussion Item*
- H. DWR Status Report – *Discussion Item*

### **III. Public Comments**

### **IV. Agency Comments**

### **V. Next GSP Coordination Committee Meeting – November 18, 2021**

### **VI. Adjournment**

**Tracy Subbasin  
GSP Coordination Committee Meeting**

**Thursday, September 16, 2021  
1:00 PM to 3:00 PM**

**Teleconference Meeting Only**

Teleconference Link: <https://stantec.zoom.us/j/93541056999>

Phone Number: 1-669-900-6833

Meeting ID: 935 4105 6999

**DRAFT MINUTES**

**I. Opening of Meeting/Roll Call**

The meeting was called to order at 1:05 PM.

Roll call found the following Groundwater Sustainability Agency (GSA) representatives present via teleconference:

- David Weisenberger, Banta-Carbona Irrigation District GSA
- Nick James, Byron-Bethany Irrigation District GSA
- Greg Gibson, City of Lathrop GSA
- Lea Emmons, City of Tracy GSA
- Lemar Saffi, City of Tracy GSA
- Matt Zidar, San Joaquin County GSA
- Ryan Alameda, Stewart Tract GSA

Other attendees:

- Sean Storey, GEI
- Nadar Shareghi, Mountain House Community Services District
- Steve Pinkerton, Mountain House Community Services District
- Jose Coronado, San Joaquin County
- Claire Howard, San Luis & Delta-Mendota Water Authority
- John Brodie, San Luis & Delta-Mendota Water Authority
- Kirsten Pringle, Stantec
- Elizabeth Simon, Stantec

**II. Scheduled Items****A. Approval of August 19 GSP Coordination Committee Meeting Minutes****RESULT: APPROVED****MOVER:** Matt Zidar, San Joaquin County GSA**SECONDER:** Ryan Alameda, Stewart Tract GSA**AYES:** Banta-Carbona Irrigation District GSA, Byron-Bethany Irrigation District  
GSA, City of Lathrop GSA, City of Tracy GSA, San Joaquin County GSA**NOES:** None**ABSENT:** None**ABSTAIN:** None**B. Public Outreach Update**

Kirsten Pringle, Stantec, informed the Coordination Committee that she had developed and distributed draft template materials to assist GSA staff with Groundwater Sustainability Plan (GSP) adoption. She requested suggested revisions on the materials be provided by end of day, September 16<sup>th</sup>. Nick James, Byron-Bethany Irrigation District GSA, asked if the materials were for both adoption of the GSP and Memorandum of Agreement (MOA). Ms. Pringle stated that the materials she had distributed could be used for both purposes.

Ms. Pringle asked each of the GSA representatives to provide documentation of MOA and GSP adoption once their respective governing bodies had voted to adopt the GSP. She reminded the GSAs to schedule adoption of the GSP. In addition, Ms. Pringle indicated that a special meeting may be needed to adopt the cost allocation methodology on October 5<sup>th</sup>, relevant to both the MOA and GSP.

**C. Summary of GSA Comments to Draft GSP**

Ms. Pringle provided a summary of public comments submitted during the Public Draft GSP public comment period.

Greg Gibson, City of Lathrop GSA, asked whether some comments could be addressed after the GSP is adopted and whether the California Department of

Water Resources would find the GSP insufficient if all public comments were not fully addressed. Matt Zidar, County of San Joaquin, advocated for triaging comments to identify which ones raised substantive technical and policy issues. He also supported the inclusion of comment responses in an appendix of the GSP.

Mr. Gibson requested clarification on how many times the draft GSP will be circulated for GSA review and comment before adoption. David Weisenberger, Banta-Carbona Irrigation District GSA, stated that GSAs should review and approve any revisions to the draft GSP. Ms. Pringle stated that the GSAs will have the chance to review the draft comment responses and proposed revisions to the draft GSP prior to the plan being finalized.

D. Revised Budget and Cost Allocation Methodology for GSP Implementation

Ms. Pringle summarized the discussion from the previous Coordination Committee meeting regarding the budget and cost allocation methodology.

Nadar Shareghi, Mountain House Community Services District, asked whether a non-pumping agency would be excluded from cost share requirements.

