



Stanislaus & Tuolumne Rivers Groundwater Basin Association
Groundwater Sustainability Agency
1231 11th Street | Modesto, CA 95354
Email: strgba@mid.org

STRGBA GSA AGENDA

June 8, 2022 (1:30 p.m. – 2:30 p.m.)

Webinar Digital Platform or Phone Meeting

<https://us02web.zoom.us/j/82844864384>

By phone: 1-669-900-9128

Webinar ID: 828 4486 4384

This meeting is being conducted via webinar for all seven member agencies, pursuant to Executive Orders signed by Governor Gavin Newsom related to the ongoing COVID-19 pandemic, including provisions regarding the Brown Act. Members of the public and member agency staff may join the meeting utilizing Zoom's webinar feature if desired, or a phone number as provided in this Agenda. Members of the public will continue to have the opportunity to provide public input via the webinar or phone features. Members of the public may also email public comments by 3:00 p.m. on the day preceding the GSA meeting to: strgba.org. If public comments are timely submitted by email, then those comments will be identified during the public input section of the Agenda or during a specific agenda item if the agenda item is identified in the email. The Brown Act does not require a member of the public to state her or his name; please indicate in your email if you would like your name stated or if you want to remain anonymous. _

PUBLIC PARTICIPATION

The public may participate in this meeting in the two ways described below.

Instructions for Participating in STRGBA GSA & Technical Advisory Meeting via Zoom Webinar or Phone

On your desktop/iPad or tablet/laptop:

1. To join the webinar, click the link published in the Agenda for the current meeting about 5 minutes before webinar begins.
2. Follow the on-screen instructions to install and/or launch the Zoom application.
3. If prompted, enter the Webinar ID published in the Agenda.
4. All public attendees will enter the meeting muted.
5. If you wish to speak under Business from the Public, or after the Chairman calls for Public Comment, click on the "Raise Hand" button to request to speak.

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1. To join the meeting by phone, call the number published in the Agenda for the meeting.
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4. If you wish to speak under Business from the Public, or after the Chairman calls for Public Comment, press *9 on your phone to "Raise Hand" or simply request to speak.



1. Call to Order/Welcome and Introductions
(Four agencies needed for a quorum)
2. Business from the Public
Who: Public
Expected Outcome: Interested persons are welcome to introduce any topic within the Agency's jurisdiction. Matters presented under this heading may be discussed but no action will be taken by the Agency at this meeting.
3. Topic: Approve Meeting Minutes for 5/11/22 [Action Item]
Who: Eric Thorburn, Committee
Expected Outcome: Approval
4. Topic: Remote Teleconferencing Participation [Action Item]
Who: Gordon Enas, Committee
Expected Outcome: Approval
5. Topic: 2023 Operating Budget
Who: Gordon Enas, Committee
Expected Outcome: Approval
6. Topic: Well Permitting Review Process
Who: Eric Thorburn, Committee
Expected Outcome: Approval
7. Topic: Letter of Support - City of Modesto's Municipal Groundwater Supply Contamination Prevention and Cleanup Project
Who: Miguel Alvarez, Committee
Expected Outcome: Approval
8. Next Meeting
July 13, 2022 at 1:30 p.m. via Zoom
9. Items too late for the agenda



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MEETING MINUTES

May 11, 2022 (1:30 p.m. – 2:30 p.m.)

The meeting was called to order at 1:33 p.m.

1. Welcome and Introductions

The following members of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA) attended via Zoom:

Modesto Irrigation District:	Gordon Enas
Oakdale Irrigation District:	Eric Thorburn
City of Oakdale:	Michael Renfrow
City of Waterford:	Michael Pitcock
Stanislaus County:	Christy McKinnon

Other Attendees:

Phyllis Stanin, Todd Groundwater	Samantha Wookey, MID
Liz Elliott, Todd Groundwater	Doug Maner
Hilary Reinhard	Stacy Henderson
Alexis Stevens	Bill Hudelson
Dennis Wittchow	Samantha Wookey
Peter Drekmeier	Valerie Kincaid
John Davids	Allison & Dave Boucher
Lucas Hayes	V.A. Rodden

2. Business from the Public

N/A

3. Remote Teleconferencing Participation [Action item]

Enas moved, 2nd by Pitcock, to approve remote teleconferencing participation. Motion carried.



