

**MINUTES FOR THE JANUARY 9, 2024
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

The Board of Directors of the South San Joaquin Irrigation District (SSJID) 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. President Weststeyn called the meeting to order. SSJID Engineering Department Manager Forrest Killingsworth led the flag salute. Upon roll call the following members were noted present:

DIRECTORS: HOLBROOK KAMPER ROOS WESTSTEYN
ABSENT: SPYKSMA

Also present were General Manager Peter M. Rietkerk, General Counsel Mia Brown, and Clerk of the Board Danielle Barney.

Public Comment – None

CONSENT CALENDAR

- A. Approval of Checks in the amount of \$502,561.01; Accounts Payable Wires in the amount of \$1,109,906.05; and Payroll dated December 15, 2023 in the amount of 293,508.55, December 29, 2023 in the amount of \$4,2093.19, and December 29, 2023 in the amount of \$296.642.64.
- B. Approval of the Regular Board Meeting Minutes of December 19, 2023

MOTION: A motion was made by Director Roos and seconded by Director Holbrook to approve the Consent Calendar as submitted.

The motion passed 4 to 0 by the following vote:

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

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Roos hoped all had good Christmas and New Year holidays, and wished everyone a safe 2024.

Director Kamper stated that he had an item for discussion in Closed Session.

Director Holbrook wished all a successful and safe 2024.

President Weststeyn reported that he attended the Tri-Dam Advisory Committee meeting on January 8, along with Director Kamper. Advisory Committee meeting discussion included the new Tri-Dam building located in Sonora, and an item which he would discuss further in Closed Session.

In a show of complete transparency, President Weststeyn stated that he met with Mr. Michael Dotinga, applicant in regard to agenda Item #4, in an effort to facilitate Mr. Dotinga’s request for an encroachment agreement and license agreement on District property at the Main Supply Canal (MSC).

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Item #2 – Various Reports

Mr. Peter Rietkerk, SSJID General Manager, wished a Happy New Year to the Board and staff.

Mr. Rietkerk reported that he attended the Tri-Dam Advisory Committee meeting on January 8.

ACTION CALENDAR

Item #3 – Consider Approval of Bridge Permit for Sherwin & Helen DeBoer, and Kenneth & Margaret Roos

Ms. Mia Brown, SSJID General Counsel, addressed the Board regarding approval of a bridge permit and provided a brief recap explaining that the bridge was beyond repair or rehabilitation and must be replaced; that staff, the landowners, and landowners' counsel have reviewed and agreed to the terms of the Bridge Permit; and that staff recommended approval of the Bridge Permit Application for Sherwin & Helen DeBoer and Kenneth & Margaret Roos per conditions listed below:

1. Applicants required to reimburse District for bridge plan review costs in the amount of \$2,209.40.
2. All work must be completed prior to the start of the 2024 Water Season.
3. Work not completed prior to Water Season must be deferred until after the end of the 2024 Water Season.
4. If work not completed prior to Water Season compromises the ability of the main canal to deliver water at the start of Water Season, District staff is authorized to make any necessary repairs at the Applicants' expense.

Director Holbrook inquired about the availability of bridge plans for Board review. SSJID Associate Civil Engineer Chad Parsons addressed the Board and stated that the bridge plans and signed Geotechnical Report had been received, reviewed, and approved by staff and Provost & Pritchard Consulting Group (P&P), and that completion of the bridge project is anticipated by March 1. Mr. Parsons displayed the bridge plans for screen viewing and provided detailed explanations of the bridge width and span, slope paving, 3-foot footing, riprap, abutments, piers, and HL-93 rating which provides the bridge with a maximum weight limit of 80,000 pounds.

Board discussion included the soil composition, and the bridge abutments, piers, impact, footing, beams, and signage for the bridge speed limit and weight capacity. The Board inquired if Engineering staff were comfortable with the proposed bridge permit setting precedence for future bridge design projects within SSJID's service area, to which Mr. Killingsworth responded to the affirmative and added that the proposed design meets District requirements as well as standard county road requirements.