Mr. Storey provided an overview of the tool developed to evaluate different cost allocation methodologies. The tool calculates the estimated annual cost each GSA will have to pay for GSP implementation costs. The estimates are based on the groundwater use, acreage, and population within each GSA's jurisdiction in the Non-Delta Management Area.

The Committee discussed the data used to develop the groundwater use, acreage, and population numbers in the cost allocation tool.

Mr. Gibson stated that the City of Lathrop GSA's total groundwater use is not being captured by the number provided in the City's Urban Water Management Plan. Mr. Janes stated that the estimated groundwater used for BBID is incorrect because the number in the district's Agricultural Water Management Plan includes groundwater use in both the Tracy and East Contra Costa Subbasins. Ryan Alameda, Stewart Tract GSA, stated that there is no groundwater pumping in Stewart Tract, but they may use groundwater from the City of Lathrop. Lea Emmons, City of Tracy GSA, stated that the City of Tracy data is reflective of

historic conditions, but noted that there has been more pumping in recent years, particularly during drought years.

Mr. Weisenberger asked whether the annual reports will report actual or estimated groundwater use. Mr. Storey responded that, for the time being, the reports will provide estimated groundwater use as there isn't sufficient monitoring data to report actual groundwater use.

Mr. Gibson suggested using population data from the California Department of Finance for estimated population within each GSA. He added that the population for Stewart Tract GSA will need to be separated out from the population for the City of Lathrop. Matt Zidar, San Joaquin County GSA, suggested using data from the California Department of Finance or Census Bureau American Community Survey. Mr. Emmons noted that the City of Tracy's population is currently between 98,000 – 1000,000 based on latest Census Bureau data.

The Committee then discussed what percentage of costs should be based on each GSA's groundwater use, acreage, and population in the Non-Delta Management Area.

Mr. Weisenberger stated support for each GSA's cost share being split 60% by groundwater use, 20% by acreage, and 20% by population. Mr. Weisenberger noted the value of the 'hybrid' methodology is to be able to shift costs when they become applicable.

Mr. Gibson stated support for a cost share split based on 25% groundwater use 50% acreage, and 20% population. He expressed concerns about splitting costs by groundwater use due to the uncertainty in the estimates. He also stated that pumping should not be the only method for splitting costs because some GSAs may not use groundwater in certain years. Mr. Gibson noted that the City of Lathrop's groundwater use numbers only account for the City's wells and do not take into account pumping happening within the GSA boundaries by individual wells owners.

Mr. Emmons stated support for a cost share split based on 60% groundwater use, 20% acreage, and 20% population. He stated that the City of Tracy would likely not support a split that doesn't have a heavy groundwater pumping component. He added that the goal should be to reduce groundwater pumping to

zero so that the split would someday be based on 50% acreage and 50% population.

Mr. Janes stated support for a cost share split based on 60% groundwater use, 20% acreage, and 20% population.

Mr. Zidar stated support for a cost share split based on 25% groundwater use, 25% acreage, and 50% population. He noted that the Committee needs to discuss out how to fund GSP implementation costs for the unincorporated areas of the Subbasin not covered by Water Investigation Zone No. 2 funds.

E. Amendment to the Memorandum of Agreement

Mr. Pringle noted that the MOA will not be circulated until the cost allocation model is finalized.

F. GSP Adoption Schedule

No updates were provided.

G. DWR Status Report

No updates were provided.

**III. Public Comments**

There were no comments from members of public on items not on the agenda.

**IV. Agency Comments**

There were no additional comments from the GSA representatives.

**V. Next GSP Coordination Committee Meeting – October 5, 2021**

The next GSP Coordination Committee meeting will be held on October 5, 2021.

**VI. Adjournment**

Ms. Pringle adjourned the meeting at 2:52 PM.

# **Tracy Subbasin GSP Coordination Committee Special Meeting**

**Thursday, October 5, 2021  
1:00 PM to 3:00 PM**

## **Teleconference Meeting Only**

Teleconference Link: <https://stantec.zoom.us/j/93541056999>

Phone Number: 1-669-900-6833

Meeting ID: 935 4105 6999

## **DRAFT MINUTES**

### **I. Opening of Meeting/Roll Call**

The meeting was called to order at 1:35 PM.

