



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

DAN DOW  
District Attorney

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Chief Deputy District Attorney

SHERYL M. WOLCOTT  
Chief Deputy District Attorney

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Chief Deputy District Attorney

TERRY O'FARRELL  
Chief, Bureau of Investigation

November 4, 2021

VIA E-MAIL to [admin@ssjwd.org](mailto:admin@ssjwd.org) and USPS  
Stephanie Bertoux, Secretary/Treasurer  
Shandon-San Juan Water District and Shandon-San Juan GSA  
P.O. Box 150  
Shandon, CA 93461

Willy Cunha, Board President  
Steve Sinton, Director  
Marshall Miller, Director  
Matt Turrentine, Director  
Kevin Peck, Director

RE. Brown Act Violation on March 16, 2021  
Cease and Desist (Gov. Code § 54960.2(a)(1))

Dear Board of Directors:

As you may be aware, the San Luis Obispo County District Attorney's Office is responsible for ensuring that public agencies within this county comply with the open meeting requirements of the Ralph M. Brown Act<sup>1</sup>. It has come to the attention of this office that on March 16, 2021, the Board of Directors of the Shandon-San Juan Water District (SSJWD) violated the Brown Act by going into a closed meeting to discuss matters that should have occurred in open session.

The District Attorney is authorized to file an action to determine whether past actions of a board have violated the Brown Act. Gov. Code § 54960.2(a). Before an action can be filed the district attorney is required to send a cease-and-desist letter describing the past action and the nature of the violation. Gov. Code § 54960.2(a)(1). In order to avoid a civil enforcement action, the agency must respond in writing with an unconditional commitment to "cease, desist from, and not repeat the prior action." Gov. Code § 54960.2(c).

It is the expectation of this office that your board make a written unconditional commitment at the soonest opportunity to refrain from entering closed session to discuss matters that should occur in open session.

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<sup>1</sup> The Ralph M. Brown Act (California Government Code sections 54950-54963, referred to as the "Brown Act") is intended to provide public access to meetings of California local government agencies.

## **Background**

According to the agenda for the March 16, 2021, meeting of the SSJWD Board of Directors (attached), the Board was scheduled to go into closed session to discuss "Potential Litigation." The agenda specifically referenced Government Code section 54956.9(d)(4) as justification for entering into closed session. The agenda further states there would be "[o]ne [m]atter" discussed.

The minutes for the March 16, 2021, meeting (attached) reflect that the following during that closed session:

### **XII. Report on Closed Session**

The closed session began at 10:50am and ended at 12:02pm. In closed session, the Board has applied to the State Water Resources Control Board to divert unappropriated water from the Salinas River at Santa Margarita Lake and at the Nacimiento Reservoir Dam. The Board reports that it has authorized Board President, Willy Cunha, to enter into a cooperative agreement with the Nacimiento Regional Water Management Advisory Committee (NRWMAC). The Board has authorized legal counsel to enter into a common interest agreement with the NRWMAC.

## **The Brown Act**

The Brown Act requires all meetings of a legislative body of a public agency to be open and public. Gov. Code § 54953(a). The Act has been interpreted to require that the entire deliberative process by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny. Gov. Code § 54950 emphasizes the right of the public to acquire information and participate in the decision-making process:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exists to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

For purposes of the Brown Act, a "meeting" occurs whenever a majority of a board gather to "hear, discuss, deliberate, or take action on any items that is within the subject matter jurisdiction of the legislative body." Gov. Code § 54952.2.

There are occasions when a board is allowed to meet in closed session, but the Brown Act limits these to a very narrow and carefully defined set of circumstances. One is the “pending litigation” exception, designed to protect the attorney-client privilege between a board and its counsel when a discussion of those matters in open session would “prejudice the position of the agency” in the litigation. Gov. Code § 54956.9(a). The term “pending litigation” is defined by section 54956.9(d) to require the existence of certain circumstances. Of significance to this matter, “pending litigation” is defined in section 54956.9(d)(4) as follows: “[b]ased on existing facts and circumstances, the legislative body or the local agency has decided to initiate or is deciding to initiate litigation.”

### **The Board of Directors violated the Brown Act on March 16, 2021**

The March 16, 2021, agenda identifies “Potential Litigation” as the sole justification for going into closed session, citing Government Code § 54956(d)(4). However, based on a review of the agenda and the minutes from the March 16, 2021, meeting it is clear the board of directors went into closed session and discussed matters that did not involve “pending litigation.”

Rather, in closed session the board discussed the fact that the District had applied to the State Water Resources Control Board (SWRCB) to appropriate water rights, that it had authorized Board President Willy Cunha to enter into an agreement with NRWMAC and that it authorized legal counsel to enter into an agreement with NRWMAC. These are clearly matters that fall within the “subject matter jurisdiction” of your board – the board for a water district – and include taking steps toward establishing water rights. As such, any discussion about these matters by a majority of the board – even if a decision were not made – should have occurred in open session. The minutes do not offer any information to justify the “pending litigation” exception.

