

Manteca, California  
October 10, 2006

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:           DEGROOT       KAMPER       ROOS       SCHULZ       KUIL

Also present were Secretary/Manager Stroud, General Counsel Emrick, District Engineer Gilton, and Rich Hartman, WTP Operations Supervisor.

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.

- A.     SSJID Warrants of \$453,912.64, and Payrolls of \$380,341.18.
- B.     Regular Adjourned Board Meeting Minutes of September 26, 2006.

Motion by Director Schulz, seconded by Director DeGroot, to approve the Consent Calendar as submitted.

PASSED AND ADOPTED this 10<sup>th</sup> day of October 2006 by the following roll call vote:

Ayes:	DeGroot	Kamper	Roos	Schulz	Kuil
Noes:	None				

Consider awarding bid to Siemens Corporation for fire system inspection, testing and certification at the WTP. Hartman said our insurance carrier and the Fire Department requires the above on the plant fire protection system and on the four pump stations requires the above. He said we got three proposals, one from a company that appeared to have no experience in servicing the particular equipment. The other two, Intelligent Technologies Services, Inc \$10,202; and Siemens Corporation \$6,920. Hartman recommends accepting the proposal of Siemens and authorizing execution of the agreement. Motion by Director DeGroot, seconded by Director Kamper, to accept the Siemens Corporation bid of \$6,920 and to authorize execution of it. Motion Carried, Ayes 4, and Noes 1, with Director Roos voting No.

Consider awarding bid to Bay Area Process, Inc., for a spare CIP pump and a spare Drain recirculation pump. Hartman said the two pumps are being used to introduce chemicals into the filters for cleaning. He said we need spares because if we lose either pump we could cause significant damage to our filters or lose production capability. Hartman said we received four bids, \$30,600 to \$42,675. He recommends accepting the bid of Bay Area Process, Inc. at \$30,600. Motion by Director Kamper, seconded by Director Kuil, and unanimously carried to approve the purchase from Bay Area Process, Inc.

President Roos asked Hartman to give his report on the WTP.

Hartman reported:

That we went from 19 MGD to 16.5 MGD because Tracy and Manteca cut back.  
Overaa said they will be at the plant to finish the punch list this week.  
New muriaic acid system was installed by staff and is complete.  
Lab certification is almost complete. When certified we will be able to perform more of the tests in house and reduce the cost of outside lab use.  
The chemical bids we obtained earlier this year have reduced our costs for chemical by 40%.

Consider awarding contract for Lateral “D” Pipeline Replacement Project (SSJ-2006-2) to Mozingo Construction for \$348,800; and contract for “Bd” Pipeline Replacement Project (SSJ-2006-3) to DSS Company for \$337,534. Gilton said the bids were about 14% above our estimate, which was due mostly to the cost of RGRCP increasing by approximately \$20 per foot. Motion by Director Schulz, seconded by Director Kamper, and unanimously carried, to award SSJ-2006-2 to Mozingo Construction for \$348,000; and contract for SSJ-2006-3 to DSS Company for \$337,534 and authorize execution of the necessary documents.

Consider authorizing staff to issue a purchase order to Michael L. Quartaroli to reestablish benchmarks for GIS control monuments on Lateral “B”. The Board asked Gilton if staff could do this survey. He said if we had the proper survey equipment, which costs about \$50,000, we could also eliminate the need for one of the two people on the survey crew with the new equipment. However, he said because there are questions by property owners as to where their property ends and ours begins he feels it best to have an outside surveyor. The Board said he should put the necessary survey tool in his 2007 budget. Motion by Director Kuil, seconded by Director Schulz, and unanimously carried, to authorize Quartaroli to do the benchmarks as requested at a cost of \$3,800.

Consider Resolution 06-12-O, Resolution of South San Joaquin Irrigation District Rescinding Resolution 04-02-O. The Court requires us to set aside Resolution 04-02-O, which Resolution 06-12-O does. Motion by Director Kuil, seconded by Director DeGroot to approve Resolution 06-12-O.

#### RESOLUTION NO 06-12-O

#### RESOLUTION OF THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT RESCINDING RESOLUTION 04-02-O

WHEREAS, South San Joaquin Irrigation District (“District”) adopted Resolution No. 04-02-O on January 27, 2004, which adopted a negative declaration for the aquatic pesticide application program of the South San Joaquin Irrigation District, and

WHEREAS, pursuant to Resolution no. 04-02-O, on January 28, 2004, District staff forwarded the negative declaration and initial study completed for the negative declaration to the State Water Resources Control Board, Division of Water Quality, in support of a categorical exception from meeting priority pollutant criteria for short-term or seasonal time frames under the provisions of section 5.3 of the State Implementation Policy relating to use of aquatic pesticides by public entities, and

WHEREAS, on February 25, 2004, a petition for writ of mandate was filed in the Sacramento County Superior Court, action 4CS00228, challenging the negative declaration adopted by Resolution 04-02-O, and

WHEREAS, on May 20, 2004, the State Water Resources Control Board issued Water Quality Order No. 2004-009-DWQ, a Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States and the District submitted a “Notice of Intent to Comply with the Terms of the General Permit” to the State Board on May 20, 2004, and

WHEREAS, Paragraph 29 of Order 2004-009-DWQ granted to various public entities, including the District, “a section 5.3 categorical exception from meeting priority pollutant criteria for short-term or seasonal time frames” with respect to the District’s use of aquatic pesticides. This section 5.3 categorical exception was granted to the District based upon the negative declaration adopted by the District by Resolution 04-02-O and submitted by the District to the State Board on January 28, 2004. Paragraph 30 of Order No 2004-009-DWQ recognized that a petition for writ of mandate had been filed challenging the negative declaration adopted by the District, and stated that the section

