

**MINUTES FOR THE JANUARY 12, 2021  
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  
ABSENT:               NONE

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 HEARING**

Public Hearing to consider increase in Division 9 Project pressurized water service charge as fully described in the 45-day Proposition 218 Hearing Notice to customers which was mailed on or about November 25, 2020.

- a) Opening of Public Hearing – Announced by Director Kamper at 9:00 a.m.
- b) Remarks of the President and District Counsel – Director Kamper read aloud:
  - 1. Division 9 Project Pressurized Water Service Charges:
    - i. Existing charge at \$47 per acre-foot (AF); \$37 per AF for electricity cost recapture; and \$10 per AF for capital asset replacement provision.
    - ii. Proposed charge at \$50 per AF; \$38 per AF for electricity cost recapture and \$12 per AF for capital improvements and replacements provision.
  - 2. Annual Increase for Inflation:
    - i. The District is proposing to adjust the electricity cost recapture portion of the Division 9 Project Pressurized Water Service Charge on an annual basis in January based on actual electricity costs incurred by the Division 9 Project in the previous year. This is in alignment with the inflationary index that was in place for the years 2017-2020.
    - ii. The District is proposing to adjust the provision for capital improvements and replacements portion of the Division 9 Project Pressurized Water Service Charge on an annual basis in January according to changes in the California Consumer Price Index, US City average, All Urban Consumers (1982-84=100), as published by the US Bureau of Labor Statistics for the one year period ending with the preceding December.
  - 3. No Increase in Other Water Charges:
    - The District is not proposing to increase the Flat Rate Charge or the Volumetric Charge at this time.
- c) Adoption of Time Limits and other Rules for Conduct of Public Hearing – Ms. Mia Brown, SSJID General Counsel, explained the rules of conduct for a public hearing, and clarified that any public comments received during the public hearing do not constitute a protest. Customers in the Division 9 service area have received instructions for submitting a written protest to oppose

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the proposed rate increases. It was announced that no protests have been received yet, though the submittal deadline is at the conclusion of the public hearing.

- d) Presentation of Staff Report Regarding Proposed Increase in Division 9 Project Pressurized Water Service Charge – Ms. Sarah Bloom, SSJID Management Accountant, addressed the Board and provided an explanation of the protest process; a recap of the Proposition 218 public hearing process; a summary of customer outreach in August, September and November of 2020; and a comparison of the existing and proposed charges. The proposed rate increases could produce an additional \$170,000 in revenue over the next five (5) years, assuming an increase of 3% annually in the capital replacement and improvement charge, and an annual increase of 2% in operating expenses and the electricity part of the Division 9 rate. Collected revenue from the capital provision will be deposited to the Division 9 Capital Reserve, the use of which is restricted to Division 9 capital asset replacements and improvements. As of November 30, 2020, the reserve balance is \$348,209.
- e) Questions of Staff and Board – Director Weststeyn asked, if the capital reserves are depleted or insufficient, will the District cover costs for any more capital asset replacements and improvements? Ms. Bloom responded affirmatively, adding that if the Division 9 fund is depleted, customers will not be billed for additional money required for capital assets, and SSJID will supply the required subsidy.
- f) Public Comment – None
- g) Closing Staff Comments – None
- h) Final Call for Submittal of Written Protests – Mr. Bere Lindley, SSJID Assistant General Manager, exited the public hearing to physically collect any and all written protests submitted.
- i) Close of Public Hearing – Ms. Brown announced the close of the public hearing.
- j) Protest Count and Public Announcements of Protest Count Results – Ms. Brown confirmed that no written protests have been received for the proposed increase in Division 9 Project pressurized water service charges.

**PUBLIC COMMENT**

Mr. Mohammad El Farra, Nur Al-Huda Academy, addressed the Board via the online Zoom meeting platform and expressed well wishes to all in 2021, and gratitude for the Board’s patience with the ongoing Nur Al-Huda Academy project. He provided history of the project, a summary of the project scope, status of the project, and a review of the original project costs including the District’s reimbursement of \$30 per lineal foot for the portion of pipeline replaced by the project. Mr. El Farra explained financial hardship due to COVID-19 and asked the Board to consider: 1) Increasing the District’s reimbursement of new pipe to \$40 or \$45 per lineal foot; and 2) Waiving the requirement to fill 500-feet of abandoned pipeline with concrete slurry due to the good condition of the pipe, as expressed by the project contractor. Director Kamper thanked Mr. El Farra for his comments and stated the Board is not permitted to respond or act at this time. Director Kamper suggested follow-up

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communication between Mr. Forrest Killingsworth, SSJID Engineering Department Manager, and Mr. El Farra to address the issues presented.

