

Manteca, California
September 11, 2007

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

Upon roll call the following members were noted present:

DIRECTORS: HOLBROOK KAMPER KUIL SCHULZ KUIL

Also present were Secretary/Manager Stroud, District Counsel Emrick, District Engineer Gilton, Water Treatment Manager Hubkey, Communication Coordinator Sayler, Utility Systems Director Shields, Finance Supervisor Giuntoli, and Alexa LaVere, Summer Intern.

President Kuil 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 follows:

- A. Approval of SSJID warrants of \$705,300.61 and payrolls of \$430,063.64.
- B. Approval of SSJID Regular Board Meeting Minutes.
- C. Award bid for Laterals "Bf"- "Bfa" pipeline replacement project SSJ-2007-1 to Preston Pipelines for \$798,520 plus contingency of \$39,926.
- D. Award bid for Lateral "W" St. 311 dd pipeline replacement project SSJ-2007-2 to Mazingo Construction for \$322,675 plus contingency of \$16,133.75.
- E. Approve and authorized filing of Notice of Completion for Shadow Hawk Development.
- F. Adopt Resolution 07-15-O authorizing adoption of a Sixth Amended Joint Powers Agreement for Special District Risk Management Authority.

RESOLUTION NO 07-15-O

**A RESOLUTION OF THE GOVERNING BODY OF THE
SOUTH SAN JOAQUIN IRRIGATION DISTRICT**

**APPROVING THE FORM OF AND AUTHORIZING THE
EXECUTION AND DELIVERY OF A SIXTH AMENDED JOINT
POWERS AGREEMENT**

WHEREAS, the **SOUTH SAN JOAQUIN IRRIGATION DISTRICT**, a public agency duly organized and existing under and by virtue of the California Government Code and laws of the State of California (the "Member Agency"), has entered into the Fifth Amended and Restated Joint Powers Agreement (the "Original Agreement"), relating to the Special District Risk Management Authority (the "Authority"); and

WHEREAS, the **SOUTH SAN JOAQUIN IRRIGATION DISTRICT** and the other members of the Authority (the "Members") find it beneficial to amend the Original Agreement (i) to amend Article 25 of the agreement regarding administrative fees paid by the Authority to the California Special District Association, and (ii) to make certain other amendments to the Original Agreement; and

WHEREAS, in order to implement the foregoing, the Member Agency and the Members propose to execute and enter into a Sixth Amended Joint Powers Agreement (the "Amended JPA Agreement"); and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Governing Body is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE MEMBER AGENCY AS FOLLOWS:

Section 1. Findings. The Governing Body of **SOUTH SAN JOAQUIN IRRIGATION DISTRICT** hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the agency.

Section 2. Amended JPA Agreement. The Amended JPA Agreement, proposed to be executed and entered into by and between the Member Agency and the Members, in the form presented at this meeting and on file with the District Secretary, is hereby approved. The **BOARD PRESIDENT, DALE KUIL AND DISTRICT SECRETARY, STEVAN STROUD** (“The Authorized Officers”) are hereby authorized and directed, for and in the name and on behalf of the Governing Body, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Effective Date of Amended JPA Agreement. The Amended JPA Agreement shall take effect on October 1, 2007, but not sooner than receipt of required affirmative written approval of 2/3 of the Members participating in the Authority’s risk management program(s), and who are signatory to the Fifth Amended and Restated JPA Agreement.

Section 4. Other Actions. The Authorized Officers of the Governing Body are each hereby authorized and directed to execute and deliver any and all documents which they may deem necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 11th day of September, 2007.

- G. Accept a dedication of a strip of land for canal roadway along Lateral “V” adjacent to the Horizon Business Park Project in Ripon.
- H. Approve the following Irrigation Service Abandonment Agreements.

<u>Agreement #</u>	<u>Acreage</u>	<u>APN</u>	<u>Owner Name</u>
1546	9.78	245-150-48	Baker, Scott
1547	1.33	257-290-20	Van Elderen, Bradley

District Counsel said that item “E” must be voted on separately since Director Roos intends to disqualify himself on item “E”.

