

Manteca, California  
October 23, 2001

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: DEGROOT      HAWORTH      KAMPER      SCHULZ

Also present were Secretary/Manager Stroud, General Counsel Emrick, District Engineer Gilton, and Engineering Department Supervisor Bologna.

President Kamper 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 submitted.

Director Roos arrived at 9:10 a.m.

#### CONSENT CALENDAR

- A. SSJID Warrants of \$110,428.67.
- B. Regular Board Meeting Minutes of October 9, 2001.
- C. Consider acceptance of improvements related to the replacement of a portion of Lateral "U", pertaining to the Montecito Estates Development and authorize the recording of a Notice of Completion for the Project.

Motion by Haworth, seconded by Schulz, to approve the Consent Calendar as presented.

PASSED AND ADOPTED this 23<sup>rd</sup> day of October 2001 by the following roll call vote:

Ayes:	DeGroot	Haworth	Kamper	Roos	Schulz
Noes:	None				

Supervisor Bologna addressed the Board in regards to awarding the contract for pipeline replacement of a portion of Laterals A and Vg. Bologna said we received five proposals ranging from \$444,444 to \$591,000. The proposal from Jerry Gavrilko Company, failed to include profit. In a letter addressed to the Board, Jerry Gavrilko is asking to be relieved from his proposal, because of the mistake. The next lowest bid, \$499,976, came from DSS Company. Bologna recommended accepting DSS Company's proposal and relieving Gavrilko.

**Motion by Haworth, seconded by Schulz, and unanimously carried to authorize acceptance of DSS Company's proposal of**

**\$499,976. Additionally, to grant relief to Jerry Gavrilko Company based on the following findings:**

- a) An unintentional mistake was made.
- b) Gavrilko gave the public entity written notice of the mistake within five days after opening of the bids , specifying in the notice how the mistake occurred.
- c) The mistake made the bid materially different than he intended it to be.
- d) The mistake was made in filling out the bid and was not due to error in judgement or to carelessness in inspecting the site of the work, or in reading the plans or specifications.

Discussion concerning plans by the Wine Group (Franzia Winery) to relocate a portion of Lateral Qc to accommodate a proposed expansion project on their property. Bologna said the expansion would realign the Qc. He said Ron Morrow, Operations Superintendent said that the line to be removed and replaced is in bad shape and needs to be replaced. Bologna recommends that Franzia do the work and that we reimburse them ½ the cost. After discussion the following action was taken: **Motion by Schulz, seconded by DeGroot, to authorize the Engineering Department to negotiate a cost sharing agreement with Franzia and to bring it back to the Board for their approval.**

General Manager's Report:

Consider approval of contract with Chevron Energy Services to update retail electric business plan with a termination fee of \$60,000. Stroud said that it is our opinion that we will get a product that answers specific questions and objectives. It will be very specific and give us direction as to our choices and options. Jack Stermer, representing Chevron, said the report should be finished in 60 to 90 days. Stroud recommended authorizing him to execute the agreement with Chevron. **Motion by DeGroot, seconded by Haworth, and unanimously carried, to authorize execution of the agreement with Chevron Energy Services.**

Authorize hiring of a temporary worker in the Engineering Department. Mike Gilton, District Engineer, said we hired Herman Drost as a temp for the summer and were able to get a lot of work done on the GIS. However, there is still a lot left to be done. He said we have a candidate ready to work and asked the Board to approve hiring Edward Lloyd at \$10.00 per hour. Stroud said, additionally we would like to use Herman Drost during his Christmas break **Motion by Schulz, seconded by Roos, and unanimously carried, authorizing hiring Edward Lloyd as a temporary employee for the Engineering Department at 10.00 per hour and hiring Herman Drost during his Christmas break at the same rate.**

Public hearing and discussion and approval of Resolution 01-20-O, approving the initial study and proposed negative declaration for the Northwest Alignment of SSJID's System Improvement for Distribution Efficiency (SIDE). President Kamper opened the public hearing and asked for comments. A map was distributed showing the alignment of Louise and Prescott. No written or verbal comments were submitted or made. Gilton said the Board has two options, he recommended the second option:

- 1) Make modifications to the Negative Declaration.
- 2) Adopt the Negative Declaration and direct staff to file a Notice of Determination with the San Joaquin County Clerk.

