

Manteca, California  
October 24, 2006

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:           KAMPER           ROOS           SCHULZ  
  
                  ABSENT:           DEGROOT           KUIL

Also present were Secretary/Manager Stroud, District Counsel Emrick, District Engineer Gilton, and 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 as presented.

#### CONSENT CALENDAR

- A. SSJID Warrants of \$907,519.48.
- B. Regular Board Meeting Minutes of October 10, 2006.
- C. Resolution 06-13-B, Resolution to Reaffirm Charges for Services Furnished by the District.

#### **SOUTH SAN JOAQUIN IRRIGATION DISTRICT RESOLUTION NO. 06-13-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 2006 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 24<sup>th</sup> day of October 2006

D. Notice of Completion for C. Overaa & Co.

District Counsel Emrick asked that item "D" be removed from the Consent Calendar to be put back on at a later date.

Motion by Director Schulz, seconded by Director Kamper, to approve Consent Calendar items A. through C. as presented.

PASSED AND ADOPTED this 24<sup>th</sup> day of October 2006 by the following roll call vote:

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

Consider conditional approval of improvement plans and related documents pertaining to the Shadow Hawk subdivision project involving improvements to a portion of Lateral "V" & "Va" located east of North Ripon Road. Director Roos disqualified himself due to a conflict of interest, and advised the Developer that due to the conflict we do not have a quorum, and thus will be unable to vote on this item today. Troy Wright of Brookfield Homes asked if he could go through his presentation today regardless. Bologna told the Board that this project involves approximately 2,380 feet of 78" pipeline along Colony Road, and approximately 1,160 feet of new canal to be built along the east boundary of the development to act as a temporary connection from the existing Lateral "V" to the new pipeline. Mr. Wright said we will take our map to be approved by the City of Ripon in February or March 2007. No action was taken.

Consider approving plans and specifications and authorize staff to call for bids for Lateral "R" Long Crested Weirs. Gilton said last year the Board approved constructing long crested weirs on the Lateral "R". We are asking that the Board authorize staff to call for bids for Lateral "R" long crested weirs. Motion by Director Kamper, seconded by Director Schulz, and unanimously approved to authorize calling for bids as requested.

Consider approving plans and specifications and authorize staff to call for bids for the trestle replacement of Little John Creek crossing near Frankenheimer Road and Sonora Road. Gilton said the design is complete and we need to put the work out to bid. Our estimate is \$110,000. Motion by Director Schulz, seconded by Director Kamper, and unanimously carried to approve going to bid on the trestle replacement as requested.

Consider awarding contracts for the U-3 Ranch Cattle Bridges and Flapper Valve. Gilton said the bid on the bridges is \$195,000, and \$17,325 for the flapper valve and he recommends approval. Motion by Director Schulz, seconded by Director Kamper, and unanimously carried to approve the bids as listed above.

Consider approving Resolution 06-14-V authorizing the sale of property no longer necessary for District purposes. Stroud said we are going to remove the cast in place pipe with RGRCP, when we remove the CIP we want to sell it to a Merlin Mohler who has land adjacent to the line. Thus, instead of hauling the pipe to the Ripon Spill, it will be moved a short distance to Mr. Mohler's property. The consideration for the sale if mohler's agreement to accept the pipe. Recommend approval of the Resolution and authorize signature of the Agreement to Sell the Pipe to Mr. Mohler. Director Kamper said he does business with Mohler Brothers. District Counsel Emrick said under Government Code Section 87105 Director Kamper is allowed participate because his participation is necessary for the Board to take action on this item. Motion by Director Roos, seconded by Director Kuil, to adopt Resolution 06-14-V and to authorize execution of an Agreement to Sell the Pipe to Mr. Mohler.

**RESOLUTION NO 06-14-V  
AUTHORIZING THE SALE OF PROPERTY NO  
LONGER NECESSARY FOR DISTRICT PURPOSES**

**WHEREAS**, the South San Joaquin Irrigation District may, for valuable consideration, dispose of any property of the District which is no longer necessary for District purposes;

**WHEREAS**, the Board of Directors finds that scrap concrete pipe that will be removed as part of the reconstruction of the District's Lateral U replacement project in the vicinity of Mohler Road during the coming winter maintenance season ("Pipe Material"), is surplus to District purposes;

**WHEREAS**, the Board of Directors finds that the Pipe Material has no value;

**WHEREAS**, the Board of Directors finds that an agreement to dispose of the Pipe Material on the land of Merlin Mohler, an adjacent landowner, will save District the cost to transport or otherwise dispose of the material,

**NOW, THEREFORE BE IT RESOLVED AND ORDERED** that the General Manager is authorized to enter into an agreement with Merlin Mohler for disposition of the Pipe Material on the landowner's property for no cash consideration..