4. Approve 3/30/22 Meeting Minutes [Action item]

Pitcock moved, 2nd by Enas, to approve 3/30/22 meeting minutes. Motion carried.

5. 2023 Operating Budget

Enas reported that the draft operating budget for 2023 is included in the meeting handouts. The 2023 budget will be approved at the June 2022 STRGBA GSA meeting, so any comments on budget are due prior to the meeting.

6. Well Permitting Review Process

Thorburn reported that the GSA, in response to Governor Newsom's March 28, 2022, Executive Order N-7-22 associated with the extreme and expanding drought conditions across the State, is developing a Well Permit Acknowledgment form which will be submitted to Stanislaus County to be included in the well permit approval process. A draft of the form is included in the meeting handouts.

- Maner expressed his concerns with the well permit acknowledgment form since it is the GSA's responsibility to protect the groundwater basin and ensure Stanislaus County is complying with the current regulations.
- Thorburn stated that the County is the permitting agency and the GSA is not responsible for issuing permits.
- McKinnon stated that Stanislaus County will continue to comply with the current well permitting process which includes reviewing all plans before issuing any well permits, but they will look to the GSA to determine if the new well is consistent with the GSP.
- Kincade mentioned that SGMA gives GSA's the authority to manage and monitor the groundwater basin, but authority to issue well permits remains with County. The executive order requires a consistency determination be made by the GSA and is mainly to insure communication between the GSA and well-permittee.

7. GSP Review Comments

Stanin reported that DWR has completed their 75-day public review period for the GSP. DWR received three comment letters, but no formal response is required by the GSA.

8. Next meeting

June 8, 2022 at 1:30 p.m. via Zoom



AGENDA REPORT

GSA Meeting Date: June 8, 2022

Subject:	Brown Act Provisions for Remote Teleconferencing Participation in Meetings during a Declared State of Emergency.
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Recommended Action:	Resolution approving and confirming a Continuing State of Emergency Arising from the STRGBA GSA's Emergency Declaration During March 2020 (and Subsequent State and County Orders) due to the COVID-19 Pandemic and Further Authorizing Remote Conference Meetings of the STRGBA GSA's Governing Body Pursuant to the Provisions of the Brown Act and Duly Issued Laws and Orders from the State Related to the Pandemic and Operations for Governing Body Meetings.
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Background and Discussion:	<p>All meetings of the STRGBA GSA are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963) and related state laws and orders, so that any member of the public may attend either virtually or in-person as the case may be to participate and watch the GSA's governing body conduct GSA business.</p> <p>The Brown Act makes provisions for remote teleconferencing participation in meetings by members of a governing body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions, such as when a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558. It is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the governing body meeting in person would present imminent risks to the health and safety of attendees.</p> <p>Such conditions now exist in the STRGBA GSA, specifically, a State of Emergency has been proclaimed pursuant to Government Code Section 8625 that the COVID-19 Pandemic has strained the State's healthcare system and workforce and that state and local health departments must use all available preventative measures to combat the spread of COVID-19. As a consequence of the declared emergency, the STRGBA GSA does hereby find that the governing body of the STRGBA GSA shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such governing bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953.</p>
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Alternatives, Pros and Cons of Each Alternative:	<p>Pros: Allow GSA meetings to continue to meet while taking all available preventative measures to combat the spread of COVID-19.</p> <p>Cons: Requiring GSA meetings to be held in-person would violate the proclaimed State of Emergency and potentially expose meeting attendees to COVID-19.</p>
Concurrence:	<p>The actions proposed by this resolution have already been adopted by several of the GSA member agencies.</p>
Fiscal Impact:	<p>Since the GSA is currently holding all meetings by remote conferencing, the resolution will create no new or additional fiscal impact.</p>
Recommendation:	<p>Resolution making the following determination:</p> <p>Section 1. Recitals. The Recitals set forth in the attached resolution are true and correct and are incorporated into this Resolution by this reference.</p> <p>Section 2. Proclamation of Local Emergency. The Governing Body hereby proclaims that a local emergency exists throughout the GSA, and that the governing body meeting in person could present imminent risks to the health and safety of attendees due to the prevalence of the COVID-19 Pandemic in Stanislaus County and the State of California, such that the GSA reserves the right to continue virtual meetings and/or conduct in-person meetings consistent with local health guidance or duly issued orders.</p> <p>Section 3. Remote Teleconference Meetings. The Governing Body and its Chairman and designees of the GSA are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.</p> <p>Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) July 13, 2022, or (ii) such time the Governing Body adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Governing Body of the GSA may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.</p>

