

Manteca, California  
October 14, 2008

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:           HOLBROOK           KAMPER           KUIL           SCHULZ  
ABSENT:           ROOS

Also present were Secretary/Manager Shields, District Counsel Emrick, Engineering Department Manager Bologna, Communications Coordinator Saylor, Utility Systems Director Battles, Water Treatment Plant Manager Hubkey, Telemetry System Supervisor Avila and Instrument & Control Technician Rice.

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 presented.

#### CONSENT CALENDAR

- A. Approve SSJID Warrants of \$1,195,950.40 and Payrolls of \$303,619.47.
- B. Approve SSJID Regular Board Meeting Minutes of September 23, 2008.
- C. Authorize the General Manager to approve amendment to Don Battles Employment Agreement.

Director Holbrook asked for modification of the Community Education and Awareness Policy to have the General Manager or designee approve requests and that requests be funded on a first-come, first-served basis.

Motion by Director Schulz, seconded by Director Holbrook, to approve the Consent Calendar items as presented.

PASSED AND ADOPTED this 14<sup>th</sup> day of October 2008 by the following roll call vote:

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

Consider approving change order for Phase I Microwave Radio System Development. Avila gave a Power Point presentation of the Microwave Radio System. Avila said the cost was higher than the original quote due to District's request for additional work. Avila recommends the Board approve the change order and authorize payment of \$6,191.80. Motion by Director Holbrook, seconded by Director Kamper, and unanimously carried, to approve the change order not to exceed \$6,191.80.

Consider authorizing completion of Phase II Microwave Radio System Development Project. Avila told the Board that Macro Corporation needed an additional \$54,470 to complete Phase II and he recommends approval. Motion by director Holbrook, seconded by Director Kamper, and unanimously carried to approve \$54,470 for MACRO Corporation to complete Phase II.

Consider request to go out to bid for new/replacement vehicles. Shields said this is just a request to go out for proposals. We will come back to the Board with the bids before we buy the vehicles. He recommends approval. Motion by Director Kamper, seconded by Director Holbrook, and unanimously carried to approve sending out proposal requests for two ½ ton four wheel drive pickups, four ½ ton pickups and one office vehicle.

Consider approving purchase of new gunite machine. Our current gunite machine is 22 years old. Beck's Construction uses it in the winter in the Joint Supply Canal and wants

to use it again this year. In order to have the gunite machine available to Beck's and meet all our construction needs this winter we will need another machine. Total cost including spare parts is less than \$19,000. Motion by Director Holbrook, seconded by Director Schulz, and unanimously carried to approve the purchase of a new gunite machine and spare parts at a price not to exceed \$19,000.

Consider awarding contract for Lateral "Q" & "R" Shot Crete Project (SSJ-2008-1) to Jos. J. Albanese. Bologna said he would like authority to award the contract to Jos. J. Albanese subject to his checking out his references. Motion by Director Holbrook, seconded by Director Schulz, and unanimously carried, to approve awarding contract SSJ-2008-1 to Jos. J. Albanese at a cost of \$628,231.50 and authorize execution of same, with staff to have authority over 5% contingency, subject to Albanese references checking out.

Consider awarding contract for Lateral "B" Pipeline project (SSJ-2008-6) to Allen A. Waggoner Construction at a cost of \$99,947.75 + 10% contingency. Bologna recommends approval as requested. Motion by Director Kamper, seconded by Director Holbrook, and unanimously carried, to approve awarding contract SSJ-2008-J to Waggoner Construction and authorize execution of contract with staff to have authority over 10% contingency.

Consider awarding contract for Lateral "Vj" Pipeline Project (SSJ-2008-5) to Allen A. Waggoner Construction at a cost of \$125,370 + 10% contingency and authorize execution of contract. Motion by Director Schulz, seconded by Director Holbrook, and unanimously carried to authorize awarding contract for SSJ-2008-5 to Waggoner Construction and authorized execution of the contract as requested with staff to have authority over 10% contingency.

Consider awarding contract for Lateral "Da" & Drain 20 Pipeline project (SSJ-2008-4) to Floyd Johnston Construction for \$220,460 + 10% contingency and authorize execution of contract with Johnston Construction. Motion by Director Holbrook, seconded by Director Kamper, and unanimously carried, to award contract SSJ-2008-4 to Johnston Construction and authorize execution of same with staff to have authority over 10% contingency.

