

**MINUTES FOR THE APRIL 12, 2022  
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

The Board of Directors of the South San Joaquin Irrigation District (SSJID) met in person in regular session in the District Boardroom at 9:00 a.m., with public access provided via the online Zoom meeting platform. Director Holmes called the meeting to order and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS:           HOLBROOK HOLMES KAMPER SPYKSMA WESTSTEYN  
ABSENT:               NONE

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

**Public Comment** – None

**CONSENT CALENDAR**

- A. Approval of Checks in the amount of \$655,127.07; Accounts Payable Wires in the amount of \$474,089.13; and Payroll dated March 25, 2022 in the amount of \$247,247.53, and March 29, 2022 in the amount of \$5,080.38.
  
- B. Approval of the Regular Board Meeting Minutes of March 22, 2022  
  
Director Weststeyn noted a correction be made to page 3, Director Weststeyn’s report, bullet #1, keynote speaker Dave Daley, California Public Lands Council. *Corrected from reading... ”keynote speaker Mr. Dan Tomascheski, Vice President of Sierra Pacific Industries.”*
  
- C. Approval of the Special Board Meeting Minutes of March 30, 2022
  
- D. Approval of Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 245-110-24

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

The motion passed 5 to 0 by the following vote:

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

**COMMUNICATIONS**

**Item #1 – Directors’ Reports**

Director Holbrook reported that he attended the Special District Risk Management Authority (SDRMA) 2022 Spring Education Day on March 22, which provided risk management training related to Property/Liability and Workers’ Compensation. Discussion topics included insurance rate increases, auto accident and property damage claim increases, single-parent captive insurance, and an increase in cyber-crimes.

Director Holbrook reported that he attended the California Municipal Utilities Association (CMUA) 2022 Water and Power Conference, on April 3 to April 5, in San Francisco. He opined that it was an informative conference,

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and commented on speaker Tim Quinn, Executive Officer, San Joaquin Valley Water Collaborative Action Program, who made reference to reallocations of water; and various panels who spoke on utilizing all methods of power except coal, natural gas, and nuclear energy.

Director Weststeyn reported that he attended the San Joaquin Tributaries Authority (SJTA) meeting on April 11, along with Director Spyksma and Mr. Brandon Nakagawa, SSJID Water Resources Coordinator. Discussion included the proposed Memorandum of Understanding (MOU). Further action will include approval of the MOU by the respective boards of the Managers Group, as well as public comment.

Director Spyksma reported that he and Director Weststeyn met with constituent Gary Barton to discuss topics including projects and annexation fees.

Director Spyksma reported that he met with individuals from Lakeview Ranch Partners, which he will discuss further in Closed Session.

Director Spyksma reported that he attended the SJTA meeting on April 11.

Director Kamper referenced a recently read article regarding opposition of IT departments. He commented that while the IT departments are essential, we should all embrace and learn modern technology.

Director Holmes stated that he would need to leave the meeting at 10:30 a.m.

**Item #2 – Various Reports**

***The General Manager’s Report, dated April 12, 2022, was distributed to the Board.***

Mr. Peter Rietkerk, SSJID General Manager, stated that the written Managers’ Reports will now be submitted to the Board at the second board meeting held every month. However, the Board may address the Senior Leaders at every board meeting with inquiries and/or issues to discuss.

Mr. Rietkerk provided a hydrology update per the California Department of Water Resources (DWR) Bulletin 120, dated April 1, 2022. It was noted that on the General Manager’s Report, dated April 12, Section Water Supply Indicators, Bullet(s) Water Supply Predictions, DWR Bulletin 120 - the amounts listed were transposed, and should read “90-percent exceedance – 548,000 acre-feet (AF); 50-percent exceedance – 910,000 AF.”

Mr. Rietkerk reported that a Magnacide application scheduled for April 11, had been canceled due to the rain event. Other reasons for cancellation included safety concerns because of the wet weather, reductions in demand for water during the week of April 11, and the City of Manteca had reactivated their storm drain pump system, complicating the application. The Magnacide application has been postponed until April 21 or 22. Typically, Magnacide applications begin between April 13 and May 17.

Mr. Rietkerk reported that he attended the CMUA 2022 Water and Power Conference April 3-5, in San Francisco. He relayed that the conference was a good opportunity for networking, and he was able to meet Mr. Ed Franciosa, the new General Manager at Modesto Irrigation District (MID). Highlights included presentations by Mike Madrid, Political Consultant, who lectured on “Navigating State & National Politics to Benefit Your Community;” John Mura, GM/CEO East Valley Water District, who lectured on “Successful Community Engagement Strategies;” and Tim Quinlan, Economist, Wells Fargo, who lectured on “The Economy: Where We’ve Been and Where We Might Be Headed.”