President Kamper closed the hearing and the following action was taken: **Motion by Roos, seconded by Kamper, and unanimously carried, to adopt the Negative Declaration and direct staff to file a Notice of Determination with the San Joaquin County Clerk.**

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT RESOLUTION NO. 01-20-01  
RESOLUTION APPROVING INITIAL STUDY AND NEGATIVE DECLARATION FOR  
NORTHWEST PIPELINE ALIGNMENT**

WHEREAS, South San Joaquin Irrigation District provides irrigation and drainage services within its existing boundaries, and

WHEREAS, South San Joaquin Irrigation District intends to improve the efficiency of its irrigation services by constructing the northwest alignment of its System Improvements for Distribution Efficiency project (NW SIDE Project); and

WHEREAS, the following NW SIDE Project is shown on the map attached to this Resolution and consists

1. Construction of a regulating reservoir of approximately 40 acre-feet capacity on 7.2 +/- acres of APN 208-160-01.
2. Installation of box, design and pipelines and related facilities between the District facilities Q and R and the regulating reservoir within 30 foot easements to be acquired on APN's 208-160-02,03,05, 07 and 10 and APN 208- 170-01 and 02.
3. Installation of underground pipelines to connect the District laterals Q and R within a 30 foot easement including portions of an existing access road on APN 203-097-01.
4. Pipeline parallel to Jack Toms Road across parcels APN 208-170-06,07 and Qf and Qg

WHEREAS, the initial study shows that the NW SIDE Project could have a significant effect on the environment and states that South San Joaquin Irrigation District shall adopt a negative environmental declaration; and

WHEREAS, copies of the initial study and proposed negative declaration are attached as exhibits

WHEREAS, South San Joaquin Irrigation District provided notice of the opportunity for the public to comment on the initial study and proposed negative declaration, by publication on September 25, 2001, in the Manteca Bulletin, a newspaper of general circulation in the project area, and posting for at least 20 days with the County Clerk for San Joaquin County; and

WHEREAS, no public comments have been received; and  
WHEREAS, the Board of Directors finds that the NW SIDE Project will not have a significant effect on the environment; and

~~WHEREAS, the California Environmental Quality Act (Public Resources Code §21000 et seq., CEQA) compliance with the~~

~~WHEREAS, the initial study and negative declaration reflects South San Joaquin Irrigation District's independent judgment; and~~

~~WHEREAS, the initial study and negative declaration~~

~~WHEREAS, South San Joaquin Irrigation District makes as part of its findings all of the analysis and~~

~~IRRIGATION DISTRICT hereby submits the following actions of Directors of the SOUTH SAN JOAQUIN~~

~~NOW, THEREFORE, BE IT RESOLVED, that the Board~~

~~1. Makes the findings set forth above, each of which is found to be true.~~

~~2. Approves the initial study and negative declaration.~~

~~3. Adoption of the initial findings and its decision to carry out the NW SIDE Project into the record of its~~

~~4. Finds that the NW SIDE Project will not cause any significant environmental impacts.~~

~~5. Elects to carry out the NW Side Project.~~

~~6. Directs the General Manager to execute a Notice of Determination as to the actions set forth above~~

~~in the form presented at this meeting with such changes as are acceptable to the General Manager,~~

~~to file a Notice of Determination with the County Clerks of San Joaquin County for posting for a~~

~~thirty day period in accordance with CEQA.~~

~~7. The Department of Fish and Game to pay the Notice of Determination, including any fee due~~

~~8. Regarding the negative declaration and other the NW Side Project developed by South San Joaquin~~

~~Irrigation District is available at 110 11 E. Highway 120, Manteca, California.~~

~~The foregoing Board District held on the 23rd day of October, 2001 Board of Directors of South San~~

~~Roos seconded by Kamper on the following roll call vote:~~

~~**Yes: Kamper Haworth DeGroot Schulz Roos**~~

~~**Noes: None**~~

~~Dave Kamper, President~~

~~Attest: Stevan Stroud, Secretary~~

~~Adopt Resolution 01-21-B Resolution to reaffirm charges for services furnished by the District.~~

~~Motion by DeGroot, seconded by Kamper, to adopt Resolution No. 01-21-B.~~

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION NO. 01-21-B**

**RESOLUTION TO REAFFIRM CHARGES FOR  
SERVICES FURNISHED BY THE DISTRICT**

WHEREAS, Irrigation District law provides authority for the District, in lieu, in whole or in part, of levying assessments, to fix and collect charges for any service furnished by the District and to prescribe reasonable rules with respect to said charges; and

**WHEREAS**, the District currently charges \$24.00 per acre for water service to each parcel in the District on which District-supplied surface water is used for irrigation, with a minimum charge of \$50, and

**WHEREAS**, the District currently charges \$12.00 per acre for groundwater recharge to each parcel in the District which is subject to a recorded Irrigation Service Abandonment Agreement, and on which crops are commercially grown, with a minimum charge of \$25, and

**WHEREAS**, the District declares the following:

(1) The revenues derived from these said fees do not exceed the funds required to provide subject properties related services.

(2) The revenues derived from the charges will not be used for any purpose other than that for which the charges are imposed.

