

Manteca, California
March 23, 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 \$1,872,705.78.
- B. Regular Board Meeting Minutes of March 9, 2004.
- C. Corrections to July 22, 2003 Board Minutes, Book 24, Page 328. The contract for the geotechnical investigations along the pipeline route was awarded to J.H. Kleinfelder not Geomatrix.
- D. Authorize Encroachment Agreement with Brad and Betty Brown (APN 247-280-01) relative to Lateral "K" in Escalon adjacent to the Westwood Country #1 Development.

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

PASSED AND ADOPTED this 23rd day of March 2004 by the following roll call vote:

Ayes: DeGroot Kamper Schulz Roos Kuil

Noes: None

Discussion and possible action concerning service to Reece property off Lateral "Rb". After a lengthy discussion it was the consensus of the Board that Directors Roos and Kamper talk to Mr. Reece and Mr. Traville about the District installing a control box just upstream of the Rb/dd split, with the condition that the property owners purchase, install and accept full responsibility for the maintenance of the pipe. General Counsel was tasked with drafting an agreement covering the various actions required. No other action was taken.

Update on the Water Treatment Project at Woodward Reservoir and possible action. Stroud said we are only able to divert approximately 500 cfs from Woodward Reservoir. This is due primarily to the fact we are unable to fill the reservoir because the contractor has not filled the cut. Based on contract work completed to date, Division of Dam Safety has limited the water surface elevation to 185. District staff is working with OID to see what support they can provide to wheel water around Woodward Reservoir. District staff is also exploring the option of renting private wells, if needed to meet irrigation demand. Jay Hesby, Black & Veatch, and Grant Kreinberg, Water Resource Consultants, addressed the Board. They said the contractor started backfilling yesterday. They estimate somewhere around 21 to 23 days to complete the backfill, unless it rains. General Counsel Emrick asked the Board to adjourn to closed session to discuss this item further under item 10 d. on the closed session agenda.

- d. Conference with legal counsel, anticipated litigation, significant exposure to litigation. Gov. Code, S. 54956.9. One case.

Upon returning from closed session, General Counsel Emrick reported there was no reportable action taken in closed session.

Discussion and possible action concerning sump request by Van Groningen for Brocchini property. Tom Haggard, Assistant Water Superintendent told the Board that the plans for the proposed new sump are fine, the problem is we cannot guarantee to deliver water as requested, 4 1/2 cfs for 72 hours, without shorting growers already on service. He said the run sheets for 2003 in July and August show the X line was maxed out and runs took from 9 to 11 days. Additionally, at this time, most of the land that is being developed along this line are using groundwater, not District water. He said if we are going to approve putting the parcel back on service, it should be with the specific understanding that we will only deliver water when it is available, in other words when we have completed the run in less than 10 days. After discussion the following action was taken. Motion by Kuil, seconded by DeGroot, and unanimously carried, to approve the request to put the parcel back on District service and to feed a proposed new sump with the condition that they will get water only when it is available as recommended by the Water Department.

Authorize conditional approval of agreement with San Joaquin County concerning participation in the River Road Bridge Replacement Project and authorize approval of plans for the project. Bologna addressed the Board. He said the County is ready to send the project out for bids. They have agreed to the District paying a maximum share of \$25,000 for the project. He stated this project was originally budgeted several years ago for the District share to be \$100,000, but that decreased significantly due to County-driven changes in the proposed project and due to negotiations with District staff. Bologna recommended approval subject to review by District Counsel. Motion by Kuil, seconded by DeGroot, and unanimously carried to approve the Agreement as recommended by Engineering Department Supervisor Bologna.

Consider approval of plans for Westwood County Unit # 2 in Escalon. Bologna recommended approval of the plans and authority for execution of documents subject to compliance with those special conditions and requirements in Exhibit "C" of the Developer's Agreement. Motion by Kamper, seconded by Roos, and unanimously carried, to approve the plans and authorize execution of documents subject to special conditions stated in Exhibit "C" of the Developers Agreement.

Consider approval of the installation of two water meters on Lateral "U" for water services to the City of Ripon in accordance with the Water Service Agreement by and between the District and the City. Bologna said the City has two sites where they want to take water. He said the District will provide water to the City only when it is available. Which means as long as the recharge delivery would not result in lengthening the rotation for ag customers beyond the standard 10 days. The City is current on payments under the Agreement. The cost of the meters is \$3,500 each, or a total of \$7,000. Bologna recommended that the Board approve the request to purchase the two meters. Motion by Kamper, seconded by DeGroot, and unanimously carried to authorize the staff to purchase the two meters as recommended.

