

**MINUTES FOR THE MARCH 23, 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 \$463,498.83; Accounts Payable Wires in the amount of \$545,463.56; and Payroll dated March 12, 2021 in the amount of \$304,910.91, and March 18, 2021 in the amount of \$528.16.
- B. Approval of the Regular Board Meeting Minutes of March 9, 2021

Director Holbrook noted a correction be made to page 1, Item C, “The property is described as situated in the City of Manteca and should be within the County of San Joaquin.” *Corrected from reading “...and should be within the City of French Camp.”*

- C. February 2021 Financial Statements
- D. February 2021 Investment Report
- E. Adoption of Board Resolution 21-11-L Regarding Employer Paid Member Contributions to the Public Employee Retirement System

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION 21-11-L**

**EMPLOYER PAID MEMBER CONTRIBUTIONS
FOR UNION EMPLOYEES**

WHEREAS, the South San Joaquin Irrigation District is party to a contract with the Public Employees Retirement System for the Public Employees Retirement System to provide pension benefits to the employees of the South San Joaquin Irrigation District under the public agency cost-sharing multiple-employer defined benefit pension plan, also known as PERF C, or the classic plan to distinguish it from the PEPRA plan; and,

WHEREAS, said contract requires employees to make contributions of money to the Public Employees Retirement System to help pay for pension benefits; and,

WHEREAS, Government Code Section 20691 provides that the employer can pay part or all of the employees’ required contributions to the classic plan; and,

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WHEREAS, Internal Revenue Code Section 414(h)(2) provides that employer paid member contributions can have a tax-deferred status, and Internal Revenue Service Revenue Ruling 2006-43 requires that, “For this purpose, the employing unit must take formal action to provide that the contributions on behalf of a specific class of employees of the employing unit, although designated as employee contributions, will be paid by the employing unit in lieu of employee contributions. A person duly authorized to take such action with respect to the employing unit must take such action. The action must apply only prospectively and be evidenced by a contemporaneous written document (e. g., minutes of a meeting, a resolution, or an ordinance);” and,

WHEREAS, the Board of Directors of the South San Joaquin Irrigation District is the “person duly authorized to take such action” to implement Government Code Section 20691; and,

WHEREAS, the South San Joaquin Irrigation District has a written agreement with the union, approved by the Board of Directors, whereby the Board of Directors has elected for the employer to pay part of the required member contributions; and,

WHEREAS, the Board of Directors of the South San Joaquin Irrigation District, on December 9, 2008, adopted Resolution 08-24-L to acknowledge its authorization of employer paid member contributions for union employees, which references the amount of required member contributions; and,

WHEREAS, the amount of required member contributions has changed since Resolution 08-24-L was adopted.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the South San Joaquin Irrigation District hereby reaffirms its election to pay employer paid member contributions, as set forth below:

- 1) Employer paid member contributions shall be provided for all employees who are subject to the memorandum of understanding between the union and the South San Joaquin Irrigation District, and who are members of the classic pension plan.
- 2) Employer paid member contributions shall consist of 4% of the employee’s compensation that is subject to required employee contribution, with the employee to pay the remainder of the required employee contribution through payroll deductions.

PASSED AND ADOPTED on this 23rd day of March, 2021 by the following roll call vote:

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

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

The motion passed 4 to 0 by the following vote:

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

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COMMUNICATIONS

Item #1 – Directors’ Reports

Director Holbrook participated in the San Joaquin County (SJC) Government Leadership Training which is a requirement of the County upon appointment to an SJC Board and/or Commission, and meets his requirement as a Commissioner on the SJC Advisory Water Commission (AWC).

Director Holbrook announced the cancellation of the SJC AWC, and the Greater SJC Integrated Regional Water Management Coordinating Committee meetings on March 17.

Director Weststeyn attended Modesto Irrigation District’s (MID) pipeline rehabilitation demonstration on March 16 at 9:00 a.m., in which a centrifugally cast lining method was utilized. The demonstration was performed on SSJID Lateral Ba. He opined it was very interesting and sees potential to use this technology for the District.

Director Kamper attended the MID demonstration at the SSJID relining project at Lateral Ba, on March 16 at 8:00 a.m. He opined it was an interesting demo with much that can be learned from the technology.

Director Holmes attended the MID demonstration at the SSJID relining project at Lateral Ba, on March 16 at 9:00 a.m., and stated there is a lot of potential for District usage. He added that a follow-up discussion meeting is scheduled for March 24.

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 March 22, 2021. The Engineering Department Manager’s Report was distributed to the Board on March 23, 2021.

