

**MINUTES FOR THE FEBRUARY 9, 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 Holmes called the meeting to order and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS:           HOLBROOK HOLMES KAMPER WESTSTEYN  
ABSENT:               ROOS

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 \$200,664.43; Accounts Payable Wires in the amount of \$288,798.34; and Payroll dated January 25, 2021 in the amount of \$189.65, January 29, 2021 in the amount of \$234,804.45, January 29, 2021 in the amount of \$4,910.72, and February 3, 2021 in the amount of \$1,607.04
- B. Approval of the Regular Board Meeting Minutes of January 26, 2021
- C. Consider Approval to Accept and File Notice of Completion for the Van Groningen Reservoir Bank Rehabilitation Project
- D. Consider Approval of Consent to South San Joaquin Irrigation District’s Entry of Property to Read and to Maintain Flow Meter, APN 249-110-53
- E. Consider Approval of Master Encroachment Agreement with Comcast Cable Communications, Inc.

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

The motion passed 4 to 0 by the following vote:

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

**COMMUNICATIONS**

**Item #1 – Directors’ Reports**

Director Holbrook announced the cancellation of the Greater San Joaquin County (SJC) Integrated Regional Water Management (IRWM) Coordinating Committee meeting on February 17. As the Greater SJC IRWM Coordinating Committee Chairman, Director Holbrook stated that the committee is awaiting adoption from

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the other member agencies' respective boards and/or councils of the Eastern San Joaquin IRWM Plan 2020 Addendum.

Director Holbrook announced the San Joaquin County Advisory Water Commission meeting on February 17.

Director Kamper reported that he received a call from the District's auditor, Brown Armstrong Accountancy Corporation, in accordance with the auditor's random security checks.

Director Holmes announced the Eastern San Joaquin Groundwater Authority Steering Committee meeting on February 10.

**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 February 8, 2021.*

Director Holmes addressed Mr. Ed Erisman, Water Treatment Plant (WTP) Manager, regarding the permit status for the roof modifications at the Tracy Booster Plant. Mr. Erisman responded, via the online Zoom meeting platform, that the permit has been approved by the City of Lathrop. He added that the upcoming rain event this week may further delay the start of the project.

Director Holbrook questioned Mr. Bere Lindley, SSJID Assistant General Manager, regarding the \$69,000 available for Special District Risk Management Authority (SDRMA) insurance premium credits. Mr. Lindley responded that SDRMA insurance premium credits are available for SSJID's Property and Liability insurance as well as Worker's Compensation insurance. Some of the credits are contingent on up to two (2) board members participating in SDRMA workshops. He added that a portion of the \$69,000 is only available to "special districts of distinction" for being awarded the Special District Leadership Foundation's District Transparency Certificate of Excellence. Mr. Lindley will provide the Directors with ample notice of any upcoming SDRMA workshops.

Director Weststeyn addressed Mr. Lindley regarding status on the delayed launch of the new SSJID website. Mr. Lindley stated that upon internal review of the website, many errors were identified by staff and that a list of revisions has been submitted to the vendor. Upon inquiry, Mr. Rietkerk, SSJID General Manager, responded that per Board direction, staff will move forward with the Request for Proposals (RFP) process for public relations and marketing services within six (6) months. Mr. Rietkerk added that the current vendor is committed to completion of the new website and other public relations efforts under the current contract. In addition, a Public Relations Committee meeting will be scheduled in the near future to obtain Board opinion and direction on upcoming proposed public relations efforts.

Director Holmes addressed Mr. Frank Avila, SSJID Irrigation Operations Manager, regarding status of the District's Field Telemetry Units (FTUs). Mr. Avila responded that progress is being made on the installations of the units, and that some data is being collected though work is still being done on the database. Mr. Avila stated he will report back to the Board with more information at a future board meeting.

