

**MINUTES FOR THE NOVEMBER 17, 2020  
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

The Board of Directors of the South San Joaquin Irrigation District met in person in regular session in the District Boardroom at 9:00 a.m., with public access provided via the online Zoom meeting platform. Director Kamper called the meeting to order and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS: HOLBROOK HOLMES KAMPER ROOS WESTSTEYN

Also present were General Manager, Peter M. Rietkerk; General Counsel, Mia Brown; Engineering Department Manager, Forrest Killingsworth; and SSJID Clerk of the Board, Danielle Barney.

**Public Comment** – None

**CONSENT CALENDAR**

- A. Approval of Checks in the amount of \$474,017.33; Accounts Payable Wires in the amount of \$432,610.74; and Payroll dated October 31, 2020 (1) in the amount of \$4,949.85, October 31, 2020 (2) in the amount of \$14,315.30, and November 6, 2020 in the amount of 232,481.69.
- B. Approval of the Regular Board Meeting Minutes of October 27, 2020.

Director Kamper announced a correction which was made to Page 5, MDC/Telemetry Department, Bullet #2:

- ...“Field Telemetry Unit (FTU) installations...” *Corrected from reading Fiber Termination Unit (FTU).*

- C. Approval of Master Encroachment Agreement with Frontier Communications Corporation, formerly Verizon California

**MOTION:** A motion was made by Director Weststeyn and seconded by Director Holmes to approve the Consent Calendar as amended.

The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER ROOS WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

**COMMUNICATIONS**

**Item #1 – Directors’ Reports**

Director Holbrook announced the cancellation of the San Joaquin County Advisory Water Commission (AWC) meeting on November 18. He also stated that the Greater San Joaquin County Integrated Water Management Plan Coordinating Committee meeting will be held as scheduled on November 18.

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Director Holbrook participated in the Agape Villages Golf Tournament on October 30. He opined that it was a fun event, and the organization was appreciative of SSJID's sponsorship for two (2) foursomes. Director Holbrook acknowledged Ms. Troylene Saylor, SSJID Public Relations Director, for assembling SSJID "swag bags" which were provided to each player at the fundraising tournament.

Director Weststeyn attended the San Joaquin Tributaries Authority (SJTA) Board meeting on November 9 via remote access from the District Office. Discussion included approval of the SJTA 2021 budget.

Director Weststeyn participated in the California Special District Association virtual workshop on November 4 and 5, titled "Board's Role in HR." He stated the course was interesting and offered a copy of the training material to any interested party.

Director Roos congratulated Director Kamper on his win of the 2020 election for SSJID Board Director of Division 3. He opined that the "public made a wise choice."

Director Holmes attended the SSJID Ag Water Committee meeting on October 27. Topic discussion was the review of pre-annexation reports.

Director Holmes attended the Eastern San Joaquin Groundwater Authority Steering Committee meeting on November 12 via Microsoft Teams from the District Office.

Director Holmes congratulated Director Kamper on being re-elected to the SSJID Board Director Division 3 seat.

Director Kamper attended the SSJID Ag Water Committee meeting on November 3. Topic discussion was the Riverbank Regional Recycled Water Project.

**Item #2 – Various Reports**

***In adherence to the District's new Board meeting protocols due to COVID-19, the Managers' Reports were provided in written form to the Board on November 16, 2020.***

Mr. Peter Rietkerk, SSJID General Manager, announced the Association of California Water Agencies (ACWA) virtual 2020 Fall Conference on December 2 and 3. Directors interested in attending should contact Danielle Barney, SSJID Executive Assistant/Clerk of the Board to coordinate registration and virtual attendance.

Mr. Rietkerk announced that the ACWA Joint Powers Insurance Authority (JPIA) annual board meeting will be held virtually on November 30. Directors Roos and Holbrook have been registered to attend. Director Roos will be representing SSJID, and Director Holbrook will represent Tri-Dam Project.