Further, it does not appear that this was a matter of inadvertence. The Board’s decision to go into closed session appears to have been deliberate and for the sole purpose of preventing others from learning that it was attempting to appropriate water rights. This was made clear on June 2, 2021, when Board member Steve Sinton gave a presentation to the Water Resources Advisory Committee (WRAC) about its applications to the State Water Resources Control Board. This meeting was recorded. During his presentation he made the following statement:

Our district decided to go ahead and apply for the water. And since this would be an appropriative water right, and under appropriative water rights first in time has the highest priority, it probably is obvious to everyone why we couldn’t discuss our plans and thoughts with anyone else until we had the application in place. If we had discussed it prematurely there wouldn’t have been any water to apply for. So we did apply on February 4th. We applied for 14,000 acre-feet from Nacimiento and 14,000 acre-feet from the Salinas River. . .

In addition, while the March 16, 2021, meeting is the focus of this letter, by all appearances the Board improperly entered into closed session at prior meetings as well. According to SSJWD Board agendas for 2021, the Board went into closed sessions on the following dates for the following reasons:

- January 5, 2021: Potential Litigation (Gov. Code § 54956.9(d)(4)) One Matter
- January 19, 2021: Potential Litigation (Gov. Code § 54956.9(d)(4)) One Matter
- January 21, 2021: Potential Litigation (Gov. Code § 54956.9(d)(4)) One Matter
- January 25, 2021: Potential Litigation (Gov. Code § 54956.9(d)(4)) One Matter
- February 16, 2021: Potential Litigation (Gov. Code § 54956.9(d)(4)) One Matter

Of significance, these were the five meetings preceding the March 16 meeting. Of note, the minutes for each meeting except the January 25 meeting state there was “no reportable action” during those closed sessions. As to the closed session during the January 25 meeting, the minutes reflect: “By unanimous vote, the Board approved initiation of action, and the Board will disclose the particulars upon request after the action has been formally commenced.”

These meetings all occurred close in time to February 4, 2021, the date the SSJWD submitted to the SWRCB its applications to appropriate water rights from the Salinas River at the Salinas Dam (Santa Margarita Lake, application number A033189) and to appropriate water rights from the Nacimiento River at Nacimiento Dam (application number A033190). Based on the timing of the meetings, the applications, the statement by Board Member Sinton and the eventual disclosure on March 16, it appears that the Board had been engaging in closed sessions over a period of months to discuss and plan for making the applications. For the same reasons stated above, these discussions should have occurred in open session as well.

While the Board may have had its own reasons for going into closed session(s), they did so in violation of the Brown Act. The Brown Act is clear: “There has been a long and vigorous battle fought against secrecy in government. [Citation] It is now the rule that local governing bodies, elected by the people, exist to aid in the conduct of the people's business, and thus their deliberations should be conducted openly and with due notice....” *Olson v. Hornbrook Community Services Dist.* (2019) 33 Cal.App.5th 502, 525. In this matter, the SSJWD Board of Directors deliberately excluded the public on March 16, 2021.

### **Demand for unconditional commitment to cease-and-desist**

Pursuant to Government Code § 54960.2 the District Attorney’s Office hereby seeks an unconditional commitment in writing that it will “cease, desist from, and not repeat” the violations of the Brown Act, discussed above. Please note the requirements set forth in Government Code § 54960.2(c) in formulating your response.

November 4, 2021

Letter to Shandon-San Juan Water District and Shandon-San Juan GSA

Re: Brown Act Violation on March 16, 2021; Cease and Desist Letter (Gov Code § 54960.2(a)(1))

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Please note that this letter is based primarily on the limited information found on SSJWD's website, including agendas, meeting minutes and related materials. If you believe there are facts or circumstances that would materially alter the conclusions reached in this letter or would like clarification about the violation(s), please do not hesitate to contact this office.

By: Michael S. Frye

Michael S. Frye  
Deputy District Attorney  
Public Integrity Unit

DAN DOW  
DISTRICT ATTORNEY  
County of San Luis Obispo, State of California



# SHANDON-SAN JUAN WATER DISTRICT

## SHANDON-SAN JUAN GSA

### BOARD OF DIRECTORS – SPECIAL MEETING

**NOTICE IS HEREBY GIVEN** that the Shandon-San Juan Board of Directors will hold a regularly scheduled Board Meeting at **9:00 A.M. on Tuesday, January 5, 2021** utilizing a virtual meeting format. District members and the public are encouraged to participate.

#### **MEETING AGENDA** **January 5, 2021**

To view documents, go to: <https://www.ssjwd.org/agendas-minutes>  
Log on to the meeting with: [join.me/sunviewmeeting](https://join.me/sunviewmeeting) (includes audio).

If you'd like to participate by phone, please dial: (213) 226-1066  
**Conference ID: 628-055-929#**

As a courtesy, please mute both phone and computer microphones during the meeting to avoid unwanted feedback noise for the other participants and unmute only when speaking.

1. **Call to Order**
2. **Roll Call**
3. **Public Comment**
4. **Consent Agenda**
  - a. Meeting Minutes – December 15, 2020
5. **Directors' Reports**
  - a. Economic Impact Report outreach
  - b. Water Neutrality
6. **Consider Taking Control of Monitoring Well Agreement from the City of Paso Robles for the Estrella River at Airport Road Monitoring Sites.**
7. **Closed Session**

**Potential Litigation (Gov Code § 54956.9(d)(4)) One Matter**
8. **Report on Closed Session**
9. **Next Regularly Scheduled Meeting – January 19, 2021**
10. **Adjourn**

***NOTE:** In compliance with the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), if you need special assistance to access the meeting room or otherwise participate at this meeting, including auxiliary aids or services, please contact Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org). Notification of at least forty-eight (48) hours prior to the meeting will help enable reasonable arrangements to ensure accessibility to the meeting.*

***NOTE:** Copies of Meeting Documents can be found on our District Webpage <https://www.ssjwd.org/> or requested by contacting Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org).*





## **V. Director's Reports**

**A. Economic Impact Report Outreach** – Director Cunha reported that Solterra Strategies is developing a draft memo and postcard to be reviewed at the next regular Board meeting on January 19, 2021.