(3) The amount of a charge imposed shall not exceed the proportional cost of the service.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that pursuant to Sections 22280 and 22283 of the Water Code, the District hereby sets water charges for the 2001 water year as follows:

RULE NO. 1-1, Subject to rule number 1-2; for each separate parcel, as shown on the District records of San Joaquin County Assessor's Parcel Maps, there shall be an annual "USE OF DISTRICT WATER" charge of **\$24.00** per acre for the "Use of District Water."

RULE NO. 1-2, Subject to rule number 3-1; for each separate parcel, as shown on the District records of San Joaquin County Assessor's Parcel Maps, the minimum billing (charge) for "USE OF DISTRICT WATER" shall be **\$50.00**.

RULE NO. 2-1, Subject to rule number 2-2; those separate parcels, as shown on the District records of San Joaquin County Assessor's Parcels, which are used to grow commercially grown crops but which, (a) choose not to utilize District Water Service, and (b) which are the subject of an approved District Irrigation Service Abandonment Agreement, there shall be an annual "GROUND WATER RECHARGE" charge of **\$12.00** per acre for the benefits derived from "Ground Water Recharge."

RULE NO. 2-2, Subject to rule number 3-1; for each separate parcel, as shown on the District records of San Joaquin County Assessor's Parcel Maps, the minimum billing (charge) for "GROUND WATER RECHARGE" shall be **\$25.00**.

RULE NO. 3-1, Those separate parcels, as shown on the District records of San Joaquin County Assessor's Parcels, which are not used to grow crops or which do not utilize District Water Service may be exempted from District "USE OF DISTRICT WATER" and "GROUND WATER RECHARGE" fees provided the owners of such lands enter into an "Irrigation Service Abandonment Agreement" covering same and provided further, there are no outstanding amounts owed to District on such lands.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of October 2001 by the following roll call vote:

Ayes:	DeGroot	Haworth	Kamper	Roos	Schulz
Noes:	None				

The Board asked that consideration to waive the annual charges adopted above be put on the agenda at the November 13, 2001 meeting.

Request to purchase a pressure washer was considered. Four quotes ranging in price from \$1,567.76 to \$1959.71. Low bid was from Discount Ag. Stroud recommended making purchase from Discount Ag. **Motion by Schulz, seconded by Roos, and unanimously carried, to purchase the pressure washer from Discount Ag at a price not to exceed \$1,567.76.**

Manager's reports:

Stroud said the annual safety meeting held yesterday was a success and thanked the Directors for barbecuing the meat.

Stroud said the water and maintenance employees asked if they could wear different colored uniforms (shirts). The consensus was all should wear the same color. Stroud said since the water, maintenance, and shop were getting uniforms, and some of the other employees have indicated this is not fair, he felt purchasing the remainder of the employees a polo shirt would be a good way to ease matters. Stroud said he would proceed using his purchasing authority.

Stroud said we signed the contract with Black & Veatch for the Water Treatment Plant Project.

Stroud asked about ACWA Registration for the fall conference in San Diego. All Directors will attend except Director Haworth.

Directors' reports:

Haworth asked about closing down over the Christmas and New Years, 12-24-01 through 01-06-02. He asked that closing for the two weeks and giving extra holidays, 12-24-01 and 12-31-01 be put on the agenda for the November 13, 2001 Board meeting. Emrick said he will check to see if there is a problem with closing down for two weeks.

DeGroot asked about the Lathrop Road overpass. Gilton said they are still trying to decide if they want to pipe the FCOC or leave it open.

President Kamper called for closed session relative to litigation matters, personnel matters, and labor update as follows: Emrick said the Board will discuss items a) through d).

- c) Conference with legal counsel, anticipated litigation. Institution of litigation. Gov. Code, S. 54956.9. Two cases.
- d) Conference with legal counsel, existing litigation. Gov. Code, S/ 54956.9 (a).
  - Contractor's Pipe Supply, Inc., vs. SSJID, San Joaquin County Superior Court Case No. CV-013034
  - Van Vliet vs. SSJID.
- c) Conference with Legal Counsel, Public Employee Discipline/Dismissal/Release. Gov. Code, S. 54957.

- d) Conference with real property negotiators. Property: Stanislaus County Assessor's APN 002-01-20. Agency Negotiator: John Stein. Negotiating parties: Steve Kisler and SSJID. Under negotiation: Contract price and terms of payment.

Upon returning from closed session General Counsel Emrick announced that the Contractor's Pipe Supply, Inc. Case had been decided in favor of the District.

There being no further business to come before the Board it was moved by DeGroot, seconded by Schulz, and unanimously carried, to adjourn to November 13, 2001 at 9:00 a.m.

ATTEST:

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John Stein, Assistant Secretary

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