Discuss conditions of approval for the Abdallah parcel map affecting the MSC and authorize signature of map subject to satisfaction of specified conditions. Bologna said that he recommends approval subject to special conditions stated in Exhibit "C" of the Developers Agreement. Motion by Kuil, seconded by Schulz, to approve the parcel map subject to satisfaction of conditions in exhibit "C" of the Developers Agreement and terms and conditions from Stanislaus County.

Discussion and possible action concerning communication options. Director Kuil said he would like to pursue this further with the General Manager before bringing a recommendation to the Board. No action was taken.

General Manager's report:

Stroud told the Board the following:

Relative to rules of conduct for Directors, Officers, and staff of Special Districts, he gave Directors a copy of a report prepared by ACWA and asked that they review it. Staff will be reviewing the District's policies and procedures relative to the new ACWA Guidelines and will bring any pertinent issues to the Board for consideration.

Relative to John Baker, cherry grower on the Main Supply Canal who purchased water from us last year on a one time only basis. Mr. Baker wants to purchase water from OID and pay us a wheeling charge. Mr. Baker's land is outside the boundaries of both OID and SSJID. It the General Manager's intention not to recommend that the District enter into any agreements with Mr. Baker or any other out of District landowner due to limited capacity in the Main Canal unless the Board should direct otherwise. It was the consensus of the Board not to put the item on a future agenda for further consideration.

Relative to the Ag Waiver. The San Joaquin County Coalition is nearing completion of their submittal due April 1, 2004 at the Regional Board, report, and have selected 4 or 5 sites to test. Cost to send out bills is \$3.00 per bill (parcel). When they send the bills out it will be if sign the form and pay, you are covered under the coalition waiver provisions. If you do not sign and pay, you are not a member of the coalition.

State Board action on issuance of General Permits for Aquatic Herbicides has put off action to issue permits for 60 days, so they can respond to the many comments received. Action is expected at the May 21, 2004 meeting. In the interim, we will proceed under provisions of the old permit.

Relative to the SIDE project. The damage has been repaired from last year. The SCADA is in place and operational, control is in the hands of the MDC Operators. Affected Division Managers and Ditch Tenders will coordinate with the MDC Operators like they do with the Main Distribution Canal.

Relative to the Treatment Plant Project, pipeline relocation to satisfy State Reclamation Board demands resulted in the need for a permit from Reclamation District 2107. We will have to pay their review costs, not to exceed \$5,000.

Tour of NCPA's facilities is scheduled for March 24.

San Joaquin County GW Banking Coordination Committee meeting is tomorrow at 10:30 a.m. in Stockton. AGM John Stein will attend to represent the District.

March 30th a meeting with PG&E to discuss their direct access/wheeling proposal.

President Schulz called for Closed session relative to litigation matters, personnel matters, labor update as follows: General Counsel Emrick said the Board will be discussing the following items: a. 3), 4), 6) and 7); b.; c.; e.; and f.

- a. Conference with legal counsel, existing litigation. Gov. Code, S. 54956.9. Four cases: 3) ChevronTexaco v. SSJID. 4) SSJID v Laro Coal & Iron. 6) SSJID v John Azevedo. 7) SSJID v. J. Meneses.
- b. Conference with labor negotiator, Gov. Code, S. 54957.6(a). Agency Representative, Stevan Stroud. Employee Organization, Management Unit.
- c. Conference with legal counsel, anticipates litigation, initiation of litigation. Gov. Code, S. 54956.9. One case.
- e. Public Employment, Treatment Plant Manager/Supervisor Appointment. Gov. Code, S. 54957.
- f. Conference with real property negotiator, Gov. Code, S. 54956.8
 - 1) Property-Northwest corner of Moffatt Boulevard and Woodward Avenue- APN 224-05-06. Agency negotiator - Steve Emrick, Negotiating Parties-

AKF Development & SSJID. Under Negotiation - price and terms of payment.

- 2) Property - District property on Freankenheimer Road in the vicinity of APN 002-21-32. Agency Negotiator - Steve Emrick. Negotiating Parties - Jim Galas & SSJID. Under negotiation - price and terms of payment.
- 3) Property - Portion of District's 85 acres on Dodds Road. Agency Negotiator - Steve Stroud and Steve Emrick. Negotiating Parties - Steve Kistler & SSJID. Under negotiation - price of lease.

Upon returning from closed session General Counsel Emrick announced there was no reportable action taken in closed session.

There being no further business to come before the Board it was move by Kuil, seconded by Kamper, and unanimously carried to adjourn to April 13, 2004 at 9:00 a.m.

ATTEST:

John Stein, Assistant Secretary