

**MINUTES FOR THE APRIL 13, 2021
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 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 \$862,858.35; Accounts Payable Wires in the amount of \$639,708.11; and Payroll dated March 26, 2021 in the amount of \$242,436.04, March 31, 2021 in the amount of \$4,910.72, and April 9, 2021 in the amount of \$243,513.57.

Director Roos joined the meeting, via the online Zoom meeting platform, at 9:04 a.m.

- B. Approval of the Regular Board Meeting Minutes of March 23, 2021
- C. Approval of Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 259-040-11
- D. Approval of Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 245-210-05
- E. Approval of Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 247-130-07

Director Holbrook inquired on the time span from when the Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter documents were signed by the “owners” to being presented to the Board for approval. Mr. Forrest Killingsworth, SSJID Engineering Department Manager, responded that due to COVID-19 restrictions, staff allowed property owners additional time to get signatures notarized and submitted to the District. Once approved and signed by the Board, a current date is entered on the Certificate of Acceptance and the fully executed document is forwarded to the San Joaquin County (SJC) Recorder’s office to be officially recorded.

F. Approval of Notice of Completion for SSJID Control Box Pour Over Wall Modification Project (SSJID-20007)

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

The motion passed 5 to 0 by the following vote:

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

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Kamper commented on deficit irrigation, which is a watering strategy whereby irrigation is applied during drought-sensitive growth stages of a crop. He recently applied this watering technique to his own orchards and stated that his trees look good and tested positive for all necessary nutrients.

Director Weststeyn reported that he attended the SSJID Public Relations Committee meeting on March 30.

Director Weststeyn reported that he attended the Pipeline Relining Follow-up Discussion meeting on March 24.

Director Weststeyn reported that he participated in the Eastern San Joaquin Groundwater Authority (ESJGWA) FloodMAR Virtual Workshop on April 8.

Director Holbrook reported that he attended the SSJID Public Relations Committee meeting on March 30. Discussion included public messaging. He opined it was a good meeting and that staff is “on track.”

Director Holbrook announced the cancellation of the Greater SJC Coordinating Committee meeting on April 13.

Director Holbrook announced the SJC Advisory Water Commission meeting to be held on April 21.

Director Holmes revisited the General Manager’s report from March 23, when Mr. Peter Rietkerk, SSJID General Manager, announced that he was accepted by the Water Solutions Network to participate on their advisory council for the next two (2) years. Director Holmes congratulated Mr. Rietkerk and wished him good luck and success on this endeavor. Mr. Rietkerk added that he will be participating in his first meeting on April 22.

Director Holmes reported that he participated in the ESJGWA FloodMAR Virtual Workshop on April 8. The workshop agenda was broken into three (3) topics: 1) Groundwater recharge and management; 2) Agronomic implications of FloodMAR Panel discussing experience with flood flows; and 3) Groundwater Sustainability Agency (GSA) Perspectives Panel, including panelists Director Holmes and Mr. Scot Moody, General Manager of Stockton East Water District (SEWD), discussing how flood flows will affect Groundwater Sustainability Plans (GSPs). He opined it was a well-attended event.

On April 12, Director Holmes met with Mr. Cuyler Ruskin, videographer, to be interviewed as part of the Canyon Tunnel historical video.

Director Holmes reported that he attended the ESJGWA Steering Committee meeting on April 14, via remote access from the District office.

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Director Holmes reported that he attended the Tri-Dam Board meeting on April 15, via remote access from the District office.

Director Holmes announced the South San Joaquin Groundwater Sustainability Agency (SSJGSA) Board meeting on April 21.

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 April 12, 2021.

Director Holbrook addressed Mr. Ed Erisman, Water Treatment Plant (WTP) Manager, regarding status of the new drying beds project at the WTP. Mr. Erisman responded, via the online Zoom meeting platform, that the job is progressing well. Rebar has been laid, and an average of 150-yards of concrete is poured daily. He added that pictures of the project are available on the District's shared drive, and that he could forward pictures upon request from the Board.

Director Kamper addressed Mr. Killingsworth regarding an update on the pipeline that was relined during the Modesto Irrigation District (MID)/SSJID relining project on March 16, and inquired if any leaks had been identified. Mr. Killingsworth deferred to Mr. Frank Avila, SSJID Irrigation Operations Manager, who responded via the online Zoom meeting platform. Mr. Avila stated that there are no leaks and the pipeline looks good.

