

Manteca, California  
February 14, 2012

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

Upon roll call the following members were noted present:

**DIRECTORS:** KAMPER HOLMES HOLBROOK ROOS  
**ABSENT:** KUIL

Also present were General Manager Shields, General Counsel Emrick and Engineering Department Manager Bologna.

Director Holbrook called the meeting to order and Director Roos led the salute to the flag.

Holbrook asked for public comment. There being no public comment, the Board was asked to consider the following Consent Calendar Items.

### **CONSENT CALENDAR**

- A. Warrants of \$3,288,518.63 and January Payroll of \$357,530.86.
- B. Regular Board Meeting Minutes of January 24, 2012.
- C. Approval of the following Irrigation Service Abandonment Agreements:

Agr. #	Directors Division	Owner Name	APN	Acreage
1639	Roos	Walmart Stores, Inc.	245-340-14	24.07
1640	Holbrook	Linda K. Lutes	208-040-24	1.66

It was noted that on Agreement #1640, it was incorrectly marked "Parcel is subject to RECHARGE FEE" it should be marked "Parcel is EXEMPT" from charges due to "ACREAGE"

Also, in regards to Agreement #1639, Walmart has requested to be marked "Parcel is NON-AGRICULTURAL" and is "EXEMPT" from fees." The Board agreed that the property owned by Walmart should pay a "recharge" fee unless the property has been re-zoned something other than agricultural.

- D. Approve signature of Consent to Entry of Property Agreement and Certificate of Acceptance. Property identified as APN 245-020-23 is owed by Bob & Sandra Kamps and is participating in the District's On-Farm Water Conservation Program.
- E. Accept and file Notice of Completion and Quitclaims for the Union Ranch, Units No. 5-9 Development Project.

Director Holbrook had a question concerning the date on the Licensed Land Surveyor stamp. Shields noted that the stamp was valid when the document was prepared.

Motion by Kamper, seconded by Holmes to approve the Consent Items with the above noted comments and corrections.

**PASSED AND ADOPTED** on this 14th day of February, 2012, by the following roll call vote:

Ayes: Kamper Holmes Holbrook Roos  
Absent: Kuil

## **ACTION CALENDAR**

**Item #1**, Division 9 Update. Todd Kotey, Project Manager and Jeff Shaw, Field Manager from Stantec addressed the Board. The Status Report for January was handed out. Todd directed the Board to the last two pages of the report which shows the progress to date. He told the Board that in January, 2.45 million dollars worth of work was completed in the project. MID is finishing up on the electrical. Fencing and roadwork are still being worked on. Several of the pumps will not be installed until April. Pressure testing has identified some problems with the mechanical joints. Currently, Knife River is waiting for a letter from Tyler Union to confirm solution to problem. The contract provides for completion by February 15.

Todd said that we have approximately thirty plans for connections from the landowners in Division 9. The pond will be filled on Wednesday. On Thursday, water will be moved through the system.

President Holbrook asked if damages begin after the 15<sup>th</sup>. Todd affirmed that damages will begin after the 15<sup>th</sup> at a cost of \$1,000 a day if work is not finished or \$10,000 if water can't be run through the system.

Bologna said that we are getting proposals for fencing around the FTU's. This is a cost that was not part of the contract with Knife River.

**Item #2**, Consider approval of Amended Service Abandonment Agreement #343 for Kent Van Groningen, APN 226-150-09; 39.24 acres. Bologna explained that the District service formerly servicing this property was a DD off the WC. The DD line is not approved for use. Mr. Van Groningen is requesting to put in a pvc line off the main WC line to service sprinklers on his land. Staff has approved his plans. Motion was made by Roos and seconded by Kamper to approve the Amendment to Service Abandonment Agreement #343. Motion carried 3-1, with Holbrook voting no.

**Item #3**, Consider approval of Amended Service Abandonment Agreement #710 for Arvin Boersma, APN 259-110-11; 2.25 acres. Bologna explained that the property in question is located within a developed area and its elevation is higher than the road adjacent to it. Staff is concerned that flood irrigating this property could cause a potential hazard and is recommending denial of the request. The Board asked that staff talk to the landowner and clarify how the land would be irrigated. After a brief discussion it was decided that there would be no action taken at this time.

**Item #4,** Consider approval of Amended Service Abandonment Agreement #578 for Scott Valencia, APN 245-180-12; 5.0 acres. Bologna told the Board that the slide gates on the open Lateral “Vaa” are in working order and staff recommends approval of this Agreement. Motion by Kamper, seconded by Roos to approve the Amendment to Irrigation Service Abandonment Agreement #578. Motion passed unanimously.