**BE IT FURTHER RESOLVED AND ORDERED** that the General Manager is authorized and directed to take all further action necessary to accomplish the foregoing.

**PASSED AND ADOPTED** on this 24<sup>th</sup> day of October 2006 by the following roll call vote:

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

Discussion and possible action on City of Manteca Redevelopment Agency's request for subordination of District tax revenue to new Agency bond issue. Emrick said he recommends approval. Motion by Director Roos, seconded by Director Kamper to approve the request by the City of Manteca. Motion failed as follows:

Ayes:	Kamper	Roos
Noes:	Schulz	
Absent:	DeGroot	Kuil

Consider conditional approval of improvement plans and related documents pertaining to the Cornerston II Subdivision involving improvements to a portion of Lateral "Ta" and the abandonment of portions of Lateral "Ta" dd. At the corner of River Road and North Ripon Road in Ripon. Bologna recommends approval and signature-required documents subject to compliance with those special conditions and requirements referenced in item 13 of the Developers Agreement. As follows:

- a) Owner/developer shall submit improvement plans and final maps for the entire cornerstone development to the Engineering Department for approval and comply with all standard requirements concerning replacement of all facilities located within the development as specified in the Cornerstone II tentative map conditions adopted for the project.
- b) Owner/developer shall not build or develop within District easement until improvements to District's facilities has occurred in accordance with approved plans.
- c) Owner/developer shall sign an Irrigation Service Abandonment Agreement for property and remove all service facilities as directed by District staff.
- d) Owner/developer shall convey new exclusive easements and enter into an Encroachment Agreement with the District for all proposed encroachments. Easements shall be conveyed prior to dedication and other easement dedications.
- e) Owner/developer shall obtain structure permits and provide required connections to private facilities serviced from the DD lateral. The developer/owner shall obtain agreements that provide formal confirmation from the tow landowner serviced by the DD lateral should they agree to convert the DD lateral to a private facility.
- f) Owner/developer shall notify District at least 48 hours prior to commencement of work. Work shall be complete and pipeline operational prior to deadlines established by District. The deadline for work is typically February 15 of any given year. Bologna said the Districts contribution for this project is approximately \$19,675.50 for 539 feet of 48" pipeline.

Motion by Director Roos, seconded by Director Schulz, and unanimously carried to conditionally approve plans and related documents as requested above.

Consider conditional approval of improvement plans and related documents pertaining to Manteca RV Storage Project involving improvements to a portion of Lateral "T" located south of Yosemite Avenue and East of Austin Road. Bologna said this project would replace 120 feet of 48" cast in place pipe with RGRCP. The District's contribution is \$4,380. Bologna recommends approval and signature of necessary documents subject to compliance with special conditions referenced in item #13 of the Developer Agreement as follows:

- a. Owner/Developer shall submit a full set of improvement plans (showing all proposed improvements relating to the development) to the Engineering Department for approval and comply with all standard requirements concerning the Lateral "T" replacement.
- b. Owner/Developer shall convey a new easement for the replaced portions of Lateral "T" located within the development and enter into an Encroachment Agreement with the District for all proposed encroachments.
- c. Owner/Developer shall not build or develop within portions of property encumbered by the District's easement until the replacement of the District's pipeline has occurred in accordance with approved plans and a full set of development plans are submitted for review and approval.

d. Owner/Developer shall notify District at least 48 hours prior to commencement of work. Work shall be complete and pipeline operational prior to deadlines established by District. The deadline for work is February 15 of any given year.

Motion by Director Kamper, seconded by Director Schulz, and unanimously carried to conditionally approve plans and related documents as request above.

Consider request from Kevin Owen for District to quitclaim a portion of Lateral "Tb", which is no longer serving any land, located east of Powers Avenue, Manteca. Bologna said this portion of the Tb is on the west edge of Spreckles Park and if the District quitclaims it, the owner will be responsible for the abandoned pipe. Bologna recommends approval. Motion by Director Kamper, seconded by Director Schulz, and unanimously carried, to approve the quitclaiming of this property subject to the owner taking full responsibility for the abandoned pipe.