Mr. Rietkerk announced an upcoming CSDA Special District Risk Management Authority virtual training, titled "Governance Foundations," on December 8 and 9 from 9am to 12pm. Director participation at the upcoming event will enable the District to receive the maximum available incentive points for discounts on its insurance program. Director Holbrook stated he will participate in the upcoming virtual training. Ms. Barney will coordinate registration and attendance.

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Mr. Rietkerk reported on the progress made to the draft SSJID Board Guidelines. He will be convening a Board Governance Ad Hoc Committee meeting to discuss the draft guidelines document and stated that the document will be reviewed by the Senior Leadership team prior to the ad hoc committee meeting. Potential dates were discussed for the first week in December. Ms. Barney will be in contact to coordinate and schedule the above-mentioned meeting.

Mr. Rietkerk discussed the Robert O. Schultz Solar Farm and its benefits to the District. He explained that Mr. Bere Lindley, SSJID Assistant General Manager, and Mr. Ed Erisman, SSJID Water Treatment Plant (WTP) Manager, had been in contact with TerraVerde Energy regarding a proposal for management services including reviews of the Solar Farm's current net metering agreement, and changing rates. Mr. Rietkerk stated that current net metering agreement is due to expire soon. He added that consideration is also being given to a contract with Mr. Mel Bradley, for consulting/advice services on solar farm improvements, as well as assistance possibly managing the TerraVerde contract.

Mr. Rietkerk stated the agenda item regarding the SSJID 2021 budget was postponed until the next Board meeting. He felt it prudent to convene a SSJID Finance Committee meeting to review the draft budget prior to presenting it to the Board. Potential dates for a Finance Committee meeting were discussed for the first week in December. Ms. Barney will be in contact to coordinate and schedule the above-mentioned meeting.

Director Holmes addressed Mr. Erisman regarding the status of construction to modify the roof at the Tracy Booster Plant. Mr. Erisman responded, via the online Zoom meeting platform, that construction is anticipated to begin the week of November 23.

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, stated that an incorrect Engineering Department Manager's Report was submitted to the Board on November 16. The current version will be forwarded to the Directors following the Board meeting.

Director Holbrook announced that he recently came into possession of decorative construction-themed belt buckles and suggested a free drawing to gift the buckles to winning employees. Mr. Rietkerk responded that he would coordinate the logistics of such a drawing with the department supervisors. The belt buckles were passed among the Board for viewing.

**ACTION CALENDAR**

**Item #3 – Coronavirus (COVID-19) Update**

Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, stated that on November 16, Governor Newsom held a press conference regarding the recent increase in COVID-19 cases with 41 counties moving up to the more restrictive purple tier. The Governor's announcement provided new immediate actions to curb transmissions which include prohibiting indoor dining and indoor church services. Staff has been discussing the future potential of a positive COVID-19 test result within the District and formalizing SSJID's procedures to address such an event swiftly.

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**Item #4 – Consider Approval of Addendum to 60% Canyon Tunnel Design Contract with Condor Earth to Include Video Production Services**

Mr. Killingsworth addressed the Board and provided a brief background of the Canyon Tunnel 60% Design Project with Condor Earth Technologies, Inc. (Condor) and status to date. The Canyon Tunnel design team has been coordinating with a professional media producer in hopes of developing a documentary style video that will memorialize the Canyon Tunnel design and construction effort. Staff and Condor have spoken with Mr. Cuyler Ruskin, Owner of Media 66, Inc., regarding a potential scope of work that would meet the District's interests. Mr. Killingsworth added that Mr. Ruskin was utilized by Condor as a sub-consultant during construction of Oakdale Irrigation District's (OID) Two-Mile Bar Tunnel, now known as the Webb Tunnel.

Mr. Killingsworth explained that some public may be unaware of the more remote facilities outside the District and/or the work done to maintain the District's waterways. He further explained the concept to create a video to educate customers and employees on the extent of District resources, projects, and on-going canal maintenance efforts.