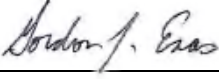
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Attachments:

Supporting documents attached:

 Resolution Presentation Other supporting docs None attached

Note: Original contracts and agreements are housed in the GSA Secretary's Office, phone (209) 526-7360.

Presenter

Gordon Enas, P.E.
6/3/2022
Date Signed

GSA Chairman

Eric Thorburn, P.E.
6/3/2022
Date Signed

D R A F T

RESOLUTION NO. 2022-06

**RESOLUTION CONFIRMING A CONTINUING STATE
OF EMERGENCY ARISING FROM THE STATE OF
CALIFORNIA AND STANISLAUS COUNTY ORDERS
DUE TO THE COVID-19 PANDEMIC AND FURTHER
AUTHORIZING REMOTE CONFERENCE MEETINGS
OF THE STRGBA GSA'S GOVERNING BODY
PURSUANT TO THE PROVISIONS OF THE BROWN
ACT AND DULY ISSUED LAWS AND ORDERS FROM
THE STATE RELATED TO THE PANDEMIC AND
OPERATIONS FOR GOVERNING BODY MEETINGS.**

WHEREAS, the STRGBA GSA is committed to preserving and nurturing public access and participation in meetings of its governing body; and

WHEREAS, all meetings of the STRGBA GSA are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963) and related state laws and orders, so that any member of the public may attend either virtually or in-person as the case may be to participate and watch the GSA's governing body conduct GSA business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the GSA's boundaries, caused by natural, technological, or human-caused disasters; and

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WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the GSA, specifically, a State of Emergency has been proclaimed pursuant to Government Code Section 8625 that the COVID-19 Pandemic has strained the State's healthcare system and workforce and that state and local health departments must use all available preventative measures to combat the spread of COVID-19; and

WHEREAS, as a consequence of the declared emergency, the STRGBA GSA does hereby find that the governing body of the GSA shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the GSA reserves the option to attend in-person meetings consistent with local health officer directives or to continue a practice of remote meetings that still allow multiple options for public participation.

NOW, THEREFORE, THE GOVERNING BODY OF THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Governing Body hereby proclaims that a local emergency exists throughout the GSA, and that the governing body meeting in person could present imminent risks to the health and safety of attendees due to the prevalence of the COVID-19 Pandemic in Stanislaus County and the state, such that the GSA reserves the right to continue virtual meetings and/or conduct in-person meetings consistent with local health guidance or duly issued orders.

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Section 3. Remote Teleconference Meetings. The governing body and its Chairman and designees of the GSA are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) July 13, 2022, or (ii) such time the Governing Body adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the GSA may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

DRAFT VERIFICATION BY STRGBA GSA OF GROUNDWATER WELL PERMIT IN ACCORDANCE WITH
EXECUTIVE ORDER N-7-22

On March 28, 2022, Governor Newsom issued Executive Order N-7-22 associated with the extreme and expanding drought conditions across the State. Among other things, the Executive Order states: “To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not: Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan.”

The Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (“STRGBA GSA”) and the Tuolumne County Groundwater Sustainability Agency (“Tuolumne GSA”) adopted the Modesto Subbasin Groundwater Sustainability Plan (“GSP”) for the San Joaquin Valley – Modesto Subbasin (“Basin”). The Basin is designated as “high-priority” by the Department of Water Resources and lies within portions of Stanislaus County and Tuolumne County. The STRGBA GSA is the exclusive groundwater sustainability agency (“GSA”) for the portion of the Basin in Stanislaus County, while the Tuolumne GSA is the exclusive GSA for the portion of the Basin in Tuolumne County. The GSP sets sustainable management criteria and defines projects and management actions to achieve its sustainability goals.

