

Manteca, California
September 26, 2000

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: HAWORTH KAMPER ROOS SCHULZ
 ABSENT: DEGROOT

Also present were Secretary/Manager Martin, Attorney Emrick, Engineering Department Supervisor Bologna.

President Roos 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 \$281,437.84.
- B. Regular Board Meeting Minutes of September 12, 2000.

Motion by Schulz, seconded by Kamper, to approve the Consent Calendar Items as presented:

PASSED AND ADOPTED this 26th day of September 2000 by the following roll call vote:

Ayes: Haworth Kamper Roos Schulz
Noes: None
Absent: DeGroot

Consider proposals for October 1, 2000 insurance policy for Liability, Property, etc., and authorize execution of agreement with insurer selected. John Stein introduced our insurance broker, Mr. David Ward of AON Risk Services. Mr. Ward said he has quotes from 3 companies: 1) Kemper Insurance Company; 2) Hannover Reinsurance Corporation; and 3) Wausau Insurance Company. Premiums are:

- 1) \$114,314 with \$40,000,000 Limit, or \$97,050 with \$20,000,000 Limit. Premium guaranteed for three years, is not loss sensitive.
- 2) \$96,215, three year guarantee available, however is loss sensitive.
- 3) \$110,102, excludes Property Coverage.

Mr. Ward recommends Kemper, with three year guarantee. He said he will still shop next year even with the guarantee, however, he feels the premiums will increase the next couple of years and thus is recommending the three years. He said in addition to the three year guaranteed premium, some other things that make Kemper more attractive are: Public Officials Liability and Employee Practices Liability to \$20 or \$40 million whichever the Board chooses, others are

\$1,000,000. No Wrongful Acts deductible, and up to \$10,000,000 in property coverage. Property coverage currently must be listed separately with value of each asset declared. Mr. Ward was asked about reducing the coverage to \$20,000,000 and if he felt this was sufficient. Although Mr. Ward would not say directly, but he did say he had seen very few cases where exposure exceeded \$20,000,000, he stated if we were a flood control district \$40 million would be a must. He stated Woodward Reservoir is covered for Dam Failure. Also, Mr. Ward stated magnacide applications were covered. After discussion the following action was taken.

Motion by Schulz, seconded by Kamper, and unanimously carried, to select Kemper Insurance Company as our insured for three years guaranteed premium with a \$20,000,000 Liability Limit. Also, authorize execution of agreement with Kemper.

Mr. Brad Johnson of Manteca Industrial Center addressed the Board concerning the removal and replacement of Lateral Rd as it relates to the development of APN 208-190-14. Mr. Johnson said the property is located at 17380 Ideal Parkway, Manteca. He said the property is in escrow and the preliminary title shows SSJID has an easement for a poured in place pipe. He said he does not feel the pipe needs to be replaced and wants to know who pays if it does need replacing.

He asked that the cost not be placed on the owners or purchasers of the property. He referred to the CC&R's, and was told since we are not a party to the CC&R's and we are not responsible for their content. After some discussion and several requests by Mr. Johnson to get all the cost to replace the pipeline with RGRCP, or more than the \$15.00 per foot which the District reimburses the following action was taken: **Motion by Schulz, seconded by Haworth, and unanimously carried to deny the request for a variance from the District policy, and to reimburse \$15.00 per lineal foot to the landowner upon installation per our specifications.**

Discussion and possible action concerning the South County Surface Water Supply Project, (SCSWSP) pipeline alignment. Martin reported the EIR for the SCSWSP identified three pipeline routes between the treatment plant site and the City of Manteca and one route between Manteca and Tracy. Of the routes east of Manteca none of the routes was selected as the preferred route. He said staff and the consultants are recommending the Dodds Road alignment as the preferred route. Notices have been sent out to property owners along the Dodds Road alignment as well as those along the "back of lot" alignment advising them of the meeting. Consultants Grant Kreinberg of Water Resource Consultants and Jay Hesby of Black and Veatch gave a presentation of the routes. They said they have met with San Joaquin and Stanislaus Counties and the counties have agreed, in concept, to Dodds Road as the preferred route, however no final agreement has been reached, and will not until the Board selects a preferred route. Mr. John Azevedo, a landowner along the recommended route asked about the pipeline going through his property, orchards, vineyards and buildings. He said he would prefer it went somewhere else. The Board, staff and consultants said they will work with Mr. Azevedo to minimize impacts to his property. Mr. Hesby said we may work with the residents along the route to try to do the work when the least impact is there wherever possible. After discussion the following action was taken: **Motion by Kamper, seconded by Haworth, and unanimously carried to select the Dodds Road as the preferred route, Dodds Road west**

to Murphy, South to Lone Tree Road, west to Lathrop Road.

Mrs. Sarah Van Klompenburg said she appreciated the way the Board, staff and consultants have given every consideration possible to the residents along the proposed routes. Director Haworth told the consultants to make sure that prior to any consultant, contractor, or other party responsible for the project enters any landowners property along the route, that they first obtain permission from the landowner.

