

Manteca, California
June 10, 2014

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. President Roos called the meeting to order and led the flag salute. Upon roll call the following members were noted present:

DIRECTORS: HOLBROOK HOLMES KAMPER KUIL ROOS
ABSENT: NONE

Also present were General Manager Jeff Shields, General Counsel Steve Emrick, Engineering Department Manager Sam Bologna, and Executive Secretary Betty Garcia.

Public Comment - None

The Board was asked to consider the following Consent Calendar Items.

CONSENT CALENDAR

- A. Approval of Warrants in the amount of \$275,410.07; A/P wires in the amount of \$286,921.72; payroll dated May 30 in the amount of \$191,566.52.
- B. Approval of the regular Board Meeting Minutes of May 27, 2014.

Director Kuil noted on page 2 of the minutes on item #2, the motion was to implement a 10 to 20 day irrigation schedule; it was not a 10 day schedule.

A motion was made by Director Kuil and seconded by Director Holbrook to accept the Consent Calendar items with the correction as noted above and passed 5 to 0 by the following roll call vote:

AYES: HOLBROOK HOLMES KAMPER KUIL ROOS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ACTION CALENDAR

Item #1 – Consider 2014 Water Supply Forecast, Irrigation Schedule, and Woodward Reservoir

Mr. Shields distributed updated information on the projected water budget for 2014. He said he spoke to Drew Lessard with the U. S. Bureau of Reclamation who projects that New Melones Reservoir will be at 339,000 acre-feet on September 30. He said the conservation account for SSJID should have approximately 50,000 acre-feet by the end of the year. He indicated the SWRCB is putting water into Shasta, Folsom and Oroville and draining all the other reservoirs. He asked what the Board would like to do with the water level at Woodward after July 7.

A discussion followed and it was the consensus of the Board to keep the water level up at Woodward and take the risks of losing 7,000 AF to seepage.

A motion was made by Director Holmes and seconded by Director Holbrook to keep the water at Woodward Reservoir at a level to allow use of the upper intake for the water treatment plant and allow bodily contact after July 7. Motion passed 5 to 0 as follows:

AYES: HOLBROOK HOLMES KAMPER KUIL ROOS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Item #2 – Consider approval of the policy to discourage unlawful use of District Water

Mr. Sam Bologna said in response to the Board’s request to establish a policy for unlawful use of District water, both he and Mr. Emrick are recommending expanding Rule #9 of the District’s existing Rules and Regulations that prohibit taking water out of turn. The violation of Rule #9 or any other removal of water from the District’s facilities without the District’s authorization is prohibited. The policy is listed below:

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
POLICY TO DISCOURAGE UNLAWFUL USE OF DISTRICT WATER**

Effective June 10, 2014
Adopted by board action June 10, 2014

1. District’s existing Rules and Regulations for distribution of water prohibit taking water out of turn:

No. 9 – Using Water Out of Turn:

Any person who uses water out of his turn and without the permission of his ditchtender forfeits his right to water at the next regular irrigation and is also subject to criminal prosecution.

2. Violation of Rule No. 9 is subject to criminal prosecution:

Penal Code § 498. Theft of utility services

(a) The following definitions govern the construction of this section:

- (1) "Person" means any individual, or any partnership, firm, association, corporation, limited liability company, or other legal entity.

(2) "Utility" means any electrical, gas, or water corporation as those terms are defined in the Public Utilities Code, and electrical, gas, or water systems operated by any political subdivision.

(3) "Customer" means the person in whose name utility service is provided.

(4) "Utility service" means the provision of electricity, gas, water, or any other service provided by the utility for compensation.

(b) Any person who, with intent to obtain for himself or herself utility services without paying the full lawful charge therefor, or with intent to enable another person to do so, or with intent to deprive any utility of any part of the full lawful charge for utility services it provides, commits, authorizes, solicits, aids, or abets any of the following shall be guilty of a misdemeanor:

(1) Diverts or causes to be diverted utility services, by any means.

(2) Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by any other means.

(3) Tampered with any property owned by or used by the utility to provide utility services.

(4) Makes or causes to be made any connection with or reconnection with property owned or used by the utility to provide utility services without the authorization or consent of the utility.