Roll call found the following Groundwater Sustainability Agency (GSA) representatives present via teleconference:

- David Weisenberger, Banta-Carbona Irrigation District GSA
- Greg Gibson, City of Lathrop GSA
- Greg Young, Byron-Bethany Irrigation District GSA
- Lea Emmons, City of Tracy GSA
- Lemar Saffi, City of Tracy GSA
- Matt Zidar, San Joaquin County GSA
- Michael King, City of Lathrop GSA
- Ryan Alameda, Stewart Tract GSA
- Susan Dell'Oso, Stewart Tract GSA

Other attendees:

- Richard Shatz, GEI
- Nader Shareghi, Mountain House Community Services District
- Steve Pinkerton, Mountain House Community Services District
- Jose Coronado, San Joaquin County
- John Brodie, San Luis & Delta-Mendota Water Authority
- Kirsten Pringle, Stantec
- Elizabeth Simon, Stantec



## II. Scheduled Items

### A. Revised Budget and Cost Allocation Methodology for GSP Implementation

Richard Shatz, GEI, provided an overview of revisions made to the cost allocation tool based on comments provided at the last GSP Coordination Committee meeting. He then explained how San Joaquin County Water Investigation Zone No. 2 funds were split between the six GSAs in the Tracy Subbasin. At the County's direction, Mr. Shatz had subtracted a lump sum of \$85,000 from the total annual GSP Implementation cost prior to apportioning costs to the remaining GSAs.

Greg Young, Byron Bethany Irrigation District GSA (BBID GSA), stated that the groundwater use number for BBID GSA in the tool is incorrect. The number provided in the district's Agricultural Water Management Plan was larger than average due to surface water curtailments the previous year; in addition, a portion of the groundwater use is occurring in the East Contra Costa Subbasin. Mr. Young requested that Mr. Shatz revise the number in the cost allocation tool.

Susan Dell'Osso, Stewart Tract GSA, asked if the Committee members whether they were comfortable with the annual average cost in the budget. Mr. Young responded that the GSAs intend to reduce costs throughout the implementation process. Ms. Dell'Osso stated that she was comfortable with the budget as long as there was understanding that the numbers would be tuned up each year.

Mr. Young asked the Committee member whether they wanted to keep the current methodology to split the remaining San Joaquin County GSA costs (i.e. the costs not covered by the \$85,000 provided by Water Investigation Zone 2 funds) among the five other GSAs, with the understanding that they would revisit the methodology next year, or whether they wanted to find a new approach. He suggested adding a management action to the Groundwater Sustainability Plan (GSP) that states that the GSAs will reevaluate the GSP implementation funding mechanism(s) and cost allocation methodology in 2022. He noted that a new, basin-wide funding mechanism may require formation of a Joint Powers Authority or other governance structure.

Mr. Shatz suggested including a clause in the Memorandum of Agreement (MOA) to reevaluate the funding mechanism and cost allocation methodology an

on annual basis. Mr. Young indicated that his preference would be to have a more formal agreement.

Matt Zidar, San Joaquin County GSA, stated that basin-wide funding mechanism could be creation of a new assessment zone, but agreed with both of Mr. Young's suggestions. He recommended that the Coordination Committee agree on a cost allocation model now and reevaluate it after the GSP was submitted.

Lea Emmons, City of Tracy GSA, asked Mr. Zidar what Water Investigation Zone 2 funds used for. Mr. Zidar responded that the funds are spent on a variety of water-related activities in Zone 2, which extends outside of the Tracy Subbasin. Mr. Young raised concerns related to equity and the manner in which funding credits are distributed to the GSAs (by percentage of total fund, not by percentage of contribution).

Michael King, City of Lathrop GSA, stated support for agreeing to a cost allocation methodology now and reevaluating it later. He stated that the City of Lathrop would also like to see costs trued up each year.

David Weisenberger, Banta-Carbona Irrigation District GSA, stated support for a temporary cost allocation methodology and revisiting the methodology the following year.

The Coordination Committee decided to keep the split for the San Joaquin County GSA costs as-is, with the understanding that the cost allocation methodology would be reevaluated in 2022.

