

**MINUTES FOR THE JANUARY 11, 2022
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. Director Holmes called the meeting to order and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS: HOLBROOK HOLMES KAMPER SPYKSMA WESTSTEYN
ABSENT: NONE

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

Public Comment – None

CONSENT CALENDAR

- A. Approval of Checks in the amount of \$552,759.98; Accounts Payable Wires in the amount of \$531,177.09; and Payroll dated December 16, 2021 in the amount of \$243,617.48, December 17, 2021 in the amount of \$5,056.49, and December 31, 2021 in the amount of \$259,657.68.
- B. Approval of the Regular Board Meeting Minutes of December 14, 2021
- C. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 203-220-41
- D. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 229-030-22
- E. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 205-090-12
- F. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 249-120-14
- G. Approval of Amendment to Irrigation Service Abandonment Agreement, APN 245-080-02

Director Holbrook addressed Mr. Forrest Killingsworth, SSJID Engineering Department Manager, regarding discrepancy of the APN appearing on the SSJID property map and Amended Irrigation Service Abandonment Routing Slip (245-080-02) versus the APN listed on the customer’s Application for Amendment of Irrigation Service Abandonment Agreement (245-080-20). Mr. Killingsworth confirmed that the correct APN is listed on all SSJID documents. The customer application will be corrected, and subsequent documents will be recorded accordingly.

- H. Approval of Transfer of Drainage Facilities and Quitclaim of Property Interests Associated with a Portion of Drain 3a

Director Holbrook addressed Mr. Killingsworth and inquired on ability to receive irrigated water if the District abandons its interest of a portion of Drain 3a. Mr. Killingsworth responded that the facilities in question were utilized for drainage only, and will not have any impact on the District or the landowner’s ability to receive irrigation water. He added that it would be in the District’s best interest to quitclaim and remove potential liabilities.

- I. Consider Approval of the 2022 Employee Pay Schedule
- J. Consider Approval of Annual Renewal of the SSJID Investment Policy

**MINUTES FOR THE JANUARY 11, 2022
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

Director Holbrook addressed Mr. Bere Lindley, SSJID Assistant General Manager, and inquired on Attachment B, last page, sentence that reads, “This section shall remain in effect only until January 1, 2026, and as of that date is repealed.” Director Holbrook requested clarification of “this section” identified, to which Mr. Lindley clarified that it pertains to the entirety of Section 53601 of the Government Code which describes permissible investments for SSJID.

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

The motion passed 5 to 0 by the following vote:

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

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Spyksma stated that he was grateful for the time off due to the office closure over the Christmas holiday season. He commented on the notes and emails received from District employees thanking the Board for the time off granted for the holidays, and remarked about the goodness of the SSJID family.

Director Kamper shared that he visited former SSJID Board Director Bob Schulz over the holiday season. He commented that it was good to see him and that he would provide Mr. Schultz’s current address should anyone else wish to visit.

Director Holbrook expressed appreciation for the time off during the holiday season, as well as for the thank you messages received from SSJID employees for the time off granted by the Board. He wished all a good year in 2022.

Director Weststeyn wished all a happy new year.

Director Weststeyn reported that he attended the Tri-Dam groundbreaking ceremony of Tulloch Reservoir’s recreational area on December 15.

Director Holmes commented on a quiet and enjoyable holiday season, and that he is ready to get back to work.

Item #2 – Various Reports

The Managers’ Reports were provided in written form to the Board on January 10, 2022.

Director Holbrook addressed Mr. Killingsworth, and expressed appreciation of the format used in the Engineering Manager’s Report, specifically the lighter font identifying no project changes to report.

Director Spyksma addressed Mr. Lindley regarding status of changes to the SSJID Reserves Policy. Mr. Lindley responded that the edits are near completion and presentation for Board approval of the reserves policy is anticipated for the next regular board meeting.

**MINUTES FOR THE JANUARY 11, 2022
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

Director Spyksma inquired which board members are currently appointed to the SSJID Water Master Plan (WMP) Ad Hoc Committee, to which Director Holmes answered that he and Director Kamper are on the WMP committee.

Director Holmes addressed Mr. Lindley requesting clarification of the Assistant GM Report, dated January 11, 2022, Section “Other,” Item #5 regarding the PERS audit findings, to which Mr. Lindley responded that the topic will be further discussed in Closed Session.

Director Weststeyn addressed Mr. Frank Avila, SSJID Irrigation Operations Manager, regarding the Irrigation Operations Manager’s Report, dated January 11, 2022, Section - Water/Maintenance Departments, Bullet 6, and inquired on status of the Joint Supply Canal (JSC) following the recent rain events. Mr. Joe Hasten, SSJID Irrigation Services Supervisor, responded via the online Zoom meeting platform and reported that the rocks that came down along the JSC during the recent rain were small, wheel barrel-sized pieces allowing for easy clean-up.