**B. Water Neutrality** – Director Cunha reported that the County is weighing options related to water neutrality and Title 22. SSJWD/SSJGSA will continue the dialogue with the PBCC.

**C. Next PBCC Meeting** – Director Turrentine reported that the next PBCC Meeting will take place on January 27, 2021.

## **VI. Monitoring Well Agreement**

The City of Paso Robles is installing a network of monitoring wells and stream gages on the Salinas River and its major tributaries within the Paso Robles Groundwater Basin. The project includes, but is not limited to, installation of up to three (3) monitoring wells on private property and up to three (3) stream gages within the County of San Luis Obispo's public right of way. The Monitoring Wells are located on private property pursuant to an easement agreement between the City and the owner of each respective property. Upon completion of the Project, the City intends to transfer ownership of the Monitoring Wells and Gages to SSJGSA and to assign the Easement related to each Monitoring Well to SSJGSA at no cost. SSJGSA intends to accept ownership of the Monitoring Wells and Gages and to accept the Easement related to each Monitoring Well from City.

**MOTION - Approve the Water Monitoring Facilities Transfer Agreement with the City of Paso Robles as presented and authorize President Cunha to sign and execute the agreement.**

It was **MOVED** by Director Cunha, seconded by Director Sinton, and carried by a 4-0 roll call vote.

## **VII. Report on Closed Session**

The closed session began at 9:23am and ended at 10:50am. **No reportable action was taken in closed session.**

## **VIII. Adjourn**

The next meeting of the Board of Directors will be held on January 19, 2021. Being no further business, President Cunha adjourned the meeting at 10:51am.

**Accepted:**

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Stephanie Bertoux, Secretary  
January 19, 2021





# SHANDON-SAN JUAN WATER DISTRICT SHANDON-SAN JUAN GSA

## BOARD OF DIRECTORS – REGULAR MEETING JANUARY 19, 2021

**NOTICE IS HEREBY GIVEN** that the Shandon-San Juan Board of Directors will hold a regularly scheduled Board Meeting at **9:00 A.M.** on **Tuesday, January 19, 2021** utilizing a virtual meeting format. District members and the public are encouraged to participate.

### MEETING AGENDA

To view documents, go to: <https://www.ssjwd.org/agendas-minutes>  
Log on to the meeting with: [join.me/sunviewmeeting](https://join.me/sunviewmeeting) (includes audio).

If you'd like to participate by phone, please dial: (213) 226-1066  
Conference ID: 628-055-929#

As a courtesy, please mute both phone and computer microphones during the meeting to avoid unwanted feedback noise for the other participants and unmute only when speaking.

1. **Call to Order**
2. **Roll Call**
3. **Public Comment**
4. **Consent Agenda**
  - a. Meeting Minutes – January 5, 2021
  - b. Treasurer's Report – January 14, 2021
  - c. Authorize SSJWD Secretary/Treasurer to spend up to \$5,000 to hire a CPA to perform a financial audit for FY 2019/2020
5. **Consider 2021 Membership to CSDA**
6. **Directors' Reports**
  - a. PBCC Meeting
  - b. Ag Order 4.0
  - c. Water Neutrality
7. **Economic Impact Study Outreach**
  - a. Update on Work Completed to Date by Solterra Strategies
  - b. Comments on DRAFT Memo and Postcard
  - c. Provide Direction on Next Steps
8. **Discuss Comments on GSP from State Water Resources Control Board**
  - a. Review DRAFT Initial Responses
  - b. Provide Direction to Staff
9. **Closed Session**

Potential Litigation (Gov Code § 54956.9(d)(4)) One Matter
10. **Report on Closed Session**
11. **Next Regularly Scheduled Meeting – February 16, 2021**
12. **Adjourn**

**NOTE:** In compliance with the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), if you need special assistance to access the meeting room or otherwise participate at this meeting, including auxiliary aids or services, please contact Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org). Notification of at least forty-eight (48) hours prior to the meeting will help enable reasonable arrangements to ensure accessibility to the meeting.

**NOTE:** Copies of Meeting Documents can be found on our District Webpage <https://www.ssjwd.org/> or requested by contacting Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org).



# SHANDON-SAN JUAN WATER DISTRICT

## SHANDON-SAN JUAN GSA

### MEETING MINUTES

#### Tuesday, January 19, 2021

A special meeting of the Board of Directors of the Shandon-San Juan Water District (SSJWD) and Shandon-San Juan Groundwater Sustainability Agency was held on Tuesday, January 19, 2021 at 9am utilizing a virtual meeting format. The agenda and all supporting documents were posted at <https://www.ssjwd.org/agendas-minutes>. Both telephone and electronic screen share options were made available to the public.

#### I. Call to Order

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President Cunha called the meeting to order at 9:01am. and Secretary Stephanie Bertoux recorded the minutes.

#### II. Roll Call

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The following directors were present, constituting a quorum for the transaction of business.

