

Manteca, California
February 25, 2003

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 ROOS HAWORTH
 ABSENT: SCHULZ

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

Vice President Haworth 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.

- A. SSJID warrants of \$177,844.76.
- B. Regular Board Meeting Minutes of February 11, 2003.
- C. Purchase of easement from Milo and Suzanne Candini and authorize staff to accept Easement Deed from the same.

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

Vice President Haworth announced we would go to public hearing for consideration of adoption of the Resolution of Necessity of the South San Joaquin Irrigation District to Acquire Real Property for South County Surface Water Supply Project, Resolution No 03-05-P.

Mr. Emrick addressed the Board and stated that the Board was required to make the following factual findings in adopting the resolution:

1. *That the public interest and necessity require the acquisition of the Subject Property as a necessary part of the Project.* Mr. Emrick stated that the resolution concerns property referred to as the Pimentel property, APN's 213-280-03 and 10. However, Mr. Pimentel is one of the trustees of the true owner, Animus Covenant Trust. The alignment of the pipeline has been designed to minimize impacts to private landowners along the route and that this is one of the parcels that the pipeline will need to cross.
2. *That the Subject Property to be acquired and the Project to be developed are planned and located in the manner that will be most compatible with the greatest public good and the least private injury.* Mr. Emrick mentioned to the Board that the previous alignment used primarily private property. The current alignment makes the maximum use of public roads, but some private property is still required. This is one of the parcels that are still required.
3. *That the Subject Property is necessary for the proposed Project.*

4. *The offers required by Section 7267.2 of the Government Code have been made.* Mr. Emrick stated that the offer had been made to the landowner as required by law.

Frank Parrot, Counsel for the Pimentel Trust addressed the Board. He said the trust has a couple of problems, no description of the easement and the offer is not adequate. He said the easement states it is exclusive and they need access to the house and in order to farm and don't want to cut into their production Ag land to build a new access road. He said we did not get details of the easement until this morning, and that is not adequate. Emrick said the landowners received a copy of the easement. He said he recommends the Board go ahead and approve the Resolution of Necessity today. He will hold off filing until we are unable to reach an agreement. He said if access is their problem we can solve that. If it is compensation, that is another thing. Mr. Parrot said they are not excited about a pipeline on their property, and would like the Board to wait until the easement is clarified before passing the Resolution of Necessity. Mr. Barry Wilson, Managing Trustee said if we can't use the land the District wants for access, we will have to take out farmland to build an access. Gilton said we can't disrupt the access road because fire, ambulance, etc., need access. He said access delays during construction would be limited to about ½ hour to 1 hour at a time.

Vice President Haworth closed the public hearing.

Motion by DeGroot, seconded by Kamper, to adopt Resolution No. 03-05-P as submitted. Additionally, instructing staff to work with the landowners and their attorney to resolve any differences. If unable to resolve the differences, to go ahead and file the case on March 10, 2003.

RESOLUTION NO. 03- 05-P

RESOLUTION OF NECESSITY OF THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT TO ACQUIRE REAL PROPERTY FOR SOUTH COUNTY SURFACE WATER SUPPLY PROJECT

WHEREAS, the South San Joaquin Irrigation District (SSJID) is an irrigation district formed pursuant to Division 11 of the Water Code commencing with Section 20510 and following; and

WHEREAS, SSJID has entered into a Water Supply Development Agreement with each of the cities of Manteca, Escalon, Lathrop and Tracy to construct, operate and finance a water treatment plant and related facilities to deliver treated water to the four Cities (the "South County Surface Water Supply Project" or the "Project"), and

WHEREAS, SSJID certified a final environmental impact report and approved the Project on May 30, 2000; and

WHEREAS, the project involves the construction, operation and maintenance of a water treatment plant on real property owned by SSJID on Dodds Road in Stanislaus County and a pipeline and related facilities, turnout sites including underground storage facilities, pumping stations and other facilities as may be necessary to deliver the treated water to each of the cities of

Manteca, Escalon, Lathrop and Tracy, on real property to be acquired by SSJID in San Joaquin County. The real property to be acquired by SSJID for the Project are described in the table attached to this Resolution as Exhibit A and are collectively referred to in this Resolution as the “Subject Land,” and