Director Spyksma addressed Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, regarding the Water Resources Manager’s Report, dated January 11, 2022, Section – Sustainable Groundwater Management Act (SGMA), and inquired about the California Department of Water Resources’ (DWR) comments identifying deficiencies in the Eastern San Joaquin Groundwater Authority (ESJGWA) Groundwater Sustainability Plan (GSP). Mr. Nakagawa responded that DWR provided the ESJGWA with informal comments on the GSP, and that a meeting is scheduled with DWR to further elaborate on informal versus formal comments, and management actions that would be needed to bring the basin into sustainability.

Mr. Peter Rietkerk, SSJID General Manager, addressed the Board regarding the current Professional Services Agreement with Condor Earth Technologies, Inc. (Condor) for the 30% feasibility study of the Canyon Tunnel project. Mr. Rietkerk updated the Board on a recent staffing shift of the Condor tunnel team moving to Provost & Pritchard (P&P), which is a mutual business transaction between the two companies. He added that SSJID currently has a Master Services Agreement with P&P, as well. Mr. Rietkerk reiterated that the Condor team assigned to the SSJID Canyon Tunnel project is now transferred to P&P, and stated that both companies are requesting SSJID sign a mutual agreement of the transfer, signed by all parties. The update was provided for information purposes only and did not require board action.

Mr. Rietkerk reported on four (4) confirmed positive COVID cases of District employees, and seven (7) employees out for self-quarantine due to close-contact tracing. He added that SSJID has implemented and is following the State of California, and San Joaquin County (SJC) Public Health’s updated five (5) day quarantine guidelines. The District remains vigilant with its COVID-19 safety protocols of maintaining 6-foot distance, wearing facemasks in common areas, and sanitizing common areas.

Mr. Rietkerk reported on hydrology and discussed current precipitation, snow water content, and DWR’s projected inflow to the water shed.

Mr. Rietkerk noted FishBio registered over 6,000 salmon migrating through the fish-counting weir in the Stanislaus River from September – December 2021. The returns are the fifth highest in the 19-year history of operating the weir.

Mr. Rietkerk reported on Turlock Irrigation District’s (TID) recent request for SSJID to de-water the Woodward Reservoir outlet so that they can inspect and perform repairs to the hydroelectric power generation unit at the base of Woodward Reservoir. Accommodating TID’s request may involve moving the water to the upper intake, or bringing water in early. Discussion included consideration of maintenance at the Water Treatment Plant (WTP), non-interference of water supply operations, and for TID to complete their project before the start of the 2022 irrigation season.

**MINUTES FOR THE JANUARY 11, 2022
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

ACTION CALENDAR

Item #3 – Consider Adoption of Resolution 22-01-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953

MOTION: A motion was made by Director Holbrook and seconded by Director Spyksma to adopt Resolution 22-01-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION No. 22-01-Y**

**RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings; and

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so; and

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act’s teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act’s teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing; and

WHEREAS, the Board of Directors previously adopted Resolution No. 21-29-Y authorizing teleconferencing until January 14, 2022, and the conditions under which that Resolution was adopted remain unchanged.

NOW THEREFORE, the Board of Directors hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The Board of Directors (“Board”) of the South San Joaquin Irrigation District (“District”) finds, by a majority vote, the following:

**MINUTES FOR THE JANUARY 11, 2022
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

- a. That there exists a proclaimed state of emergency; and
 - b. State or local officials have imposed or recommended measures to promote social distancing.
3. District staff is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.
 4. Full participation by the public in meetings covered under the provisions of this Resolution is facilitated through the teleconferencing platform.
 5. This Resolution shall take effect **January 25, 2022** and shall remain in effect for thirty (30) days thereafter (until February 24, 2022), provided the conditions set forth in Section 2 remain.
 6. This Resolution repeals and replaces Resolution 21-29-Y.

PASSED AND ADOPTED by the Board of Directors of the South San Joaquin Irrigation District this 11th day of January 2022, by the following vote:

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

Item #4 – Discuss and Consider Approval of 2022 Hourly Rates for Matteoni, O’Laughlin and Hechtman

Ms. Mia Brown, SSJID General Counsel, distributed a handout detailing the increase of hourly rates for Matteoni, O’Laughlin & Hechtman. Ms. Brown explained that Peggy O’Laughlin and Gerry Houlihan, of Matteoni, O’Laughlin & Hechtman, serve as special counsel in SSJID’s eminent domain proceeding against Pacific Gas & Electric. She further explained that there have been no rate changes since 2015, the rates are in line with comparable attorney’s fees, and that the new hourly rates will increase to \$550 for Ms. O’Laughlin, and \$525 for Mr. Houlihan.

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to approve the 2022 hourly rates for Matteoni, O’Laughlin and Hechtman.

The motion passed 5 to 0 by the following vote:

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

Item #5 – Discuss and Approve Board Appointments to Outside Boards, Commissions, and Committees; and District Committees

Mr. Rietkerk addressed the Board and explained that new board appointments to outside boards, commissions, and committees; as well as District committees are typically assigned every January. The current board appointments were assigned in August 2021, when Director Sypksma was sworn in as Director of Division 2. Mr. Rietkerk stated that it was up to the Board’s discretion if appointments should be revised at this time. Following Board discussion, Director Holmes stated that the current appointments shall remain in effect.