Mr. Rietkerk noted Governor Gavin Newsom’s Executive Order N-7-22, dated March 28, 2022, regarding California’s drought situation which called on local water suppliers to move to Level 2 of their Water Shortage

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Contingency Plans, and directed the State Water Resources Control Board (SWRCB) to consider a ban on the watering of decorative grass at businesses and institutions. Also addressed in the order was a voluntary 15-percent conservation effort; and a new requirement that permits for new groundwater wells or alteration of existing wells in a basin subject to the Sustainable Groundwater Management Act (SGMA), and classified as medium- or high-priority, must receive written verification from the Groundwater Sustainability Agency (GSA) managing the basin or area of the basin where the well is proposed to be located.

Mr. Rietkerk reported on the Water Treatment Plant (WTP) Operations Committee meeting held on April 11. Discussions included SSJID's prepayment to unfunded liability and subsequent prepayment options for the Cities of Escalon, Lathrop, Manteca and Tracy; and consideration to collaborate with the Cities for the chemicals required for water treatment.

Director Kamper inquired about current policy regarding water levels at Woodward Reservoir, to which Mr. Rietkerk responded that DWR requires water elevation to be at 205 by November 1, and that in April the elevation may be raised up to 210. The District maintains an approximate elevation of 208. Mr. Frank Avila, SSJID Irrigation Operations Manager, addressed the Board via the online Zoom meeting platform and concurred that the District maintains an average elevation at Woodward Reservoir of 208-209.

Director Weststeyn addressed Mr. Avila regarding an update on the pipeline resurfacing project. Mr. Chad Parson, SSJID Associate Civil Engineer, responded via the online Zoom meeting platform that the vendor had received and is currently testing the pump, and will prepare for shipment.

Mr. Rietkerk stated that Mr. Ed Erisman, WTP Manager, is currently working on the response letter to the Stanislaus Regional Water Authority regarding SSJID's participation in the Regional Surface Water Supply Project. Staff will confer with the Ad-hoc Committee members to schedule a meeting to discuss and review the response.

**ACTION CALENDAR**

**Item #3 – Consider Approval of 3-Year Subscription Agreement with AVEVA Select for SCADA Systems at the Water Treatment Plant and Control Room**

Ms. Sarah Bloom, SSJID Interim Finance and Administration Manager, addressed the Board and stated that she will be presenting the agenda item in the absence of Mr. Michael O'Leary, SSJID IT Systems Administrator. She provided history of SSJID's usage of Wonderware InTouch SCADA software at the Control Room and WTP, and purchase of the yearly maintenance service to provide occasional technical support and version upgrades. She explained that staff was approached by AVEVA Select regarding their new "Flex" program which entails purchasing "flex credits" on a subscription-based platform.

Ms. Bloom provided detailed explanations of AVEVA's flex-credit program; the District's estimated 3,200 credits per recommendation from AVEVA customer service representative based on SSJID's number of users and version upgrades; the 1, 2, or 3-year service commitment options; and benefits of the flex-program including a vast catalog of software, and remote capabilities. Staff provided a comparison of the Wonderware regular yearly maintenance fee versus AVEVA's Flex Credit maintenance fees over the next three (3) years. A maintenance fee is allocated in the 2022 budget, therefore the budget variance would be minimal as the District will be invoiced yearly.

Staff recommended AVEVA's 1-year, or 3-year subscription plan option. Ms. Mia Brown, SSJID General Counsel, advised that the contract contained a provision stating that cancellation before the end of a term will result in a cancellation fee of 25-percent of the remaining amount owed on the agreed subscription term and will be due immediately upon notice of cancellation.

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Board discussion included the benefits of the AVEVA flex-credit program; the WTP and Control Room usage breakdown of the software; and long-term advantages of Wonderware versus AVEVA Flex Program.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Weststeyn to approve a 3-year subscription agreement with AVEVA Select for SCADA Systems at the Water Treatment Plant and Control Room.

The motion passed 5 to 0 by the following vote:

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

**Item #4 – Consider Approval of Letter of Support for Senate Bill 656 (Eggman) – Stockton East Water District: Water Rate Cap Removal**

Mr. Nakagawa addressed the Board regarding a letter of support for Senate Bill (SB) 656 – Stockton East Water District (SEWD) Water Rate Cap Removal. He provided a detailed explanation of SB 656, and SEWD’s current hard cap rates, service water rates, and groundwater rates. SB 656 would remove the legislative cap on the agricultural groundwater rate of SEWD and enable them to raise revenues critical for successfully meeting the requirements of the Sustainable Groundwater Management Act (SGMA). Mr. Scot Moody, SEWD General Manager, requested local letters of support for SB 656.