WHEREAS, acquisition of the Subject Land to be acquired for the Project is a necessary part of the Project; and

WHEREAS, Sections 22425 and 22456 of the Water Code authorize SSJID to acquire by eminent domain any property necessary to carry out its purposes; and

WHEREAS, Section 1240.010 of the Code of Civil Procedure permits the acquisition by eminent domain of property for public use; and

WHEREAS, SSJID has made offers to each of the owners of record of the Subject Land based on its determination of just compensation, in accordance with Government Code Section 7267.2; and

WHEREAS, notice has been properly given as required by and according to the provisions of Section 1245.235 of the California Code of Civil Procedure, and a public hearing has been held at which all persons whose property may be acquired by eminent domain as described in this Resolution and whose name and address appear on the last equalized County assessment roll have been given a reasonable opportunity to appear and be heard by the Board of Directors of SSJID, on the matters set forth in Code of Civil Procedure Section 1240.030; and

WHEREAS, a two-thirds vote of all of the members of the Board of Directors of SSJID is required for adoption hereof;

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of South San Joaquin Irrigation District makes the following findings:

- 1. That the public interest and necessity require the acquisition of the Subject Property as a necessary part of the Project.**
- 2. That the Subject Property to be acquired and the Project to be developed are planned and located in the manner that will be most compatible with the greatest public good and the least private injury.**
- 3. That the Subject Property is necessary for the proposed Project.**
- 4. The offers required by Section 7267.2 of the Government Code have been made.**

LET IT BE FURTHER RESOLVED, as follows:

- 1. That the General Counsel of SSJID is hereby authorized to institute and conduct to the conclusion an action in eminent domain for the acquisition of the Subject Property and to take such action as is necessary to accomplish the same upon direction of the Board of Directors of SSJID.**

2. That the General Counsel of SSJID is also hereby authorized to obtain an order for prejudgment possession.

3. That the General Manager is authorized to enter into agreements to acquire the interests in the Subject Land described in this Resolution in lieu of eminent domain, and the President and Secretary are hereby authorized to accept deeds conveying such interests, in exchange for payment of the fair market value for the interests as determined by the District's appraisal and any such additional compensation as the General Manager determines in his discretion to be reasonable under the circumstances.

EXHIBIT A

APN	Owner by County Assessment Roll	Approximate Area in square feet	Type of Interest	Purpose
213-280-03	Pimentel	24,422	permanent easement	pipeline
213-280-03	Pimentel	7,081	temporary easement	construction
213-280-10	Pimentel	21,263	permanent easement	

On a Motion duly seconded, the foregoing was duly passed and adopted by the Board of Directors of the South San Joaquin Irrigation District this 25th day of February 2003, by the following vote:

AYES : DEGROOT HAWORTH KAMPER ROOS

NOES: None

ABSENT: SCHULZ

Authorize conditional approval and signature of appurtenant documents for Chesapeake Development Phase 2. Bologna said we asked the Developer to construct a bank along the canal. The adjacent property is 5 feet below the water level. Bologna said the Contractor is going to build a 17-foot wide road with a 3 to 1 slope. Additionally, two outlets will need to be sealed off and an Irrigation Service Abandonment Agreement will be required. The Board came up with three additional requirements. 1) 6 inches of gravel, 2) a concrete barrier, 3) cement base should be required. They also said the weirs along that stretch should be removed.

Motion by DeGroot to conditionally approve subject to putting in a concrete barrier. Motion died for lack of a second.

Motion by Kamper, seconded by Roos, approve subject to the Developer putting in a 6 inch gravel road base, authorize conditional approval and signature of the following, subject to compliance with special attention to the conditions and requirements in Item 12, Exhibit “C” of the Developers Agreement. 1. Final Map; 2. Improvement Plans; 3. Developer’s Agreement; 4. Irrigation Service Abandonment Agreement; and 5. Easement Quitclaim. Motion Carried, 3 Ayes, 1 No, with Director DeGroot voting No.

Accept and file Notice of Completion for work on the SCADA Project, Phase II, for monitoring of drainage ditches. Stroud showed slides of the drains and equipment used to monitor drains on 15 sites. He said all materials used are open market to allow for ease and economy of purchasing replacement parts. He said the sites run by solar power since the cost to run power lines to them is prohibitive. He recommended approving the Notice of Completion.