Mr. Chris Whittenberg, SSJID Instrument Control Technician, addressed the Board via the online Zoom meeting platform. He wished all a Happy New Year and expressed thanks for the employee time-off granted during the Christmas holiday, as well as the extended 5-days granted following the Christmas break to prevent the potential spread of coronavirus following holiday gatherings. Mr. Whittenberg noted some policies established in the SSJID COVID-19 Action Plan, dated November 6, 2020, and expressed concern of some employees working remotely from home and asserted that this places added burden on employees who remain working on-site. He also commented that the protocol regarding a mandatory 10-day sick leave for an employee who has tested positive for COVID-19 or has met the criteria for close-contact tracing, based on state regulation and local public health orders, may be unreasonable in some circumstances. Mr. Whittenberg cited confusion over the use of COVID-19 leave under these circumstances, and is requesting the District re-engage communication with the union to address these issues.

**ACTION CALENDAR**

**Item #1 – Discuss and Consider Increase to Charge for Pressurized Water Service from Division 9 Pressurized Pipeline Project; and Consider Adoption of Resolution 21-01-B Raising Pressurized Irrigation Service Fee**

**MOTION:** A motion was made by Director Roos and seconded by Director Weststeyn to adopt Resolution 21-01-B Raising Pressurized Irrigation Service Charge.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION 21-01-B**

**RAISING PRESSURIZED IRRIGATION SERVICE CHARGE**

**WHEREAS**, Irrigation District law provides authority for the South San Joaquin Irrigation District, (“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 operates a pressurized irrigation system that provides pressurized irrigation service to a portion of its customers (Division 9 Irrigation System Improvement Project), comprising 112 parcels of land which total approximately 2,953 acres; and

**WHEREAS**, the District currently charges a pressurized irrigation service charge (“Pressurization Charge”) of \$47 per acre-foot; and

**WHEREAS**, revenues from the Pressurization Charge have never recovered the District’s costs to provide pressurized irrigation service; and

**WHEREAS**, at its November 17, 2020 meeting, the Board of Directors approved the initiation of the legal process pursuant to Proposition 218 and Government Code section 53755 to increase the Pressurization Charge as follows:

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- 1) Setting the proposed Pressurization Charge of \$50 per acre-foot, consisting of (a) \$38 per acre-foot for recovery of electricity expense (“Electricity Cost Recapture”), and (b) \$12 per acre-foot for the improvement or replacement of capital assets (“Provision for Capital Assets”); and
- 2) Allowing the Electricity Cost Recapture and Provision for Capital Assets components of the rate to be adjusted by the Board of Directors for inflation or deflation on an annual basis in accordance with the provisions of Proposition 218 and Government Code section 53756 for each of 2022, 2023, 2024 and 2025. The annual inflation or deflation index applicable to the Electricity Cost Recapture would be the change in the cost of electricity, on a per acre-foot basis, experienced by the pressurized water system in the preceding calendar year. The annual inflation or deflation index applicable to the Provision for Capital Assets would be the change in the California Consumer Price Index during the preceding calendar year; and
- 3) Scheduling a public hearing for the Board meeting scheduled for Tuesday, January 12, 2021 to consider public protests and comments on the proposed Pressurization Charge and inflation adjustments; and

**WHEREAS**, the District has identified the owners of 112 separate parcels of real property within the District’s boundaries that would be subject to the proposed increase in the Pressurization Charge, including the inflation adjustments; and

**WHEREAS**, as directed by the Board of Directors, and in accordance with the provisions of Proposition 218, a Notice of Public Hearing (“Notices”) was mailed to each identified property owner subject to the Pressurization Charge at the address to which the District customarily mails the billing statement for the Pressurization Charge, and to the record owner's address shown on the last equalized assessment roll, if that address was different than the billing address; and

