

Manteca, California  
October 9, 2012

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 Holbrook called the meeting to order and Director Holmes 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 Shields, General Counsel Emrick, Engineering Department Manager Sam Bologna, and Betty Garcia, Executive Secretary.

Director Holbrook asked for public comment. There was no public comment.

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

### **CONSENT CALENDAR**

- A. Approval of Warrants the amount of \$1,336,084.21; A/P Wires in the amount of \$453,478.25 and Payroll for September in the amount of \$369,834.52.
- B. Approval of Board Meeting Minutes of September 25, 2012.
- C. Approval of Consent to Entry of Property to read and owner's agreement to maintain flow meter. This property is participating in the District's On-Farm Water Conservation Program. Steven and Frances Gervase, APN 245-230-31.

Director Holbrook noted that on page 5 of the minutes, paragraph 1, "Motion passed should be changed from 4 to 1 to 3 to 1." He also noted on item #10, "President Holbrook asked for Managers Report" should be changed to "Vice-President Roos."

A motion was made by Director Roos and seconded by Director Kuil to approve the consent calendar items with the corrections to the minutes as stated above.

PASSED AND ADOPTED on this 9<sup>th</sup> day of October 2012, by the following roll call vote:

Ayes: Holbrook, Holmes, Kamper, Kuil, Roos  
Absent: None

### **ACTION CALENDAR**

#### **Item #1 - Update on Division 9 Project**

Mr. Jeff Shaw distributed a handout to the Board that tracked the pressure system and the flood system for water deliveries since April 2012. He stated the pressure system is serving less than

50% of the acreage in Division 9. The Board members did not agree with the water savings calculations that he submitted. Director Holmes suggested that Mr. Shaw review the water numbers for the past five years before the pressurized system was implemented and then compare with the current numbers. He was asked to re-calculate his figures and bring them back to the Board at a later date. Mr. Shaw agreed and stated the Board should be proud of the Division 9 project. He indicated that pumps will be shut down at 5:00 p.m. on October 18.

Director Roos asked if any progress had been made regarding the moisture sensors and getting them to function correctly. Mr. Shields stated the problem had not yet been resolved. However, he indicated a payment to Knife Rive Construction had been processed and \$224,290 was retained for the outstanding issues with Division 9. He said if Knife River does not fix the remaining issues, those monies may be used to hire an outside contractor to fix the punch list items.

Mr. Shaw stated that District staff is becoming more comfortable with the responsibilities, rules, and maintenance of the Division 9 operations and he continues to work with staff.

This item was for discussion only and no action was taken.

**Item #7 – Consider conditional approval of Amendment to Service Abandonment Agreement for Rouben and Joan Flowers (Farmed by Joe Camacho) APN 245-290-05**

Mr. Jeff Shields stated that Mr. Flowers wants to bring his property back into the District and take water. Mr. Joe Camacho addressed the Board and explained that due to financial restraints, he would be taking small steps towards getting his property aligned with the District's policy and recommendations, but he is willing to spend the money in order to get his property up to date. Mr. Sam Bologna stated a sump would be required along with other conditions that staff recommends.

A motion was made by Director Kamper and seconded by Director Kuil to accept the amendment to the Irrigation Service Abandonment Agreement as outlined in staff's recommendations. Motion passed unanimously.

**Item #2 – Approval of Job Description update for IT Support Technician**

Mr. Shields stated that staff had met with the Personnel Committee in regards to updating the job description from IT Support Technician to Information Technology Systems Administrator. He stated that since the hiring of Michael O'Leary in September 2009, the job duties had taken on a greater responsibility as the IT needs for the District have continued to grow. He stated the job description change would not include management of any personnel.

Director Holbrook does not feel it is appropriate to change the job description without going out to advertise and allowing others to apply for the position. He suggested leaving the job title the same and only adding changes to the current job description. Director Holmes disagreed stating it is unfair to Mr. O'Leary if he must compete for his existing job. Director Kuil agreed with Director Holmes.

A motion was made by Director Roos and seconded by Director Kamper to approve the new job description of Information Technology Systems Administrator. Motion passed 4 to 1 with Director Holbrook casting a no vote.

**Item #3 – Approval of Contract for Preparation of the District’s Aquatic Pesticide Application Plan**

Mr. Jim Atherstone addressed the Board stating the District must go through a 120-day process before our permit is approved and the District would like to enlist the assistance of a consultant to help write the application plan. He said that Blankinship & Associates has been working with several water agencies and has a plan in place.

A motion was made by Director Kuil and Director Kamper to award the contract to Blankinship & Associates to prepare the Aquatic Pesticide Application plan. Motion passed unanimously.

**Item #4 – Consider Proposals from Consultants to conduct Collective Bargaining Agreements**

Mr. Don Thornburg stated that he had received three proposals to conduct the District’s Collective Bargaining Agreements. He received them from Lee Clark at \$150 to \$165 hourly rate; Larry Crabtree with a basic rate of \$100 per hour plus a \$35 hourly rate for clerical support; and from the Public Law Group who did not include a price quote in their proposal. Director Kuil and Director Roos preferred selecting Lee Clark as the consultant to negotiate agreements. Director Kamper stated some difficulties were encountered in the last negotiations with Lee Clark and Director Holbrook agreed. The Board asked staff to schedule time on the next agenda so that members could meet personally with Mr. Crabtree.