Item # 10, Authorize initiation of the Private Structure Replacement And Financial Aid Program. President Kuil asked that this item be removed from the agenda. No action was taken.

Consider authorizing signature of plans and agreements to facilitate approval of OID's Fairbanks Lateral Replacement Project. We have plans and agreements signed by OID and need authorization to execute same and recommend Board approve as requested. Motion by Director Kamper, seconded by Director Holbrook, and unanimously carried to approve plans and agreements as requested and authorize execution of same.

Authorize approval of "Agreement to Amend Irrigation Service Abandonment Agreement" for Martin Teunissen, subject to the owner applying for a structure permit and being able to demonstrate that they have the capability to receive service water as planned. Motion by Director Kamper, seconded by Director Holbrook, and unanimously carried, to approve as recommended. Staff was directed to amend the policy to charge fees for the previous two years fees are charged and to adopt same agreement for all future requests to re-instate water service.

Consider authorizing General Manager to approve amendment to Aspen Environmental Consulting Agreement. Shields said he does not expect this increase to be significant and recommends approval. Motion by director Holbrook, seconded by Director Kamper, and unanimously carried, to authorize General Manager to amend the agreement with total cost not to exceed \$25,000 increase in the agreement.

Directors report from CSDA Conference.

Director Holbrook reported:

Monday:

- A. John Stein and I participated in the Business Affiliates Golf iPod Tournament our group came in 3<sup>rd</sup>.
- B. The evening's Opening Reception was a good opportunity to meet and talk with other CSDA members.

Tuesday:

- A. The conference was opened by CSDA President Jim Acosta and Executive Director Neil McCormack. CSDA members were welcomed by Beth Krom, Mayor of Irvine, California.
- B. I attended the Special Districts on LAFCO session. After the presentation I felt we should try again to have special districts seated at the LAFCO table.
- C. The next session was "Being the Board Member You Always Wanted to Be". The four main topics were: 1. Understanding your role as a Board Member. 2. Take ownership of your organization's purpose and mission. 3. Make good policy. 4. Manage with purpose and strength.

Wednesday:

- A. The morning session: Techniques and Tools for Evaluating your General Manager provided excellent insight on how to have productive and meaningful evaluations. Several different evaluation forms were also provided.
- B. The afternoon session: "Identify Theft: Who are You?" Special District Risk Management Authority teamed up with Life Lock Company to offer CSDA members 30% off. The rate for all District employees would be \$7.00 per month instead of \$10 for One Million Dollars coverage (P.W.) For access click on [www.sdrma.org](http://www.sdrma.org) then click "Members Plus Services" and follow the directions.

Closing: The four speakers were:

- 1. Dale Moss, British Airways former CEO
- 2. Kevin Carroll, Nike executive
- 3. Doug Lipp, former head Walt Disney Training
- 4. Juliet Funt, comedian and speaker.

All four had excellent presentations on leadership and personal character building.

Consider approving procedures to implement California Environmental Quality Act, (the Act). Emrick said the District is required to adopt procedures on how they implement the Act. Emrick recommended the Board adopt the following procedures:

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
PROCEDURES FOR IMPLEMENTING  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**ARTICLE I - GENERAL**

Section 1. Purposes. These procedures implement the California Environmental Quality Act of 1970 (Division 13 of the California Public Resources Code; "CEQA") as amended and ensure that consideration is given to the environmental effects of projects that are subject to CEQA. Section 21082 of the Resources Code provides that:

"All public agencies shall adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations pursuant to this division.

Section 2. General Implementing Procedures. The regulations contained in Title 14, Division 6, Chapter 3 of the California Administrative Code are incorporated by reference as if set out in full and shall be applicable, except as modified herein, to these procedures. (14 Cal Code Regs. Section 15022).

Section 3. Definitions.