**WHEREAS**, the Notices were mailed on November 25, 2020, at least 45 days before the scheduled public hearing; and

**WHEREAS**, the Notices included the date, time, and location of the public hearing, instructions on how to protest, a map of the impacted service area, and a cost of service analysis; and

**WHEREAS**, the Notices described the increase in the Pressurization Charge including the inflation adjustments proposed for adoption after the January 12, 2021 public hearing, the basis upon which the proposed increase in the Pressurization Charge including the inflation adjustments was calculated, and the reason for the increase in the Pressurization Charge including the inflation adjustments; and

**WHEREAS**, the basis for the Pressurization Charge is to recover a portion of the cost to operate and maintain the pressurized water system and the basis for the increase to the Pressurization Charge is that revenues from the current fee do not recover the costs of operating the pressurized water system including the future replacement and improvement of the pressurized water system’s capital assets; and

**WHEREAS**, on January 12, 2021, the District held a duly noticed public hearing on the proposed increase in the Pressurization Charge including the inflation adjustments; and

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**WHEREAS**, the Board of Directors has considered all protests against adoption of the proposed increase in the Pressurization Charge including the inflation adjustments; and

**WHEREAS**, the Board finds that zero (0) written protests from the owners of zero (0) parcels of property have been delivered to the District as required by the Notice, which is less than a majority of the owners of the 112 parcels of property subject to the Pressurization Charge.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that the Board of Directors of the SOUTH SAN JOAQUIN IRRIGATION DISTRICT hereby takes the following actions:

- 1) Makes the findings set forth above, each of which is found to be true.
- 2) Increases the Pressurization Charge effective in 2021 to a rate of \$50 per acre-foot consisting of (a) \$38 per acre-foot Electricity Cost Recapture, and (b) \$12 per acre-foot Provision for Capital Assets. The Electricity Cost Recapture and Provision for Capital Assets components of the rate may be adjusted by the Board of Directors for inflation or deflation on an annual basis in accordance with the provisions of Proposition 218 and Government Code section 53756 for each of 2022, 2023, 2024 and 2025. The annual inflation or deflation index applicable to the Electricity Cost Recapture is the change in the cost of electricity, on a per acre-foot basis, experienced by the pressurized water system in the preceding calendar year. The annual inflation or deflation index applicable to the Provision for Capital Assets is the change in the California Consumer Price Index as published by the California Division of Industrial Relations for the preceding calendar year.
- 3) Further finds as follows:
  - a. Revenues derived from the Pressurization Charge will not exceed the cost to provide pressurized irrigation service.
  - b. Revenues derived from the Pressurization Charge will not be used for any purpose other than meeting the costs of providing pressurized irrigation service.
  - c. The amount of the Pressurization Charge, including the inflation adjustments, imposed upon any parcel or person as an incident of property ownership, will not exceed the proportional cost of pressurized irrigation service attributable to the parcel.
  - d. The Pressurization Charge will not be imposed for irrigation service unless that service is actually used by the particular parcel.
  - e. Determines that this action is exempt from California Environmental Quality Act (“CEQA”) pursuant to Section 15273 of the CEQA Guidelines, which exempts the establishment, modification, restructuring, or approval of rates, tolls, fares, or other charges by public agencies for the purpose of meeting operating expenses and obtaining funds for capital projects necessary to maintain service within existing service areas.
- 4) This Resolution shall take effect immediately upon its adoption on January 12, 2021.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of January 2021 by the following vote:

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

**Item #2 – Consider Adoption of Resolution 21-02-B Certifying 2021 Charges for Services Furnished by the South San Joaquin Irrigation District**

**MOTION:** A motion was made by Director Holmes and seconded by Director Holbrook to adopt Resolution 21-02-B Certifying 2021 Charges for Services Furnished by the South San Joaquin Irrigation District.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION 21-02-B**

**CERTIFYING 2021 CHARGES FOR SERVICES  
FURNISHED BY THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
JANUARY 12, 2021**

**WHEREAS**, Irrigation District law provides authority for the South San Joaquin Irrigation District, (“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 a flat rate charge (“Flat Rate Charge”) of \$24.00 per acre per year for water service to each parcel in the District on which District-supplied water is available for irrigation, with a minimum charge of \$50 per year; and