Mr. Peter Rietkerk commented on a recent email he sent to the Board and Executive Management staff regarding updates to water supply projections. Per updated information received following the California Department of Water Resources (DWR) Bulletin 120, dated April 8, 2021, staff now projects that between the 90% and 75% exceedance projections, the District can expect between 225,000 acre-feet to 235,000 acre-feet of available water supply for 2021, respectively.

Based on the updated information, staff action includes: Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, ran numbers of the District's anticipated 2021 water usage and projected that service can be provided through the year without significantly cutting back irrigation deliveries; Irrigation Operations staff have been instructed to begin running wells; staff will issue a press release based on today's Board discussion regarding conservation; consideration to extend the number of days for irrigation rotation to 12-days which calculates to one (1) less run for the irrigation season; and consideration to end the 2021 water season sooner. Mr. Rietkerk added that the WTP Operations Committee has been informed of potential allocations, and that the City of Manteca is voluntarily reducing their water demand 5% from the WTP.

Director Holbrook commented on a recent observation of a high water level in the French Camp Outlet Canal (FCOC) and suggested closer monitoring so as not to waste water. Mr. Rietkerk responded that Mr. Avila is working with the Division Managers to minimize operational spills and closely coordinate deliveries with customers. Mr. Avila added that the pipelines go uphill at the FCOC which causes ponding in portions of the canal and that staff is working to minimize water reaching the FCOC. Mr. Rietkerk stated that recommended operation changes could be presented at the next Board meeting.

Mr. Rietkerk reported that Reclamation informed SSJID and Oakdale Irrigation District (OID), on April 8, that it would not approve the proposed pulse flow action for this year, citing ongoing disagreements over interpretation of the 1988 Agreement and water rights related issues. A Reclamation letter previously sent to

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the District, containing Reclamation’s interpretation of the District’s water rights, will be forwarded to the Board for viewing.

Mr. Rietkerk announced that FishBIO has extended an invitation to the Board for a sampling tour of the Stanislaus and/or Lower San Joaquin Rivers. The tentative dates are April 22-30, May 10, or May 17. Directors Kamper, Holmes, and Holbrook have all expressed interest in participating and provided their preferred tour dates. Mr. Rietkerk added that Mr. Dennis Wyatt, editor of the Manteca Bulletin, has also expressed interest in attending.

Mr. Rietkerk announced Ripon Rotary’s “1000 Duck Race” fundraiser to benefit four (4) \$1,000 scholarships to trade schools. The rubber duck race will be held on May 3 at 1:00 p.m., and the race “track” will be one of the District laterals. An informational flyer was included in the GM Report dated April 13.

ACTION CALENDAR

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

Mr. Rietkerk reported that San Joaquin County has moved into the Red Tier of Governor Gavin Newsom’s Blueprint for a Safer Economy. Recent discussion at the Senior Leadership meeting included re-opening of the District which would entail customers in the main lobby and Engineering Department, and public attendance at board meetings. Also discussed was consideration of continued remote work by District staff.

Item #4 – Consider Approval of Quotes and Authorize Purchase of New Ford Vehicles for SSJID Fleet

Mr. James Ferguson, SSJID Shop Supervisor, addressed the Board via the online Zoom meeting platform, and provided a timeline of the requests for quotes for the Ford trucks. He explained that Ford had recently changed the cut-off date for fleet orders of the F-150s and Super Duty trucks, which is why the Ford trucks are being presented today for approval, separate from the fleet vehicles approved for purchase by Board action on February 23. Mr. Ferguson provided detailed explanations of the trucks; placement within the District fleet; and the proposal/quote process.

Staff is recommending Board approval for two (2) 2021 Ford F-150s, two (2) 2022 Ford Super Duty F-350s, one (1) 2022 Ford Super Duty F-600, one (1) 9-foot utility truck body with flip tops, one (1) 9-foot framed steel flatbed with boxes, and one (1) custom crane/mechanics body for a total amount of \$329,142.50.

Board inquiries included estimated delivery dates, to which Mr. Ferguson replied the F-150s are expected in July, and the Super Duty trucks are expected in September/October.