A proposal was developed by Condor, utilizing Media 66 as a sub-consultant, to collect video through the extent of the 60% design process (Phase 1 of production), as well as create two (2) 30-60 second "teasers" to show clips of ongoing activities. The clips could be uploaded to the District's social media platforms to educate on the project progress, as well as utilized in other public relations settings at SSJID's discretion. Subsequent video production phases will be initiated with future project contracts (e.g. 90% design, 100% design, and construction). Condor will manage the video production, thus the proposal shall be included as an addendum to the existing design contract with Condor, on a Time and Materials basis, for an amount not to exceed \$17,417.

Deliverables in the proposal include:

- Two (2) 30 to 60 second teaser videos
- Filming of helicopter drilling rig transport
- Filming of scaling activity during the Joint Supply Canal Rockslope Maintenance Project
- Filming of interviews with key SSJID personnel and Board members
- Review and editing of existing Condor drone video of prior drilling work

Discussion among the Board concurred that the video is an excellent concept to preserve the District's efforts and history of the Canyon Tunnel development. Further discussion concluded that Ms. Mia Brown, SSJID General Counsel, will review the addendum between SSJID and Condor, as well as the contract between Condor and Media 66, to ensure that SSJID owns the rights to the finished products. An additional comment was that the video(s) should be able to be uploaded to the District website, and made available to the Board to share with outside sources.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Roos to approve Addendum No. 1 to the Canyon Tunnel 60% Design Contract with Condor Earth regarding initiation of video documentation for the Canyon Tunnel Project, with work charged on a Time and Materials basis for an amount not to exceed \$17,417.

The motion passed 5 to 0 by the following vote:

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AYES:           HOLBROOK HOLMES KAMPER ROOS WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        NONE

**Item #5 – Consider Amendment to Irrigation Service Abandonment Agreement for Reed Leasing Group, LLC (APN 247-230-09)**

Mr. Killingsworth addressed the Board regarding the proposed Amendment to Irrigation Service Abandonment Agreement for Reed Leasing Group, LLC. and provided a background/description of the property, current irrigation status, and future irrigation needs and project plans. Staff recommends Board approval of the Amendment to Irrigation Service Abandonment Agreement. Board comments included the professional job witnessed of Reed Leasing in preparing the site and setting grade for the pipeline.

**MOTION:** A motion was made by Director Holmes and seconded by Director Weststeyn to approve the Amendment to Irrigation Service Abandonment Agreement for Reed Leasing Group, LLC., APN #247-230-09 (78.88 acres).

The motion passed 5 to 0 by the following vote:

AYES:           HOLBROOK HOLMES KAMPER ROOS WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        NONE

**Item #6 – Consider Proposal from EKI, Inc., to Prepare the 2020 Urban Water Management Plan Update**

Mr. Erisman, addressed the Board and explained that State law requires water suppliers in California, providing water for municipal purposes, to prepare and adopt an Urban Water Management Plan (UWMP) every five (5) years in years ending in 0 and 5. To ensure coordination and consistency in reported values and approaches to new and existing UWMP compliance requirements, staff conferred with the Cities of Manteca, Lathrop and Tracy regarding their selection of UWMP consultants, which concluded that the Cities of Tracy and Lathrop selected EKI Environment & Water, Inc. (EKI), and the City of Manteca selected HydroScience Engineers.

Staff requested proposals from EKI and HydroScience Engineers for the preparation of SSJID’s 2020 UWMP update. HydroScience Engineers declined to submit a proposal citing an overload of work. EKI submitted a complete proposal including a proposed budget estimate for a cost not to exceed \$40,000. Mr. Erisman stated that \$50,000 for the 2020 UWMP was included in the 2020 budget but was postponed pending final approval of Draft State UWMP Guidelines. The \$50,000 budgeted in 2020 is being recommended to be carried forward into the proposed 2021 SSJID budget.

Discussion among the Board included EKI’s solid reputation, as well as the company’s experience with Sustainable Groundwater Management Act requirements in the Eastern San Joaquin Subbasin, and work in the Consumnes Subbasin.

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**MOTION:** A motion was made by Director Holmes and seconded by Director Holbrook to approve the proposal from EKI Environment & Water, Inc. to prepare SSJID’s 2020 Urban Water Management Plan Update and authorize the General Manager to sign a consulting services agreement with EKI for a not to exceed amount of \$40,000.