**WHEREAS**, the District currently charges a groundwater recharge charge (“Ground Water Recharge Charge”) of \$12.00 per acre per year to each parcel in the District of 10 acres or more which is subject to a recorded Irrigation Service Abandonment Agreement, and on which crops are commercially grown; and

**WHEREAS**, on July 31, 2012, in conformance with the procedural requirements of Proposition 218, the District approved an additional volumetric charge of \$3 per acre-foot (“First Tier Volumetric Charge”), and on September 22, 2015 limited the First Tier Volumetric Charge to the first 48 inches of water used per year, and approved an additional volumetric charge of \$10 per acre-foot for water used in excess of 48 inches per year starting in 2016 (“Second Tier Volumetric Charge”); and

**WHEREAS**, on January 12, 2021, in conformance with the procedural requirements of Proposition 218, the District approved a pressurized water charge (“Pressurization Charge”) for customers served with pressurized water from the District’s Division 9 Irrigation System Improvement Project set at \$50 per acre-foot consisting of (a) \$38 per acre-foot for recovery of electricity expense (“Electricity Cost Recapture”), subject to an annual inflation or deflation adjustment, and (b) \$12 per acre-foot for the improvement or replacement of capital assets (“Provision for Capital Assets”), also subject to an annual inflation or deflation adjustment. The Pressurization Charge of \$50 is effective for the 2021 season and may be adjusted by the Board of Directors for inflation or deflation in accordance with the provisions of Proposition 218 and Government Code section 53756 for each of 2022, 2023, 2024 and 2025. The annual

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inflation or deflation index applicable to the Electricity Cost Recapture is the change in the cost of electricity, on a per acre-foot basis, experienced by the pressurized water system in the preceding year. The annual inflation or deflation index applicable to the Provision for Capital Assets is based on the California Consumer Price Index as published by the California Division of Industrial Relations for the preceding calendar year; and

**WHEREAS**, Notice of the changes in the Electricity Cost Recapture and Provision for Capital Assets caused by application of the inflation or deflation indexes shall be given by mail to each customer subject to the Pressurization Charge at the address to which the District customarily mails the billing statement for the Pressurization Charge, and to the record owner's address shown on the last equalized assessment roll, if that address is different than the billing address; and

**WHEREAS**, the District declares the following with respect to the Flat Rate Charge, Ground Water Recharge Charge, First and Second Tier Volumetric Charges, and Pressurization Charge:

- 1) The revenues derived from the aforementioned charges do not exceed the costs of providing the subject properties with the respective service(s); and
- 2) The revenues derived from the charges will not be used for any purpose other than that for which the charges are imposed; and
- 3) The amount of a charge imposed shall not exceed the proportional cost of the service(s) attributable to the subject property.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that pursuant to Sections 22280 and 22283 of the Water Code, the Flat Rate Charge, Ground Water Recharge Charge, First and Second Tier Volumetric Charges, and Pressurization Charge shall remain in effect at their current levels for the 2021 calendar year as follows and subject to the following rules:

**RULE NO. 1: FLAT RATE CHARGE**

- a) For each separate parcel, as shown on the District records of San Joaquin County Assessor's Parcel Maps, which is not the subject of an Irrigation Service Abandonment Agreement with the District, there shall continue to be a charge for the use of District water, an annual Flat Rate Charge of \$24.00 per acre.
- b) The minimum amount for the Flat Rate Charge shall continue to be \$50.00. The Flat Rate Charge is due on receipt and payable in two installments.
- c) For parcels billed by the District, the first installment is delinquent if not paid by 4:30 p.m. on December 20, 2020 and the second is delinquent if not paid by 4:30 p.m. on June 20, 2021.
- d) For parcels billed by San Joaquin County, the first installment of such charges will be delinquent if not paid by the customer to the County by December 10, 2020 and the second installment of such charges will be delinquent if not paid by the customer to the County by April 10, 2021.

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- e) For parcels billed by the District, water service will be denied to any land having outstanding Flat Rate Charges in excess of ten (10) working days.

**RULE NO. 2: FIRST and SECOND TIER VOLUMETRIC CHARGES**

- a) There shall continue to be a First Tier Volumetric charge of \$3 per acre-foot for the first 48 inches and a Second Tier Volumetric charge of \$10 per acre-foot for water used in excess of 48 inches.
- b) Water service will be denied to parcels having outstanding volumetric charges in excess of \$10 for 45 days or longer.

