

Manteca, California  
April 28, 2009

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:     HOLBROOK     KUIL     KAMPER     SCHULZ     ROOS

Also present were Secretary/Manager Shields, District Counsel Emrick, Water Treatment Plant Manager Hubkey, Utility Systems Director Battles, Engineering Department Manager Bologna, Communications Coordinator Saylor, and Human Relations Analyst Thornburg.

President Kamper called the meeting to order and asked for public comment. There was no public comment.

President Kamper called for closed session.

District Counsel Emrick announced the agenda item which follows:

“Public Employee Dismissal/Discipline/Release, Gov. Code, S. 54957” is on the agenda as a closed session item. However, the employee has asked that the grievance hearing be held in open session and therefore it will be held in open session. The Board will then deliberate under the scheduled closed session item. There is a Court Reporter coming at 9:30 a.m. and therefore we will postpone the item until the reporter arrives.

President Kamper asked the Board to consider approving the Consent Calendar items as presented.

CONSENT CALENDAR

- A.     SSJID Warrants of \$409,777.79 consisting of checks \$291,754.11 and wires \$118,023.68.
- B.     Regular Board meeting minutes of April 14, 2009.
- C.     Consider adopting Resolution 09-05-V, Authorizing the sale of property no longer necessary for District Purposes.

RESOLUTION NO. 09-05-V  
AUTHORIZING SALE OF PROPERTY NO  
LONGER NECESSARY FOR DISTRICT PURPOSES

WHEREAS, the District may sell for valuable consideration, any property of the District, which it finds to be no longer necessary for District purposes;

WHEREAS, the Board of Directors of the South San Joaquin Irrigation District, finds the following Six Chevrolet Silverado 1500 pickups for sale listed below:

<u>DISTRICT I.D. NO.</u>	<u>SERIAL NUMBER</u>
286-06	249152
285-06	248788
277-05	226974
274-05	225954
270-05	230082
269-05	230103

Are no longer necessary for District purposes and that it is in the best interest of the District to sell said property; and

<u>DISTRICT I. D. NO.</u>	<u>FAIR MARKET VALUE</u>
286-06	\$4,800.00
285-06	\$4,800.00

277-05	\$4,700.00
274-05	\$4,700.00
270-05	\$8,900.00
269-05	\$9,000.00

NOW, THEREFORE BE IT RESOLVED AND ORDERED that the Assistant General Manager of the District is authorized to display said property for sale for a period of ten days, thereafter, directed to sell said property to whoever presents the highest cash offer, provided that the offer is equal to or exceeds the following:

DISTRICT I.D. NO.	MINIMUM PRICE
286-06	\$4,300.00
285-06	\$4,300.00
277-05	\$4,200.00
274-05	\$4,200.00
270-05	\$8,300.00
269-05	\$8,400.00

BE IT FURTHER RESOLVED AND ORDERED that the Assistant General Manager is authorized and directed to take all necessary steps and execute all documents necessary to transfer title to said property.

PASSED AND ADOPTED this 28<sup>th</sup> day of April 2009

Motion by Director Kuil, seconded by Director Holbrook, to approve the consent calendar items as presented.

PASSED AND ADOPTED this 28<sup>th</sup> day of April 2009 by the following roll call vote:

Ayes:	Holbrook	Kuil	Kamper	Schulz	Roos
Noes:	None				

Consider request by Manteca Islamic Center and possible Board action to approve an amendment to the April 2, 2008 agreement between the District and the Islamic Center. Bologna said this was approved over a year ago. At that time the District agreed to postpone pipeline replacement along Lateral Y until such time as a building permit and site plan are submitted for the permanent building. Now the Islamic Center wants to move forward and is asking the District to waive the requirements they previously agreed to. Bologna said that he estimates the cost to replace 315 feet of 42 inch cast-in-place-pipe, at around \$40,000. Ben Cantu of B. C. Planning said they cannot afford this and are asking us to waive the fees. Bologna said perhaps the Board could make an exception and loan them the money to be paid back with interest. Spokesman Mohammed Alfara said the Islamic religion does not allow them to pay interest, in fact they consider it is a sin. He asked the Board to waive the requirement because they cannot afford to do the work if we require the pipeline be replaced. After discussion it was moved by Director Holbrook, seconded by Director Kuil, and unanimously carried to approve as recommended by staff, that the Islamic Center is to adhere to the District's previous Board action requiring the Owner replace District facilities. However, if the Islamic Center is interested, the Board will allow a five year payback with interest and a contribution by the Board, per our contribution policy of \$9,450.