Staff recommended that the Board authorize and direct the Board President to sign a letter of support for SB 656.

**MOTION:** A motion was made by Director Kamper and seconded by Director Spyksma to authorize and direct the Board President to sign a letter of support for Senate Bill 656 – Stockton East Water District: Water Rate Cap Removal.

The motion passed 5 to 0 by the following vote:

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

**Item #5 – Consider Approval of Professional Services Agreement with CV Strategies for Communications and Public Relations Services**

Ms. Katie Patterson, SSJID Government and Public Relations Manager, addressed the Board and provided background of the Request for Proposal (RFP) process for communications and public relations services; the vetting of applications; the candidate interviews; and final selection of CV Strategies as the District’s new communications and public relations consultant.

Ms. Patterson detailed CV Strategies’ experience representing the Association of California Water Agencies (ACWA) and irrigation districts; the initial 3-month contract with CV Strategies; and scope of work.

Fiscal impact for the initial 3-month contract has a not-to-exceed amount of \$10,500 (\$3,500 per month) for approximately 20-25 hours of work; and an additional not-to-exceed amount of \$5,000 for the development of

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an annual Plan that includes development of a comprehensive approach to annual outreach, identifying communication strategies based on knowledge and review of District outreach efforts, providing related implementation recommendations, and crafting an implementation calendar and key milestones.

Staff recommended the Board approve the proposal from CV Strategies as the District’s communications and public relations consultant; authorize the General Manager to sign the Professional Services Agreement (PSA) with CV Strategies; approve the 3-month contract with CV Strategies for communications and public relations services through June 2022; and approve the additional scope of work to develop an annual comprehensive strategic communications plan at a not-to-exceed amount of \$5,000.

Ms. Brown added that the contract contemplates work to be done by individual task orders and assignments, with oversight and direction from the Board and staff. Director Holmes confirmed that the District’s signatory on the PSA should be the Board President as on the draft agreement, and not the General Manager as noted in the staff report for Agenda Item #5.

**MOTION:** A motion was made by Director Weststeyn and seconded by Director Spyksma to approve the proposal from CV Strategies as the District’s communications and public relations consultant; authorize the Board President to sign the Professional Services Agreement with CV Strategies; approve the 3-month contract with CV Strategies for communications and public relations services through June 2022; and approve the additional scope of work to develop an annual comprehensive strategic communications plan at a not-to-exceed amount of \$5,000.

The motion passed 5 to 0 by the following vote:

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

**Item #6 – Consider Approval of Villa Ticino West Unit 1 and Unit 2**

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, addressed the Board regarding development of the Villa Ticino West Subdivision, Units 1 and 2, in Manteca and noted that representatives of the project engineering firm, MCR Engineering, were in attendance at the meeting. He provided detailed explanations of the development project, project location, scopes of work for Units 1 and 2, and encroachments within SSJID property.

Mr. Killingsworth informed the Board of difficulties encountered identifying the title owners of two (2) strips of land located within the project area. District staff are awaiting an update from Old Republic regarding the title search.

Mr. Killingsworth noted the location of the proposed development near the French Camp Outlet Canal (FCOC) and stated that improvements need to occur including raising the bank adjacent to the project site. The developer has committed to working with the District on improvements to the FCOC.

Board discussion included future service abandonment agreements, the potential for cave-ins of the abandoned pipelines, and future development that may require relining of the FCOC. Director Holbrook stated he had additional comments that he would present in Closed Session, but that would not affect current Board action on this item.

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Staff recommended the Board: 1) Approve the Developer’s Agreement for Unit #1; 2) Approve the Encroachment Agreement for Unit #2; 3) Authorize staff to work with developers to research and resolve issues regarding the property title; and 4) Authorize conditional approval of the items listed below regarding Villa Ticino West Unit #1 and Unit #2, subject to staff’s satisfaction:

1. Staff signature of Improvement Plans
2. Developer Agreement (Unit #1)
3. Encroachment Agreement/Temporary Construction Agreement (Unit #2)
4. Irrigation Service Abandonment Agreement
5. Remove possible clouds on title regarding SSJID and Villa Ticino property and prepare corrective deeds amended maps, and other documents as required, establishing clear title for respective properties.
6. Review/Approval of Joint Trench Plans
7. Review/Approval of Unit #1 Final Map and Unit #2 Final Map

**MOTION:** A motion was made by Director Kamper and seconded by Director Weststeyn to authorize conditional approval of the items listed above regarding Villa Ticino West Unit #1 and Unit #2, subject to staff’s satisfaction.