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to accept the quotes and approve purchase of new vehicles for the SSJID fleet including:

One (1) 2021 Ford F150 Super Cab 4x4 XLT pickup for the Engineering Department	\$32,787.38
One (1) 2021 Ford F150 Super Crew 4x4 XLT pickup for the Safety Officer	\$39,252.38
One (1) 2022 Ford F350 equipped with a Douglass Utility Body for SCADA	\$46,634.00
One (1) 2022 Ford F350 equipped with a Douglass Flatbed Body for JSC	\$56,329.41
One (1) 2022 Ford F600 equipped with a Douglass Crane Body for the Shop	\$154,139.33
TOTAL	\$329,142.50

The motion passed 5 to 0 by the following vote:

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

Item #5 – Consider Approval of SSJID Participation in the CV Salts Program

Mr. Erisman addressed the Board and provided background of Central Valley Regional Water Quality Control Water Board’s (Regional Board) action, in May 2018, to adopt Resolution R5-2018-0034 approving new salt and nitrate control programs. He explained that on January 5, SSJID received a Notice to Comply letter containing legal requirements pertaining to the new Central Valley (CV) Salt Control Program. He further explained that the letter was received due to the District’s Waste Discharge Requirement (WDR) Order R5-2014-0026 from the Regional Board which permits the WTP to discharge water from drying bed No.1 into the on-site retention basin.

Mr. Erisman detailed the new CV-Salt Control Program’s three (3) phases, with each phase lasting 10-15 years. The Regional Board is currently beginning to implement Phase 1, during which all permittees whose discharges exceed certain salinity thresholds will be required to either get a traditional Waste Discharge Permit, or participate in and help fund a comprehensive study, named the Prioritization and Optimization Study (P&O Study) to assess salinity problems and potential salinity solutions in the valley. The Notice to Comply requires that SSJID notify the Regional Board of its intent to be covered under the traditional “conservative” permitting approach, or the “alternative” permitting approach, which were both thoroughly explained by Mr. Erisman.

Staff recommends the District select the alternative permitting approach requiring participation in and providing a minimum level of financial support for the P&O Study. The fiscal impact would be \$385 annual for the next 10-15 years.

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to authorize the WTP Manager to submit a Notice of Intent to the Central Valley Regional Water Quality Water Board indicating SSJID’s choice to be covered under the “alternative” permitting approach and participation in the CV Salts Program.

The motion passed 5 to 0 by the following vote:

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

Item #6 – Consider Approval to Refresh District Servers, Backup, and Networking Equipment

Mr. Michael O’Leary, SSJID IT Systems Administrator, addressed the Board via the online Zoom meeting platform, and provided background of the District’s purchase of new file servers, email server and TruePoint server beginning in 2009, and Board authorization to purchase additional equipment and/or upgrades up through 2018. He explained that due to the advanced age of the equipment (10 years old), the equipment is at the end of its lifespan and has begun experiencing small failures which can easily turn into critical failures.

Mr. O’Leary described the project scope to replace and upgrade all networking equipment within the District, replace all physical servers at the District Office and WTP, replace the backup tape system, and upgrade the

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video surveillance storage throughout the District to comply with California law requiring public surveillance to be stored at a minimum of one (1) year. He added that the action plan is “piece by piece” replacement resulting in minor down time to the District. In addition, purchasing the equipment and/or upgrades in one order will save the District thousands, while still remaining within the budget by several thousands.

Quotes were requested and submitted from the following: Dell Direct – \$167,182.10 total cost; AbTech Technologies – \$151,855.59 total cost; and CDW-G – \$158,146.88 total cost. Staff is recommending Board authorization to purchase a server, networking backup, and storage equipment from AbTech Technologies for the amount of \$139,627.32 plus tax, for a total amount of \$151,855.59.

Board inquiry included the installation method, to which Mr. O’Leary responded would be completed by him. Also inquired upon was the discrepancy of a total amount of \$139,637.32 plus tax as shown on page one of the staff report versus the total fiscal impact of \$151,855.59 as shown on page two of the staff report, to which Mr. O’Leary responded the \$151,855.59 amount includes estimated sales tax. Mr. Bere Lindley, SSJID Assistant General Manager, stated that the proposed project(s) were authorized for inclusion in the Capital Budget by Board action in December 2020.

MOTION: A motion was made by Director Kamper and seconded by Director Weststeyn to authorize the purchase of server, networking, backup, and storage equipment from AbTech Technologies for a total amount of \$151,855.59 (estimated tax included).