The Committee then discussed the methodology for splitting each GSA's annual GSP implementation costs by a percentage of groundwater use, acreage, and population within each GSA's jurisdiction in the Non-Delta Management Area. Mr. King, Mr. Gibson, and Ms. Dell'Osso stated their support for a cost split based on 33% groundwater use, 33% acreage, and 33% population. Mr. King stated that the level of confidence in the groundwater use estimates should be reflected its weighting in the cost allocation model.

Mr. Young, Mr. Weisenberger, and Mr. Emmons stated support for a cost split based on 60% groundwater use, 20% acreage, and 20% population. Mr. Weisenberger indicated that 33% acreage would be the maximum supported.

Mr. Zidar abstained from a cost allocation split discussions since the County had proposed to incorporate an annual \$85,000 towards GSP implementation costs.

The Coordination Committee decided that each GSA representative will discuss a potential cost split based on 60% groundwater use, 20% acreage, and 20% population in each GSA's jurisdiction in the Non-Delta Management Area with their management or governing bodies. The Committee will reconvene on October 21 and vote on the final cost allocation methodology.

**B. Responses to Public Comments Received on the Draft GSP**

Mr. Shatz provided an overview of the approach to respond to public comment on the Public Draft GSP. He highlighted three comments that required further direction from the GSAs. Two of the comments addressed groundwater quality and monitoring for constituents of concern. One of the comments addressed excluding drought periods from the sustainable management criteria. Mr. Shatz requested GSA comments on the draft responses to public comments by October 15.

**C. GSP Schedule**

Ms. Pringle provided an overview of the GSP and MOA adoption schedule. She requested that the GSAs provide the date of the public hearings to adopt the GSP. Mr. King noted that Lathrop would need the GSP ten days prior to their planned public hearing on November 8.

**III. Public Comments**

There were no comments from members of public on items not on the agenda.

**IV. Agency Comments**

There were no additional comments from the GSA representatives.

**V. Next GSP Coordination Committee Meeting – October 21, 2021**

The next GSP Coordination Committee meeting will be held on October 21, 2021.

**VI. Adjournment**

Ms. Pringle adjourned the meeting at 3:08 PM.

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To:	Tracy Subbasin Groundwater Sustainability Agencies	From:	Kirsten Pringle, Stantec
File:	AB 361 Extension of Modified Requirements for Remote Meetings	Date:	October 12, 2021

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**Reference: Assembly Bill 361 Extension of Modified Requirements for Remote Meetings****BACKGROUND**

The Ralph M. Brown Act (Brown Act), which governs local agencies, provides certain requirements for agencies to meet when utilizing teleconferencing for public meetings. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency due to the COVID-19 pandemic. Pursuant to the State of Emergency, Governor Newsom issued Executive Order N-29-20 on March 18, 2020 waiving certain requirements of the Brown Act relating to public participation and attendance at public meetings.

Executive Order N-29-20, among other things, provided several exceptions to the normal Brown Act teleconference rules to permit local agencies to continue meeting while stay-at-home orders were in effect or where meeting in person would pose a risk to health or safety. The executive orders allowed agencies to meet without first identifying or providing public access to each teleconference location, and without maintaining a physical presence of members within agency boundaries, though roll call votes and public participation were still required. On June 15, 2021, Governor Newsom issued Executive Order N-08-21 which provided that the Brown Act modifications would expire on September 30, 2021.

Governor Newsom signed into law Assembly Bill (AB) 361 on September 16, 2021 to amend the Brown Act to allow fully virtual meetings during a State of Emergency. Specifically, AB 361 amends Section 54953 of the Government Code to allow the legislative body of a local agency to meet remotely without complying with the normal teleconference rules for agenda posting, physical location access, or quorum rules. To do so, one of three scenarios must exist, all of which require that the Governor has proclaimed a State of Emergency pursuant to Government Code section 8625:

- A. State or local officials have imposed or recommended measures to promote social distancing;
- B. The agency is holding a meeting for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees; or
- C. The agency is holding a meeting and has determined that meeting in person would present imminent risks to the health or safety of attendees.

