



Via email: [board@svbgsa.org](mailto:board@svbgsa.org)

20 June 2025

To: Chair and Directors, Salinas Valley Basin Groundwater Sustainability Agency (GSA)

Re: Code of Conduct Values

Chair Cremers:

The Code of Conduct (Code) was enacted in August 2024 and per staff reports, the last of the persons who were required to sign it finally did so in early 2025. This comment letter reflects on the “values” section of the Code.

All Directors, Alternates, and members of the various Committees have agreed to uphold the following values (emphasis added):

1. Recognize the worth of individual Directors and Committee members and appreciate their talents, perspectives, and contributions.
2. Help to create an atmosphere of respect and civility where Directors, Committee members, staff, and the public are free to express their ideas and work together to their full potential.
3. Conduct my personal business and public affairs with honesty, integrity, fairness, and respect for others.
4. Keep the common good as my highest purpose and focus on achieving constructive solutions **for the public benefit**.
5. **Avoid and discourage conduct which is divisive or harmful to the best interest of Agency.**
6. Treat all people in a manner in which I wish to be treated.

The value on which this comment focuses is the fifth, the avoidance of divisive or harmful conduct. While the Values are aspirational for all who come before or interact with the GSA, adherence to such Values is mandatory for those who signed the Code.

Several recent meetings of the Directors and/or Supervisors of the Monterey County Water Resources Agency (WRA) reveal the wisdom of and need to honor the Code<sup>1</sup>. The underlying dynamic is the tension of what may be colloquially understood as “two hats.” An individual may be an elected or appointed decision-maker of the WRA and also subject to the GSA’s Code by virtue of their

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<sup>1</sup> The present partnership and close working relationship among staff of the two entities is, in stark contrast, functional and respectful per all indications from either/both entities’ public facing information.

role on the GSA board or a committee. When on a WRA dais, he wears the WRA hat and when on a dais or committee for the GSA, a GSA hat.

It is not forbidden or unlawful to cleave to the WRA. But if that strong allegiance prevents one from doing the best for the public benefit (a GSA value) and focus instead on a specific industry or “constituent” cohort (a potential dynamic given the structure of the WRA Board and its Supervisors), a “two hat” WRA individual needs to formally eschew the other hat, i.e., resign from a GSA role. Such person, of course, is not penalized and remains a member of the public who can continue to provide helpful or critical input to the GSA.

Recent WRA meetings include a publicly stated desire by a “two hat” person to modify the relationship between the WRA and GSA, in what sounded like veto power over the GSA and questioned whether the GSA was using the correct data, even though that data came from and had been historically collected and administered by the WRA and conformed to the state requirements. The crux of the comments, according to that Director, stemmed from personal involvement with wells and lands in the critically over drafted 180/400 basin, i.e., the antithesis of focusing on the public benefit the GSA’s Code requires. Such public comments from those with authority at its sister agency can be divisive and unhelpful to the GSA in meeting especially its critical short-term goal of bringing the 180/400 basin into something close to its sustainable yield. The longer-term goals of collecting data and understanding those parts of the Valley less studied (i.e., various basins other than the Pressure/180/400 basin) are equally important and should not be indirectly undermined by advocating for a specific cohort rather than for the “public benefit” while wearing “the other hat.”

That an individual (whomever, with whatever title or role) is antagonistic to SGMA or is insufficiently knowledgeable about SGMA is itself unremarkable, but an individual subject to the Code has no right to use their “other hat” to frustrate or counter the GSA’s progress towards solutions for the public benefit while remaining in a GSA role. The specific or subjective intent or motivation is not relevant – what matters is if a “two hat” person uses their non-SGMA hat to undermine the GSA’s progress towards solutions that benefit the public. The Code is tailor-made to thwart such conduct. It’s not a moral issue, but a compliance one, similar to the Brown Act and internal rules (Rosenberg’s Rules at the GSA and Robert’s elsewhere). Under the Brown Act, a bone fide error or misstep does not equate to liability, but a need to correct the flub (sometimes a “do over”). The same should apply to the Code: a violation does not equate to liability but requires public corrective action.

At this critical time with decisions and events expected in mere months<sup>2</sup>, transparency and process remain paramount. Any conflicts (actual, perceived,

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<sup>2</sup> Several members of the public and even GSA Directors recently spoke of an “18 month” deadline, perhaps referencing the very last day per statute that DWR may issue

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structural, regulatory) are to be identified and resolved, rather than overlooked. All opinions and views should continue to be shared and encouraged, but all attempts to use one's "other hat" to create or encourage division or impediments to the GSA's progress should be highlighted and appropriate corrections or remedies pursued.

Very truly yours,

*Thomas S. Virsik*

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its review of the 180/400 periodic evaluations, apparently without considering other information, comments, and updates in the public sphere.