The motion passed 5 to 0 by the following vote:

AYES:           HOLBROOK HOLMES KAMPER ROOS WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        NONE

**Item #7 – Consider Adoption of Resolution 20-15-V Authorizing and Directing the Sale of District Vehicles that are No Longer Necessary for District Purposes**

Mr. James Ferguson, SSJID Shop Manager, addressed the Board via the online Zoom meeting platform regarding the sale of District vehicles that are no longer necessary for District purposes. Upon inquiry, Mr. Ferguson clarified the year make for Vehicle #102-00 is 2000; and the year make for Vehicle #605-04 is 2004.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Weststeyn to adopt Resolution 20-15-V Authorizing and Directing Sale of District Vehicles as Surplus Property.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION NO. 20-15-V**

**AUTHORIZING AND DIRECTING SALE OF DISTRICT VEHICLES  
AS SURPLUS PROPERTY**

**WHEREAS**, the South San Joaquin Irrigation District (“District”) may sell as “surplus property” for valuable consideration, any property of the District which is determined to be no longer necessary for District purposes; and,

**WHEREAS**, the District Board of Directors finds the following described vehicle no longer necessary for District purposes:

<u>DISTRICT I.D. No.</u>	<u>VEHICLE TYPE</u>	<u>VIN NUMBER</u>
102-00	International 3 Axle Tractor	2HSFASR3YC055137
605-04	Chevrolet C-45 w/Utility Body	1GBE4C1284F517212

and,

**WHEREAS**, the Board finds it in the best interests of the District to dispose of said vehicle by sale, using reasonable efforts to obtain the best possible sales-price.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED,**

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1. The Board of Directors authorizes the District Shop Supervisor to use his professional judgement in determining the most appropriate means of effectuating a sale of said vehicle at the best possible sales price, including, but not limited to: sale at public or on-line auction; placing vehicle with a dealer for consignment sale; or sale by published advertisement and receipt of sealed bids.
2. The Finance and Administration Department Manager is authorized and directed to do all things necessary and proper, including execution of all documents, to execute the sale of said vehicle and transfer title thereto.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of November, 2020, by the following vote:

AYES:           HOLBROOK HOLMES KAMPER ROOS WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        NONE

**BY:** \_\_\_\_\_  
**DAVID KAMPER, President**  
**Board of Directors**

**ATTEST:**  
\_\_\_\_\_  
**PETER M. RIETKERK, Secretary**

**Item #8 – Consider Adoption of Resolution 20-16-W Approving Water Supply and Operating Agreement with South County Water Supply Project City Participants**

Ms. Brown addressed the Board and stated that the District and various cities have been collaborating to update the Water Supply and Operating Agreement with South County Water Supply Project City Participants. All participating city councils have approved the agreement, except the City of Tracy whose council was scheduled to vote on the day of this Board meeting.

Mr. Rietkerk added that revisions to the agreement include language referencing how the District will work with the Cities when demand for treated water exceeds supply, as well as recognizing amendments and side agreements previously made among the District and the Cities. A substantial change will extend the term of the agreement through the year 2049. Mr. Rietkerk acknowledged Mr. Lindley, and Ms. Brown on their coordination efforts to accurately and adequately represent District interests in the new agreement.

Director Holbrook noted a revision be made to correct the phrase “Upon on” as written in the agreement. Ms. Brown will locate and revise the sentence.

**MOTION:** A motion was made by Director Holmes and seconded by Director Weststeyn to adopt Resolution 20-16-W Approving Water Supply and Operating Agreement with South County Water Supply Project City Participants.

