

**MINUTES FOR THE MARCH 14, 2023  
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 and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS:           HOLBROOK KAMPER ROOS SPYKSMA WESTSTEYN  
ABSENT:               NONE

Also present were General Manager Peter M. Rietkerk; General Counsel Mia Brown; Water Resources Coordinator Brandon Nakagawa; Forrest Killingsworth Engineering Department Manager; and Executive Assistant Dawn Driesen.

**Public Comment** – None.

**CONSENT CALENDAR**

- A. Approval of Checks in the amount of \$755,264.60; Accounts Payable Wires in the amount of \$911,313.35; and Payroll dated March 1, 2023 in the amount of \$337.49 and March 10, 2023 in the amount of \$337,474.60.
- B. Approval of the Regular Board Meeting Minutes of February 28, 2023
- C. Termination of Encroachment Permit APN’s 198-160-06, 198-160-07, and 198-160-11

Director Holbrook noted that there was a date error on the Account’s Payable sheet.

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

The motion passed 5 to 0 by the following vote:

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

**COMMUNICATIONS**

**Item #1 – Directors’ Reports**

Director Roos attended the San Joaquin Farm Bureau (SJFB) Calla Nile and Escalon Farm Centers Dinner. He said that it was very informative and he enjoyed it very much.

Director Kamper stated that he had an article regarding labor unions to share with the Board.

Director Spyksma attended the San Joaquin Tributaries Authority (SJTA) meeting. They are working on a strategy to communicate with the public to let them know what they are about.

Director Holbrook reported on the following:

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- Expressed concern for future facility plans for the District. He stated that the District is currently at maximum capacity, and if it were to undertake retail electric, permits for a new facility could take several years.
- Director Holbrook stated that while there is a push by the state to switch over to electric vehicles, the District should be purchasing diesel and gas vehicles according to the Shop Manager's recommendations.
- He would also like to make sure that staff is getting the equipment they need to perform the work according to the Water Master Plan. Forrest Killingsworth, Engineering Department Manager, explained that the pipe lining equipment has been purchased and that there is a learning curve to operate the equipment. He stated that District staff has learned a lot this season and will eventually become experts with the equipment.
- He read an article from NewsData Meter Readings regarding certain groups wanting to take away senior water rights of water districts.

President Weststeyn stated that he attended the SJFB Farm Center's Dinner and Water Advisory Meeting.

**Item #2 – Various Reports**

Mr. Peter Rietkerk, General Manager, attended the SJFB Farm Center's Dinner and spoke about rate increases and the District's current Prop 218 process. He said it was well received by the audience and they expressed understanding regarding the District's long-term capital improvement program to promote reliability and improved service.

Mr. Rietkerk stated that he would like to meet with Director Holbrook regarding the items he expressed concerns for, and provide an update at a future board meeting on several of the topics addressed in his comments.

**ACTION CALENDAR**

**Item #3 – Consider Adoption of Resolution 23-08-C Approving the Initial Study/Mitigated Negative Declaration for the Canyon Tunnel Project**

Mr. Killingsworth addressed the Board and explained that the Initial Study/Mitigated Negative Declaration for the Canyon Tunnel Project is prepared to study any impacts the project would have on the environment and to identify steps to mitigate those impacts.

The study was posted and distributed for review and public comments from January 25 – February 23, 2023. During that time, four comment letters were received. Letters were received from Stanislaus County regarding the traffic impacts to Knights Ferry and from the San Joaquin Valley Air Pollution Control District regarding the requirement to submit an Air Impact Assessment application. Staff has provided written responses regarding all comments received.

President Weststeyn and Director Spyksma suggested that information be given to the Knights Ferry community ahead of time, and that measures be taken to ensure that the roads are maintained and cleaned of any dirt, rocks, etc. Mr. Killingsworth explained that the California Environmental Quality Act (CEQA) process is separate from the construction plan, and although those are not addressed in this document, they will be addressed in the construction documents. Additional discussion included strategies for a public outreach plan, proactive engagement with both the Stanislaus County Transportation Department and the Knights Ferry Municipal Advisory Council, and the Board's interest in responsibly executing the Canyon Tunnel Project.

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**MOTION:** A motion was made by Director Holbrook and seconded by Director Roos to Adopt Resolution No. 23-08-C adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Canyon Tunnel Project; Authorize the Engineering Department Manager to file the three necessary Notice of Determinations with the Calaveras, Stanislaus and Tuolumne County Clerk Offices and the State Office of Planning and Research; and authorize issuance of a check to Stanislaus County for the 2023 California Department of Fish and Wildlife (CDFW) CEQA Fee in the amount of \$2,821.00.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION NO. 23-08-C**

**ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING  
AND REPORTING PROGRAM FOR THE CANYON TUNNEL PROJECT**

**WHEREAS,** South San Joaquin Irrigation District (SSJID) prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Canyon Tunnel Project (Project) in accordance with requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines; and