Applicant has submitted Well Application No. XXXX (“Application”) to Stanislaus County for review. The Application requests a permit to construct, modify, or repair a groundwater well in the portion of the Basin subject to the STRGBA GSA’s groundwater management authority under the Sustainable Groundwater Management Act (“SGMA”). Among other things, under SGMA, the STRGBA GSA has the authority to regulate, limit, or suspend extractions from any groundwater well constructed, modified, or repaired pursuant to this permit. (See Wat. Code, § 10726.4(a)(2).)

In accordance with the Executive Order N-7-22, Stanislaus County has requested the STRGBA GSA’s review of the Application. Based upon the information provided and the analysis undertaken, the STRGBA GSA verifies the actions contemplated in the Application would not be inconsistent with the GSP and would not decrease the likelihood of achieving the sustainability goals for the Basin defined in the GSP so long as any activities undertaken pursuant to any permit issued as a result of the Application, including, but not limited to, extraction of groundwater from the Basin from any well constructed, modified, or repaired, are undertaken in compliance with the GSP in its current form and as subsequently modified or amended, including, but not limited to, all sustainability criteria identified in the GSP and all projects and management actions undertaken pursuant to the GSP.

By supplying this Verification, the STRGBA GSA does not warrant or guarantee that any permit issued as a result of the Application ensures Applicant’s ability to extract any specific amount of groundwater from the Basin now or in the future, or the maintenance of any defined water level or water quality in the Basin.

The STRGBA GSA is not responsible for or otherwise liable for any fees, costs, damages, investments, or payments related to any groundwater well permitted as a result of the Application, including, but not

limited to, pumping fees, extraction limits, costs related to well failure, well deepening, increased maintenance, replacement, or operational costs.

Applicant shall defend and indemnify the STRGBA GSA and its agents, officers, and employees (“STRGBA Parties”) from any claim, action, liability, or proceeding against the STRGBA Parties arising out of the Application, including, but not limited to, the STRGBA GSA’s review and verification of the Application pursuant to Executive Order N-7-22, the County of Stanislaus’ review and action on the Application, the issuance of any permit on the Application, and any work or groundwater production undertaken pursuant to the Application. Applicant’s obligations under this Agreement to defend and indemnify the STRGBA Parties shall include, but not be limited to, payment of all court costs and reasonable attorneys' fees, all litigation-related costs including STRGBA GSA staff costs incurred in support of the litigation, all costs of any judgments or awards against the STRGBA GSA, and/or all settlement costs, which arise out of the Application.

STRGBA GSA

Date



**Stanislaus & Tuolumne Rivers Groundwater Basin
Association
Groundwater Sustainability Agency**
1231 11th Street | Modesto, CA 95354
Phone: (209) 526-7564 | Fax: (209) 526-7352
Email: John.Davids@mid.org

Mr. Alex Huang
Proposition 1 Groundwater Grant Program
California State Water Resources Control Board
Division of Financial Assistance
1001 I Street
Sacramento, California 95814

June 8, 2022

Re: Support for the City of Modesto's Municipal Groundwater Supply Contamination Prevention and Cleanup Project

Dear Mr. Huang,

The Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA) was notified that the City of Modesto (City) is submitting a Proposition 1 Implementation Project Full Proposal to support the completion of the Municipal Groundwater Supply Contamination Prevention and Cleanup Project. This project is designed to address the impacts of arsenic, nitrate, and uranium in the City's drinking water aquifers. The purpose of this letter is to convey STRGBA GSA's support for this project.

We understand the project incorporates strategic temporal and spatial wellfield pumping with managed aquifer recharge (MAR) to reduce contaminant concentrations and mitigate vertical migration of arsenic, nitrate, and uranium in the Modesto Subbasin. In our view, the proposed project is a worthy recipient of Proposition 1 funding as it will bolster the City's ability to provide a safe and reliable source of drinking water for the citizens residing in the City's water service area.

If we can provide any additional information regarding our willingness to participate in this project, please do not hesitate to contact me at ethorburn@oakdaleirrigation.com or 209-840-5525.

Sincerely,

Eric Thorburn

Eric Thorburn, P.E.

STRGBA GSA Chairman

cc: STRGBA GSA Member Agency Representatives