- A. “District” means South San Joaquin Irrigation District.
- B. “Board” means the District’s Board of Directors.
- C. “District staff” means the District’s General Manager or other delegated District employee.
- D. “Lead Agency” means the public agency that has the principal responsibility for carrying out or approving a project.
- E. “Responsible Agency” means the public agency that proposes to carry out or approve a project, for which the Lead Agency is preparing or has prepared an EIR.
- F. Other definitions as found in 14 Cal Code Regs. Section 15350, *et seq.*

## ARTICLE II - APPLICABILITY

Section 4. Scope of Applicability. These Guidelines apply to all discretionary projects that are carried out, approved or financed by the District.

Section 5. Statutory Exemptions. The following activities are exempt from the requirements of CEQA and these Guidelines and consequently no environmental documents are required therefore.

- A. Ongoing Projects. Projects completed before November 23, 1970, unless the District proposes to modify the project in such a way that the project might have a new significant effect on the environment. (14 Cal Code Regs. Section 15261). Examples include, but are not limited to operation of the District’s systems of dams, including Goodwin, Woodward, Donnell’s, Beardsley, and Tulloch, its hydroelectric facilities at Donnell’s, Beardsley and Tulloch, as well as its diversion structures at Goodwin Dam, its main canal system and much of its system of lateral ditches and pipelines that were completed before this date and maintenance or repairs of such facilities that do not result in new significant effects on the environment.
- B. Ministerial Projects. A ministerial project is one requiring approval by the District as a matter of law or the use of fixed standards or objective measurements without personal judgment. Examples of District ministerial projects include, but are not limited to, the issuance of encroachment permits for installation of control boxes, gates, valves, sumps/pump or other water delivery facilities and the issuance of permits for the replacement of District pipeline or other facilities within District property interests in connection with projects permitted by counties or cities and which are consistent with District specifications. (14 Cal Code Regs. Section 15268).

If uncertainty exists as to whether a proposed project is ministerial in nature, and thus outside the scope of this enactment, the District Board shall make the determination on a case-by-case basis.

- C. Emergency Projects. The following emergency projects: (14 Cal Code Regs. Section 15269).
  - 1). Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

- 2). Emergency repairs to public service facilities necessary to maintain service.
- 3). Specific actions necessary to prevent or mitigate an emergency.

D. Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future actions that the District has not approved, adopted or funded, does not require the preparation of environmental documentation, but does require consideration of environmental factors. (14 Cal Code Regs. Section 15262).

E. Pipelines in Public Right of Ways. A project of less than one mile in length within a public street or highway or any other public right of way, including a right of way owned by the District, for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing pipeline. A pipeline includes subsurface facilities but does not include any surface facility related to the operation of the underground facility. (Public Resources Code, Section 21080.21; 14 Cal Code Regs.. Section 15282).

Section 6. Categorical Exemptions. The Secretary of Resources, State of California has found that specific classes of projects do not have a significant effect on the environment and they are declared to be categorically exempt from the requirement for the preparation of environmental documents. A list of these exemption classes commonly found in District operations, along with the specific activities that the District has found to be within these categorical exemptions follows. The categorical exemptions listed herein are not intended to be, and are not to be construed to be a limitation of the exemption classes set forth in 14 Cal. Code Regs. Section 15300, *et seq.*

A. Class 1 - Existing Facilities. Operation, repair, maintenance or minor alteration of all existing District facilities, structures, equipment or other property of every kind which activity involves negligible or no expansion or use beyond that previously existing. Examples, include, but are not limited to: District ditches, pipelines, water treatment and water storage facilities, gates, control boxes, valves, vents, pumps, tunnels and other water conveyance or delivery facilities, radio telemetry systems to monitor operation of District water conveyance or delivery facilities, measuring structures and road crossings.

B. Class 2 - Replacement or Reconstruction. Replacement or reconstruction of any existing District facilities, structures or other property where the new facility or structure will be located on the same site and have substantially the same purpose and capacity as the replaced or reconstructed facility or structure. Examples, include, but are not limited to: District ditches, pipelines, water treatment and water storage facilities, gates, control boxes, valves, vents, pumps, tunnels and other water conveyance or delivery facilities, radio telemetry systems to monitor operation of District water conveyance or delivery facilities and road crossings.

For the purpose of determining the extent of this class exemption for the replacement of buried pipelines, a replacement will be considered as categorically exempt under Class II if the replacement is within 30 feet of the existing pipeline, the nominal inside diameter of the replacement pipe is no more than one classification in size larger than the existing pipeline and no substantial clearing of mature oak or other noteworthy trees is necessary.