**WHEREAS,** the Project is for the construction of the Canyon Tunnel. The Project consists of a new water conveyance tunnel (approximately 12,000 lineal feet, 1,000 feet hard rock and 11,000 feet soft rock) to bypass approximately 12,250 lineal feet of existing canal, referred to as the Joint Supply Canal (JSC); and

**WHEREAS,** on January 24, 2023, SSJID filed a Notice of Intent to adopt an IS/MND with the Calaveras County Clerk, Tuolumne County Clerk, and Stanislaus County Clerk and said Notice of Intent advertised a 30-day review and comment period starting on January 25, 2023, and ending on February 23, 2023; and

**WHEREAS,** said Notice of Intent indicated that SSJID intends to consider said IS/MND at a regular meeting on March 14, 2023; and

**WHEREAS,** four (4) comment letters were received, from Stanislaus County Department of Environmental Resources, Central Valley Regional Water Quality Control Board; Stanislaus County Environmental Review Committee; and San Joaquin Valley Air Pollution Control District; and

- On February 8, 2023, comments were received from Stanislaus County Department of Environmental Resources; and
- On February 22, 2023, comments were received from Central Valley Regional Water Quality Control Board; and
- On March 1, 2023, comments were received from Stanislaus County Environmental Review Committee; and
- On March 6, 2023, comments were received from San Joaquin Valley Air Pollution Control District; and

**WHEREAS,** the comment letters received do not necessitate recirculation of the IS/MND pursuant to CEQA Guidelines Section 15073.5; and

**WHEREAS,** the District finds that it cannot be fairly argued, nor is there any substantial evidence in the record, that the project could have a significant effect on the environment, either directly or indirectly; and

**WHEREAS,** based upon the IS/MND and the record, the project will not individually or cumulatively

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have an adverse impact on environmental resources; and

**WHEREAS**, the Board believes the approval of the IS/MND will be in the best interest of the District's landowners and water users; and

**WHEREAS**, the District is the custodian of the documents and other materials that constitute the record of proceedings upon which the District's decision is based, and 11011 E. Highway 120, Manteca, CA 95336 is the location of this record.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the South San Joaquin Irrigation District that:

1. The South San Joaquin Irrigation District Board of Directors adopts the IS/MND including the MMRP for the Canyon Tunnel Project.
2. The Engineering Department Manager of the South San Joaquin Irrigation District is hereby authorized and directed to prepare the three (3) Notice of Determinations to be filed with the Calaveras, Stanislaus, and Tuolumne County Clerk Offices and the State Office of Planning and Research.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of March, 2023, by the following vote:

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

**Item #4 – Consider Approval of the Union Pacific Railroad Lathrop Intermodal Terminal Expansion Project**

Mr. Killingsworth addressed the Board regarding the Union Pacific Railroad (UPRR) Lathrop Intermodal Terminal Expansion project and noted that Laterals “Rj”, “Rg” and “Rgc” located within this project, can be removed and replaced in their current locations, and realignment is not necessary. UPRR has requested permission to allow construction of improvements to occur during irrigation season. Because this project is uniquely located on the farthest downstream stretch of each of the facilities, Operations staff has indicated there would be very little impact as long as an adequate bypass plan and construction plan are in place.

Staff recommended the Board authorize conditional approval of the UPRR Lathrop Intermodal Terminal Expansion, authorize staff to sign all necessary documents, and approve the following items:

1. Improvement Plans
2. Developers Agreement
3. Encroachment Agreement
4. Irrigation Service Abandonment Agreement
5. Authorization to construct improvements during Irrigation Season subject to staff's approval of proposed construction schedule and bypass plan.

**MOTION:** A motion was made by Director Roos and seconded by Director Holbrook to authorize the conditional approval of the items listed above regarding Union Pacific Railroad Lathrop Intermodal Facility's Expansion Project, Volume 3-SSJID Improvements, subject to staff's satisfaction.

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The motion passed 5 to 0 by the following vote:

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

**Item #5 – Consider Approval of Chapter Insurance Certificate for California Special District Association Stanislaus and San Joaquin County Bi-Chapter Participation**

Katie Patterson, Public and Government Relations Manager, addressed the Board and requested they approve the Certificate of Liability Coverage for staff’s participation in the California Special District Association (CSDA) Stanislaus-San Joaquin Bi-County Chapter. The Chapter has quarterly meetings and is exclusive to CSDA-member special districts.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Holbrook to approve the Certificate of Liability Coverage for staff’s participation in the California Association of Special Districts’ Stanislaus-San Joaquin Bi-County Chapter.

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

**Item #6 – Consider Budget Amendment Supporting San Joaquin Tributary Authority Membership Dues for 2023**

Mr. Rietkerk addressed the Board and stated that SSJID has been a member of the San Joaquin Tributaries Authority for many years. SJTA’s primary role is to protect water rights. In the SSJID budget, staff assumed \$200,000.00 for the 2023 SJTA member contributions based on previous years’ trends, however, the member contributions supporting the approved 2023 SJTA budget is \$307,500.00. Mr. Rietkerk recommended approving a budget amendment to assure that the SJTA can continue to appropriately defend against ongoing regulatory and legislative activities that threaten senior water rights.