(5) Uses or receives the direct benefit of all or a portion of utility services with knowledge or reason to believe that the diversion, tampering, or unauthorized connection existed at the time of that use, or that the use or receipt was otherwise without the authorization or consent of the utility.

3. The violation of Rule No. 9 or any other removal of water from the District's facilities without the District's authorization is prohibited.

4. Penalties for violation of Section 3 above:

A. A customer who violates will be given a warning that the next violation will result in the loss of one irrigation.

- B. On the second offense in the same irrigation season, a customer will forfeit the right to water for one irrigation on all parcels served by the District where the violator is an owner or tenant.
- C. On the third offense, in the same irrigation season, the customer will forfeit the right to District water for the rest of the irrigation season on all parcels served by the District where the violator is an owner or tenant.
- D. All violations of Section 3 above are subject to criminal prosecution.
- E. The first violation of Section 3 by a noncustomer will result in a written warning. On a second offense, in the same irrigation season, the District will refer the violator to the District Attorney's Office for prosecution.
- F. In all violations of Section 3, the violator is responsible for reimbursing the District for value of the water taken, the District's costs to remove unauthorized irrigation delivery facilities, the District's costs to repair District facilities, and the District's costs for investigation and enforcement.
- G. This policy amends the District's Rules and Regulations for distribution of water.

A motion was made by Director Kuil and seconded by Director Kamper to adopt the policy to discourage unlawful use of District water as noted above. Motion passed 5 to 0 as follows:

AYES: HOLBROOK HOLMES KAMPER KUIL ROOS
 NOES: NONE
 ABSTAIN: NONE
 ABSENT: NONE

Item #3 – Consider adoption of policies for Irrigation Service Abandonment and Rescission of Abandonment Agreements and approval of standard forms of the agreements

Mr. Emrick stated the District does not currently have a written policy for abandoning water or for signing back on to receive water. New policies for irrigation abandonment and rescission of these agreements were proposed. The proposed policies are as follows:

SOUTH SAN JOAQUIN IRRIGATION DISTRICT

POLICY FOR IRRIGATION SERVICE ABANDONMENT

Effective June 10, 2014
 Adopted by board action June 10, 2014

1. Purpose

This policy sets forth the requirements of the South San Joaquin Irrigation District (“District”) when an owner of land (“Owner”) in the District desires to no longer receive irrigation water service or be charged for this service as to a specific parcel of land (“Subject Property”).

2. Conditions for Irrigation Service Abandonment

If Owner desires to no longer receive irrigation water or be charged for this service as to the Subject Property, Owner shall be subject to the following requirements:

- A. Complete District’s application and provide such information as may be required for District to process the application.
- B. OWNER shall disable to District’s satisfaction all connecting irrigation facilities, whether owned by Owner or District, which are, or were, used to serve Subject Property, unless it is infeasible in the District’s judgment.
- C. Pay (i) any and all delinquent District assessments and/or charges that are liens against the Subject Property, (ii) the per-acre water charges and (iii) volumetric charges due until Owner’s application is approved and all conditions imposed by District have been satisfied.
- D. Owner is required to sign and deliver to District in recordable form, District’s form of Irrigation Service Abandonment Agreement, incorporating the terms necessary to implement the conditions to District’s approval, and pay District’s \$100.00 charge for processing Owner’s application and recording fees charged by the San Joaquin County Recorder.
- E. District’s approval of Owner’s application is not effective until all of the conditions imposed on it have been satisfied.
- F. If Owner has received funding from District’s Water Conservation Program for the Subject Property, and 5 years have not passed since the funds were received, Owner will return a fraction of the funds received. The denominator of the fraction will be 60, and the numerator will be the number of months remaining in the 5 year period, rounded to the nearest whole month.

3. Effect of District’s Approval of Irrigation Service Abandonment Agreement

When all conditions to District’s approval of the Irrigation Service Abandonment Agreement as to the Subject Property have been satisfied:

- A. The Owner of the Subject Property will no longer be subject to the District’s annual charges or assessments as to the Subject Property.