Director Holbrook addressed Mr. Forrest Killingsworth, SSJID Engineering Department Manager, regarding an update on the clearing and maintenance of the Joint Supply Canal in the area to be bypassed

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by the Canyon Tunnel Project. Mr. Killingsworth responded that the rock slope stability work has been completed and that some work was also performed in the area downstream of the bypass area. The project was successful and resulted in an overall “cleaner feel” of the Joint Supply Canal. He added that during construction, personnel from Condor Earth and Drill Tech Drilling and Shoring concluded that the degree of hazards in one of the areas in the scope of work was not as severe as originally anticipated. As a result, available funds and resources were shifted towards rock slope stability work in the area downstream of the bypass zone. Condor’s scope of work includes an update of the Canyon Tunnel 5-Year Maintenance Plan, which Mr. Killingsworth will forward to the Board upon completion.

Mr. Rietkerk announced the upcoming Association of California Water Agencies (ACWA) 2021 Spring Virtual Conference and Exhibition on May 12-13, 2021. Any Director wishing to attend should contact Ms. Danielle Barney, SSJID Executive Assistant/Clerk of the Board, to assist in registration for the conference.

Mr. Rietkerk circulated, to the Board for viewing, notes and letters from local non-profits thanking the District for their sponsorship(s) through SSJID’s Community Education and Awareness Program.

Mr. Rietkerk reported on the CSDA calling on its member agencies to send letters to their respective members of Congress and U.S. Senators in support of H.R. 535 and S. 91, the Special Districts Provide Essential Services Act (SDPESA). The SDPESA would establish a federal definition for “special district” and require states to direct at least 5% of future Coronavirus Relief Fund allocations to their special districts. A H.R. 535 and S.91 fact sheet was included in the GM Report dated February 9. He stated that the American Public Power Association (APPA) is also calling for emergency supplemental appropriation for the Low Income Home Energy Assistance Program (LIHEAP).

Mr. Rietkerk reported that ACWA is asking water agencies to show their support of SB 323, which would create consistency among municipal utilities by creating a 120-day statute of limitations for legal challenges to water and sewer service rates. An informational ACWA flyer was included in the GM Report dated February 9.

Mr. Rietkerk reported that on January 19, the Federal Energy Regulatory Commission (FERC) ruled that the California State Water Board (SWB) can continue to seek higher flows in the relicensing process for Don Pedro. Modesto Irrigation District (MID) and Turlock Irrigation District (TID) recently sought a ruling to preclude the SWB to further participate in relicensing efforts of Don Pedro that includes implementing the 40% unimpaired flow requirements under the 2018 Substitute Environmental Document (SED). Mr. Rietkerk stated this topic will be discussed further in Closed Session.

Mr. Holmes addressed Mr. Rietkerk regarding status of his nomination to participate in Water Solutions Network (WSN). Mr. Rietkerk replied that he has decided to apply for a seat on the WSN Advisory Council and, if selected, will continue to honor all commitments to the District. The Board stated that they would provide a letter of recommendation to accompany the application, if needed.

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**ACTION CALENDAR**

**Item #3 – Coronavirus (COVID-19) Update and Action as Necessary**

Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, stated there are no coronavirus updates to report, but that positive cases of COVID-19 as well as ICU bed occupancy has dropped in San Joaquin County. Discussion included the County’s vaccine distribution timetable, and the earliest probability of eligibility for SSJID employees. Mr. Nakagawa announced the San Joaquin Vaccine Interest Form, which can be accessed at [www.sjready.org](http://www.sjready.org). It informs the individual of eligibility and tier placement, and assists in registration and scheduling purposes related to COVID vaccination efforts.