Assuming the State of Emergency remains in effect and an agency wishes to continue meeting under the modified rules, it must adopt an initial resolution within 30 days of the first teleconference meeting (which applies retroactively to that first meeting), and then must adopt an extension resolution at least every 30 days thereafter. (Id. at subd. (e)(3).)

**Reference:**      **Assembly Bill 361 Extension of Modified Requirements for Remote Meetings**

## **DISCUSSION**

Pursuant to the amendments provided by Executive Order N-29-20 and in accordance with state and local health guidelines, the Tracy Subbasin Groundwater Sustainability Agencies (GSA) have been holding meetings of the Tracy Subbasin Groundwater Sustainability Plan Coordination Committee (Coordination Committee) virtually since March 2020. Executive Order N-29-20 expired on September 30, 2021.

The State of Emergency is still in place and COVID-19 cases and the highly infectious Delta variant continue to impact San Joaquin County. Holding a Coordination Committee meeting in person may pose imminent risks to the health and safety of the meeting attendees.

Therefore, it is recommended the GSAs adopt a resolution, pursuant to AB 361, finding that the State of Emergency continues to directly impact the ability of the Coordination Committee members to meet in person. If the resolution is adopted, the Coordination Committee meetings will continue to be held remotely for a period of 30 days.

The Coordination Committee must adopt an extension resolution at least every 30 days thereafter at regular Coordination Committee meetings. If two Coordination Committee meetings are separated by more than 30 days, the GSAs may:

- Hold a special “AB 361” remote meeting within the 30-day window simply to re-authorize the AB 361 exceptions.
- Allow the initial resolution or extension resolution to lapse and approve a new initial resolution at the next agency meeting, subject to the same substantive and procedural requirements as the first.

To avoid lapses in extension of the resolution, staff recommend that the GSAs adopt an extension of the resolution at the monthly Coordination Committee meetings or hold a special meeting of the Coordination Committee at least every 30 days to reauthorize the modified teleconference rules until the State of Emergency is lifted or it is deemed safe by the GSAs and state and local health officials to meet in person.

**Kirsten Pringle, Stantec Consulting Services, Inc**

**Attachment:**      Resolution Proclaiming a Local Emergency, Ratifying the COVID-19 State of Emergency, and Authorizing Remote Teleconference Meetings of the Tracy Subbasin Groundwater Sustainability Plan Coordination Committee Pursuant to the Ralph M. Brown Act

## Tracy Subbasin GSP and MOA Amendment Adoption Schedule

Task/Activity	Responsible Party	Start Date	End Date	Due Date	Version: 10/01/2021
Prepare draft comment response matrix and revised GSP chapters (revisions shown in track changes).	GEI	28-Sep-21	30-Sep-21	1-Oct-21	
Prepare revised GSP implementation budget spreadsheet.	GEI	28-Sep-21	30-Sep-21	1-Oct-21	
Review revised GSP implementation budget spreadsheet.	GSAs	1-Oct-21	5-Oct-21	5-Oct-21	
Review and provide comments on draft comment response matrix and revised GSP chapters.	GSAs	4-Oct-21	15-Oct-21	15-Oct-21	
<b>GSP Coordination Committee Meeting - Discuss responses to comments and cost allocation methodology.</b>	GSAs	5-Oct-21	5-Oct-21	5-Oct-21	
Revise GSP implementation budget spreadsheet according to comments from GSP Coordination Committee meeting.	GEI	6-Oct-21	14-Oct-21	14-Oct-21	
Prepare final GSP chapters.	GEI	18-Oct-21	1-Nov-21	1-Nov-21	
<b>GSP Coordination Committee Meeting - Vote to adopt final cost allocation methodology.</b>	GSAs	21-Oct-21	21-Oct-21	21-Oct-21	
Prepare draft MOA amendment.	Stantec	22-Oct-21	22-Oct-21	22-Oct-21	
Review and provide comments on draft MOA amendment.	GSAs	25-Oct-21	29-Oct-21	29-Oct-21	
Finalize draft MOA amendment.	Stantec	1-Nov-21	1-Nov-21	1-Nov-21	
Adopt final GSP and MOA adopted by each GSA at a public hearing.	GSAs	7-Nov-21	17-Dec-21	17-Dec-21	