**RULE NO. 3: PRESSURIZATION CHARGE**

- a) The pressurization charge and the annual adjustment feature is described as follows:  
On January 12, 2021, the District imposed a Pressurization Charge for customers served with pressurized water from the District's Division 9 Irrigation System Improvement Project set at \$50 per acre-foot consisting of (a) \$38 per acre-foot for Electricity Cost Recapture, subject to an annual inflation or deflation adjustment, and (b) \$12 per acre-foot for Provision for Capital Assets, also subject to an annual inflation or deflation adjustment. The Pressurization Charge of \$50 is effective for the 2021 season and may be adjusted by the Board of Directors for inflation or deflation in accordance with the provisions of Proposition 218 and Government Code section 53756 for each of 2022, 2023, 2024 and 2025. The annual inflation or deflation index applicable to the Electricity Cost Recapture is the change in the cost of electricity, on a per acre-foot basis, experienced by the pressurized water system in the preceding year. The annual inflation or deflation index applicable to the Provision for Capital Assets is the change in the California Consumer Price Index as published by the California Division of Industrial Relations for the preceding calendar year. Notice of the changes in the Electricity Cost Recapture and Provision for Capital Assets caused by application of the inflation or deflation indexes shall be given by mail to each customer subject to the Pressurization Charge at the address to which the District customarily mails the billing statement for the Pressurization Charge, and to the record owner's address shown on the last equalized assessment roll, if that address is different than the billing address.
- b) Parcels receiving pressurized water from the District's Division 9 Irrigation System Improvement Project, shall, in addition to the Flat Rate Charge described in Rule No. 1, and the First and Second Tier Volumetric Charges described in Rule No. 2, pay a Pressurized Charge of \$50 per acre-foot during 2021.
- c) Parcels receiving pressurized water from the District's Division 9 Irrigation System Improvement Project will be billed each month of the irrigation season both for delivery of District-supplied water under Rule No. 2 and for pressurization of such water under this Rule No. 3.
- d) Water service will be denied to parcels having outstanding Pressurization Charges in excess of ten (10) working days.



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**RULE NO. 4: GROUNDWATER RECHARGE CHARGE**

- a) For those separate parcels, as shown on the District records of San Joaquin County Assessor's Parcels, which are used to grow commercial crops and which are the subject of an approved District Irrigation Service Abandonment Agreement, there shall continue to be an annual Ground Water Recharge Charge of \$12.00 per acre for the benefits derived from groundwater recharge.
- b) The Groundwater Recharge Charge is due on receipt and payable in two installments.
- c) For parcels billed by the District, the first installment is delinquent if not paid by 4:30 p.m. on December 20, 2020 and the second is delinquent if not paid by 4:30 p.m. on June 20, 2021.
- d) For parcels billed by San Joaquin County, the first installment of such charges will be delinquent if not paid by the customer to the County by December 10, 2020 and the second installment of such charges will be delinquent if not paid by the customer to the County by April 10, 2021.

**RULE NO. 5: SERVICE ABANDONMENT**

- a) Those separate parcels, as shown on the District records of San Joaquin County Assessor's Parcels, which do not utilize District water service may be exempted from the District Flat Rate Charge provided the owners of such lands enter into an "Irrigation Service Abandonment Agreement" with the District, and
- b) Provided further, there are no outstanding amounts owed to District for water service on such lands.
- c) Such parcels may also be exempted from the Ground Water Recharge Charge, provided such parcels are less than 10 acres or are not used to grow commercial crops.