**Item #4 – Approval of Quote from Siemens Industry, Inc. to Retrofit Variable Frequency Drives at M3, L1 and the Water Treatment Plant.**

Mr. Justin Ashworth, SSJID Operations Supervisor, addressed the Board, via the online Zoom meeting platform, regarding the quote from Siemens Industry, Inc. (Siemens) to retrofit three (3) Variable Frequency Drives (VFDs) at the M3 facility, three (3) VFDs at the L1 facility, and four (4) VFDs at the WTP. He provided history with Siemens retrofitting and installing VFDs at the District’s Robicon drives since 2016. Mr. Ashworth further explained that currently, there are ten (10) Robicon VFDs still in operation throughout the District, and that multiple VFD manufacturers have noted the average lifespan for a VFD is 10-15 years with the District’s VFDs at the end of their anticipated life cycle. He emphasized the VFDs in the District’s water delivery process are vital to ensuring water demands are met.

Mr. Ashworth described the excellent quality of the Siemens retrofit drives, and the positive experience working with the company’s knowledgeable and helpful service crews who assisted staff to better understand the setup and programming process. In an effort to maintain continuity with the District’s VFD technologies, staff is recommending Siemens is approved for a sole source purchase. The fiscal impact will be \$348,892.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Kamper to approve the quote from Siemens Industry, Inc. to retrofit three (3) VFDs at the M3 facility, three (3) VFDs at the L1 facility, and four (4) VFDs at the WTP, for a cost of \$348,892 plus tax and shipping costs.

The motion passed 4 to 0 by the following vote:

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

**Item #5 – Watershed Sanitary Survey Cost Share Agreement: Revision of Total Cost to SSJID**

Mr. Erisman addressed the Board regarding SSJID’s participation in the Stanislaus/Calaveras River Group 2021 Watershed Sanitary Survey (WSS) and the cost-sharing agreement for the development of the WSS Report for a total fiscal impact of \$35,614.91, which was approved by Board action on January 26, 2021. He presented revised cost split amounts of \$15,810 for SSJID’s 100% usage of Woodward Reservoir, and \$27,284.84 for SSJID’s 39.7% usage of the Stanislaus River source for a total of \$43,094.84 reimbursement

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to Stockton East Water District for SSJID's portion of the Stanislaus River study. Mr. Erisman explained that the revised cost split takes into account water use data for the period of 2016 through 2020 and resulted in a \$7,480.84 increase to the SSJID portion of the report.

**MOTION:** A motion was made by Director Weststeyn and seconded by Director Holbrook to approve the revised cost split amount of \$43,094.84 reimbursement to Stockton East Water District for SSJID's portion of the Watershed Sanitary Survey Report.

The motion passed 4 to 0 by the following vote:

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

**Item #6 – Consider Approval of Amendment to Service Abandonment Agreement as Requested by Donovan and Rachel Renee Adrian, APN 247-130-04**

Mr. Killingsworth addressed the Board and provided a description of the property in question, history of the previous owner entering into a Service Abandonment Agreement with the District in 2009, and explained the current landowner's request to amend the existing service abandonment agreement so that the property can be eligible to receive District water. He further explained the landowner's intent to plant and irrigate approximately 7 acres of almonds on the property, and to tie this parcel into an existing sprinkler system located on an adjacent parcel south of the property, which is also owned and farmed by the landowner.

**MOTION:** A motion was made by Director Kamper and seconded by Director Weststeyn to approve the Amendment to Irrigation Service Abandonment Agreement for Donovan and Rachel Renee Adrian, APN 247-130-04.

The motion passed 4 to 0 by the following vote:

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

**Item #7 – Discussion and Possible Action Regarding Hydrology and the Start of the 2021 Irrigation Season**

Mr. Rietkerk addressed the Board regarding the 2021 water supply outlook and the start of the 2021 irrigation season. He provided detailed information regarding historical precipitation, projected 2021 hydrology, Stanislaus River operations, water storage management and conservation accounts, and operational considerations including time needed to complete construction projects and preparation for water season. Mr. Rietkerk proposed March 10 or March 17 as target dates to begin running water, with Division Managers beginning distribution system preparations two days before the start date. Board

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discussion concluded the start date of the 2021 Irrigation Season would be finalized at the Board meeting scheduled for February 23.