Approved amendments to Irrigation Service Abandonment Agreement's 625 and 634, APN 245-340-33 and 245-340-37 respectively. Bologna said Ripon School District owns these parcels and wants to use our water to irrigate a portion of them. Director Holbrook asked why in the write-up it did not refer to 2<sup>nd</sup> tier water user. Bologna said all amended agreements are 2<sup>nd</sup> tier. Motion by Director Roos, seconded by Director Kuil, and unanimously carried to approve the amendments as recommended.

Reconsider options and possible action concerning a security system at the Robert O. Schulz Solar Farm on Dodds Road. Shields said the options being considered range in price from \$130,000 to \$182,000 and although they are very expensive they seem to be

the only options available. Avila said they recommend the 3D-Datacom, System 1 design, at a cost of \$134,085. Director Holbrook said he thinks we should go with the \$181,980 system because we are looking at expanding to the Water Treatment Plant. Director Kuil feels this is overkill. After discussion it was moved by Director Holbrook, seconded by Director Roos, to purchase the 3D-Datacom Thermal System at a cost not to exceed \$181,980. Motion Carried, Ayes 4, Noes 1 with Director Kuil voting No.

President Kamper announced that since the Court Reporter had arrived we should take up the matter of Public Employee Dismissal/ Discipline/Release. This item was on the agenda as closed session but at the request of the employee, Robert Geer, Sr. it will be held in open session.

The District was represented by District Counsel Emrick, General Manager Shields and Operations/Water Superintendent Catanzarite. The employee was presented by Sam Glero, IBEQW and Robert Geer, Sr. At the beginning of the hearing, both sides agreed to accept the testimony of witnesses without requiring the witnesses to be placed under oath. The Board was represented by outside counsel Bruce Scheidt of Kronick, Moskovitz, Tiedemann & Girard. The hearing was transcribed by a court reporter.

After the hearing President Kamper announced we are going into closed session for Public Employee Dismissal/Discipline/Release per Gov. Code, S. 54957.

Upon returning from closed session President Kamper announced a written decision will be submitted to both parties per agreement of the parties.

Consider report of outside consultant on review of the Woodward and Frankenhimer mini hydroelectric projects financial statements. Shields said McDonald Partners have finished the evaluation as requested and introduced Sandra McDonald to give a summary of the report. Ms. McDonald told the Board that the two mini hydro's are 2 and 5 MG. The District owns them and Turlock Irrigation District (TID) operates and maintains them. TID financed and built them and pays SSJID 1.5 cents per kw or 50% of the net revenues. However, the costs have exceeded the revenues and there is a net loss. The debt will be retired in 2020 and the contracts expire in 2032 however she estimates that the credit will not be repaid by the end of the term. However, there are no provisions in the contracts that require the District to repay the amount to TID. Stein asked if TID carried the credit balance as accounts receivable. Ms. McDonald said no they do not. No action was taken.

President Kamper recessed for lunch.

Upon returning from lunch President Kamper called the meeting to order and asked the Board to consider approval of a Service Agreement with In-Site Environmental for CEQA compliance for the Division 9 Project. In response to a question from a Board member General Manager Shields said any discretionary action on the part of the District that may cause a physical change to the environment is a new project that requires CEQA compliance. Emrick recommended authorizing the General Manager to enter into a Professional Services Agreement with In-Site Environmental, Inc. at an approximate cost of \$34,489. Motion by Director Holbrook, seconded by Director Kamper, to approve the agreement and authorize execution of same as recommended. Motion carried, Ayes 4, Noes 1 with Director Roos voting No.