Directors Present:                      Willy Cunha                      Steve Sinton                      Kevin Peck

Directors Absent:                      Marshall Miller                      Matt Turrentine

Others Present:                      Mike Ahumada, Sunview Vineyards  
Stephanie Bertoux, SSJWD Secretary/Treasurer  
Mike Dawson, Solterra Strategies  
Randy Diffenbaugh, SSJWD Staff  
Alan Doud, Young Wooldridge  
John Hollenbeck, Hollenbeck Consulting  
Stacey Jacob, Solterra Strategies  
Jerry Reaugh, Estrella-El Pomar-Creston Water District  
Ray Shady, Grapevine Capital Partners  
Stacie Ann Silva, New Current Water and Land  
Paul Sorensen, GSI Water Solutions

#### III. Public Comment

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No public comment.

#### IV. Consent Agenda

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The consent agenda included:

- A. Meeting Minutes from January 5, 2021
- B. Treasurer's Report dated January 14, 2021
- C. Authorize SSJWD Secretary/Treasurer to spend \$5,000 to hire a CPA to perform an audit for FY 2019/20

## **MOTION – Approve the Consent Agenda as presented**

It was **MOVED** by Director Cunha, seconded by Director Peck, and carried by a 3-0 roll call vote.

### V. Consider 2021 Membership to CSDA

Director Cunha provided a brief overview of the benefits of membership to CSDA. No action was taken. This item will be reviewed at a future Board meeting.

### VI. Directors' Reports

- A. PBCC Meeting – Director Turrentine reported that the next PBCC meeting will take place on January 27, 2021.
- B. Ag Order 4.0 – Director Cunha reported that The Central Coast Regional Board is working to complete their final draft of Ag Order 4.0. It will then be released for public comment. This item will be discussed further at the next Board meeting.
- C. Board of Supervisors Meeting – Director Cunha reported that the next Board of Supervisors meeting will take place on January 26, 2021.

### VII. Economic Impact Study Outreach

Solterra Strategies reviewed the outreach efforts undertaken over the last month and included:

- Outreach to approximately 75 people to insure they received the Economic Impact Study. The list included local and State elected officials, County of SLO staff, County Supervisors, and City of Paso Robles staff. Follow up is underway.
- A limited-run postcard has also been developed. The Board reviewed and requested that the next version of the postcard include a few more bullet points and perhaps a few agriculture-related photos and/or familiar local landscape photos.
- A strategy for press coverage is being developed. SSJWD needs to be ready with a statement following the next Board of Supervisors Meeting. It is recommended that SSJWD select a spokesperson. The Board identified Director Turrentine.

### VIII. GSP Comments Received from SWRCB

The Shandon-San Juan Water District / Shandon-San Juan GSA received initial comments on the GSP from the State Water Resources Control Board. Director Cunha briefly reviewed a draft response. The Board will review the draft over the next few weeks and will discuss at the next regular meeting on February 16, 2021.

### IX. Report on Closed Session

The closed session began at 9:33am and ended at 10:35am. **No reportable action was taken in closed session.**

### X. Adjourn

The next regular meeting of the Board of Directors will be held on February 16, 2021. Being no further business, President Cunha adjourned the meeting at 10:39am.

**Accepted:**

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Stephanie Bertoux, Secretary  
February 16, 2021



# SHANDON-SAN JUAN WATER DISTRICT

## SHANDON-SAN JUAN GSA

### BOARD OF DIRECTORS NOTICE OF SPECIAL MEETING

**NOTICE IS HEREBY GIVEN** that the Shandon-San Juan Board of Directors will hold a special Board Meeting at **2:00 P.M. on Thursday, January 21, 2021** utilizing a virtual meeting format. District members and the public are encouraged to participate.

### MEETING AGENDA January 21, 2021

To view documents, go to: <https://www.ssjwd.org/agendas-minutes>

Log on to the meeting with: <https://meet.google.com/> (includes audio). Enter either the link or code below.

Link: [meet.google.com/svn-dxpn-pgg](https://meet.google.com/svn-dxpn-pgg) Code: 504-993-851

If you'd like to participate by phone, please dial: (614) 845-2773

PIN: 504-993-851#

As a courtesy, please mute both phone and computer microphones during the meeting to avoid unwanted feedback noise for the other participants and unmute only when speaking.

1. Call to Order
2. Roll Call
3. Public Comment
4. Closed Session  
Potential Litigation (Gov Code § 54956.9(d)(4)) One Matter
5. Report on Closed Session
6. Next Regularly Scheduled Meeting – February 16, 2021
7. Adjourn

*NOTE: In compliance with the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), if you need special assistance to access the meeting room or otherwise participate at this meeting, including auxiliary aids or services, please contact Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org). Notification of at least forty-eight (48) hours prior to the meeting will help enable reasonable arrangements to ensure accessibility to the meeting.*

*NOTE: Copies of Meeting Documents can be found on our District Webpage <https://www.ssjwd.org/> or requested by contacting Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org).*



# SHANDON-SAN JUAN WATER DISTRICT

## SHANDON-SAN JUAN GSA

### MEETING MINUTES

#### Thursday, January 21, 2021

A special meeting of the Board of Directors of the Shandon-San Juan Water District (SSJWD) and Shandon-San Juan Groundwater Sustainability Agency was held on Thursday, January 21, 2021 at 2pm utilizing a virtual meeting format. The agenda and all supporting documents were posted at <https://www.ssjwd.org/agendas-minutes>. Both telephone and electronic screen share options were made available to the public.

