

Manteca, California
January 27, 2004

The Board of Directors of the South San Joaquin Irrigation District met in regular adjourned session in their chambers at the hour of 9:00 a.m.

Upon roll call the following members were noted present:

DIRECTORS: DEGROOT KAMPER SCHULZ ROOS KUIL

Also present were Secretary/Manager Stroud, District Counsel Emrick, District Engineer Gilton, and Engineering Department Supervisor Bologna.

President Schulz called the meeting to order and asked for Public Comment. There being none, he asked the Board to consider approving the Consent Calendar Items as presented.

CONSENT CALENDAR

- A. SSJID Warrants of \$7,500,693.49.
- B. Regular Board Meeting Minutes of January 13, 2004.
- C. Corrections to July 8, 2003 Minutes as follows: Book 24, Page 325, second paragraph, second sentence change the word WITH to WITHOUT. “The investments should be consistent with the District's investment policy without the limitation that District funds be solely invested in LAIF”.

Motion by Roos, seconded by Kuil to approve the Consent Calendar Items as presented.

PASSED AND ADOPTED this 27th day of January 2004 by the following roll call vote:

Ayes:	DeGroot	Kamper	Schulz	Roos	Kuil
Noes:	None				

Consider approving the License Agreement with Union Pacific Railroad, and authorize the General Manager to execute same. Stroud recommended the Agreement be approved as submitted.

Motion by Kamper, seconded by DeGroot, to approve the License Agreement with UPRR and authorize execution of same.

Motion Carried, Ayes 3, Noes 2, with Directors Schulz and Roos voting No.

Consider approval of improvement plans for replacement of a portion of Lateral "T" to accommodate the future Cargile mini storage facility located in Manteca. Bologna said the line still serves approximately 470 acres with irrigation water. He recommended the Board approve the Improvement Plans, Developer's Agreement, Encroachment Agreement, and Grant of Easement, approve the estimated reimbursement to the Developer, 890' of 48" RCP @ \$28.50 per foot, \$25,365.00. Director Roos left the room. After discussion the following action was taken:

Motion by Kamper, seconded by DeGroot, to approve the project as recommended.

Motion Carried, 4 Ayes, 1 Absent, Director Roos.

Director Roos returned.

Consider authorizing the purchase of replacement equipment from Steve's Chevrolet. Stroud said we are asking to purchase three replacement 1/2 ton pickups for the District, 1 new 1/2 ton pickup for the Water Treatment Plant Project, and 1 replacement Spray Truck, 3/4 T 4X4 Cab & Chassis. Steve's Chevrolet was the low bid at \$80,798.71 of the

three dealers who submitted bids. He recommended approving the purchase of the above from Steve's.

Motion by Kuil, seconded by Roos, and unanimously carried, to approved the purchase of the five vehicles, at \$80,798.71, from Steve's Chevrolet.

Consider adopting Resolution No. 04-02-O, "adopting a Negative Declaration for the Aquatic Pesticide Application Program of the South San Joaquin Irrigation District." District Counsel Emrick and General Manager Stroud explained the numerous attachments to the supplemental administrative report and how each item strengthened and supported the staff recommendation. They recommended the Board consider the environmental review information, including all comments and all new information and adopt Resolution No 04-02-O.

Following discussion, it was moved by Kuil, seconded by Kamper, to adopt Resolution No 04-02-O.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION NO. 04-02-O**

**ADOPTING A NEGATIVE DECLARATION FOR THE
AQUATIC PESTICIDE APPLICATION PROGRAM OF THE
SOUTH SAN JOAQUIN IRRIGATION DISTRICT**

WHEREAS, the Project proposes the continuation of an aquatic pesticide application program by South San Joaquin Irrigation District which began in 1988. The program was previously regulated in 2002 and 2003 under the State Water Resources Control Board (SWRCB) Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Aquatic Pesticides (Water Quality Order No. 2001-12-DWQ, General Permit No. CAG990003). The proposed program would occur under a new General Permit in 2004 and is expected to be equivalent to the current program. The proposed program would be implemented for a period of approximately 5 years, or for the term of the new General Permit. South San Joaquin Irrigation District applies aquatic pesticides to its irrigation conveyance system to control weeds and algae that interfere with irrigation conveyance and clog waterways and irrigation machinery. To conserve water and maximize the efficiency of irrigation, many landowners currently use sprinkler, drip, or micro-irrigation systems. These systems require irrigation water to be clean and free of vegetative debris that will clog machinery. Project beneficiaries are the District's customers.

WHEREAS, attached as Exhibit A is the Negative Declaration on the Project which has been completed in compliance with the California Environmental Quality Act (CEQA).

WHEREAS, attached as Exhibit B is the Draft Initial Study (IS) prepared for the Project on behalf of the South San Joaquin Irrigation District. The Project is described in the IS.

WHEREAS, a Notice of Intent of the South San Joaquin Irrigation District to adopt the Negative Declaration was issued, which established a 30-day public review period ending January 21, 2004. Written comments were received from San Joaquin Raptor Rescue Center/Protect Our Water, WaterKeeper Northern California and DeltaKeeper.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Board of Directors has considered the IS and the proposed Negative Declaration together with all comments received during the public review process.
2. The Board finds that on the basis of the IS and the comments received, that there is no substantial evidence that the Project would have a significant effect on the environment, and hereby reaffirms the IS.