Motion by Director Holbrook, seconded by Director Schulz, to approve items A, B, C, D, F, G, and H.

PASSED AND ADOPTED this 11th Day of September 2007 by the following roll call vote:

Ayes:	Holbrook	Kamper	Kuil	Schulz	Roos
Noes:	None				

Motion by Director Kamper, seconded by Director Holbrook, to approve item “E”.

PASSED AND ADOPTED this 11th day of September 2007 by the following roll call vote:

Ayes:	Holbrook	Kamper	Kuil	Schulz
Noes:	None			
Disqualified:	Roos			

President Kuil asked Hubkey to give his managers report.

Hubkey reported they are still working on fiber repairs, to date we have 101 man-days since July 16, 2007..

We expect to complete fiber repairs just before we need to start another acid clean in a couple of weeks, this of course seems to increase damage to the fibers.

The motor that went down at M-2 is back from the rewind shop and is installed and running.

President Kuil thanked Hubkey and asked the Board to consider authorizing funds for the preliminary filming of our water system for a District promotional-education video. Saylor said we need to do this before the end of the water season. She said she would get bids and would like the General Manager to be able to execute an agreement not to exceed \$15,000. Motion by Director Roos, seconded by Director Schulz, and unanimously carried, to authorize Saylor to proceed with proposals and authorize the General Manager to execute and agreement not to exceed \$15,000.

Approve estimate from Beck Enterprises for tunnel work on the Joint Supply Main Canal. Stroud said we thought we had assimilated Condor's report. However, we may need to change the location of some of the work. Gilton said we need to get specifications from Condor for materials, gunnite and rock bolts so Beck knows what to order. Stroud recommended holding off on approving the Beck agreement until we have met with Condor and Beck. No action was taken.

Consider authorizing contract to fence solar project site. Gilton asked the Board authorize him to get three bids and award to low bidder. Motion by Director Schulz, seconded by Director Holbrook, and unanimously carried, to approve as requested.

Consider waiver of 2008 charges and creation of additional water conservation incentives. Emrick said he would like to see the discount provided uniformly throughout the District. He said 2008 could be a critical water year. He recommends that they use the savings to improve their conservation. He indicated we could fund the waiver of charges with the conserved water sale to the USBR this year for \$1,500,000.

Kuil said he would like to look at ways to promote use of District water.

Holbrook said farmers should develop their own ways of saving water.

Kamper said he knows of several ways to conserve water and we should look at those.

Kuil asked about help with financing to get them to use our water. And looking again at the side project.

Emrick asked that the Board give staff time to put together something. We have until the last meeting in October to decide on whether or not to waive the charges for 2008.

Roos said if we have a severe drought in 2008 we will need more than the \$1,500,000 to supplement pumping. However, he felt we should go ahead and do waive the charges today.

Giuntoli said if you waive the irrigation charge, you should waive only for those who are current as of November 1, 2007, those that are not should have to pay the 2008 charges. Additionally, we will need to know as soon as possible if we are going to inform those who have delinquent accounts. Emrick said we notify the delinquent accounts of the Board's intended action, and still not take the action to waive the fees until we have a good conservation plan to go along with this.

After discussion it was moved by Director Schulz, seconded by Director Roos, to waive the 2008 irrigation charges for those who are current as of November 1, 2007.

Motion Carried, Ayes 4, Noes 1, with Director Kamper voting No.

President Kuil appointed Directors Schulz and Kamper to work with staff to come up with some conservation ideas.

Consider authorizing contracts for fencing bypass canal. Stroud said the Health Department wants us to fence the bypass at the Frankenhiemer power plant. Stroud said originally the Health Department did not require it be fenced. Gilton said the original contractor proposals were obtained in April and the work required will consist of:

1. Installing approximately 5,200 feet of barbed wire fence with braces.
2. Installing two 12 foot cattle gates.
3. Drilling one well, solar powered pump, fencing around the well, and watering troughs.