#### **I. Call to Order**

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President Cunha called the meeting to order at 2:06pm. and Secretary Stephanie Bertoux recorded the minutes.

#### **II. Roll Call**

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The following directors were present, constituting a quorum for the transaction of business.

Directors Present:                      Willy Cunha                      Kevin Peck                      Matt Turrentine  
   Marshall Miller                      Steve Sinton

Others Present:                      Stephanie Bertoux, SSJWD Secretary/Treasurer  
   Brent Burchett, SLO County Farm Bureau

#### **III. Public Comment**

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No public comment.

#### **IV. Report on Closed Session**

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The closed session began at 2:07pm and ended at 3:27pm. **No reportable action was taken in closed session.**

#### **V. Adjourn**

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The Board of Directors will hold a special meeting on Monday, January 25, 2021 at 8:30am. Being no further business, President Cunha adjourned the meeting at 3:30pm.

**Accepted:**

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Stephanie Bertoux, Secretary  
February 16, 2021





# SHANDON-SAN JUAN WATER DISTRICT

## SHANDON-SAN JUAN GSA

### BOARD OF DIRECTORS NOTICE OF SPECIAL MEETING

**NOTICE IS HEREBY GIVEN** that the Shandon-San Juan Board of Directors will hold a special Board Meeting at **8:30 A.M.** on **Monday, January 25, 2021** utilizing a virtual meeting format. District members and the public are encouraged to participate.

### MEETING AGENDA January 25, 2021

To view documents, go to: <https://www.ssjwd.org/agendas-minutes>

Join Zoom meeting: <https://zoom.us/j/99059609412?pwd=dG5UamdIWWdpV1o5OHo0Rmk0cTBIZz09>

Meeting ID: 990 5960 9412 Passcode: 110232

If you'd like to participate by phone, please dial: (669) 900-6833

As a courtesy, please mute both phone and computer microphones during the meeting to avoid unwanted feedback noise for the other participants and unmute only when speaking.

1. Call to Order
2. Roll Call
3. Public Comment
4. Closed Session  
Potential Litigation (Gov Code § 54956.9(d)(4)) One Matter
5. Report on Closed Session
6. Next Regularly Scheduled Meeting – February 16, 2021
7. Adjourn

***NOTE:** In compliance with the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), if you need special assistance to access the meeting room or otherwise participate at this meeting, including auxiliary aids or services, please contact Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org). Notification of at least forty-eight (48) hours prior to the meeting will help enable reasonable arrangements to ensure accessibility to the meeting.*

***NOTE:** Copies of Meeting Documents can be found on our District Webpage <https://www.ssjwd.org/> or requested by contacting Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org).*



# SHANDON-SAN JUAN WATER DISTRICT SHANDON-SAN JUAN GSA

## MEETING MINUTES Monday, January 25, 2021

A special meeting of the Board of Directors of the Shandon-San Juan Water District (SSJWD) and Shandon-San Juan Groundwater Sustainability Agency was held on Monday, January 25, 2021 at 8:30am utilizing a virtual meeting format. The agenda and all supporting documents were posted at <https://www.ssjwd.org/agendas-minutes>. Both telephone and electronic screen share options were made available to the public.

### **I. Call to Order**

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President Cunha called the meeting to order at 8:30am. and Secretary Stephanie Bertoux recorded the minutes.

### **II. Roll Call**

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The following directors were present, constituting a quorum for the transaction of business.

Directors Present:	Willy Cunha	Steve Sinton	Matt Turrentine
Directors Absent:	Marshall Miller	Kevin Peck	
Others Present:	Stephanie Bertoux, SSJWD Secretary/Treasurer Alan Doud, Young Wooldridge		

### **III. Public Comment**

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No public comment.

### **IV. Report on Closed Session**

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The closed session began at 8:35am and ended at 9:35am. By unanimous vote, the Board approved initiation of action, and the Board will disclose the particulars of the action upon request after the action has been formally commenced.

### **V. Adjourn**

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The next regular meeting of the Board of Directors will be held on February 16, 2021. Being no further business, President Cunha adjourned the meeting at 9:45am.

### **Accepted:**

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Stephanie Bertoux, Secretary  
February 16, 2021



# SHANDON-SAN JUAN WATER DISTRICT SHANDON-SAN JUAN GSA

## BOARD OF DIRECTORS – REGULAR MEETING FEBRUARY 16, 2021

**NOTICE IS HEREBY GIVEN** that the Shandon-San Juan Board of Directors will hold a regularly scheduled Board Meeting at **9:00 A.M. on Tuesday, February 16, 2021** utilizing a virtual meeting format. District members and the public are encouraged to participate.

### MEETING AGENDA

To view documents, go to: <https://www.ssjwd.org/agendas-minutes>

Join Zoom Meeting: <https://zoom.us/j/91352799791?pwd=eGkwUDVzcXRzRVJ0c0I2TWtkS0Zjdz09>

Meeting ID: 913 5279 9791 Passcode: 315658

If you would like to participate by phone, please dial: (669) 900-6833

As a courtesy, please mute both phone and computer microphones during the meeting to avoid unwanted feedback noise for the other participants and unmute only when speaking.