3. The Board finds that the Negative Declaration reflects the Board's independent judgement.

4. No environmental impact report has been prepared for the Project because there are no significant adverse impacts on the environment.

5. The Board has reviewed and considered the information within the California Department of Fish and Game Certificate of Fee Exemption for the Negative Declaration, and it reflects the independent judgment of the Board.

BE IT FURTHER RESOLVED THAT

1. The Negative Declaration for the Aquatic Pesticide Application Program of the South San Joaquin Irrigation District Project and its findings are adopted, and Stevan M. Stroud, General Manager is hereby directed to execute it on behalf of the South San Joaquin Irrigation District.

2. Stevan M. Stroud, General Manager is directed to execute, and South San Joaquin Irrigation District staff is directed to file, a Notice of Determination for the Project and the California Department of Fish and Game Certificate of Fee Exemption for the Negative Declaration.

3. Jim Atherstone, Field Maintenance Supervisor is authorized to file an application for Permit for Discharges of Aquatic Pesticides with the State Water Resources Control Board and implement the Project.

4. Directs that the documents and other materials that constitute the record of the proceedings regarding the negative declaration for the Aquatic Pesticide Application Program adopted by the South San Joaquin Irrigation District, are available at 11011 E Hwy 120, Manteca, CA 95336, and the custodian of the records is the District's General Manager.

BE IT FURTHER RESOLVED THAT South San Joaquin Irrigation District staff and consultants are authorized and directed to take such other actions as they deem necessary or appropriate to carry out the intent of the foregoing resolutions.

PASSED AND ADOPTED this 27th day of January, 2004 by the following roll call vote:

AYES: Schulz DeGroot Kamper Kuil Roos

NOES: None

ABSENT: None

Approve engagement of appraisal services.

Emrick told the Board that we need authority to hire an appraiser to value land interests necessary for installation of the pipeline south of Paradise Cut to the end of Manthey Road. He said the cost will not exceed \$3,000 and recommends approval.

Motion by Kamper, seconded by DeGroot, and unanimously carried to approve the request by staff to hire an appraiser as requested above.

Stroud reported the following:

Ross Rogers is retiring at Merced I.D. in April. Garith Krause has been named to replace him.

Marvin Johnson has been off work due to a non-job related matter, but is expected to return to work shortly. Mark Chase and Al Lopez are still off with job related medical issues. Return dates are still unknown.

Ag Waiver Coalition has asked for proposals to perform the submittal due on 4/1/04. In order to meet the required delivery time and provide a coalition “haven” for landowners that cannot or will not be able to complete the submittals on their own, costs are being temporarily allocated to water agencies, with the expectation of being repaid from landowner payments. The cost for the next segment of work – the monitoring plan and quality control plan and administrative work - is approximately \$60,000, Based on irrigated land acreage, our share is 10.2% or \$6,120. The coalition is considering a fee of \$1.00 per acre, with a minimum of \$10.00 per parcel for membership in the coalition for the next segment of work. Also, they have proposed legislation to collect \$1.00 per acre for the monitoring and to task the Regional Board with the responsibility for the monitoring and reporting. The proposed legislation would allow each landowner to opt out if they desire and would set a five year sunset clause on the fee.

Maintenance Projects: Lateral “T” turnouts and connections will be finished this week; final backfill will be finished later. Lateral “Tbb”, off Austin Road near Highway 99, demolition started this week.

Lateral “Q” shotcrete should be finished this week.

Work on the tunnels on the Joint Supply Canal will be finished this week, and is within budget.

Ram pump was replaced last Wednesday and is ready for testing as soon as water is available in the Joint Supply Canal.

Meeting:

February 4th, VAMP Committee Meeting; plan 2004 VAMP.

February 6th, Art Baggett at SJRGA.

February 10th, Tri-Dam Committee Meeting relative to labor negotiation status and power sale update.

President Schulz called for closed session relative to litigation matters. General Counsel Emrick reported item a., and item c. will be discussed in closed session. Attorney Mike Brown joined the Closed Session for discussion of item 7a, 3), and Attorney Alan Coon joined the Closed Session for discussion of Items 7a, 4) and 5).

- a) Conference with legal counsel, existing litigation. Gov. Code, S. 54956.9.
- 3) ChevronTexaco vs SSJID
- 4) SSJID vs Laro Coal & Iron-California, Inc.
- 5) SSJID vs Leachman

Upon returning from closed session General Counsel Emrick reported the following action was taken in closed session. Motion by Kuil, seconded by Roos, to authorize settlement with Leachman not to exceed \$260,000. Motion Carried, 4 Ayes, 1 No, with Director Kamper voting No.

Emrick reported there was no other reportable action taken in closed session.

There being no further business to come before the Board it was moved by DeGroot, seconded by Kuil, and unanimously carried, to adjourn to February 10, 2004 at 9:00 a.m.

ATTEST:

John Stein, Assistant Secretary