

Manteca, California
November 28, 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.

Also present were Secretary/Manager Stroud, District Counsel Emrick, and Engineering Department Supervisor Bologna, Water Treatment Plant Manager Hubkey.

President Schulz called the meeting to order and asked for public comment.

Fred Poulis addressed the Board. He said he was a friend of Bob Schulz's and helped with his campaign. Mr. Poulis said he had received two calls from survey firms, relative to the election in Escalon. Although he can't prove it and doesn't remember the name of the firms, he believes they were working for PG&E. Also, he said every time a Schulz campaign sign went up, Rick Dawson put up four or five. He said Rick opposed the Water Treatment Plant and he vehemently opposes the District entering into the Retail Power Business. Mr. Poulis said he believes the District has earned an "A" in doing studies and knowing the cost of entering the retail power business, but has earned an "F" on public relations. Fred said he feels PG&E will be working to replace the three Directors whose terms expire in 2008. He recommends the District do a better job in regards to public relations and outreach especially in the Escalon area, with regards to the District entering into the Retail Power Business. It is Mr. Poulis' opinion that the District needs to actively get information out to the public on how the public will benefit from the District becoming a retail power provider.

President Roos asked the Board to consider approving the Consent Calendar Items as presented.

CONSENT CALENDAR

- A. SSJID Warrants of \$335,027.10.
- B. Regular Board Meeting Minutes of November 14, 2006.
- C. Notice of Completion for Water Treatment Plant Contract No. 3, Overaa Contract.
- D. Accept & file Notice of Completion for the Alves Project.

Motion by Director Kuil, seconded by Director Schulz, to approve the Consent Calendar Items as presented.

PASSED AND ADOPTED this 28th day of November 2006 by the following roll call vote.

Consider awarding bids for 2007 vehicle purchase. Stroud said Ray Simons sent out requests to six dealerships for quotes on six ½ ton pickups. We received three bids. Steve's Chevrolet was the low bidder and he recommends approval. Motion by Director Kuil, seconded by Director Kamper, and unanimously carried, to approve the purchase of six ½ ton vehicles from Steve's Chevrolet, at a per vehicle cost of \$17,370.51, with the total cost to the District being \$104,223.06.

Consider conditional approval of improvement plans and related documents pertaining to the Oleander/Sundance subdivision. This development will involve improvements to a portion of Lateral "Ya" and the abandonment and relocation of portions of Drain 9. Bologna said these two projects impact District Laterals Ya, Yb, and Drains 8 and 9. There is approximately 2,900 feet of pipe on the Yb and 1,250 feet on the Ya to be replaced. Some issues that still need to be resolved, are; the two pumps on Drain 9, will the District contribute to the cost, and the price needs to be set for 2 parcels we own in fee. Bologna recommends conditional approval subject to compliance with special conditions and requirements referenced in the Developers Agreement. Motion by Director Kuil, seconded by Director Schulz, and unanimously carried to conditionally

approve the projects subject to the Developers agreement, specifically the items listed below:

- a) Developer shall submit improvement plans to the Engineering Department for approval and comply with all standard requirements concerning improvements to District facilities.
- b) Developer shall convey new easements of adequate widths acceptable to District and enter into an Encroachment Agreement with the District for all proposed encroachments. In areas where the public agency has a prior right of way, the Developer shall secure easements from that agency on behalf of the District using our standard grant of easement form. The easement shall be exclusive and shall have priority over any other dedications. Temporary construction easements shall be obtained by developer as necessary to accommodate the construction of new facilities.
- c) Developer shall not build or develop in District easement until the replacement of the District's facilities has occurred.
- d) Developer shall insure that work involving District facilities shall be in accordance with District requirements and shall provide all supplemental plans and secure all required permits necessary to complete the project. Bonds shall be supplied as required to assure that the District is made whole and that the project will be constructed per approved plans without delay to water.
- e) 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 work must commence such that it can be completed by the next February 15th. A daily damage charge applies thereafter until the work is accepted.
- f) Developer shall relocate the Pumps #s 12 & 88 in accordance with District standards, to locations acceptable to District staff.
- g) Developer shall comply with requirements pertaining to acquisition of property owned by the District.
- h) City's compliance with CEQA including review of the environmental impacts from the relocation of Drain 9. Also, Developer's indemnity to include CEQA claims.

President Roos called for Managers' reports:

Hubkey reported the following:

Three operators recently took tests, 2 for Grade IV and 1 for Grade III.

Switched from the Upper Intake in Woodward Reservoir, to the Lower Intake last week. So far the water is good, no problems.

Manteca 2 lost a sleeve valve. We changed the levels from one foot up to 4 feet.

We have a membrane valve at Austin Road that is not working. We will be replacing it shortly.

The Department of Health will be there for their first annual inspection today.

Hubkey was called out of the meeting to take an urgent phone call from the WTP.

Stroud reported the following:

ACWA Conference is May 5 through May 8, 2006 in Anaheim.

On May 6th at the conference a meeting will be held with the River Group Managers and the USBR.

On May 11th we will have a WTP Operating Committee meeting.

Our next Board meeting is the 12th of December. Tri-Dam Project is the 21st of December.

Maintenance projects are moving along well.

Handed out a Stanislaus River update.

Handed out an ACWA summary of legislation.

Shields reported the following:

Relative to meter testing we there will be 5 demo meters installed after the 1st of January 2007.

Shields will be going to the PUC hearing on billing and collection practices of PG&E.

Stroud reported that he was just informed of an accident at the Water Treatment Plant. He said the ambulance has taken the employee to the Oakdale Hospital. He has no idea as to the extent of the injuries.

President Roos called for Director's reports:

Kuil said in looking at the OID letter to Constituents, which authorizes sending \$5 per acre to all constituents. After some discussion it was the consensus of the Board to look at doing something next year.

President Roos called for closed session.

General Counsel Emrick reported the Board will discuss the following in closed session:

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

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

SSJID v. Meridian Pacific, et al., Superior Court – San Joaquin County Case No. CV 030855.

Rossi v. Aksland, U.S. District Court, Eastern District, Case No. CV-02287-MCE-GGH.

Upon returning from closed session District Counsel Emrick reported the following:

The Board unanimously authorized the General Counsel to work with attorney Alan Coon of Geiger, Coon & Keen to defend the Rossi v. Aksland lawsuit.

There being no further business to come before the Board, it was moved by Director Schulz, seconded by Director Kamper, and unanimously carried, to adjourn to December 12, 2006 at 9:00 a.m.

ATTEST:

John Stein, Assistant Secretary