Ms. Brown clarified that the Encroachment Agreement Permitting Private Bridge Upon Property Owned in Fee by the South San Joaquin Irrigation District (Agreement), Section 3 – Bridge Installation, Item (f) stipulates that the owners shall install and maintain legible signage before both bridge entrances indicating the maximum weight capacity of the bridge.

Mr. Tom Terpstra, Landowner's counsel, addressed the Board and thanked the Directors and staff for their diligence working together towards resolution of the bridge issue. He concurred with Ms. Brown's clarification of the Agreement, Section 3, Item (f) regarding maximum weight signage, but noted that the Agreement did not specify speed limit signage. Mr. Terpstra added that 5 mph signs are, in fact, posted on the roadway past the bridge along the planted orchards.

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Director Roos recused himself from the meeting, at 9:30 a.m., due to his familial relationship with two of the landowners.

MOTION: A motion was made by Director Kamper and seconded by Director Holbrook to approve the Bridge Permit Application for Sherwin & Helen DeBoer, and Kenneth & Margaret Roos per conditions listed above.

The motion passed 3 to 0 by the following vote:

AYES:	HOLBROOK KAMPER WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	SPYKSMA

Director Roos returned to the meeting at 9:35 a.m.

Item #4 – Consider Request for Encroachment Agreement and Revocable License Agreement for Earl and Susan Vander Schaaf along the District’s Main Supply Canal

Director Kamper recused himself from the meeting, at 9:40 a.m., due to his business relationship with the landowners.

Mr. Killingsworth addressed the Board and noted the District’s 200-foot wide strip of land along the Main Supply Canal (MSC), the property adjacent to the District’s easement owned by Earl and Susan Vander Schaaf (Owner), the discovery of multiple encroachments on SSJID property, and the timeline of communication between staff, the Owner, and Mr. Michael Dotinga (Applicant). He stated that staff’s recommendation regarding the multiple encroachments are detailed in the agenda Item #4 Staff Report and provided an oral summary for the Board including:

1. Pole Barn/Shade Structure: Encroaches 16 feet into District property.
 - Staff recommended the encroachment be authorized to remain.
2. Corral Fencing: Encroaches 100 linear feet within the District’s property.
 - Staff recommended that the small portion of corral fencing connected to the corner of the shade structure be permitted within the District’s property.
3. Concrete Silage Pad: Encroaches up to 35 feet into the District’s property.
 - Staff recommended that the existing concrete pad within the District’s property be sawcut at the property line and removed by the owner.
4. Lagoon Embankment: Encroaches approximately 9 feet into the District’s property and is approximately 200 feet wide. The location of the lagoon has prevented the 16” digester wastewater pipeline and irrigation pipeline from being installed entirely on the Owner’s property.
 - Staff recommended the existing lagoon be backfilled within the District’s property, and the Owner relocate the other encroaching infrastructure outside of District property.
5. 16-inch HDPE Wastewater Pipeline to/from Digester Site: 375 linear feet of pipeline encroaches approximately 9 feet into District property.
 - Staff recommended that the 16-inch wastewater digester pipeline be relocated outside of District property.

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6. 15-inch Private Irrigation Pipeline: Estimated encroachment is believed to be up to 40 feet within the District's property.
 - Staff recommended that the 15-inch private irrigation pipeline be relocated outside of District property.
7. Request for License Agreement for Ingress/Egress: The District's canal bank road has been used by the Owner for access to support agricultural and dairy operation, though formal permission was never granted by the District. The applicant has requested the District authorize a license agreement to allow dairy and agricultural traffic to continue on District property, and allow ingress and egress to the digester facility site.
 - Staff recommended authorization of a revocable license agreement for access along the District's canal bank for agricultural and dairy operations only, subject to the licensee's maintenance of the roadway and installation of a barrier system between the roadway and the canal, and staff's approval of the design and installation of the barrier through issuance of a structure permit.