**Item #5,** PowerPoint Presentation by Frank Avila on the completion of the Microwave Towers Project. Frank told the Board that the Project is done. It came in very close to budget and on time. Data is now being passed through the towers. Frank said that Michael is currently working on installing the Cisco routers. The Board thanked Frank for the presentation.

**Item #6,** Discussion and possible action concerning bids for trucking citric acid from the WTP. Bill Hubkey explained that for the past two years, we have used Alegre trucking, to truck waste water from the plant to Escalon WWTP. In January, Alegre notified us that they needed to raise their hauling costs. At that point it was decided to pursue bids from other trucking companies. Only one other company, B & B Harvesting, provided a quote. The quote was identical to Alegre’s quote with the exception that B&B did not include a fuel surcharge. It is staff’s recommendation that the Board accept the quote from B&B Harvesting and allow the General Manager to sign a contract with them. A motion was made by Kamper and seconded by Holmes to enter into a contract with B & B Harvesting. The motion was unanimously approved.

President Holbrook asked for Hubkey’s Managers report. Bill reported the following:

- Plant staff have completed installing alarms on the “MIT” process.
- Justin Ashworth has been promoted to the “lead operator” position.
- Ed is working with GE Zenon to get the final price for two trains of V-4 modules.
- Plant staff have prepared the draft fiscal budget and presented it to the Cities. The final version will be ready for Board approval soon.

President Holbrook announced that the Board would consider Item #9 at this time in consideration of Union Pacific’s representatives that are in attendance.

**Item #9,** Approve Agreements for Union Pacific’s North Lead Project allowing use of portions of the west side of FCOC property for a road and storm drainage. The Board was given a brief background and update of the issues. In September of last year, the Board authorized conditional approval of an encroachment request by Union Pacific Railroad. Since that time, District staff and UP representatives have met extensively to negotiate an agreement that would benefit both entities. At this time the Board is being asked to consider three separate agreements: 1). Agreement Permitting Use of District Property for Disposal of Storm Water, 2). Slope Easement, and 3). Private Access Agreement. Bologna briefly explained the purpose of each of the agreements. Director Roos questioned why in the Access Agreement, the District would be asked to pay for flagmen. Lisa Stark, Director of Affairs for UP was introduced to the Board. Ms. Stark explained that flagmen were required to ensure District employees’ safety. The Board asked if UP could pay for the flaggers since it was their requirement to have them. Ms. Stark said she would find out if that would be considered. Director Holbrook voiced his concerns with UPs plans and said he did not believe the agreements would protect District interests. Levi Turner, UP Engineer was introduced. He spoke to several of Holbrook’s concerns. In the interim, Ms. Stark told the Board that she had been given authority (via her cell phone) to offer flaggers free of cost to the District for 6 days a

year. Catanzarite was asked if this would be sufficient for maintenance purposes. Joe said that would work. The issue of access by the District in the case of an emergency was addressed. Ms. Stark assured the Board that all that was necessary in the event of an emergency was a call to a UP phone center that is manned 24-7. After a lengthy discussion, Emrick reviewed the issues at hand. They are as follows: access, controlled drainage, rip rap, location of drain, flagmen cost, cross section drain plan and restrictions on road use. The Board was asked to approve the transaction conceptually and authorize the General Manager to execute the documents with the changes discussed at the meeting, with staff to approve the final plans after the above issues had been hammered out. Holmes made a motion to go with staff recommendation, Roos seconded the motion. Motion carried 3-1 with Roos voting no.

After a short break, the Board resumed with Item #10.

**Item #10**, Discussion concerning the possibility of implementing special rules for 2012 irrigation season Re: drought emergency with SSJID.

Shields told the Board that due to the extremely dry winter we have had it has become apparent that a discussion concerning a drought contingency plan is necessary. He explained that based on current conditions we are projecting this water seasons allocation to be approximately 66% of average. Last week the Board's Ag Water Committee met and considered options available to the District if we don't see significantly more precipitation within the next six weeks. The Committee compiled the following bullet points to be considered:

- Set maximum level for Woodward Reservoir
- Extend date for initial irrigation delivery
- Implement variable rotation schedule (ie. Early in season 12-14 day rotations, later in season back to 10 day rotation schedule)
- Implement flood irrigation time limits
- Implement drip/sprinkler quantity limits
- Implement alternative supply sources (ie. Lease private pumps, use District wells, or possibly drill additional wells)
- Allow for inter parcel transfers/fallowing with cut off dates for transfers (time limits to apply)
- Enforce tier 2 service agreement provisions.