C. Class 3 - New Construction or Conversion of Small Structures. Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to:

- 1). Water conveyance facility appurtenances, including gates, control boxes, valves, vents, pumps, tunnels and other water conveyance

or delivery facilities, radio telemetry systems to monitor operation of District water conveyance or delivery facilities and measuring structures.

- 2). Treated water conveyance facility appurtenances, including blow offs and air release valves.

D. Class 4 - Minor Alterations to Land. Minor alterations in the condition of land, water, and/or vegetation, which do not involve removal of mature, scenic trees, including but not limited to:

- 1). Customary control of weeds and other vegetation using mechanical or chemical means in accordance with applicable federal, state and local laws and regulations;
- 2). water diversion facilities;
- 3). grading on land with a slope of less than ten percent (10%), except in any wetland or in officially mapped areas of severe geologic hazard;
- 4). filling of earth into previously excavated land with material compatible with the natural features of the site;
- 5). minor temporary uses of land having negligible or no permanent effects on the environment;
- 6). maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal agencies.

E. Class 6 - Information Collection. Basic data collection, research, experimental management and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These activities may be undertaken strictly for information-gathering purposes or as part of a study leading toward the undertaking of a project.

F. Class 9 - Inspection. Inspection activities, including but not limited to inquiries into the performance of an operation and examination of the quality, health or safety of a project.

G. Class 11 - Accessory Structures. The construction or placement of minor structures accessory to or appurtenant to existing commercial, industrial or institutional facilities, including small parking lots.

H. Class 12 - Surplus Property Sales. Sales of surplus District property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in 14 Cal. Code Regs. Section 15312. However, if the surplus property to be sold is located in any of those areas even its sale is exempt if:

- 1). the property does not have significant values for wildlife habitat or other environmental purposes; and,
- 2). any of the following conditions exist:
  - (i) the property is of such size or shape that it is incapable of independent development or use, or
  - (ii) the property to be sold would qualify for an exemption under any other class of categorical exemption in these Procedures, or
  - (iii) the use of the property and adjacent property has not changed since the time of purchase by the District.

I. Class 19 - Annexations of Existing Facilities. The following annexations:

- 1). Annexations to the District of areas containing existing public or private structures.
- 2). Annexations of individual small parcels of the minimum size for facilities exempted by the Categorical Exemption entitled, "New Construction or Conversion of Small Structures."

J. Class 28 - Small Hydroelectric Projects at Existing Facilities. Installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- 1). the capacity of the generating facilities is 5 megawatts or less;
- 2). operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
  - (i) rate and volume of flow;
  - (ii) temperature;
  - (iii) amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and;
  - (iv) timing of releases.
- 3). new power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;
- 4). repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- 5). there will be no significant upstream or downstream passage of fish affected by the project;
- 6). the discharge from the powerhouse will not be located more than 300 feet from the toe of the diversion structure;
- 7). the project will not cause violations of applicable state or federal water quality standards;
- 8). the project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and,
- 9). construction will not occur in the vicinity of any rare or endangered species.

K. Class 25 - Acquisition of Land for Wildlife Conservation. Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

L. Class 30 - Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. Any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

### ARTICLE III - ENVIRONMENTAL REVIEW PROCEDURES

Section 7. General. The requirements set forth in these Procedures apply to projects which may have a significant effect on the environment and which involve discretionary governmental action. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA. However, these Procedures should be consulted to determine the procedures necessary to verify that conclusion.

The procedures to be followed are summarized in the flow chart included as Exhibit "A" of these Procedures.

Section 8. Preliminary Review. At the outset, a proposed activity shall be examined by District staff for the purpose of determining whether it is either statutory or categorically exempt or involves another agency as the lead agency (14 Cal. Code Regs. Section 15050, *et seq.*). If it is determined that the project is exempt from CEQA, or the District is not the lead agency, District staff may complete the form provided as

Exhibit “B” of these Procedures, Preliminary Environmental Assessment. If the District staff determines that the project is exempt from CEQA and the District approves or determines to carry out the project, the District may file with the County Clerk of the county in which the project will be located, a Notice of Exemption on the form provided as Exhibit “C”.