Motion by Kamper, seconded by DeGroot, and unanimously carried, to accept the work as complete and authorize the General Manager to file the Notice of Completion to begin the one-year warranty period.

Consider approval of Environmental Science Associates (ESA) Contract Amendments, Cultural Resource Investigation. The \$12,000 is for ESA to work with Cal Trans to get the permits. Cal Trans feels there may have been a major village at the confluence of I-5 and Highway 120. He said contractors would be placing approximately 2,000 feet of pipe through this culturally sensitive area. 1,600 feet are above the natural ground level, but 200 feet on each end are at or below the natural ground level. ESA will prepare a plan, for Caltrans approval, to determine if there are any remains in the two 200-foot areas. Once Caltrans issues the permit, a separate contract will be needed for the actual excavation. If remains are found, they will need to be removed and buried with proper ceremonies. Stroud said the Operating Committee recommends approval of the Contract Amendment with ESA..

Motion by DeGroot, seconded by Kamper, and unanimously carried, to approve the Contract Amendment with ESA in the amount of \$12,000.

Approve Encroachment request from the San Joaquin Delta College to cross Lateral “Rg”. Gilton said Delta College wishes to cross our lateral with an 8" PVC pipe. He said if there is not enough cover, the College will be required to go under our pipe. He recommends approval of the Encroachment Agreement as submitted.

Motion by DeGroot, seconded by Roos, and unanimously carried, to authorize the President and General Manager to sign the Encroachment Permit.

The Board reviewed the District Sump Program Policy. The sump program expires on February 28, 2003. The program initially identified 49 sumps that were over charging our pipelines because they were not installed correctly. Only 5 (10%) of the 49 have been replaced, and 3 are not using sumps. Although the policy states that if the work is not completed by the end of February 2003, the District would disconnect the substandard sumps, the letter

sent to those landowners failed to say they would be disconnected. Stroud said there are a couple of landowners who requested permits, but were told by staff to wait until the SIDE project is finished. Stroud said we should at least extend the program to those 2 landowners. Additionally, there were 25 other permit applications taken out, but not pursued. Stroud said the question is, do we extend the program, or demand replacement sumps be installed without the cost sharing program. Haworth said we should keep the program and get rid of the sumps that are causing problems. Roos said we should extend it, have the Division Manager's compile a new list. DeGroot said we should extend the program, send out letters to those who are overcharging our lines, and give them until February 28, 2004 to complete the work or cut them off. Stroud said he would take the current policy, refine it according to the Boards direction, and put it on the agenda for approval on March 11th. The following action was taken:

Motion by DeGroot, seconded by Roos, to extend the current program to March 11th when a new program can be reviewed by the Board for their approval or denial. Motion Carried, 3 Ayes, 1 No, with Director Kamper voting No.

Approve cancellation of Service Abandonments #'s 288, 789, 509, 1272, 1273 and 1100.

Motion by Kamper, seconded by DeGroot, and unanimously carried, to approve the cancellation of the above Service Abandonment Agreements.

Discussion concerning 2003 water season startup. Stroud said all the projects the District is working on will be done by February 28, 2003. Delivery of water to start on March 3, 2003 unless the Board wants to delay that date. Stroud said Tri-Dam Operations Superintendent Ed Kisling estimates we will have approximately 540,000 acre feet available this year, our share will be 270,00 acre feet. The USBR estimates 607,000 acre feet, It was the consensus of the Board to start water on March 3. No action was taken.

Manager's reports:

Stroud reported Don Pedro Pump replaced the tank that they installed in November. The reason they replaced the tank with a new one was because the tank they installed in November had chronic positive readings for coliform. He said tests taken since the new tank was installed have been negative for coliform.

Safety Kleen has removed the chemicals of unknown origin, from our line south of Escalon.

Northern Digital is finished with the turnout SCADA project, with the exception of some sensors to replace, and delivery of the 'as-built' drawings.

Ron Morrow will be off work a few weeks because of medical problems.

Stroud reported that one employee was released from probation. This puts us at our normal staffing since Lambert Van Dykhuizen has decided not to retire.

The bridge on Lateral "R", (Hat property), will be complete by the end of the week.

Staff comments on the SCADA Analysis done by Boyle Engineering are being mailed today.