After discussion it was decided that the elevation of Woodward Reservoir will be kept at 205. The Board also decided that the start date for irrigation season will be extended to April 1. The Board also asked staff to pursue alternative water sources such as private wells and wells not used by the cities. The question was brought up as to domestic water cut backs. General Counsel Emrick told the Board that our agreement with the cities states that any cut back imposed on ag water will be the same for domestic water allocation. The Board directed staff to send a letter to our landowners stating that "at this point in time it appears the District will need to implement drought measures for 2012 water season".

**Item #7**, Authorize increase in legal deposit for San Joaquin LAFCo. Emrick told the Board that LAFCo has requested an additional deposit as it works with its counsel to review and prepare responses to the comments on the MSR and draft EIR. The Board is being asked to authorize payment to LAFCo in the amount of \$20,000 as a deposit to cover its outside attorney's fees. Motion by Kamper, seconded by Holbrook to authorize

the payment to LAFCo. The motion passed unanimously.

**Item #8,** Authorize execution of the following SJTA document:

- a. Joint Prosecution and Defense Agreement
- b. Joint Powers Agreement Forming the San Joaquin Tributaries Association.

Shields told the Board that the Joint Powers Agreement is still being formulated and as such he is asking that no action be taken at this time. On the matter of the Joint Prosecution and Defense Agreement, Shields asked the Board to consider approval of that agreement. After a brief discussion, a motion was made by Roos to approve the Joint Prosecution and Defense Agreement as presented. The motion was seconded by Kamper and unanimously approved.

**Item #11,** Water Users Conference reports.

Director Roos reported that he talked to people from the Bureau at the conference. He said Mike Finnegan and Don Glaser offered to come and talk to the Board about the issue of water in our conservation account.

Director Holbrook:

-reported that he also spoke with Don Glaser and confirmed that he offered to come to a Board meeting. Don Glaser asked that he be provided with three possible dates to come and he would let us know when he would be available. Glaser also asked that he be given a list of topics or agenda in advance of the meeting date. Holbrook said that Glaser emphasized the importance of communication.

-said that he invited Pablo Arroyave to tour the Division 9 project as well as Glaser and Finnegan.

-said he talked to over 38 people at the conference about water issues and that it is a good vehicle to getting information about the subject

President Holbrook asked for Directors Reports:

Director Kamper reported on the Tri-dam Committee Meeting held on February 6. He said Rick Dodge gave a report concerning labor negotiations and he also talked with CH2M Hill.

Director Roos reported the following:

TID is having a VIP showing of "The Irrigationist" The story of the Turlock Irrigation District on February 24.

Pointed out that the first Board meeting of May conflicts with start of the 2012 Spring ACWA Conference. It was the consensus of the Board to change the first meeting of May to Monday, May 7.

APPA National Conference will be held in Seattle this year, June 17-20.

The Board thanked Troylene Saylor for making the employee dinner on February 10 a success.

Holbrook then called for Managers Reports:

Don Battles, Utility Systems Director reported that Conergy has hired two additional people to work on replacing the bushings at the solar farm. Work should be completed by end of next week.

Bere Lindley, Finance/Admin Manager presented an Investments report dated January 31, 2012 and Monthly Financial Statements dated December 31, 2011.

Sam Bologna, Engineering Department Manager

- 2012 Water Conservation Program update:
  - We have received 82 applications to date.
  - \$794,806 is already committed.
- Flow measurement plan is going forward

Jeff Shields, General Manager

- South Delta Water Board Meeting – Mel Lytle is leaving his post at the County.
- Delta Coalition is asking for economic support @ \$3,000 a month to hire public relations firm
- On January 24<sup>th</sup>, the Board made a ruling concerning a request by Dave Van Elderen in regards to an encroachment permit. Mr. Van Elderen has not complied with the Board's ruling and the issue will be put back on the next agenda.
- Harry Van Rys Crab Feed scheduled for February 25<sup>th</sup>.
- Escalon Farm Bureau meeting will be held on February 23<sup>rd</sup>. Both Supervisor Vogel and GM Shields will be speaking.
- OID invited three Board members to the Oakdale Ag luncheon on February 23, 11– 1:30.
- Handed out Tri-dam Daily report.

General Counsel announced the Board would be discussing Items 13 a. under Closed Session.

- a. CONFERENCE WITH LEGAL COUNSEL-Anticipated Litigation  
Initiation of litigation pursuant to subdivision (c) of Government Code  
Section 54956.9- 2 cases

Upon returning from Closed Session, it was announced that there was no reportable action taken.

There being no further business to come before the Board it was moved by Kamper, seconded by Roos to adjourn to the next scheduled meeting to be held Tuesday, February 28, 2012.

ATTEST: \_\_\_\_\_  
Cheryl Burke, Executive Secretary