- B. The Owner of the Subject Property will be required to pay recharge fees in accordance with the District's policy and in amounts set by DISTRICT'S Board of Directors from time to time, unless the Subject Property is exempt in accordance with the District's policy.
- C. If Owner or Owner's successor as owner of the Subject Property applies to the District restore irrigation water service to any portion of the Subject Property, Owner is subject to the District's Policy for Rescinding Irrigation Service Abandonment, as then in effect, and the District's Board of Directors may reject an application to restore service to the Subject Property, approve the application or condition its approval on such terms as it determines to be necessary.

SOUTH SAN JOAQUIN IRRIGATION DISTRICT

POLICY FOR RESCINDING IRRIGATION SERVICE ABANDONMENT

Effective June 10, 2014
Adopted by board action June 10, 2014

1. Purpose

This policy sets forth the requirements of the South San Joaquin Irrigation District ("District") when an owner of land ("Owner") in the District desires to rescind an Irrigation Service Abandonment Agreement which Owner previously entered into with the District.

2. Conditions for Rescinding Service Abandonment

If Owner desires to again have water delivered by District to the Subject Property, or any portion thereof, Owner shall be subject to the following requirements:

- A. Submit an application to District with such information as District shall require, one year in advance of its desire to be restored to District service. The one year notice provision may be waived by action of the District's Board of Directors if Owner or its successors experiences an emergency; however, District in making its decision to waive the notice provision may adopt special considerations and fees for Owner's compliance.
- B. At Owner's cost and expense, (i) acquire the necessary easements and rights of way, (ii) install, per District specifications, suitable pipelines and other facilities that would enable District to deliver water to the subject property, and (iii) reactivate connecting irrigation facilities.
- C. Pay (i) any and all delinquent District assessments and/or charges that are liens against the subject property, (ii) the per-acre water charges due during the year in which time notice is given to District of the Owner's intent to rescind service

abandonment, and (iii) pay the per-acre water charges due for the year in which irrigation service is to be rendered. Notwithstanding the provisions of subparagraphs (ii) and (iii) above, Owner shall be required to pay District the greater of the water charges described in (ii) and (iii) above, or two times the annual per-acre water charge at the highest rate imposed by District within the last ten (10) years, before the date of this Agreement.

- D. District may require Owner to install an individual meter to accurately measure water delivered to the Subject Property at Owner's expense according to the District's specifications. If the meter measures water deliveries to multiple parcels, Owner acknowledges that the Subject Property and other parcels receiving water will be charged for the amount of water used based on the proportional percentage of irrigated acreage. Unless a meter is required to measure water delivered to the Subject Property, Owner acknowledges that water will be charged for the amount of water used based on a time vs. flow calculation.
- E. Owner is required to sign and deliver to District in recordable form, District's form of Amendment to Irrigation Service Abandonment Agreement, incorporating the terms necessary to implement the conditions to District's approval and pay District for the recording fees charged by the San Joaquin County Recorder.

3. District May Reject an Application to Rescind Service Abandonment

As a result of its not utilizing District provided surface water, the District may not, in the future, have sufficient surface water supplies to meet Owner's needs, may not have adequate facilities to serve the subject property or may otherwise not be capable of serving the subject property without affecting other users. The District's Board of Directors may reject Owner's application to restore service to the subject property on any of the grounds described above, reject Owner's application if it determines that approving Owner's application is otherwise not in the District's best interests, approve the application subject to the conditions in this policy or condition its approval on such other terms as it determines to be necessary.

4. Effective Date for Return to Service

Owner is entitled to irrigation service to the Subject Property on the terms set forth in the Amendment to Irrigation Service Abandonment Agreement, if Owner's application is approved by District's Board of Directors and when all conditions to District's approval have been satisfied.

A motion was made by Director Kamper and seconded by Director Holmes to adopt the Policies for Irrigation Service Abandonment and Rescission of Abandonment and approve the standard forms of the agreements; and change item #2F on the Irrigation Service Abandonment, per language change suggested by Director Holbrook regarding repayment of conversation funds for money received for early termination.

AYES: HOLBROOK HOLMES KAMPER KUIL ROOS
 NOES: NONE
 ABSTAIN: NONE
 ABSENT: NONE

Item 4 – Consider approval of Irrigation Service Abandonment agreements

Mr. Bologna indicated these requests were initially brought to the Board for consideration at the May 13, 2014 board meeting. Board action was suspended pending the implementation of a revised policy relating to irrigation service abandonments.