The Northwest Project is substantially complete.

Relative to the Water Treatment Plant project, we met with Manny Lopez, Administrator of San Joaquin County relative to the requirements placed on the project by the County's Public Works Department. Mr. Lopez agrees only one Encroachment Agreement is needed for each contract. He also agreed with us on several other items that were disagreeable to us, but said all he can do is talk to the public works folks, since they report directly to the Board of Supervisors. He said we have a meeting scheduled on March 10th with Tom Flynn, County Public Works Director.

Interviews were held February 21st for hiring Construction Management Services for the Water Treatment Plant Project. The consensus of the Cities was to hire Black and Veatch.

Bid opening took place on Monday for the 1st segment of the Water Treatment Plant Project pipeline. He said the Engineer's Estimate was \$14,930,000, the low bid was \$8,357,321.

A meeting is scheduled for March 4, 2003 with the City of Manteca relative to their Master Storm Drainage Agreement.

The City of Ripon rejected our offer relative to Lateral "Ue" because they wanted us to share future liability, and increase the up-front money. He said unless the Board wants to negotiate further, the Engineering Department will begin doing plans and specs for abandoning the pipeline.

The River Group Board meeting has been rescheduled for March 14th. Director Roos is the District's representative, with Director Kamper being the alternate.

Stroud said that Black and Veatch said, the pipe that will be laid in Woodward Reservoir for the Water Treatment Plant Project will require the Reservoir be drained for two years. Stanislaus County is upset with this, stating they will lose \$400,000 to \$500,000 in revenue. Black & Veatch estimated it would cost about \$1,000,000 more to try to replace the line in one year and could not guarantee success.

Stroud reported the following meetings:

03/05/03, Treatment Plant bid opening.

03/07/03, Congressman Dennis Cardoza will meet with Directors and senior staff to discuss Federal Water Issues.

03/20/03, Tri-Dam Meeting, and Central and Southern Delta Water Users annual dinner.

03/21/03, A visitor from New Zealand will be here to tour our facilities.

03/26/03, Stroud is scheduled to speak to the Ripon Rotary Club on the Water Treatment Project.

03/27/03, ACWA Spring Briefing in Napa.

Relative to comments by Kathleen Harris at the February 11 Board meeting, regarding her desire to irrigate 18 acres of strawberries, staff looked at what was required. The old pipeline was crushed in place in 1956, and would need to be replaced with about 1/4 of a mile of new pipeline, easements etc.,. Construction cost to do this is approximately \$185,000. Adding costs for engineering, bidding, and acquiring construction and permanent easements, the total could exceed \$220,000. Stroud said he will inform Mrs. Harris, unless otherwise instructed by the Board, that we can't deliver water to the 18 acres.

Relative to the Van Vliet property, a single cell box would solve the issue. Since the property north of Lone Tree Creed has not signed off, we do not want to permanently cut off the line.

The 2002 Crop Reports were handed out.

Stroud read the following into the record:

Structure Permits:

Harry Sanchez, APN 197-120-06, to install four 24" valves on Lateral Qg @ Stations 278-283+/-.

Randall Eskes, APN 245-190-20, to attach a rotating screen to existing outlet structure on Lateral T @ Station 70+/-.

Structure Abandonments:

Hogan Mfg. Inc., APN 247-020-21 to abandon one 24" valve installation on Lateral Ka @ Station 150.

Vice President Haworth asked for Directors' comments:

Kamper said we should be discussing OID's request to sell them water before the next Tri-Dam meeting!

Haworth asked the status of replacing the Yosemite Avenue road crossing on the FCOC . The City of Manteca staff are currently reviewing the plans and should have them back shortly.

Vice President Haworth called for closed session relative to litigation matters, personnel matters, and labor update. General Counsel Emrick reported the Board would be discussing item a) in closed session.

- a) Conference with legal counsel, existing litigation, Gov. Code, S. 54956.9, one case. Delta Keeper vs. OID.

Upon returning from closed session General Counsel Emrick reported there was no reportable

action taken in closed session.

There being no further business to come before the Board it was moved by Roos, seconded by Kamper, and unanimously carried, to adjourn to March 11, 2003 at 9:00 a.m.

ATTEST:

John Stein, Assistant Secretary

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