1. **Call to Order**
2. **Roll Call**
3. **Public Comment**
4. **Consent Agenda**
  - a. Meeting Minutes – January 19, 2021
  - b. Meeting Minutes – January 21, 2021
  - c. Meeting Minutes – January 25, 2021
  - d. Treasurer’s Report – February 10, 2021
5. **Consider 2021 Membership to CSDA**
  - a. Cost for Annual Membership is \$1,230.00
6. **Directors’ Reports**
  - a. Board of Supervisors Meeting held on January 26, 2021
  - b. PBCC Meeting held on January 27, 2021
  - c. WRAC Update and Ad Hoc Stormwater Subcommittee
  - d. Ag Order 4.0 – Public comment due February 25, 2021
7. **Consider Pursuing Price Quote for Electromagnetic Survey of Selected Areas of the Basin**
8. **Consider District Comments on Ag Order 4.0**
9. **Economic Impact Study Outreach**
  - a. Update on Work Completed to Date by Solterra Strategies
  - b. Provide Direction on Next Steps
10. **Discuss Comments on GSP from State Water Resources Control Board**

- a. Review DRAFT Initial Responses
- b. Provide Direction to Staff

**11. Closed Session**

- a. Potential Litigation (Gov Code § 54956.9(d)(4)) One Matter

**12. Report on Closed Session**

**13. Next Regularly Scheduled Meeting – March 16, 2021**

**14. Adjourn**

*NOTE: In compliance with the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), if you need special assistance to access the meeting room or otherwise participate at this meeting, including auxiliary aids or services, please contact Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org). Notification of at least forty-eight (48) hours prior to the meeting will help enable reasonable arrangements to ensure accessibility to the meeting.*

*NOTE: Copies of Meeting Documents can be found on our District Webpage <https://www.ssjwd.org/> or requested by contacting Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org).*



# SHANDON-SAN JUAN WATER DISTRICT

## SHANDON-SAN JUAN GSA

### MEETING MINUTES

#### Tuesday, February 16, 2021

A special meeting of the Board of Directors of the Shandon-San Juan Water District (SSJWD) and Shandon-San Juan Groundwater Sustainability Agency was held on Tuesday, February 16, 2021 at 9am utilizing a virtual meeting format. The agenda and all supporting documents were posted at <https://www.ssjwd.org/agendas-minutes>. Both telephone and electronic screen share options were made available to the public.

#### **I. Call to Order**

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President Cunha called the meeting to order at 9:03am. and Secretary Stephanie Bertoux recorded the minutes.

#### **II. Roll Call**

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The following directors were present, constituting a quorum for the transaction of business.

Directors Present:

Willy Cunha	Steve Sinton
Marshall Miller	Matt Turrentine
Kevin Peck	

Others Present:

- Mike Ahumada, Sunview Vineyards
- Stephanie Bertoux, SSJWD Secretary/Treasurer
- Mike Dawson, Solterra Strategies
- Randy Diffenbaugh, SSJWD Staff
- Alan Doud, Young Wooldridge
- John Hollenbeck, Hollenbeck Consulting
- Lee Knudtson, GSI Water Solutions
- Jerry Reaugh, Estrella-El Pomar-Creston Water District
- Ray Shady, Grapevine Capital Partners
- Stacie Ann Silva, New Current Water and Land
- Paul Sorensen, GSI Water Solutions

#### **III. Public Comment**

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No public comment.

#### **IV. Consent Agenda**

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The consent agenda included:

- A. Meeting Minutes from January 19, 2021
- B. Meeting Minutes from January 21, 2021
- C. Meeting Minutes from January 25, 2021
- D. Treasurer's Report dated February 10, 2021

**MOTION – Approve the Consent Agenda as presented**

It was **MOVED** by Director Peck, seconded by Director Sinton, and carried by a 3-0 roll call vote. Director Miller and Director Turrentine arrived late to the meeting and did not vote on this item.

**V. Consider 2021 Membership to CSDA**

Director Cunha provided a brief overview of the benefits of membership to CSDA. No action was taken.

**VI. Directors' Reports**

- A. Board of Supervisors Meeting – Director Cunha reported that the Board of Supervisors met on January 26, 2021. The Board discussed the Ag Offset Ordinance and gave staff direction to come back with recommendations for amending the County’s Land Use Ordinance to extend groundwater management actions for the Paso Basin at a future meeting.
- B. PBCC Meeting – Director Turrentine reported that that the PBCC met on January 27, 2021. They discussed the Board of Supervisors direction to staff on land use policy development for the Paso Basin and its implications to continued GSP implementation. Director Turrentine also reported that the Water Year 2020 Annual Report is drafted and will be released for public comment in late February 2021.
- C. WRAC Stormwater Capture Sub-Committee – Director Sinton reported that WRAC Stormwater Sub-Committee held an introductory meeting and discussed opportunities to engage the County on groundwater recharge.
- D. Ag Order 4.0 – Director Cunha provided a brief overview of the proposed changes to final draft of Ag Order 4.0 and reviewed the initial comment letters submitted by SSJWD in June 2020. The Board directed Director Cunha to revise the previous letters in alignment with the current draft. It was **MOVED** by Director Sinton, seconded by Director Turrentine, and carried by a 5-0 roll call vote.

**MOTION - Authorize Director Cunha to revise SSJWD’s previous comment letters on Ag Order 4.0 in alignment with the final draft of Ag Order 4.0 and submit to the Central Coast Regional Water Quality Board by February 25, 2021.**

**VII. Electromagnetic Survey**

The Board discussed undertaking an electromagnetic survey of selected areas of the Basin and requested that GSI Water Solutions prepare a scope of work and cost estimate based on the areas previously identified by the Stormwater Capture and Groundwater Recharge Study.