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**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION NO. 20-16-W**

**RESOLUTION APPROVING WATER SUPPLY DEVELOPMENT AND OPERATING  
AGREEMENT WITH SOUTH COUNTY WATER SUPPLY PROJECT CITY  
PARTICIPANTS**

**WHEREAS**, on or about October 1, 1995, the District entered into an initial agreement (“Initial Agreement”) individually with the Cities of Escalon, Lathrop, Manteca, and Tracy to provide for the construction, operation, and financing of the South County Water Supply Project (“Project”) and to specify each city’s right to acquire by purchase, treated water up to the amounts specified in the Initial Agreement; and

**WHEREAS**, the District in consultation with the Cities, constructed the Nick DeGroot Water Treatment Plant and associated transmission facilities to serve each city. The cost of the Project was divided among the Project Participants, pro rata using allotments and assigned capacities as the allocation factors; and

**WHEREAS**, the District and Cities desire to enter into this Water Supply Development and Operating Agreement (Agreement) to supersede and replace the Initial Agreement in its entirety. This Agreement is intended to extend the City’s ability to receive treated water from the Project, to acknowledge various amendments between the Cities, and to establish the parties’ understanding of the terms and conditions under which each city obtains the right to acquire and obligation to pay for treated water from the Project; and

**WHEREAS**, by entering into this Agreement, each City intends to preserve its ability to receive treated water from the Project in the future through existing facilities and subsequent construction of the Phase II Project facilities.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:**

1. The Board of Directors hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the Board’s adoption of this Resolution.
2. The Board of Directors approves the Water Supply Development and Operating Agreement between the District and the individual Cities of Escalon, Lathrop, Manteca, and Tracy

**PASSED AND ADOPTED** this 17th day of November 2020 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER ROOS WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

**BY:** \_\_\_\_\_  
**DAVID KAMPER, President**  
**Board of Directors**





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AYES:           HOLBROOK HOLMES KAMPER ROOS WESTSTEYN  
NOES:           NONE  
ABSTAIN:       NONE  
ABSENT:        NONE

*It was announced that all items in closed session would be discussed. The Board took a break at 10:20 a.m. and convened to closed session at 10:30 a.m.*

**Item #10 – CLOSED SESSION**

10.    a. Conference with Legal Counsel – Anticipated Litigation  
          Initiation of litigation pursuant to paragraph (4) of subdivision (d) of  
          Government Code Section 54956.9  
          - 4 cases
- b. Conference with Legal Counsel – Anticipated Litigation  
          Significant exposure to litigation pursuant to paragraph (2) of  
          Subdivision (d) of Section 54956.9  
          - 2 cases
- c. Conference with Legal Counsel – Existing Litigation  
          Paragraph (1) of subdivision (d) of Government Code Section 54956.9  
          - 7 cases

*SAN JOAQUIN TRIBUTARIES AUTHORITY, et al., vs. CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD*

County of Sacramento Superior Court  
Case No. JCCP 5013

*SSJID vs. PG&E*

Appeal from Judgment of Dismissal Pending:  
In the Court of Appeal for the State of California, Third Appellate District  
Case No. C086319  
Superior Court for San Joaquin County  
Case No. STK-CV-UED-2016-0006638

*PG&E vs. San Joaquin LAFCo; SSJID, Real Party in Interest*

In the Court of Appeal for the State of California, Third Appellate District  
Case No. C086008  
Superior Court for San Joaquin County  
Case No. STK-CV-UJR-2015-0001266

*SSJID vs. Lakeview Ranch Partners*

Superior Court for Stanislaus County  
Case No. 2028441

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*Tri-Dam et al vs. Linda Santos*  
Superior Court of Stanislaus County  
Case No. CV-20-002349

*Tri-Dam et al vs. MWH Americas, Inc., et al*  
Tuolumne County Superior Court  
Case No. CV-61638

*California Sportfishing Protection Alliance v. Eastern San Joaquin Groundwater Authority et al.*  
Superior Court of Stanislaus County  
Case No. CV-20-001720

- d. Public Employee Performance Evaluation  
California Government Code Section 54957(b)(1)  
Titles: General Counsel

***The Board reconvened to open session at 11:15 a.m.***

Disclosure of reportable actions taken in Closed Session, pursuant to Government Code Section 54957.1:  
There were no reportable actions taken in Closed Session.

**Item #11 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 11:16 a.m.

**ATTEST:**

\_\_\_\_\_  
Danielle Barney, Clerk of the Board