Director Holmes addressed Mr. Ed Erisman, Water Treatment Plant (WTP) Manager, and congratulated him on the commencement of the Tracy Booster Plant project.

Director Roos joined the meeting, via the online Zoom meeting platform, at 9:10 a.m.

Mr. Peter Rietkerk, SSJID General Manager, announced that he has been accepted by the Water Solutions Network to participate in this years cohort. Mr. Rietkerk’s participation will commence in April 2021.

Mr. Rietkerk announced that an upcoming Public Relations Committee meeting will be scheduled to discuss SSJID’s current public relations marketing and strategies, and to seek Board Committee Member opinions on future endeavors.

ACTION CALENDAR

Item #3 – PUBLIC HEARING – Presentation and Public Hearing on 2020 Agricultural Water Management Plan

Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, addressed the Board regarding the 2020 Agricultural Water Management Plan (AWMP) and emphasized the requirement, by the California Department of Water Resources (DWR), to update and adopt the AWMP by April 1, 2021, and submit the

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document to DWR within thirty (30) days of adoption. Mr. Nakagawa explained that the AWMP is a document providing vast information to the public of the District's water uses and water balance, as well as the District's past and current efforts on modernizing its irrigation delivery practices including requirements to more advanced metering and volumetric pricing.

Mr. Nakagawa distributed a handout titled "2020 AWMP Water Balance" containing data of SSJID total groundwater recharge (2005-2019); net groundwater recharge (2005-2019); and annual water balances for the Main Supply Canal (MSC) above Woodward Reservoir; Woodward Reservoir; the MSC below Woodward Reservoir and Main Distribution Canal (MDC); District laterals; irrigated lands; and drainage systems. He gave a PowerPoint presentation and detailed explanations of the AWMP regulatory context, contents, and the adoption process of the AWMP. Mr. Nakagawa reiterated the requirement to submit an updated AWMP to the State or correct a deficient AWMP, and added that failure to do so will result in DWR hiring an outside party to complete an updated AWMP at the cost of the offending agricultural water supplier. Failure to cooperate with DWR may also result in monetary fines. In closing, Mr. Nakagawa acknowledged the assistance of all parties involved in gathering and verifying data for the 2020 AWMP including District staff and Davids Engineering.

Director Weststeyn noted a correction be made to the 2020 AWMP removing Merced Irrigation District from its list of San Joaquin Tributaries Authority (SJTA) members. Mr. Nakagawa stated the current version was originally adopted in 2012 and Merced Irrigation District will be removed from the 2020 document.

- 1) Opening of Public Hearing – Announced by Director Holmes
- 2) Directors' Comments:
 - a) Director Holmes thanked Davids Engineering for their contributions to the 2020 AWMP.
 - b) Director Weststeyn opined that the AWMP provides good history and background of the District's water supply and delivery.
 - c) Director Kamper stated the document is a good resource.
- 3) Public Comments – None
- 4) Closing Staff Comments – None
- 5) Close of Public Hearing

Item #4 – Consider Adoption of Resolution 21-10-W Adopting the 2020 Agricultural Water Management Plan

MOTION: A motion was made by Director Weststeyn and seconded by Director Holbrook to adopt Resolution 21-10-W Adopting the 2020 Agricultural Water Management Plan.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION 21-10-W**

ADOPTION OF 2020 AGRICULTURAL WATER MANAGEMENT PLAN

WHEREAS, the Agricultural Water Management Planning Act, codified in section 10800 *et seq.*, of the California Water Code ("CWC"), requires all agricultural water suppliers greater than 25,000 acres in size to prepare and adopt an Agricultural Water Management Plan ("AWMP" or "Plan"); and,

WHEREAS, South San Joaquin Irrigation District ("District") has prepared a Plan which satisfies the requirements of CWC Section 10826 and the guidance put forth by the Department of Water Resources ("DWR"); and,

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WHEREAS, the District notified the County of San Joaquin and the Cities of Escalon, Lathrop Manteca, Ripon, and Tracy of the opportunity to participate in the development of the Plan; and,

WHEREAS, in accordance with Government Code Section 6066, the District published a legal notice in the Manteca Bulletin on March 9 and March 16 notifying the public of the availability of the Plan on the District's website and of the time and place for the public hearing to be held at 9:00 a.m. on March 23, 2021 at a regularly scheduled meeting of the District Board of Directors; and,

WHEREAS, due to the COVID-19 pandemic, the general public was limited to teleconference participation only in the public hearing; and,

WHEREAS, the District Board of Directors duly held a public hearing at its regular meeting on March 23, 2021; and,

WHEREAS, the CWC requires that the Plan be adopted on or before April 1, 2021 and submitted to the DWR within 30-days of adoption; and,

WHEREAS, the Plan shall be updated every five years by April 1 in years ending in six and one.