Section 9. Further Review. If the project is determined not to be exempt and the District is the lead agency, the District staff shall follow the procedures set forth in Division 13 of the California Public Resources Code and in Title 14, Division 6, Chapter 3 of the California Administrative Code.

Section 10. Partial Invalidity. In the event any part or provision of these Procedures shall be determined to be invalid, the remaining portions of these Procedures that can be separated from the invalid unenforceable provisions shall nevertheless continue in full force and effect.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT**  
**CEQA GUIDELINES**  
**EXHIBIT INDEX**

<u>INDEX</u>	<u>TITLE</u>
A	CEQA Process Flow Chart
B	Preliminary Environmental Assessment
C	Notice of Exemption
D	Environmental Checklist Form
E	Environmental Impact Assessment
F	A Notice of Preparation of Negative Declaration
G	Negative Declaration Regarding Environmental Impact
H	Notice of Determination

Emrick said the above policy provides staff with guidance to determine whether a proposed activity is subject to CEQA. Emrick recommended that the Board adopt the Procedures for Implementing the Act. Motion by Director Holbrook, seconded by Director Schulz, and unanimously carried, to adopt Procedures to implement the Act as stated above.

President Kuil called for Directors reports:

Holbrook reported he attended the East Bay Municipal Utility District annual picnic.

President Kuil called for Manager’s reports:

Hubkey reported:

Staff have completed pulling the main transmission wire for the Zenon Building Lighting Project for emergency light in the building in the event of a power outage.

Staff completed quarterly acid cleans. We anticipate high levels of breaks which threaten our production levels. We are still negotiating with GE/Zenon for a maintenance contract.



If the good weather continues we may enter into the winter months with two dry sludge beds.

Black & Veatch is looking at the cause of leaks in the sludge beds.

Staff is assisting in rewiring the cement storage building at the District Yard.

The air compressor at the upper intake has been repaired.

We met with the Cities operations staff. We agreed to work on a disaster plan which would cover draining the Main Supply Line.

Shields reported:

Relative to the Schell Road leak off the Main Supply Canal we need to reshoot the floor of the canal. The leak may have created an environmental problem and thus we hired Diane Moore to look into this.

Met with PG&E and other entities relative to Municipal Departing Load. Troylene Sayler and I will continue to monitor those meetings.

Received a letter from ACWA relative to our 2009 dues which indicates the bill may be considerably higher.

Relative to Employee Safety Day, Friday October 17, 2008 , flu shots will be available for all employees/directors and their spouses.

Pumpkin Fair in Manteca was a great success. Thanks to Troylene, Alexa and all the volunteers who made it happen. Director Kamper said he appreciated the work of all the staff.

Ripon Main Street Day is October 18. We will have District volunteers manning a booth at this event as well.

The City of Ripon allegedly used redevelopment funds for purposes that may cause them to have to repay the fund. Our share of the taxes should not be impacted.

Battles reported:

Siemens finished the field work portion of the inventory they are performing.

Regarding the new solar project, Sun Technics, who is now Conergy has received materials and equipment and construction will begin soon.

Glen Reddick has completed his design work on the 2<sup>nd</sup> meter and is working with PG&E on the Interconnection Agreement. Should be able to begin work within two weeks.

Conergy recently completed the first bi-annual maintenance.

The foundation for the sign at the Solar Farm is complete.

Emrick showed how the meter balancing is being done. He said from the data received so far, we have four main usage areas.

1. Pre-Treatment uses 1,00,000 KwH per year.
2. Membrane Building used 1,800,000 KwH per year.
3. Chemical uses 250,000 KwH per year.
4. Office uses 420,000 KwH per year.

Emrick said we are attempting to come up with a process that will balance the usage to best utilize the production of the two solar projects as required.

Director Kamper presented a plaque from the Regional Air Quality Control District for being a “Clean Air Champion” in the San Joaquin Valley.

President Kuil called for closed session. District Counsel Emrick said the Board will discuss one item in closed session.

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

Upon returning from closed session 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 Schulz, seconded by Kamper, and unanimously carried to adjourn to October 28, 2008 at 9:00 a.m.

ATTEST:

---

John Stein, Assistant Secretary