Mr. Michael Dotinga, Applicant, addressed the Board regarding the identified encroachments and/or staff recommendations and noted the following:

1. 15" Irrigation Pipeline Encroachment – Applicant referenced the location of pipeline shown on the encroachment permit application being “up to 40 feet” within the District's property, and stated that his estimate measured at 5 feet within the SSJID boundary, contrary to what the plan in the encroachment permit application shows.
2. Lagoon Encroachment – Applicant stated that any upgrades/changes to the lagoon could trigger regulatory issues.
3. Concrete Silage Pad – Applicant proposed to keep the concrete pad as is to alleviate muddy ground issues, but to relocate the silage pile.

Mr. Dotinga concluded and emphasized the 25-year positive relationship between Hilltop Holsteins and the District, and the recent discovery in October 2022 that SSJID owned the 200-foot strip of property.

Board discussion included the corral fencing material; installation of the recommended barrier between the roadway and the MSC; digester measurements; definitive denial for District property be utilized for ingress/egress to the digester site; a site visit conducted by the Board; and the need for additional information and further discussion.

Ms. Brown stated that the agenda item may be deferred for further discussion at a future board meeting upon Board consensus.

Mr. Killingsworth clarified that tasks to be completed and/or topics for further discussion at a future board meeting include identifying the exact location of the private irrigation pipeline relative to the District's property line; to delineate and stake the District's property lines; and seek resolution for the silage pad relocation. He added that Mr. Dotinga, P&P, and the digester contractor have been working cohesively and diligently with staff through the entire process.

Board consensus concluded to table the agenda item to a future board meeting.

Director Kamper returned to the meeting at 10:10 a.m.

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Item #5 – Consider Approval of Letter of Support for the City of Tracy’s Grant Application for the Advanced Metering Infrastructure (AMI) Installation and Meter Conversion Project – Bureau of Reclamation WaterSmart: Water and Energy Efficiency Grant Program 2023-2024

Mr. Nakagawa, SSJID Water Resources Coordinator, addressed the Board regarding an SSJID letter of support for the City of Tracy’s (City) grant application for the Advanced Metering Infrastructure (AMI) Installation and Meter Conversion Project – Bureau of Reclamation (Reclamation) WaterSmart: Water and Energy Efficiency Grant (WEEG) Program 2023-2024.

Mr. Nakagawa emphasized the City’s promptness and perseverance in providing the District, last year, with a letter of support opposing bad water rights legislation, and also noted that SSJID had supported the City’s AMI Project and WEEG application in 2022. Reclamation has made \$50 million in funding available in 2023-2024 and the proposed project is intended to provide the City customers with water meter data including alerts during periods of high water usage.

MOTION: A motion was made by Director Holbrook and seconded by Director Roos to authorize and direct the President of the Board to sign a letter of support for the City of Tracy’s grant application for the Advanced Metering Infrastructure Installation and Meter Conversion Project – Bureau of Reclamation Water and Energy Efficiency Grant 2023-2024.

The motion passed 4 to 0 by the following vote:

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

Item #6 – Discuss and Approve Board Appointments to Outside Boards, Commissions and Committees; and District Committees

President Weststeyn stated his proposed changes to the 2024 Board Appointments to Outside Boards, Commissions and Committees; and District Committees, which replaced Director Spyksma with Director Roos on the Tri-Dam Power Authority, and replaced President Weststeyn with Director Roos on the SSJID Equipment and Technology Committee.

President Weststeyn opened up discussion and/or suggestions to the proposed changes. Mr. Rietkerk noted that board appointments are per the Board President’s prerogative.

Board consensus accepted the proposed 2024 Board Appointments to Outside Boards, Commissions and Committees; and District Committees.

It was announced that all remaining items on the Closed Session agenda would be discussed. The Board took a brief recess at 10:20 a.m. and convened to Closed Session at 10:30 a.m.

Item #7 – CLOSED SESSION

RETURN TO OPEN SESSION

The Board returned to Open Session at 11:36 a.m.

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Item #8 – ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

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 #9 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:37 a.m.

ATTEST:

Danielle Barney, Clerk of the Board