**RULE NO. 6: COLLECTION**

- a) The Board authorizes the charges to be billed and collected by the District and to deny water service to parcels having outstanding charges that exceed the thresholds established in the Rules above.
- b) The Board authorizes the charges resulting from the Flat Rate Charge and Groundwater Recharge Charge to be transmitted to the County Auditor-Controller and continue to be enrolled on the tax roll of the County of San Joaquin for collection at the same time, in the same manner, and subject to the same penalties for delinquency as county taxes.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of January 2021 by the following vote:

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

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**Item #3 – Election of Officers and Recognition of Outgoing Board President Kamper**

Director Kamper opened the election for SSJID Board President, SSJID Board Vice-President, and SSJID Officers. Director Holbrook nominated Director Robert Holmes for SSJID Board President; Director Roos seconded the nomination. Director Roos nominated Director Mike Weststeyn for SSJID Board Vice-President; Director Holbrook seconded the nomination. The election results for SSJID Officers are as follows: SSJID Board Secretary – Mr. Peter Rietkerk, SSJID General Manager; SSJID Board Assistant Secretary – Mr. Lindley; SSJID Assessor, Treasurer, and Collector – Mr. Lindley; and SSJID Assistant Treasurer – Ms. Bloom. Director Roos opined on the historic Board Member rotation in the election process. Discussion included whether there is a need to continue the SSJID Assessor and Collector offices, to which Director Kamper replied that the question should be postponed until we gather sufficient information to decide.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Kamper to elect Director Robert Holmes as SSJID Board President; Director Mike Weststeyn as SSJID Board Vice-President; Mr. Peter Rietkerk as SSJID Board Secretary; Mr. Bere Lindley as SSJID Board Assistant Secretary; Mr. Bere Lindley as SSJID Assessor, Treasurer, and Collector; and Ms. Sarah Bloom as SSJID Assistant Treasurer.

The motion passed 5 to 0 by the following vote:

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

Director Holmes thanked all for the appointment to SSJID Board President. He presented outgoing Board President Kamper with a commemorative plaque and acknowledged Director Kamper on his service and commitment during his 2-year presidency.

**CONSENT CALENDAR**

- A. Approval of Checks in the amount of \$706,333.08; Accounts Payable Wires in the amount of \$833,918.64; and Payroll dated December 18, 2020 in the amount of \$241,109.85, and December 31, 2020 in the amount of \$259,080.31.
- B. Approval of the Regular Board Meeting Minutes of December 15, 2020

Director Holbrook requested a revision be made to page 2, Communications, paragraph 3:

- “Director and Mrs. Weststeyn attended the annual Tri-Dam Project Board of Directors lunch on December 3.” *Revised from reading Director Weststeyn attended....*

Director Holbrook noted a correction be made to page 7, Item #7, paragraph 2:

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- “...reviewed by the Board Governance Ad Hoc Committee, which included Director Holbrook and Director Weststeyn.” *Corrected from reading... ”which included Director Holmes and Director Weststeyn.”*

Director Holbrook noted an inquiry made on page 8, Item #8, paragraph 2 and questioned if the invoice payable to the Eastern San Joaquin Groundwater Authority (ESJGWA), in the amount of \$16,000 for the 2021 membership dues to the ESJGWA, had been paid to which Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, responded affirmative.

- C. Consider Approval to Accept and File Notice of Completion for Carollo Engineers, Inc., for the 2020 Recycle Treatment Study

Director Weststeyn addressed Mr. Charles Galea, Chief Plant Operator, requesting a summary of the project costs incurred for a total of \$48,762.00. Mr. Galea responded via the online Zoom meeting platform that he will forward the project study results to the Board.

- D. Consider Approval of the 2021 Employee Pay Schedule
- E. Consider Approval of Consent to South San Joaquin Irrigation District’s Entry of Property to Read and to Maintain Flow Meter, APN 228-080-06
- F. Consider Approval of Consent to South San Joaquin Irrigation District’s Entry of Property to Read and to Maintain Flow Meter, APN 247-230-09
- G. Consider Approval of the Biennial Update of the South San Joaquin Irrigation District Conflict of Interest Code
- H. November 2020 Financial Statements
- I. November 2020 Investment Report

**MOTION:** A motion was made by Director Weststeyn and seconded by Director Holbrook 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 #4 – Directors’ Reports**

Director Holbrook announced the Greater San Joaquin County Integrated Regional Water Management Coordinating Committee meeting on January 20.

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Director Holbrook commented that there has not been a meeting update announced for the San Joaquin County Advisory Water Commission meeting scheduled for January 20.

Director Holbrook congratulated Director Kamper on his two (2) years as SSJID Board President for 2019-2020, and Director Holmes on his appointment to SSJID Board President for 2021-2022.