**MINUTES FOR THE JANUARY 11, 2022
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

Upcoming meetings were announced including the ESJGWA Steering Committee meeting on January 12; the South San Joaquin Groundwater Sustainability Agency (ESJGSA) meeting on January 19; the SJC Advisory Water Commission (AWC) meeting on January 19; the Greater SJC Integrated Regional Water Management (IRWM) Project Oversight Committee meeting on January 19; and the Tri-Dam Board meeting on January 20.

Board appointments of Directors to outside boards, commissions, and committees; and to District committees; and appointment of Board officers and District officers are as follows:

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
Board of Directors Committee Appointments
January 11, 2022**

- 1) **TRI-DAM PROJECT & TRI-DAM POWER AUTHORITY:** Directors Holmes & Kamper (alternate Spyksma)
- 2) **BUDGET & FINANCIAL:** Directors Holmes & Spyksma
- 3) **INSURANCE & SAFETY:** Director Holbrook (alternate Director Weststeyn)
- 4) **PERSONNEL:** Directors Holbrook & Weststeyn (alternate Director Kamper)
- 5) **EQUIPMENT:** Directors Kamper & Holmes (alternate Director Spyksma)
- 6) **PUBLIC RELATIONS:** Directors Holbrook & Weststeyn
- 7) **COMMUNITY RELATIONS:**
 - Manteca - Directors Holbrook & Weststeyn
 - Ripon - Directors Kamper & Spyksma
 - Escalon - Directors Holmes & Kamper
 - SJ County Advisory Water Commission (County Appointment) – Director Holbrook (Alternate Director Weststeyn)
- 8) **OTHER ASSIGNMENTS:**
 - Domestic Water Issues - Directors Weststeyn & Spyksma
 - Agricultural Water Issues - Directors Holmes & Kamper
 - Water Master Plan Ad-Hoc Committee – Directors Kamper & Holmes
 - San Joaquin River Tributaries Authority - Director Weststeyn (Alternate Director Spyksma)
 - South San Joaquin Groundwater Sustainability Agency (SSJGSA) – Directors Holmes, Kamper & Weststeyn
 - Eastern San Joaquin Groundwater Authority (ESJGWA) – Director Holmes, Brandon Nakagawa
- 9) **TRADE COMMITTEE DELEGATES:**
 - ACWA JPIA – Directors Holbrook & Spyksma (Primary)
 - APPA – Directors Holbrook & Kamper
 - CSDA – Directors Holmes & Weststeyn
 - CMUA – Directors Holbrook & Holmes
- 10) **Appointment of BOARD OFFICERS for the following positions:**
 - a) President – Robert Holmes – effective January 12, 2021
 - b) Vice-President – Mike Weststeyn – effective January 12, 2021

**MINUTES FOR THE JANUARY 11, 2022
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

- 11) Appointment of DISTRICT OFFICERS as follows; effective January 12, 2021
- a) Secretary – General Manager Peter M. Rietkerk
 - b) Assistant Secretary – Bere Lindley
 - c) Treasurer – Bere Lindley
 - d) Assistant Treasurer – Sarah Bloom

It was announced that all items listed in the Closed Session agenda would be discussed. The Board took a brief recess at 9:56 a.m. and convened to Closed Session at 10:05 a.m.

Item #6 – CLOSED SESSION

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

*SAN JOAQUIN TRIBUTARIES AUTHORITY, et al., vs. CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
County of Sacramento Superior Court
Case No. JCCP 5013*

*SAN JOAQUIN TRIBUTARIES AUTHORITY vs. CALIFORNIA STATE WATER
RESOURCES CONTROL BOARD (2021 Curtailment Case)
County of Fresno Superior Court
Case No. 21CDCG02632*

*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*

**MINUTES FOR THE JANUARY 11, 2022
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

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

Jana Lynn Woodbridge Apartments, LLC vs. South San Joaquin Irrigation District
San Joaquin County Superior Court
STK-CV-UPI-2021-0002339

Dave Hegarty vs. SSJID et al.
San Joaquin County Superior Court
STK-CU-UF-2021-0002552

d. Conference with Real Property Negotiator
California Government Code Section 54656.8

- i. Property: Water
 Negotiating Parties: Oakdale Irrigation District, Chicken Ranch Rancheria Band of Me-Wuk Indians, Other Potential Parties Unknown
 District Negotiator: General Manager
 Terms: Price and terms of payment of sale

- ii. Property: Woodward Reservoir
 Negotiating Parties: Stanislaus County
 District Negotiator: General Manager
 Under Negotiation: Grant of License

e. Labor Negotiations
California Government Code Section 54957.6
Agency Negotiator: General Manager
Employee Organization: IBEW Local 1245

RETURN TO OPEN SESSION

The Board reconvened to Open Session at 12:19 p.m.

Item #7 – 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 #8 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 12:20 p.m.

ATTEST:

Danielle Barney, Clerk of the Board