Consider amendments to SCSWSP Contracts with Black & Veatch for additional engineering studies and Water Resource Consultants for program and project management services. Martin said the Operating Committee at their last meeting had recommended the additional work be approved as follows:

- 1) Black & Veatch: \$1,786,476.00, Preliminary Design of Upstream Intake in Woodward Reservoir; Geo Technical Investigations, Surveying, Mapping, and locating utilities along the pipeline alignment.
- 2) Water Resource Consultants: \$72,000.00, Monitoring schedule and budget of project related activities; keeping cities and district informed of progress of the project; managing and co-ordinating activities of team members; coordinating and providing technical support to the outreach effort, and making public presentations on behalf of the project; and serving as primary interface between project, and permitting and regulatory agencies.

The consultant, Mr. Kreinberg, was asked by the Board to give them a copy of the original budget so they can see where the money spent relates to the progress. Mr. Kreinberg said he would see to it they got a budget on or before the next meeting. **Motion by Schulz, seconded by Kamper, and unanimously carried, to approve the amendments as presented.**

Consider extension of Interim Agreements with the cities of Manteca and Escalon which will allow the cities to continue to utilize the District's drainage system until final agreements are completed and approved. Bologna said both cities have executed the interim agreements. **Motion by Haworth, seconded by Kamper, and unanimously carried, to approve the Interim Agreements as presented and authorize execution of the agreements.**

Discussion and possible approval of plans and specifications for the final phase of the Lateral "B" replacement project, including that portion of pipe needed for the new section on the Campbell Drain. Bologna said all property owners have been notified by mail, to date only one has called to ask questions. The Board asked if the District has recourse if the pipe is not supplied by the pipe supplier when needed. The Board instructed Bologna to have a written agreement with the pipe company to guarantee delivery. **Motion by Kamper, seconded by Schulz, and unanimously carried, to approve the replacement of the Lateral "B", and Campbell Drain as requested, and to authorize staff to obtain bids for demolition and construction.**

Consider conditional approval of the Shadow Glen Development in Ripon and authorize the signature of improvement plans, final map, and related documents pertaining to the project subject to execution by Ripon of an agreement in which, the District, The City and the Developer will each pay 1/3 the cost of the Lateral "U" replacement between Vera & Roberts Avenue on Doak Road in Ripon. He recommended approval subject to getting an executed agreement with the city. **Motion Kamper, seconded by Schulz, and unanimously carried, subject to the terms stated above.**

Authorize acceptance of easement on Lateral "A" from William & Joyce Dugo and authorize quitclaim of easements for abandoned portions of Lateral "A" to William & Joyce Dugo, George Skiles, and James Hackney. Bologna said we are basically giving up an easement we no longer used for a new easement. **Motion by Haworth, seconded by Schulz, and unanimously carried, to approve quitclaim of old easement for new easement as requested.**

Continued discussion and possible action concerning computer software licenses. Of the possible alternatives, Martin recommended purchasing licenses for all computers except for nine which are scheduled to be replaced. The nine new computers will come with licenses. Additionally, to purchase seven Corel licenses for staff that use Corel. Total cost is approximately \$24,000. **Motion by Kamper, seconded by Schulz, and unanimously carried, to approve the alternative of purchasing of licenses for those computers not scheduled to be replaced, and Corel licenses for seven computers.**

Discussion concerning OID and SSJID Attorney bills. Martin reported he is still waiting for a letter from OID stating their position. No action was taken.

General Manager's Report:

Martin reported that Ripon City Councilman Don Moyer has asked SSJID along with other Special District representatives to meet this Friday at noon to discuss the pending appointment of Special District directors to the LAFCO Board.

Martin showed pictures of various locations where trees were growing directly over District pipelines and canals. He said eventually these trees will have to be removed. He said we are looking at each case individually to determine who should pay for the removal and getting prices for the tree removal.

Announced that Dick Pickering, Day Division Manager on Division # 5 was selected as the new Assistant Water Superintendent/Nights. Pickering will begin his new duties on October 1st.

Martin read the following Encroachment and Structure Permits into the record:

Structure Permits:

Manuel Fontes, APN 205-260-02, pump discharge on Lateral Bf, station 45+14.

Joe Serpa, APN 227-020-16, install two 24" valves on Lateral A, Station 262 and 268

Encroachment Agreements:

David Crichett, APN 217-295-04, encroach on Lateral T with a cement slab, gazebo and portable spa.

Marla Ford, APN 202-038-06, encroach on Lateral T, with a swimming pool.

President Roos called for closed session relative to litigation matters, personnel matters, and labor update as follows: Attorney Emrick announced we will discuss items a); b) 5; c); and d).

- a) Conference with legal counsel, anticipated litigation. Institution of litigation. Gov. Code, S. 54956.9. 3 Cases.
- b) Conference with legal counsel, existing litigation. Gov. Code, S. 54956.9 (a).
5) Livermore Acres vs. SSJID.
- c) Conference with legal counsel, anticipated litigation, significant exposure to litigation. Van Vliet Dairy vs. SSJID. Gov. Code, S. 54956.9 (b).
- d) Conference with labor negotiator, Richard Martin & IBEW. Gov. Code, S. 54957.8.

Upon returning from closed session, Attorney 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 Haworth, seconded by Kamper, and unanimously carried to adjourn to October 10, 2000 at 9:00 a.m.

ATTEST:

John Stein, Assistant Secretary