A motion was made by Director Kamper and seconded by Director Holmes to accept the Crabtree Consulting Services, LLC to conduct Collective Bargaining Agreements for the District. Motion passed 3 to 2 with Director Kuil and Director Roos casting no votes.

**Item #5 – Consider conditional approval of Amendment to the Service Abandonment Agreement for James Van Laar, APN 226-120-20**

Mr. Bologna said the property is located at Lateral 26 “x” – 66 d.d. and is owned by Randall Silagi. He stated the existing sump facility would need to be modified to meet the District standards. Director Holmes was concerned that a year ago Mr. Van Laar had signed on and was approved by the District and now he is being told there are improvements to be made in order to meet District standards.

A motion was made by Director Holmes and seconded by Director Kuil to accept the amendment to the Service Abandonment Agreement for James Van Laar on the condition that all recommendations as outlined by staff are met. Motion passed 4 to 1 with Director Holbrook casting a no vote.

**Item #6 – Consider conditional approval of Amendment to the Service Abandonment Agreement for Santana Ventures, APN 177-500-21**

Mr. Bologna wanted to make it clear to the Board that this property is going to be flood irrigated and although the property size is 4.91 acres only 1.1 acres is irrigable for pasture. Director Roos stated this item had been previously discussed and said it is not practical to have small parcels in the District and they create too many problems.

A motion was made by Director Kuil and seconded by Director Holmes to accept the amendment to the Service Abandonment Agreement on the condition that all recommendations as outlined by staff are met. Motion passed 3 to 2 with Director Kamper and Director Roos casting no votes.

**Item #8 – Discussion and possible action concerning renewal of Agricultural Lease for District Property located at the corner of Louise Avenue and Austin Road, APN 208-070-24-25-36**

Mr. Shields stated the District owned property located at Louise Avenue and Austin Road had been leased for the last two years to Mr. Machado. He said that Mr. Machado was interested in extending the current lease. Director Kamper asked that the property go out to the public for bid.

A motion was made by Director Kuil and seconded by Director Holmes to allow Mr. Machado a three year lease option of \$250 per acre plus water charges; if he does not accept the terms, the District will go out to bid. Motion passed 4 to 1 with Director Kamper casting a no vote.

**Item #9 – Discussion and possible action concerning the renewal of the On-Farm Conservation Program for 2013**

Mr. Bologna stated the program has been well received and resulted in positive feedback from customers. A recent survey sent to participants gave praises to the Program and resulted in no suggestions for change. He indicated that perhaps Dust Control could be added to the program and suggests a start date of November 5, 2012. Director Holmes said the AG committee agreed it was a good program. Mr. Shields indicated the approval process would be subject to change if the Directors are allowed to participate. Director Holbrook said this program was discussed at the CSDA conference with attorneys and they agreed that the Board could participate if Board members are not to be involved with the approval process and staff approves all new applications to the program in accordance with the policy guidelines.

A motion was made by Director Kamper and seconded by Director Holmes to approve the On-Farm Water Conservation Program for 2013 with the proposed staff changes as follows:

- Program start date – Monday, November 5, 2012
- Davids Engineering to update Program Description and Administrative Guidelines to reflect Boards' decisions
- Allow Directors to participate subject to verification that it is lawful to do so in accordance with FPPC (Fair Political Practices Commission)
- Add dust control to suggested grower proposals listed in Program Description

- Staff approves the applications and Board Members are not allowed to participate in the approval of applicants

Motion passed 4 to 1 with Director Roos casting a no vote.

**Item #10 – Discussion and possible action concerning the adoption of updated document entitled “Rules & Regulations Governing the Distribution of Water in the South San Joaquin Irrigation District” as a revision to the rules adopted May 20, 1919**

Mr. Bologna stated an updated version of this document had been created to provide some additional language and to reflect current situations. He said although the new draft is not as comprehensive as desired, it does cover the main functions of the District and provides a good foundation for supplemental sections or appendices that could be added later.

Director Holbrook noted on page 12, item 4.3 (2) the word “much” should be changed to “must”. Director Kuil noted on page 10, item 3.7 (2) “District owned drainage pump” language no longer applies and should be removed.

Director Holmes suggested the policy be reviewed for better clarification and bring back to the Board for approval in a month. Director Kamper suggested re-visiting the policy on a yearly basis for further Board direction.

**Item #11 – Communications**

Director Roos

- He is glad there is water in the conservation account and it is predicted to be a dry season.
- Attended the EBMUD Bar-B-Q at Pardee where they discussed the nature trail and how many medical claims were involved with the building of the trail.

Director Holmes

- He said we need to follow up on creating a policy for water measurement.