The Board directed staff to detail valve abandonment and plugging issues/requirements in the Irrigation Service Abandonment Agreement.

The motion passed 5 to 0 by the following vote:

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

**Item #7 – Consider Approval of Agreement to Transfer Easements and Drainage Facilities Associated with Drain 5**

Ms. Brown addressed the Board and explained the existing Storm Drainage Agreement (Agreement), dated February 14, 2006, between the District and the City of Manteca (City). She further explained that the Agreement allowed the City to utilize Drain 5 (among other facilities) for storm water drainage; and that Section 15 of the Agreement provides that the District “shall” offer to transfer to the City, drainage facilities which are no longer needed by the District and which the City has a continuing need.

On January 10, 2020, the City provided a written request to the District to commence efforts to transfer ownership of Drain 5, which is no longer needed by the District for irrigation drainage purposes. The District and the City collaborated to develop the proposed Agreement to convey Drain 5. Counsel found the Agreement acceptable which absolves the District of its obligation to maintain any portion of Drain 5, once it has been improved.

Board discussion included the proposed Agreement, Section 2, Item C, regarding the segments of Drain 5 that remain an “open ditch.” Mr. Killingsworth stated that the District agrees to continue maintenance of those segments if/when those areas remain an open ditch. He added that future development will require that those segments be undergrounded or otherwise improved, per the City, thus absolving the District from any responsibility and/or liability.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Weststeyn to approve the Agreement to Transfer Easements and Drainage Facilities between SSJID and the City of Manteca.

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The motion passed 5 to 0 by the following vote:

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

*The next item was taken up following Closed Session.*

**Item #8 – Consider Approval of CenterPoint Intermodal Way Extension Project**

*It was announced that all items listed in the Closed Session agenda would be discussed. The Board took a brief recess at 10:30 a.m. and convened to Closed Session at 10:40 a.m.*

*Director Holmes exited the meeting at 10:30 a.m.*

*Director Holbrook exited the meeting at 11:36 a.m.*

**Item #9 – CLOSED SESSION**

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

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

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

*SSJID vs. PG&E  
Appeal from Judgment of Dismissal Pending:  
In the Court of Appeal for the State of California, Third Appellate District  
Case No. C086319  
Superior Court for San Joaquin County  
Case No. STK-CV-UED-2016-0006638*

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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

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

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

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

*Department of Transportation vs. Fassler et al.*  
San Joaquin County Superior Court  
STK-CV-UED-2022-0000584

*Department of Transportation vs. Fassler et al.*  
San Joaquin County Superior Court  
STK-CV-UED-2022-0000627

d. Conference with Real Property Negotiator

California Government Code Section 54656.8

- i.      Property:                    Water  
          Negotiating Parties:   Oakdale Irrigation District, Chicken Ranch Rancheria Band of Me-Wuk Indians, and Other Potential Parties Unknown  
          District Negotiator:   General Manager  
          Terms:                    Price and terms of payment of sale
  
- ii.     Property:                    Woodward Reservoir  
          Negotiating Parties:   Stanislaus County  
          District Negotiator:   General Manager  
          Under Negotiation:   Grant of License
  
- iii.    Property:                    Easement Interest in APNs 198-030-29 and 30  
          Negotiating Parties:   CenterPoint Properties Trust  
          District Negotiator:   General Manager  
          Under Negotiation:   Price and terms of payment

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e. Labor Negotiations

California Government Code Section 54957.6  
Agency Negotiator: General Manager  
Employee Organization: IBEW Local 1245

f. Public Employment

California Government Code Section 94957(b)(1)  
Classifications: Assistant General Manager, Finance Administration Manager, Electric Utility Specialist

**RETURN TO OPEN SESSION**

*The Board reconvened to Open Session at 12:15 p.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.

*The next item was taken up following Closed Session in Open Session.*

**Item #8 – Consider Approval of CenterPoint Intermodal Way Extension Project**

**MOTION:** A motion was made by Director Spyksma and seconded by Director Kamper to authorize conditional approval of the items listed below regarding the CenterPoint Intermodal Center’s Intermodal Way Extension, Drain “3” Crossing, subject to compliance with the District’s standard requirements and to the satisfaction of District staff.

1. Staff signature of Improvement Plans
2. Developer’s Agreement
3. District Grant of Easement to CenterPoint Properties Trust for a fee of \$7,500, to be paid by the Developer.

The motion passed 3 to 0 by the following vote:

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

**Item #11 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 12:15 p.m.

**ATTEST:**

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Danielle Barney, Clerk of the Board