**MOTION – Direct GSI Water Solutions to prepare a scope of work and cost proposal to perform an electromagnetic survey of selected areas of the Basin.**

It was **MOVED** by Director Sinton, seconded by Director Turrentine, and carried by a 5-0 roll call vote.

**VIII. Economic Impact Study Outreach**

Solterra Strategies reviewed the outreach efforts undertaken over the last month and included an article ran in New Times SLO on February 11, 2021 and was also picked up by Maven’s Report.

## **IX. GSP Comments Received from SWRCB**

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The Shandon-San Juan Water District / Shandon-San Juan GSA received initial comments on the GSP from the State Water Resources Control Board. Director Cunha reported that there is no need to a draft response until official comments on the GSP are received from the DWR.

## **X. Report on Closed Session**

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The closed session began at 9:45am and ended at 10:25am. **No reportable action was taken in closed session.**

## **XI. Adjourn**

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The next regular meeting of the Board of Directors will be held on March 16, 2021. Being no further business, President Cunha adjourned the meeting at 10:28am.

**Accepted:**

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Stephanie Bertoux, Secretary  
March 16, 2021





# SHANDON-SAN JUAN WATER DISTRICT SHANDON-SAN JUAN GSA

## BOARD OF DIRECTORS – REGULAR MEETING March 16, 2021

**NOTICE IS HEREBY GIVEN** that the Shandon-San Juan Board of Directors will hold a regularly scheduled Board Meeting at **9:00 A.M. on Tuesday, March 16, 2021** utilizing a virtual meeting format. District members and the public are encouraged to participate.

### MEETING AGENDA

To view documents, go to: <https://www.ssjwd.org/agendas-minutes>

Join Zoom Meeting: <https://zoom.us/j/94648235635?pwd=bFRPcFQ4emQxNDBVc0M2bkhxUIQ1QT09>

Meeting ID: 946 4823 5635 Passcode: 621689

If you would like to participate by phone, please dial: (669) 900-6833

As a courtesy, please mute both phone and computer microphones during the meeting to avoid unwanted feedback noise for the other participants and unmute only when speaking.

1. **Call to Order**
2. **Roll Call**
3. **Public Comment**
4. **Consent Agenda**
  - a. Meeting Minutes – February 16, 2021
  - b. Treasurer’s Report – March 11, 2021
5. **Directors’ Reports**
  - a. PBCC Meeting to be held on March 17, 2021
  - b. WRAC – Stormwater Capture Sub-Committee Meeting Update
6. **GSP 2020 Annual Report**
7. **Update on Electromagnetic Survey of Selected Areas of the Basin**
  - a. DWR has released SkyTEM and Standford Reports
  - b. Consider Community Outreach Meeting
8. **Water Rights Climate Change Staff Report**
  - a. Consider Sending Written Comments in Response
9. **Update on the SLO County Flood Control and Water Conservation District Water Management Tools Study and Draft Needs/Objectives/Concepts**
  - a. SLO County Water Supply PowerPoint
  - b. SLO County Water Supply Status Report
  - c. Water Management Objective Concepts for Consideration
  - d. SLO Contract with DWR for State Water 2021
  - e. State Water Project Study – Public Works Presentation
  - f. State Water Project Subcontractor Water Amounts



# SHANDON-SAN JUAN WATER DISTRICT SHANDON-SAN JUAN GSA

## BOARD OF DIRECTORS – REGULAR MEETING March 16, 2021

10. Discuss the Updated 2020 Bulletin 118 and Consider Making Comments to DWR
11. Economic Impact Study Outreach Update
12. Closed Session
  - a. Potential Litigation (Gov Code § 54956.9(d)(4)) One Matter
13. Report on Closed Session
14. Next Regularly Scheduled Meeting – April 20, 2021
15. Adjourn

*NOTE: In compliance with the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), if you need special assistance to access the meeting room or otherwise participate at this meeting, including auxiliary aids or services, please contact Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org). Notification of at least forty-eight (48) hours prior to the meeting will help enable reasonable arrangements to ensure accessibility to the meeting.*

*NOTE: Copies of Meeting Documents can be found on our District Webpage <https://www.ssjwd.org/> or requested by contacting Bertoux & Co. 930 Nysted Dr. St. A Solvang, CA 93463 805-451-0841 [admin@ssjwd.org](mailto:admin@ssjwd.org).*



# SHANDON-SAN JUAN WATER DISTRICT

## SHANDON-SAN JUAN GSA

### MEETING MINUTES

#### Tuesday, March 16, 2021

A regular meeting of the Board of Directors of the Shandon-San Juan Water District (SSJWD) and Shandon-San Juan Groundwater Sustainability Agency was held on Tuesday, March 16, 2021 at 9am utilizing a virtual meeting format. The agenda and all supporting documents were posted at <https://www.ssjwd.org/agendas-minutes>. Both telephone and electronic screen share options were made available to the public.

#### **I. Call to Order**

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President Cunha called the meeting to order at 9:05am. and Secretary Stephanie Bertoux recorded the minutes.

#### **II. Roll Call**

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The following directors were present, constituting a quorum for the transaction of business.