Consider approval of an agreement with URS to prepare application for the USBR Challenge Grant Program. Shields said this Grant could provide up to \$3,640,000 towards the cost of the Division 9 Project. The cost of preparing the grant, which must be completed by May 22, 2009 is \$28,240. Staff recommends the Board authorize the General Manager to enter into an agreement with URS and to authorize execution of same. Motion by Director Kuil, seconded by Director Holbrook, to authorize the General Manager to enter into an agreement and execute same at a cost of \$28,240. Motion Carried, Ayes 4, Noes 1 with Director Kamper voting No.

Consider adopting Identity Theft Prevention Policy. Emrick said this program has previously been to the Board at which time we explained that while there is doubt that the

District is required to adopt the policy, identity theft is a nation-wide problem and it is prudent to adopt measures to protect sensitive information that could be misused. The regulation is effective May 1, 2009. He said the cost to implement the policy will be minimal. We will need to purchase some additional filing cabinets with locks and increase security for some of our archived data. Many of the procedures in the policy are already in place. Emrick recommends approval as submitted. Motion by Director Holbrook, seconded by Director Schulz, and unanimously carried to approve the Identity Theft Prevention Policy as presented.

President Kamper asked for Manager's reports:

Hubkey reported:

- When Hansen Paint inspected the tank on train #8, it was noted that the bottom coating was damaged and will need repair. The estimated cost is \$4,000 to do the repairs.
- Flows are up from last month from 17 to 19 MGD due primarily to Tracy increasing their flows from 8 to 10 MGD.

Shields reported:

- Beginning May 5, 2009 the Construction & Maintenance crews and Shop personnel will begin using summer work schedule, Mon.-Fri., 6:00 a.m. to 2:30 p.m. This is done primarily to avoid some of the afternoon sun.
- The Manteca Boys & Girls Club will be recognizing the late Nick DeGroot at their Hall of Fame Recognition Dinner on May 23, 2009. Those wishing to attend should contact either me or Troylene Sayler.
- On May 7, 2009 Jeff will be speaking at the Cal Nile Farm Center.
- Our application prepared by Consol for an Energy Conservation Grant through the California Energy Commission came up short. We were 17th and 13 were awarded grants. We could still get a grant if 4 or more drop out of the program.

Sayler reported:

- At the May 26, 2009 Board meeting several dignitaries will be at the meeting to present proclamations or other recognition for our 100<sup>th</sup> Anniversary. The Open House is set for May 27, 2009 from 4:00 p.m. to 7:00 p.m.
- The new logos have been finalized and should be arriving soon.
- The Manteca Bulletin is working on a special insert for the 100<sup>th</sup> Year Anniversary, which will appear in the Ripon, Escalon and Manteca papers the week before our open House. .
- We had a reception here for the Poster Contest winners and their families.
- Shields said the Historical Display is currently at the Ripon Library, it will be in the Manteca Library for the month of May and the Escalon Library for the month of July.

Director Schulz asked about the status of the Miniature Water Model. Sayler said she is pretty sure it will be ready for the celebration.

President Kamper called for Directors reports:

Director Roos said he is going on vacation and will not be available for the River Group Meeting. Emrick said as of yet we do not know the date or have an agenda, as soon as we do we will notify the alternate.

President Kamper called for Closed Session. General Counsel Emrick announced we will discuss three items in closed session.

- Conference with legal counsel, anticipated litigation, initiation of litigation. Gov. Code, S. 54956.9. Two cases.

- Conference with real property negotiator. Negotiating Parties: District, City of Stockton, and Stockton East Water District. District's Negotiators: General Manager and General Counsel. Under Negotiation: Price and Terms of payment for sale of water. Gov. Code, S. 54656.8.
- Conference with real property negotiator. Negotiating Parties: District and United States Bureau of Reclamation, or its contractors. District's Negotiators: General Manager and General Counsel. Under Negotiation: Price and Terms of payment for sale of water. Gov. Code, S. 54656.8.

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

There being no further business to come before the Board it was moved by Director Schulz, seconded by Director Roos to adjourn to May 12, 2009 at 9:00 a.m.

ATTEST:

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John Stein, Assistant Secretary