Consider adopting Resolution 06-15-P relative to the sale of two strips of land to Mrs. Smith (formerly Shimmel) in conjunction with the sale and split of their property on Henry Road. Bologna recommends approve subject to the following findings:

- 1) Subject to the terms and conditions outlined in the parcel map conditions of approval, the conveyance of the District property will not hinder District operations.
- 2) The retained easement interest is adequate for all reasonable District purposes.
- 3) The payment of \$57,247.00, execution of required documents, and payment of all costs relative to transfer is valuable and adequate consideration for the conveyance.
- 4) It is in the best interest for the District to transfer property in exchange for the new easement and established consideration.
- 5) The property to be conveyed is not "surplus land" within Government Code Section 54221 (b) since the parcel is not capable of park and recreational development.
- 6) The proposed conveyance is categorically exempt under the Environmental Quality Act as a class 12 project pursuant to 14 Cal. Adm. Code sections 15112 since the surplus government property does not have significant values for wildlife habitat or environmental purposes and the property is of such size and shape that is it incapable of independent development use.

Motion by Director Kamper, seconded by Director Schulz, and unanimously carried, to approve subject to the findings listed above.

Consider authorizing the General Manager to enter into a contract with Mohler Brothers to remove silt from the Van Groningen Reservoir. Director Kamper announced he had a possible conflict since he does business with Mohlers. Emrick reported that under Government Code Section 87105 Director Kamper is allowed to participate because his participation is necessary for the Board to take action on this item. Stroud said we need to remove the silt from the reservoir and this is the best way we have been able to find. However, if the equipment is unable to enter and work in the reservoir it may require changing the agreement. Our cost for the work is \$143,000. The removed silt will either be used by the District or sold. Stroud asked for approval. Motion by Director Roos, seconded by Director Schulz, and unanimously carried, to authorize execution of the contract with Mohler Brothers.

Discussion and possible action concerning District salary survey. Mr. Doug Johnson, of Johnson and Associates addressed the Board. Mr. Johnson did a power point demo showing various charts with employment classes that were under/over median and 75<sup>th</sup> percentile. After his presentation, he told the Board, they would need to make several decisions concerning how to proceed and he would be available to help them. President Roos said he will appoint an Ad-Hoc committee to meet with Mr. Johnson and they will come back to the Board with recommendations as soon as possible. No action was taken.

District Counsel asked the Board to reconsider item # 5. Motion by Director Kamper, seconded by Director Schulz, and unanimously carried to reconsider their action taken earlier on this item, which follows:

Discussion and possible action on City of Manteca Redevelopment Agency's request for subordination of District tax revenue to new Agency bond issue. Emrick said the matter is considered approved if the Board does not reject the proposal within 45 days and we can only vote against this if we find there are insufficient funds to pay District's share of tax revenue and the debt service. The analysis indicates that there are sufficient funds. After discussion, the following action was taken. Motion by Kamper, seconded by Director Schulz, and unanimously carried, to approve the City of Manteca's request.

President Roos called for General Manager's reports:

General Manager Stroud reported the following:

Thanked the Board for attending and cooking at the annual safety meeting.

October 27, 2006 River Group Meeting at TID.

November 6, 2006 Operating Committed Meeting for the WTP.

Relative to M-2 on Lathrop Road, the City of Manteca wants to purchase from the District 2.7 acres that they currently are leasing. They want to build a building, storage tank, and they want to amend the agreement and purchase the land from us.

At the Water Treatment Plant Site, we own approximately 90 acres, and use about 60. We are looking at the possibility of a solar project, which would require 15 to 30 acres, which we would need to purchase from the cities.

Utility Systems Director Shields reported the following:

Handed out a copy of an editorial from the Sacramento Bee relative to use of PG&E funds to stop SMUD's expansion. The Bee said PG&E is using ratepayer's funds to defeat the expansion.

The City of Manteca has decided to use Eminent Domain to obtain property.

Relative to Tracy Pumping plant, PG&E failed to read meters since August 2004. We paid estimated costs of \$16,000. PG&E says we should have paid \$82,000, thus we owe another \$66,000. We will dispute this bill.

Received an inquiry from a man in Texas wanting documents showing the appraisal we got for the PG&E facilities in our district. We sent him the documents and he, a former executive of PG&E, called and said he felt our appraisal was too high by around \$15,000,000.

President Roos called for closed session. District Counsel Emrick reported we will discuss all the items in closed session as follows:

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

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

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

Collins Electric Company, Inv. V. C. Overaa & Co., et. al., Superior Court, San Joaquin County. Case No. CV 029244.

Jacob Her, et al., v. Yang Her, et al, Superior Court, San Joaquin County, Case No. CV 029260.

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

President Roos announced the Directors appointed to the Ad Hoc committee to meet with Doug Johnson are Directors Schulz and Kuil.

There being no further business to come before the Board it was moved by Schulz, seconded by Kamper, and unanimously carried to adjourn to November 14, 2006 at 9:00 a.m.

ATTEST

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John Stein, Assistant Secretary