Andrew & Marie Andersen	APN 229-260-04
Frank & Carmela Scarlata	APN 249-080-20
Surit Khinda	APN 226-130-14

A motion was made by Director Holmes and seconded by Director Kuil to approve the three service abandonment agreements listed above subject to the newly adopted policy. Motion passed 4 to 1 as follows:

AYES: HOLBROOK HOLMES KUIL ROOS
 NOES: KAMPER
 ABSTAIN: NONE
 ABSENT: NONE

Item #5 – Consider approval of Amendment to Irrigation Service Abandonment for Rachel Barton, APN 245-240-33, consisting of 1.27 acres

Mr. Bologna indicated the owner of this property has been using District water and was unaware that the property had been signed off since 1995. The water department has noted that the parcel cannot take a full head of water but can irrigate with a reduced head when water is in the line. They have also indicated that the pipe crossing leaks at the connection to the District line.

Specific conditions for approval that staff recommends are outlined as follows:

- a) Owner shall acknowledge that the District is not obligated to continue to provide a reduced flow flood water delivery to this property. Owner shall be required to obtain a structure permit and install new facilities to District standards (including the installation of a meter) that will be capable of delivering a full volume of water, should it be determined that the District is no longer able to deliver a reduced flood head to this property, due to operational constraints.
- b) Owner shall acknowledge that they will be obligated to install a flow meter at their expense (upon 30 days' notice), should it be determined that District is not able to accurately measure water to this property.
- c) Sprinkler service to this property can only be supplied by connection to the pressurized system.
- d) Owner shall be responsible for all costs related to providing service to this property, including repair of existing leak to the satisfaction of District staff.
- e) Conditions state above shall be incorporated into the amended agreement.

A motion was made by Director Holbrook and seconded by Director Holmes to approve the amendment to irrigation service abandonment agreement for Rachel Barton subject to the newly adopted policy. Motion passed 4 to 1 as follows:

AYES: HOLBROOK HOLMES KUIL ROOS
NOES: KAMPER
ABSTAIN: NONE
ABSENT: NONE

Item # 6 – Consider approval of Pillsbury Estates #3 and #4

Mr. Bologna stated the Board previously approved Pillsbury Estates Units #1 and #2. He said the plans for these two units provide for a 20 foot wide access easement and the agreement will include language that no buildings can be installed so the District will have access. He indicated that drainage discharge to District facilities will not be permitted until the amended Master Storm Drainage agreement with the City of Manteca has been finalized.

A motion was made by Director Holbrook and seconded by Director Kuil to approve the Pillsbury Estates #3 and #4. Motion passed 4 to 1 as follows:

AYES: HOLBROOK HOLMES KUIL ROOS
NOES: KAMPER
ABSTAIN: NONE
ABSENT: NONE

Item 7 – Consider compensation adjustment for General Manager after Closed Session

No reportable action on this item.

Item #8 – Communications

Director Holbrook attended the Give Every Child a Chance Rodeo on Saturday, June 7. He said that SSJID received a lot of recognition for helping to sponsor the event and it was well attended. He stated the Groundwater Basin Authority (GBA) opposes groundwater management legislation and is seeking support from the San Joaquin County Board of Supervisors in a meeting today.

Director Kuil will attend the GBA meeting tomorrow. He attended a Tri-Dam meeting and was pleased with changes that Rick Dodge is implementing in the budget.

Director Holmes attended a staff meeting on Thursday, June 5 with Stantec and Davids Engineering. He indicated there is good progress with the pressurization study.

Director Kamper attended a Tri-Dam meeting and would like to see the gates painted at Donnells. He asked if the Magnacide applications could be entered onto the Board calendar or to send him an email making him aware when the Magnacide would be applied. Staff agreed to ask the Operations and Water Superintendent to include the Board on the mailing list when he sends notifications of Magnacide application.

Director Roos distributed an article from the Wall Street Journal that supported the defense of using carbon dioxide indicating its use can benefit agricultural productivity.

Charles Galea, Water Treatment Plant

- Re-painting of the chemical pump room floor has been completed.
- The upper intake screens have been received and will be stored at the WTP until Woodward Reservoir water levels allow for installation.
- Hired an Operator in Training and in the process of hiring a Grade 3 Operator which will make the WTP fully staffed.
- Staff are performing quarterly recovery cleans.