**MOTION:** A motion was made by Director Kamper and seconded by Director Spyksma to approve a budget amendment and increase of \$107,500.00 to support the recommended San Joaquin Tributaries Authority 2023 budget and membership contribution of \$307,500.00.

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

**Item #7 – Consider Opposition of Initiative No. 21-0042, “The Taxpayer Protection and Government Accountability Act,” and Adoption of Resolution No. 23-08-O Opposing Legislative Initiative No. 21-0042**

Ms. Patterson addressed the Board and explained that The Taxpayer Protection and Government Accountability Act includes provisions that would retroactively void all state and local taxes or fees adopted after January 1, 2022, if they do not align with the provisions of this initiative. This may also affect indexed fees that adjust over time for inflation. She stated that this would allow voters throughout California to invalidate the prior actions of local voters, undermining local control and voter-approved decisions about investments needed in their

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communities. Should this initiative pass, future adopted rates by the District would be subject to the initiative’s language which would be detrimental to SSJID being able to raise revenues to keep up with the rising costs of services.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Spyksma to oppose the Taxpayer Protection and Government Accountability Act, State Initiative #21-0042A1, and adopt Resolution No. 23-09-O in opposition of Legislative Initiative No. 21-0042.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION NO. 23-09-O**

**RESOLUTION TO OPPOSE CALIFORNIA LEGISLATIVE INITIATIVE No. 21-0042A1  
SLATED FOR THE NOVEMBER 2024 STATEWIDE ELECTION**

**WHEREAS**, an association representing California’s wealthiest corporations and developers is spending millions to push a deceptive proposition which has qualified for the November 2024 statewide ballot; and

**WHEREAS**, the proposition is formally titled “Initiative No. 21-0042A1” and informally known as the “Taxpayer Protection and Government Accountability Act;” and

**WHEREAS**, the measure includes provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

**WHEREAS**, the measure exposes taxpayers to new costly litigation, limits the discretion and flexibility of locally elected boards to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure; and

**WHEREAS**, the measure severely restricts state and local officials’ ability to protect our environment, and water resources for our communities; and

**WHEREAS**, the measure creates new constitutional loopholes that would allow corporations to pay less than their fair share for the impacts they impose on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

**WHEREAS**, the measure threatens billions of dollars currently dedicated to state and local services, and could force cuts to irrigation and drinking water services by South San Joaquin Irrigation District for its customers and its communities, as well as public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to address homelessness, mental health services, and more; and

**WHEREAS**, the measure would also reduce funding for critical infrastructure like streets and roads, public transportation, ports, drinking water, irrigation water, sanitation, utilities, and more.

**NOW THEREFORE, BE IT RESOLVED** that the South San Joaquin Irrigation District opposes Initiative 21-0042A1; and

**BE IT FURTHER RESOLVED**, that the South San Joaquin Irrigation District will join the “No on Initiative 21-0042A1” coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state; and

Staff is hereby directed to provide a copy of this adopted Resolution to the California Special Districts

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Association by electronic or any other means.

**PASSED AND ADOPTED** this 14th day of March, 2023, by the following vote:

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

**Item #8 – Discussion Regarding Current Hydrology Status and the State of the 2023 Irrigation Season**

Mr. Rietkerk shared recent precipitation totals, forecasted rainfall, and growing flooding concerns due to the warmer temperatures experienced by the current atmospheric river. With more rain in the forecast, it was decided to push back the start of Irrigation Season to March 30, 2023.

*Items 9 and 10 to be discussed after Closed Session.*

*It was announced that all items on the Closed Session agenda would be discussed. The Board took a brief recess at 10:15 and convened to Closed Session at 10:30 a.m.*

**Item #11 Closed Session**

**RETURN TO OPEN SESSION**

*The Board returned to Open Session at 1:00 p.m.*

**Item #12 – 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.

*The next items were taken up following Closed Session in Open Session.*

**Item #9 – Discussion and Possible Action Regarding Water Rights Legislative Updates**

**MOTION:** A motion was made by Director Holbrook and seconded by Director Spyksma for the Board to oppose Assembly Bill (AB) 460 (Bauer-Kahan), AB 1337 (Wicks), AB 676 (Bennett) and Senate Bill (SB) 389 (Allen); and authorize staff to oppose legislative proposals that seek to undermine or jeopardize the District's pre-1914 water rights.

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

**Item #10 – Consider Approval of the Memorandum of Understanding Between SSJID and IBEW Local 1245 Effective September 4, 2022 – December 31, 2024**

**MOTION:** A motion was made by Director Spyksma and seconded by Director Kamper to approve the Memorandum of Understanding between SSJID and IBEW 1245 effective September 4, 2022 – December 31, 2024.

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

**Item #13 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 1:05 p.m.

**ATTEST:**

\_\_\_\_\_  
Dawn Driesen, Executive Assistant