**Item #8 – South San Joaquin Irrigation District Strategic Plan Update**

Mr. Rietkerk addressed the Board and stated the SSJID Strategic Plan Update is for informational purposes only providing the Directors an opportunity to review and comment on the 2021 Strategic Plan In-Progress Projects, and the 2021-2025 Strategic Plan Projects. He also explained that, historically, the Strategic Plan annual update includes new projects, however the COVID-19 crisis has prioritized the District's desire to continue unfaltering service to its customers, and keeping staff healthy and safe over introducing new projects at this time. In addition, staff has decided to wait a year to implement certain projects and instead focus on long-term planning.

Mr. Rietkerk stated that Director Weststeyn submitted a project to develop an app to assist customers and provide a more efficient service, and that a similar project is currently in the Strategic Plan but can be customized to include the Director's suggested scope. He provided a brief summary of the Completed Strategic Plan Projects in 2020, and added that updates were conducted virtually with the Senior Leaders to discuss and/or revise prioritization, completion dates, and deadlines, and provide information and/or comments. Upon inquiry of the development of an encroachment policy, Mr. Rietkerk responded that there has been heavy interest to develop an encroachment policy which will entail addressing many scenarios. Current focus is on the completion of the Water Master Plan, and then move on to policy development efforts. Mr. Rietkerk will add "Development of the SSJID Encroachment Policy" to the Strategic Plan Projects List.

Director Holmes announced a public letter received via email on February 8, to the SSJID Board of Directors from Mr. Martin Harris, Terra Land Group, titled "Letter Re: 2/9/21 SSJID Board Meeting Agenda Item 8."

**Item #9 – Presentation and Discussion of Landowner Appeal of Order to Remove Unpermitted Encroachment at 23165 S. Manteca Road**

Ms. Mia Brown, SSJID General Counsel, addressed the Board regarding an appeal of Order to Remove Unauthorized Encroachment to the property located at 23165 S. Manteca Road. She provided an explanation of the encroachment, the location of the District's pipeline, the District's Unauthorized Encroachment Upon Easement letter dated January 7, 2021, and the landowner's appeal letter (all exhibits were included in the agenda packet, Item #9).

Mr. Killingsworth further explained that the District's pipeline now lies behind the landowner's partially-installed wrought-iron fence. The District was not contacted in advance of the installation by the landowner, thereby discovered by staff during a visual inspection of the property. Installation of fences and other types of improvements within the District's easements require landowners to first obtain an Encroachment Permit from the District. This was not done in this case.

Ms. Brown introduced the landowner, Ms. Rebecca Roiland, to the Board. Ms. Roiland addressed the Board, via the online Zoom meeting platform, and gave a summary of her past experience with encroachments at the time the pipeline was replaced in 2007, and that she understood encroachments would have to be removed if pipeline repair or replacement was needed. She provided a detailed explanation for

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the construction of the fence and added that the intent was to secure her residence from trespassers. The landowner stated she would be willing to sign any documents allowing the District access to the pipeline as necessary, would provide the access codes and/or remote controls for the security gate, and would be willing to tear out the fence (at the landowner's expense) if and when future need should arise for District repairs to the pipeline.

Director Holmes thanked Ms. Roiland for her comments and stated that the public needs to be educated on standard District procedures and that the Board will move forward to resolve this issue in a correct and considerate manner. The Board inquired if Ms. Roiland had contacted the County regarding the proximity of the fence to Manteca Road, to which the landowner replied that she had not. Ms. Brown thanked Ms. Roiland and informed her that the Board had received all pertinent information; the Board will convene to Closed Session to deliberate; and Ms. Roiland would be contacted.

***It was announced that all items in closed session would be discussed. The Board took brief recess at 10:25 a.m. and convened to closed session at 10:35 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

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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

- 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

**RETURN TO OPEN SESSION**

*The Board reconvened to open session at 12:09 p.m.*

**Item #11 – ANNOUNCEMENT OF REPORTABLE ACTION(S) 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 #12 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 12:10 p.m.

**ATTEST:**

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Danielle Barney, Clerk of the Board