NOW, THEREFORE BE IT RESOLVED AND ORDERED, by the Board of Directors of the South San Joaquin Irrigation District as follows:

1. The 2020 Agricultural Water Management Plan is hereby adopted; and,
2. Staff is hereby directed to file the Plan with DWR within the 30-day period following Board adoption and to file the Plan with other appropriate entities; and,
3. The General Manager is hereby authorized and directed to take appropriate action to implement the 2020 Agricultural Water Management Plan in accordance with the CWC and DWR guidance.

NOW, THEREFORE BE IT FURTHER RESOLVED, that this Board of Directors hereby reserves the right to modify and adopt the Plan consistent with the CWC and DWR guidance should conditions change or if new information becomes available.

PASSED AND ADOPTED on this 23rd day of March, 2021 by the following roll call vote:

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

Item #5 – Presentation of the TerraVerde Energy, LLC Report of the Robert O. Schulz Solar Farm

Mr. Erisman addressed the Board, via the online Zoom meeting platform, gave a brief background of the Robert O. Schulz Solar Farm, and explained the Board's previous decision to hire TerraVerde Energy, LLC (TerraVerde) to provide an assessment of the solar farm including a financial review to determine the future feasibility of maintaining the plant, as well an overview of the system components, current condition, and any recommendations for repairs. He further explained that the presentation is for informational purposes only with no staff recommendations at this time. The final analysis and financial report concluded the system

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is still viable and worth investing additional money, and that the system should be able to provide \$7,200,000 over the next eleven (11) years in net revenue. Mr. Erisman introduced Mr. Phil Villagomez, TerraVerde Business Development Manager; Ms. Hayden Solomon, TerraVerde Director of Asset Management; and Mr. Mel Bradley, an independent District consultant, who were all attending via remote access.

Mr. Villagomez greeted the Board, provided a summary of his experience working with water agencies for the past ten (10) years, and presented a financial analysis of the solar farm. He displayed a PowerPoint presentation and gave detailed descriptions of maintenance and/or operational costs over the next several years; expected solar savings; expected cash-flow performance; and renewable energy certificate revenue.

Based on the desktop survey performed and review of the maintenance records, Ms. Solomon provided thorough explanations of her operational assessment of the solar farm including evaluations and recommendations of the inverters, wire management, solar photovoltaic panels, and the data acquisition platform. To summarize, TerraVerde recommends a full-site inspection of various components including wires, racking, panels, connectors, combiners, inverters, and trackers, and, “recommissioning” work to maintain and remedy any site issues or defects. In addition, TerraVerde is not available for the recommissioning or any determined physical work to the site, but will assist in finding an independent qualified third party to perform the comprehensive work within the required budget range.

Mr. Bradley concurred with the detailed assessment of the solar farm and provided additional insight into the solar panel degradation, life expectancy, and expected output. He emphasized the need to have the solar panels washed this summer.

Board discussion included monocrystalline versus thin film solar panels, current output versus initial panel output, the timeline of wire management/replacement, and the need to “clean up” and properly maintain and monitor the site.

Item #6 – Coronavirus (COVID-19) Update and Action as Necessary

Mr. Nakagawa addressed the Board and informed of his email to all SSJID employees, dated March 23, regarding an update on vaccination eligibility. Determination for utility workers is no longer based on the Tier 1C classification, but now factored on risk-based eligibility and that verification of eligibility is based on the honor system. Mr. Rietkerk added that at the Senior Leadership meeting on March 22, discussion included the California Municipal Utilities Association’s guidance to its member agencies advising broad definitions and assertiveness when requesting vaccine appointments. Projections forecast that California will lift all vaccination eligibility restrictions by the 3rd week in April 2021, and that vaccine supply will exceed demand by summer. To date, SSJID is not requiring employees to be vaccinated.

Item #7 – Discussion and Possible Action Regarding Addition of Dedicated Ethernet (Fiber) for the District’s Internet Connection

Mr. Michael O’Leary, SSJID IT Systems Administrator, addressed the Board, via the online Zoom meeting platform, regarding installation of dedicated internet access (fiber). Mr. O’Leary provided history of the District’s current internet service, which was last upgraded by Comcast in 2019. He explained problems identified, since March 2020, with remote access including weakness of upload speed, staying connected, and slow performance. Mr. O’Leary further explained that the issues have been occurring since the COVID-19 pandemic began and most front office staff began working from home while accessing the District computers over the Internet, as well as the increase of Zoom and Microsoft Teams meetings which are very bandwidth-intensive applications.