Director Holbrook thanked Mr. Lindley and Ms. Bloom for their efforts and coordination of the Proposition 218 process for the public hearing of the proposed increase in Division 9 Project pressurized water service charges. He also thanked Mr. Killingsworth on his exemplary work and for keeping the Board abreast of developments and status of SSJID projects and/or engineering issues.

Director Weststeyn expressed thanks to all SSJID employees who continue to work through COVID-19 and provide unfaltering service to District customers.

Director Kamper thanked all for their support of his Board presidency during the last two years. He stated he may be absent for the SSJID Board meeting on January 26 due to a summons for jury duty.

Director Roos inquired on status of any employee COVID-related cases in the workplace. Mr. Rietkerk responded that outlook is good following the additional week off granted to employees to prevent the spread of coronavirus following holiday gatherings. He added that there are two (2) employees currently out on COVID-related leave, but not due to a work-related exposure. In addition, staff is revising policies in the SSJID COVID-19 Action Plan to meet local health order requirements, as well as finalizing a State of California Department of Industrial Relations (Cal/OSHA) required SSJID COVID-19 Prevention Program (CPP).

Director Holmes announced the SSJGWA Board meeting on January 13.

Director Holmes announced the South San Joaquin Groundwater Sustainability Agency (SSJGSA) meeting on January 20.

Director Holmes announced the Tri-Dam Project Board meeting on January 21.

**Item #5 – 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 January 11, 2021.***

Director Weststeyn inquired on the status of the SSJID/Modesto Irrigation District Pipeline Resurfacing project. Mr. Killingsworth responded that there is heavy interest in the project though it has yet to commence. Once a start date has been scheduled, Mr. Killingsworth will notify the Board.

Director Holbrook addressed Mr. Killingsworth and requested a brief recap of recent activity at Goodwin Dam for the Canyon Tunnel Project. Mr. Killingsworth replied that, on December 17, 2020, SSJID staff worked with a hired helicopter pilot to transport and secure a platform and exploration drill, across the Stanislaus River, for the Canyon Tunnel Project. He commended the SSJID team on a job well done which was executed smoothly and without incident, and added that the construction and rigging of the platform were performed with in-house staff. Results of the drilling will provide vital information for

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the tunnel designs. In addition, Mr. Killingsworth has been collaborating with a videographer to memorialize the construction of the project, and a teaser video to introduce the project is soon to be released. Director Holbrook commented that WTP staff have expressed interest in the project and their involvement should be considered in future activities. Mr. Walt Luihn, SSJID Environmental Compliance and Safety Officer, opined via the online Zoom meeting platform that the project progressed with no issues encountered and credited SSJID's top safety program.

Director Holmes addressed Mr. Ed Erisman, WTP Manager, regarding status of the roof modification project at the Tracy Booster Plant. Mr. Erisman responded via the online Zoom meeting platform that the permit issues with the City of Lathrop are ongoing. He stated that the permit application has been sent to a third party to review and consider issues regarding occupancy limits and skylight efficiency standards, though the District has specified the structure is for commercial use. Staff is awaiting a response.

Mr. Rietkerk updated the Board on current hydrology conditions and stated it has been a dry season to date with low inflows projected into New Melones. Mr. Nakagawa is researching District actions taken during the 2015 drought season to plan potential conservation protocols.

Mr. Rietkerk expressed condolences on the recent passing of Mr. Steve Bayley, former Public Works Director for the City of Tracy, and Tracy representative to the Water Treatment Plant Operating Committee. He added that Mr. Bayley played an integral part, alongside Mr. Lindley, in revising the current Water Supply Development and Operating Agreement between SSJID and the cities of Escalon, Lathrop, Manteca and Tracy.

Mr. Rietkerk met with Mr. Cuyler Ruskin, Media 66, Inc., on January 8, regarding the initial phase of video documentation of the Canyon Tunnel Project. He added that the videotaping is going well and the final product can be utilized on the District's social media platforms.