Director Kuil

- He suggested the District look into setting up the solar system to operate the pumps and PG&E tax credits. Mr. Battles indicated he is researching the possibility.

Director Kamper

- He received comments from the farmers indicating the magnacide did well this year and congratulated District staff.
- He indicated there was a flood on property near his home and Mr. Shields will have staff follow up.
- He reported that SSJID staff drove over the nuts of one of the farmers. Mr. Shields said he must be notified when these types of things happen so that he can address the issue immediately.
- Attended a Tri-Dam Committee and Adhoc meeting and it was reported that EBMUD planted elderberry beetles rather than bushes; they are slaughtering the Mutant Fish.

#### Director Holbrook

- Attended the CSDA conference. Many topics were discussed such as: Boundaries of Special Districts; District Reserves need to be allocated properly so Government cannot take them; Received Ethics Training Certification.
- Encouraged Districts to attend Legislative meetings next year on May 14 & 15.
- CSDA also does Salary Surveys.
- There were good speakers at the Conference and advised the District to keep staff apprised of the Board activity which creates a better working environment. District should plan regular tours for staff and family members to view projects so they are more informed of the District's activities. District should have each employee group give feedback to staff on what their job responsibilities include; encourage more involvement by all employees to help keep staff safe.
- Attended Advisory Water Commission that discussed the cost of the Delta Water Supply Project which was approximately \$12 billion.
- Suggested that staff begin immediately on the Water Measurement Plan.

President Holbrook asked for Managers Reports.

#### Troylene Saylor, Communications

- Thanked staff for their hard work at the Manteca Pumpkin Festival.
- Ripon Main Street Day is on Saturday, October 20.
- Manteca Book Festival on Saturday, October 27.
- AgVenture for third graders is on November 7. It is a massive event but is held on the same day as the District's Safety Day so she will not be here.
- Senior Breakfast will be held on November 17. She encouraged Board Members and their spouses to attend and help with serving and greeting.

#### Sam Bologna, Engineering

- Conservation Program has received 169 applications; \$1,127,643 committed; \$605,816 paid out.
- Water Measurement meeting with Davids Engineering – flow measurement going well.
- Ag Management Plan is on schedule.

#### Jeff Shields, General Manager

- He distributed a memo regarding the End of 2011-2012 Federal Water Year that included TriDam Operations Daily Report and SSJID's weekly water usage report.
- SJTA Commissioners meeting will be held on October 19 at TID. Good news is coming out of SJTA's efforts on SWRCB workshops (flows) and also on BDCP (predation) and CV-Salts.
- TriDam Power Contracts Committee met yesterday and reviewed seven responses to the RFP. There were four proposals that stood out with two that will be recommended for further consideration to the TriDam Board on October 18.
- OID and SSJID will have a meeting in Sacramento on Monday, October 15 with Don Glaser and several Bureau staff members to address issues that came up when Mr. Glaser attended the SSJID Board meeting in September. You received a letter signed by me and

Steve Knell spelling out several issues the Districts have with how the Bureau is representing the 1988 Stipulation Agreement.

- Attended meeting October 5 with Kamper and Roos at Pardee Reservoir for EBMUD.
- Attended October 3 dedication for City of Lathrop's new Louise Avenue Arsenic Remediation water treatment facility.
- Meeting this afternoon with the Manteca Successor Agency to the Manteca Redevelopment Agency.
- SDRMA settled the claim for damages for Lawrence Morris for the flood on Fredricks in Ripon on July 31. Total damage was \$48,711.92 of which approximately one half (\$24,355.96) was reimbursed by State Farm after it was determined that Brian Vrieling's employee was partly responsible for the flooding.
- Met on August 25 with the Board's Ag Water Committee and discussed various issues.

Steve Emrick, General Counsel

- Attended ACWA's attorney conference and there were two presentations on pensions rules; new employees vs. existing employees.
- Legislation that was passed regarding anti-discrimination. The District needs to update its policies with regards to Gender, Genetics, Gay Rights, and E-discovery for litigation purposes.
- Brown Act provisions have been suspended for three years; however, it is best to continue with the Brown Act procedures.
- Will attend the APPA Conference in Washington, DC next week.

General Counsel announced the Board would be discussing items 12A, B & E under Closed Session:

#### **ITEM #12- CLOSED SESSION**

12. 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 Section 54956.9  
- 3 cases
- e. CONFERENCE WITH LEGAL COUNSEL – Real Property  
Negotiations  
Property: 247-170-03 and 247-70-05  
Negotiating Parties: SSJID and Jeanette Stewart and John & Sharon Vaughn  
District Negotiator: General Manager  
Terms: Authorize staff to negotiate Easement for “L – Ka” connection

Upon returning from closed session, it was announced that there were no reportable actions.

**ITEM #13 - ADJOURNMENT**

There being no further business to come before the Board, it was moved by Director Kamper and seconded by Director Roos to adjourn the meeting. Motion passed unanimously.

ATTEST: \_\_\_\_\_  
Betty Garcia, Executive Secretary