Don Battles, Utility Systems Director

- He distributed the 2014 PG&E true-up billing for power use and savings at the Solar Farm.

Bere Lindley, Finance & Administration Manager

- District is upgrading the billing software used for the Lathrop Irrigation District to Springbrook. He credits Robin Giuntoli for managing the software project and for bringing in a programmer from Springbrook to implement the billing process. LID has a total of 39 meters and beginning in June, Robin will begin the meter reading process.

Troylene Vallow, Communications

- Manteca Chamber of Commerce annual dinner will be held this Friday, June 13 at the Manteca Transit Center, she encourage board attendance.
- San Joaquin County Young Farmers and Ranchers will be holding an event on Saturday, June 28 in Lodi.
- AG in the classroom curriculum will be held on Monday, June 16.
- AF Fest will be held on Wednesday, June 18 at the San Joaquin County Fairgrounds.
- Newly approved policies relating to Unlawful use of District Water, Irrigation Service Abandonment and Rescission of Abandonment agreements will be posted to the District website and possibly inserted in the next monthly billing statements.
- The Grand Jury will be visiting the District on Wednesday, June 11.

Sam Bologna, Engineering Department Manager

- Conservation Program has paid \$52,655 and has remaining commitments of \$262,430.
- District is working with GBA to apply for potential grants for the Conservation Program and the construction of the west basin.
- Keith Sausedo has been attending the Water Coalition meetings on behalf of the District.
- Request for bids have been sent out for the Division 9 well at the east basin.

Jeff Shields, General Manager

- GBA meeting is on Wednesday, June 11 at 9:30 a.m. at the Cal Water office in Stockton.
- Distributed copies of the latest ACWA proposed groundwater regulation legislation (AB 1739). Director Holbrook stated this is another bill to take our water to Southern California.

- Discussed a letter from Assembly member Adam Gray regarding the Governor’s Drought Task Force and calling on SWRCB to respect the current water rights priority when issuing curtailment orders.
- SWRCB meets next Tuesday and Wednesday, June 17 & 18. Pre-1914 curtailment orders are expected to be issued on Wednesday, June 18 under a proposed set of new regulations for the SWB. The SWB staff is using the Governor’s Drought Emergency Declaration as a basis for regulating pre-1914 water rights.
- SJTA met on June 4 discussing curtailments pre & post-14; Stanislaus River settlement process; groundwater legislation.
- Attended the GECAC Rodeo last weekend.
- Met with Turlock Irrigation District to discuss removing the power plant at Woodward Reservoir and they are interested in that option.

The following structure abandonments were approved:

- Richard Nix, APN 204-020-15, Lateral “R”

The following encroachment agreements were approved:

- Martin W. Harris, APN 226-060-15, Drain 11 easement

It was announced that items 9 a, b, c & d would be discussed in closed session.

Item #9 – Closed Session

- a. Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of
Government Code Section 54956.9
- 2 cases
- b. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of
Government Code Section 54956.9
- 1 case
- c. Public Employment Performance Evaluation
Government Code Section 54957
General Manager
- d. Conference with Real Property Negotiators, Pursuant to Section 54956.8
Property: APN 064-029-062 and 064-029-063
Agency Negotiators: Jeff Shields, General Manager
Negotiating Parties: Tri-Dam Project and Merle Holman
Under Negotiation: Price and Terms of Payment

Upon their return from closed session, the following action was announced relating to item b:
A motion was made by Director Holmes and seconded by Director Holbrook to authorize the initiation of litigation if counsel determines that State’s curtailment order pertaining to pre-1914 water rights threatens the District’s water rights. Motion passed 5 to 0 as follows:

AYES: HOLBROOK HOLMES KAMPER KUIL ROOS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ITEM #10 – ADJOURNMENT

There being no further business to come before the Board, it was moved by Director Holmes and seconded by Director Holbrook to adjourn the meeting at 12:36 p.m. Motion passed as follows:

AYES: HOLBROOK HOLMES KAMPER KUIL ROOS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST: _____
Betty Garcia, Executive Secretary