**ACTION CALENDAR**

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

Upon Director Holmes' review of the proposed Board appointments, and following Board consensus, the Board appointments to District committees; and outside boards, commissions, and committees are as follows:

SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
Board of Directors Committee Proposed Appointments  
January 12, 2021

- 1) TRI-DAM PROJECT & TRI-DAM POWER AUTHORITY: Directors Roos & Kamper (alternate Holmes)
- 2) BUDGET & FINANCIAL: Directors Holmes & Roos
- 3) INSURANCE & SAFETY: Director Holbrook (alternate Weststeyn)

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- 4) PERSONNEL: Directors Holbrook & Weststeyn (alternate Kamper)
- 5) EQUIPMENT: Directors Kamper & Holmes (alternate Roos)
- 6) PUBLIC RELATIONS: Directors Holbrook & Weststeyn
- 7) COMMUNITY RELATIONS:
  - Manteca - Directors Holbrook & Weststeyn
  - Ripon - Directors Kamper & Roos
  - Escalon - Directors Holmes & Kamper
  - SJ County Advisory Water Commission (County Appointment) – Director Holbrook (alternate Weststeyn)
- 8) OTHER ASSIGNMENTS:
  - Domestic Water Issues - Directors Weststeyn & Roos
  - Agricultural Water Issues - Directors Holmes & Kamper
  - Water Master Plan Ad-Hoc Committee – Directors Kamper & Holmes
  - San Joaquin River Tributaries Authority - Director Roos (alternate Weststeyn)
  - Eastern San Joaquin Groundwater Basin Authority (GBA) (*Currently Inactive*) – Director Weststeyn (alternate Directors Holmes & Roos)
  - 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 – Holbrook & Roos
  - APPA – Holbrook & Kamper
  - CSDA – Holmes & Weststeyn
  - CMUA – 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
- 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

Mr. Rietkerk responded to a question regarding the Board Governance Ad-Hoc Committee. Mr. Rietkerk stated that the purpose of the ad-hoc committee had been fulfilled, and that should the Board decide to form a permanent Board Governance Committee in the future, it will require Board action.

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**Item #7 – Coronavirus (COVID-19) Update**

Mr. Rietkerk stated that the District is updating the SSJID COVID-19 policies and guidance per local health order revisions and is developing a SSJID COVID-19 Prevention Program per Cal/OSHA requirements. Documents have been shared with IBEW and no issues or concerns were brought to light. On January 13, Mr. Nakagawa will be conducting a training session for managers, supervisors, and others with compliance responsibilities and will introduce the CPP and modifications regarding District policy and contact tracing. Discussion included the limitations of the COVID-19 PCR test vs. the rapid test to which Mr. Nakagawa stated that San Joaquin County prefers the PCR test and that local and state guidelines revolve around PCR testing. Additional discussion included the vaccination timeline for essential employees, vaccination logistics, and general vaccination information.

*The following agenda item was discussed/considered after Closed Session Items 9 (a)-(e).*

**Item #8 – Discussion and Consideration of Claim Presented by David Hegerty**

Mr. Dustin Dyer, Esq., legal representative for Mr. David Hegerty, addressed the Board via the online Zoom meeting platform and recited his client’s recollected timeline of events supporting the claim and alleging the District’s repeated negligent and unsafe entry to his property. The claimant is requesting reimbursement of legal and engineering fees expended in researching easement(s) upon his property, in the amount of \$23,625.00. Director Holmes thanked Mr. Dyer for his comments. Director Holbrook thanked Mr. Dyer for his letters supporting the claim as the Board was well-versed in the issues at hand.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Kamper to deny the claim presented by Mr. David Hegerty for the amount of \$23,625.00.

The motion passed 5 to 0 by the following vote:

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

Ms. Brown stated that a written rejection of claim notice will be provided to the claimant.

*It was announced that all items in closed session would be discussed. The Board took a break at 10:35 a.m. and convened to closed session at 10:45 a.m.*

**Item #9 – CLOSED SESSION**

9. 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

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- 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

*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

*IBEW Local 1245 v. SSJID*

Case No. SA-CE-1122-M



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- d. Conference with Real Property Negotiator  
California Government Code Section 54656.8  
Property: Water  
Negotiating Parties: San Luis and Delta Mendota Water Authority, other potential parties unknown  
District Negotiator: General Manager  
Terms: Price and terms of payment of sale
  
- e. Public Employee Discipline/Dismissal/Release  
California Government Code Section 54954.5(e)

*The Board reconvened to open session at 12:35 p.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 #10 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 12:40 p.m.

**ATTEST:**

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