Total cost of this work is at approximately \$120,000, (the contractors are checking their proposals). In addition to the above work, an agreement with the property owners will have to be executed. Gilton recommends the Board authorize staff to proceed with the

work and to negotiate an easement with the U3 Ranch property owners. The Board asked about bids, Emrick said the well installation contractors were specified by the landowners, as the landowner agrees to take over ownership when completed and maintain the well. Motion by Director Roos, seconded by Director Holbrook, and unanimously carried, to proceed with the work as recommended.

Authorize lease with PCS at the M-2 site. Stroud said estimated cost of the project is \$150,000. Metro PCS will pay most of that cost, in lieu of paying rent the first five years, then they will have to pay \$1,200 per month plus 15% cola increases every five years. Our cost will be about \$20,000 to move our SCADA antennas from the City's Moffat tower and realign the system. If other cell carriers want to rent space they will pay rent from day one. Stroud recommends approved the attached lease, authorizing necessary signatures, and directing staff to proceed. Motion by Director Holbrook, seconded by Director Kamper, and unanimously carried to approve as recommended.

Consider taking an official position on bill/initiatives affecting eminent domain. Shields said he supports the League of Cities initiative, but wants to wait on taking a position on the others until they are completed. No action was taken.

President Kuil called for closed session. Emrick said the Board will discuss items a) through d).

- a. Conference with legal counsel, existing litigation. Gov. Code S. 54956.9 two cases: SSJID v. LAFCo, Superior Court, San Joaquin County Case # CV030255. SSJID v. Meridian Pacific, et al. Superior Court, San Joaquin County Case # CV030855.
- b. Conference with labor negotiator, Agency Negotiators, Lee Clark and Jeff Shields. Employee Organization: IBEW Local 1245.
- c. Conference with real property negotiator. Negotiating parties: District, Stockton Ease Water District. Property: Sale of Water. Agency Negotiator: Steve Stroud. Under Negotiation: Price.
- d. Public Employment, Gov. Code Section 54957. Position: General Manager.

Upon returning from closed session General Counsel Emrick reported the following action was taken in closed session:

Motion by Director Kamper, seconded by Director Holbrook, and unanimously carried to accept the PG&E Agreement in the Meridian Pacific case to pay the District \$404,161.70 and to authorize execution of the Settlement Agreement.

President Kuil announced the following action:

Motion by Director Holbrook, seconded by Director Roos, and unanimously carried, to appoint Jeff Shields as the District's new Secretary/General Manager to replace the retiring Stevan Stroud, with Mr. Stroud and Mr. Shields to work out a transition plan.

No other reportable action was taken in closed session.

President Kuil asked for Managers reports:

Shields said he had nothing to report.

Stroud reported the following:

The Liability and Property Insurance expires September 30, 2007. RSDI, our current carrier has indicated a 10% reduction in cost with the exception of coverage already at minimum premiums, especially the WTP portion. Our agent, Dave Ward, will be at the next meeting to go over the new policy with the Board.

Stockton East Water District sent an invite to their ribbon cutting for recent improvements to their water treatment plant, please let me know if you plan to attend.

A new ordinance for recyclers is on the San Joaquin County Board of Supervisors agenda today. I assume they will pass it. However, recyclers are trying to get the legislature to override county ordinances. Will keep apprised of any actions.

Handed out a copy of President Kuil's letter to go in the District newsletter. Asked for any additional comments by this Friday, so we can get it out on schedule.

Safety Day will be held at the Ripon Community Center rather than at the yard. We have outgrown our facility and it does not provide the privacy needed for health vendors to work with individual employees.

Directors Reports:

Director Holbrook said he will be attending the EBMUD reception on October 12th in the afternoon. He said he will try to be at our Safety Day in the morning.

Shields reported that he, Emrick and Stein will be attending the CSDA Conference on October 1 through 4, 2007. He said if any Directors are interested in attending to let him or John Stein know.

There being no further business President Kuil said the Board will go to the groundbreaking for the Solar Project adjacent to the Water Treatment Plant on Dodds Road, Oakdale. He asked for a motion to adjourn.

Motion by Kamper, seconded by Roos, and unanimously carried to adjourn to September 25, 2007 at 9:00 a.m.

ATTEST:

John Stein, Assistant Secretary