5.3 categorical exception granted to the District was a “conditional exception” which shall automatically be withdrawn in the event a court enters a final decision finding that the negative declaration was inadequate, and

WHEREAS, On November 24, 2004, the Superior Court issued a ruling on the petition for writ of mandate finding that the negative declaration adopted by the District was legally inadequate, and

WHEREAS, by letter dated December 8, 2004, the State Water Resources Control Board acknowledged that the Superior Court had ruled that the negative declaration adopted by the District was inadequate, and reaffirmed that the conditional section 5.3 exception granted to the District will be automatically withdrawn upon a final court decision determining that the negative declaration is inadequate. The State Board also requested that the District keep the State Board report any final court decision within two weeks of its issuance, and

WHEREAS, on March 24, 2005, the Superior Court issued a judgment granting the petition for writ of mandate based on the grounds set forth in the Court’s ruling on the petition, and

WHEREAS, the District made a motion for new trial which was denied on May 13 and the District filed an appeal from the judgment, and

WHEREAS, on August 31, 2006, the Court of Appeal issued its decision on the District’s appeal which affirmed the trial court’s judgment and constitutes a final court decision upon becoming final on September 30, 2006, determining that the negative declaration adopted by resolution 04-02-O is legally inadequate,

NOW THEREFORE, BE IT RESOLVED that:

1. Resolution no. 04-02-O is rescinded.
2. District staff are directed to notify the State Water Resources Control Board (a) that a final court decision has been issued determining that the negative declaration adopted by Resolution no 04-02-O is invalid; (b) that the SSJID Board has adopted this Resolution rescinding Resolution no. 04-02-O; and (c) that the section 5.3 exception granted to the District is automatically withdrawn.
3. District staff are further directed to notify the State Water Resources Control Board that its January 28, 2004, application for a section 5.3 exception filed with the State Water Resources Control Board is withdrawn.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

PASSED AND ADOPTED this 10<sup>th</sup> day of October 2006 by the following roll call vote:

Ayes:	DeGroot	Schulz	Kuil
Noes:	Kamper	Roos	

Discussion and possible action relative to security at the District yard. Stroud said we have looked at several alternatives for securing the yard. They are:

1. Building a block wall cost around \$200,000 plus demolition of current fence, permits, etc.
2. Use of beams and monitoring by Sonitrol of Stockton, cost \$11,797.33, monthly monitoring \$130.

3. Additional lighting and cameras by Integrated Telecom Solutions, cost \$22,518.

4. Perimeter Fence Protection and monitoring by Covan Security Systems Specialists, cost \$77,611, monthly monitoring \$250.

After discussion Director Kuil, seconded by Director Roos, moved it to have Sonitrol of Stockton install perimeter beams at a cost of \$11,797.33, with monthly monitoring \$130.00, additionally add a horn that goes off when the beam is broken. Motion carried, Ayes 3, Noes 2, with Directors DeGroot and Schulz voting No.

Discussion concerning the 2007 water rates. General Counsel Emrick said we need to know if the Board is interested in changing the water rates, so we can properly proceed with the resolution for 2007 water rates at the October 24, 2006 Board meeting. After discussion, motion by Director DeGroot, seconded by Director Kamper, moved to leave the rates the same as last year. Motion Carried, Ayes 3, Noes 2, with Directors Schulz and Kuil voting No.

President Roos asked for Managers and Directors reports.

Stroud reported:

Our Dun & Bradstreet rating went from 86 to 92, and a score of 1, which is the highest possible.

Tri-Dam Board meeting is at OID on October 19, 2006.

River Group Committee meeting is on October 27, 2006 at TID.

Water elevation is 210 at Woodward, must be down to 205 by November 1. Usage thus far is 186,000-acre feet. OID is ending their season on October 12, 2006, ours ends October 18, 2006. Relative to the Ag Waiver there is nothing new to report.

Director Kamper asked Stroud to contact Traville and Reece and set up meetings.

Director Kuil reminded the Directors we are cooking for the Annual Safety Day on Friday, October 20 around 10:00 a.m. Flu shots will be given to employees and spouses beginning at 8:00 a.m.

Director Roos asked Stroud about changing the life insurance limits for General Unit Employees. Stroud said the he and Director Kuil will meet and look into it.

Shields reported:

PG&E has spent 9.4 million dollars so far to defeat SMUD's takeover of their facilities.

Relative to solar power we have two projects we are looking at. The WTP and the District yard. We will have more details at a future meeting.

President Roos called for Closed Session. General Counsel Emrick reported we would be discussing the following items:

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

Conference with legal counsel, anticipated litigation, significant exposure to litigation. Gov. Code, S. 54956.9 (b). One Case.

Conference with legal counsel, Existing litigation, Gov. Code, S. 54956.9.

SSJID vs. LAFCo, Superior Court-San Joaquin County, Case No. CV 030255.

Deltakeeper v. SSJID, Superior Court – Sacramento County, Case No. 04CS00228.

Upon returning from closed session General Counsel Emrick reported there was no reportable action taken in closed session.

There being no further action it was moved by Schulz, seconded by DeGroot, and unanimously carried, to adjourn to October 24, 2006 at 9:00 a.m.

ATTEST

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John Stein, Assistant Secretary