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Mr. O’Leary contacted Comcast Business, and TPX Communications to receive quotes to install Dedicated Internet Access (Fiber) into the District Office.

Company	Installation Charge	Reoccurring Monthly Charge
Comcast Business	\$747.39	\$795.00
TPX Communications	\$955.00	\$1,465.00

Upon thorough examination of the District’s current configuration, staff recommended entering into a 60-month agreement with Comcast Business to install a 100 Mbps Ethernet Dedicated Internet connection (Fiber) with an installation charge of \$747.39, and a monthly recurring charge of \$795.00.

MOTION: A motion was made by Director Kamper and seconded by Director Weststeyn to enter into a 60-month agreement with Comcast Business to install a 100 Mbps Ethernet Dedicated Internet connection (Fiber) with an installation charge of \$747.39, and a monthly recurring charge of \$795.00.

The motion passed 5 to 0 by the following vote:

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

Item #8 – Consider Approval of Cooperative Agreement for the Sexton Road Bridge Replacement Project

Mr. Forrest Killingworth, SSJID Engineering Department Manager, addressed the Board regarding San Joaquin County’s Sexton Road Bridge Replacement Project. Mr. Killingworth provided a detailed description of the project scope to replace the bridge at Sexton Road where the MDC crosses it; project status; project location on the south-west side of Escalon, approximately 2.5 miles south of Highway 120; and the bridge site located within a 100’ wide SSJID easement. He explained that the County’s Right-of-Way predates the District’s easement providing the County with first-right-in-time, and limiting the District’s ability to require the County to cover costs related to certain SSJID specific improvements.

Mr. Killingworth gave details of staff’s primary findings, upon review of the County’s proposed Improvement Plans and associated documents, including the County’s requirement of a crash curtain located in front of the guard rail on the south-east side of the bridge; and the County’s standard requirement to place rip rap on side slopes opposed to the District’s requirement for a shotcrete liner on the inside banks.

Because the County has prior easement rights to this area, the District would be responsible for covering the cost differential associated between rip rap and shotcrete. As a result, the County has agreed to include a bid alternative option in the bid documents to capture the differential costs. Following construction bidding, and prior to contact award, the District will have the option to have the shotcrete liner installed in lieu of the placement of rip rap. Authorization of the shotcrete liner would require formal approval (to be obtained at a late date) from the Board.

Staff recommended conditional approval of the items listed below related to the Sexton Road Bridge Replacement Project in San Joaquin County, subject to the satisfaction of staff:

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- Improvement Plans and associated drawings/exhibits
- Cooperative Agreement for the Sexton Road Bridge Replacement Project

MOTION: A motion was made by Director Holbrook and seconded by Director Kamper to authorize conditional approval of the items listed below related to the Sexton Road Bridge Replacement Project in San Joaquin County, subject to the satisfaction of staff:

- Improvement Plans and associated drawings/exhibits
- Cooperative Agreement for the Sexton Road Bridge Replacement Project

The motion passed 5 to 0 by the following vote:

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

It was announced that all items listed in the closed session agenda would be discussed. The Board took a brief recess at 10:28 a.m. and convened to closed session at 10:35 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
- 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
 - 6 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*

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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

d. Conference with Real Property Negotiator

California Government Code Section 54656.8

Property: Water

Negotiating Parties: Oakdale Irrigation District, San Luis and Delta Mendota Water Authority, California Department of Water Resources, Chicken Ranch Rancheria Band of Mi-Wuks, Other Potential Parties Unknown

District Negotiator: General Manager

Terms: Price and terms of payment of sale

e. Conference with Real Property Negotiator

California Government Code Section 54656.8

Property: Water

Negotiating Parties: South Delta Water Agency

District Negotiator: General Manager

Terms: Price and terms of payment of sale

f. Labor Negotiations

California Government Code Section 54957.6

Agency Negotiator: General Manager

Employee Organization: IBEW Local 1245

g. Public Employment

California Government Code Section 54956

Titles: Division Manager Foreman, and SCADA Technician I-III

h. Public Employment

California Government Code Section 54956

Titles: Public Relations Director

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RETURN TO OPEN SESSION

The Board reconvened to open session at 11:49 a.m.

Item #10 – 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 #11 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:46 a.m.

ATTEST:

Danielle Barney, Clerk of the Board