Directors Present:

Willy Cunha	Steve Sinton
Marshall Miller	Matt Turrentine
Kevin Peck	

Others Present:

- Mike Ahumada, Sunview Vineyards
- Stephanie Bertoux, SSJWD Secretary/Treasurer
- Brent Burchett, SLO County Farm Bureau
- Mike Dawson, Solterra Strategies
- Randy Diffenbaugh, SSJWD Staff
- Alan Doud, Young Wooldridge
- John Hollenbeck, Hollenbeck Consulting
- Nate Page, GSI Water Solutions
- Jerry Reaugh, Estrella-El Pomar-Creston Water District
- Ray Shady, Grapevine Capital Partners
- Stacie Ann Silva, New Current Water and Land
- Paul Sorensen, GSI Water Solutions

#### **III. Public Comment**

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No public comment.

#### **IV. Consent Agenda**

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The consent agenda included:

- A. Meeting Minutes from February 16, 2021
- B. Treasurer's Report dated March 11, 2021

**MOTION – Approve the Consent Agenda as presented**

It was **MOVED** by Director Sinton, seconded by Director Turrentine, and carried by a 5-0 roll call vote.

**V. Directors’ Reports**

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- A. PBCC Meeting – Director Turrentine reported that the next PBCC meeting will take place on March 17, 2021. The Water Year 2020 Annual Report is on the agenda and will be discussed.
- B. WRAC Stormwater Capture Sub-Committee – Director Sinton reported that WRAC Stormwater Sub-Committee met and discussed opportunities to engage the County on groundwater recharge. Planning is underway for a virtual community workshop.

**VI. Water Year 2020 Annual Report**

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Nate Page and Paul Sorensen from GSI Water Solutions provided a brief overview of the draft Water Year 2020 Annual Report. Nate Page pointed out that Water Years 1981-2016 use a ground water model that was updated as part of the GSP while Water Years 2017-2020 use a different method. These two methods will be reconciled and updated at the five-year reporting mark. The GSP noted numerous data gaps in the representative monitoring sites that result in the data extrapolated being based on assumptions. The key is to expand the monitoring network to accurately evaluate water levels with additional data points. SSJWD suggested that the Water Year 2020 Annual Report state this issue with more clarity and will discuss this idea at the upcoming PBCC meeting.

**VII. Electromagnetic Survey**

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Paul Sorensen of GSI Water Solutions reported that the results of the Paso Basin Aerial Groundwater Mapping Pilot Study (Pilot Study) will be presented at the Board of Supervisor’s meeting in April 2021. The Pilot Study helps characterize the subsurface geology, structure, layering, and connectivity of the Paso Basin aquifer materials, providing a better understanding of where groundwater occurs and flows within the study area.

**VIII. Water Rights Climate Change Staffing Report**

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Director Cunha provided a brief overview of the report and noted that the report is focused on surface water not groundwater. SSJWD will prepare a comment letter. The following motion was made by Director Cunha, seconded by Director Miller and passed with a 5-0 voice vote.

**MOTION – Authorize President Cunha to write a comment letter on the Water Rights Climate Change Staffing Report on behalf of the District with additional input from Director Sinton.**

**IX. SLO County Flood Control and Water Conservation District Water Management Tools Study**

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SSJWD Staff Randy Diffenbaugh reported that the Board of Supervisors will receive a presentation on water supply efforts in SLO County at their March 16, 2021 meeting. The documents are also posted at <https://www.ssjwd.org/agendas-minutes>. One particular option to note is the proposed State Water Project Contract Amendment that will provide SLO County with Water Management Tools (WMT) to address local water needs and develop water management strategies that maximize the yield of the State Water Project. Local needs include supply for emergency interties, resiliency during droughts, existing deficiencies in groundwater supplies, surface water/groundwater interaction minimum thresholds under SGMA.

## **X. Updated 2020 Bulletin 118**

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A draft of the latest version of the report, California's Groundwater - Update 2020 was publicly released on March 11, 2021. The publication defines the boundaries and describes the hydrologic characteristics of California's groundwater basins. California's Groundwater also provides information on groundwater management and recommendations for the future. SSJWD will prepare a comment letter. The following motion was made by Director Cunha, seconded by Director Sinton and passed with a 4-0 voice vote. Marshall Miller left the meeting early and did not vote on this item.

**MOTION – Authorize President Cunha to write a comment letter on the Updated 2020 Bulletin 118 on behalf of the District with additional input from Director Sinton.**

## **XI. Economic Impact Study Outreach**

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Mike Dawson from Solterra Strategies reviewed the latest outreach efforts that included continued work on the media outreach and growing the Ambassador and outreach contact lists. SSJWD was encouraged to review the list and provide input. Mike Dawson also reported that there is a webinar hosted by the Vintage Report titled The Economics of Water Savings on March 23, 2021 that is open to the public. The discussion will dive into the Cal Poly Economic Impact Report focused on the Paso Robles Basin.

## **XII. Report on Closed Session**

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The closed session began at 10:50am and ended at 12:02pm. In closed session, the Board has applied to the State Water Resources Control Board to divert unappropriated water from the Salinas River at Santa Margarita Lake and at the Nacimiento Reservoir Dam. The Board reports that it has authorized Board President, Willy Cunha, to enter into a cooperative agreement with the Nacimiento Regional Water Management Advisory Committee (NRWMAC). The Board has authorized legal counsel to enter into a common interest agreement with the NRWMAC.

## **XIII. Adjourn**

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The next regular meeting of the Board of Directors will be held on April 20, 2021. Being no further business, President Cunha adjourned the meeting at 12:05pm.

**Accepted:**

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Stephanie Bertoux, Secretary  
April 20, 2021