The motion passed 5 to 0 by the following vote:

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

Item #7 – Consider Approval of SSJID Letter of Support for the Stockton East Water District 2021 WaterSmart – Applied Sciences Grant Application

Mr. Nakagawa addressed the Board regarding Stockton East Water District’s (SEWD) request for a letter of support for their 2021 WaterSmart – Applied Sciences Program grant application. He explained the details of the Bureau of Reclamation’s WaterSmart program to use satellite imagery to monitor groundwater pumping and usage. Mr. Nakagawa further explained that SEWD requested local letters of support for the grant application, at the ESJGWA Board meeting on April 1, to fund their Eastside Groundwater Use Measurement Project. The proposed project is to estimate and produce spatial and temporal maps of monthly evapotranspiration and estimation of net-to-from groundwater within the agricultural areas of SEWD, North San Joaquin Water Conservation District, and Central San Joaquin Water Conservation District. In addition, the technology accessed will improve the future accuracy of regulatory reporting pursuant to the Sustainable Groundwater Management Act.

MOTION: A motion was made by Director Kamper and seconded by Director Holbrook to authorize and direct the President of the Board to sign a letter of support for the Stockton East Water District’s WaterSmart Applied Sciences Program grant application.

The motion passed 5 to 0 by the following vote:

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

Item #8 – Consider Approval of Water Transfer Agreement By and Between South Delta Water Agency (SDWA) and SSJID; and Adoption of Resolution 21-12-W Approving Water Transfer Agreement By and Between SDWA and SSJID; and Resolution 21-13-W Approval of the California Environmental Quality Act Notice of Exemption for Water Transfer Agreement By and Between SDWA and SSJID

Mr. Rietkerk addressed the Board and requested that potential Board action be deferred until after discussions held in Agenda Item # 15 – Closed Session. The Board concurred.

Item #9 – Consider Approval of Amendment to Service Abandonment Agreement for R.A. Kearsley & Son, Inc., APN 245-10-02 & 09

Mr. Killingsworth addressed the Board regarding a request to amend an existing Service Abandonment Agreement for APNs 245-10-02 and 09. He provided background of the landowner entering into Agreements #1270 and #1271 in 2000; a description of the property and location; and explained the landowner’s intent to flood irrigate through a private pipeline and valves that already exist. Mr. Killingsworth further explained that the existing parcel is currently irrigated by a private well, and that the owner intends to continue utilizing the well as the primary irrigation source but desires to flood irrigate with District water periodically as a supplemental source.

The Engineering Department and Water Department have verified that Operations staff can provide flood service per District specifications on a regular rotation as designated and approved by the District. Mr. Killingsworth cited staff’s recommended specific conditions for approval regarding flood irrigation; sprinkler or drip irrigation; and one-year provision. All other standard language for Service Abandonment Agreement Amendments (including flow measurement requirements, access, responsibility of costs, etc.) shall be included in the amendment document. Owner will be required to pay the District’s standard irrigations rates.

MOTION: A motion was made by Director Weststeyn and seconded by Director Holbrook to approve Agreement to Amend Irrigation Service Abandonment Agreement for APNs 245-100-02 and 245-100-09, subject to the terms and conditions and specified in the revised policy titled “Policy for Rescinding Irrigation Service Abandonment Agreement.”

The motion passed 5 to 0 by the following vote:

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

Item #10 – Consider Conditional Approval of Griffin Park Subdivision Phase A Improvements

Mr. Killingsworth addressed the Board regarding removal and replacement of Lateral X and X 133DD segments; removal of Lateral X 134DD segments; and installation of new South Drain Bypass improvements. The requested actions are related to the Griffin Park Subdivision project, Phase “A” Units 1-5, and subject to compliance with the District’s standard requirements and to the satisfaction of District staff. He provided a

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thorough explanation of the 300-acre housing development in Manteca; the 393-lot subdivision; and the location along the west side of Main Street, southwest of Main Street/Woodward Avenue intersection.

Mr. Killingsworth noted problematic areas within SSJID’s dual-use system (including Lateral X), which involve sagging pipelines causing standing water and the inability to fully dewater the pipeline. In addition, another sag had been identified in Drain 8 at the Highway 120 Bypass, requiring the installation of a city pump for nuisance water which does not appear to be operating as designed, and initiated staff contact with the City of Manteca to repair the pump in November 2020. He provided an analysis of the District facilities involved and proposed SSJID improvements including, but not limited to, modifying existing District structures and manholes to divert into the City of Manteca’s storm drain system; continue the pipeline sag but relocate the “low point;” and plan to implement a new design for centralized dewatering locations. Mr. Killingsworth also outlined, in detail, easements to be conveyed and abandoned; types of encroachments; irrigation service; storm drainage; status of the developer’s improvement plans; and the Developer’s Agreement.

Board discussion included a requirement for a bond with the City of Manteca, to which Mr. Killingsworth concurred and will follow up with Ms. Mia Brown, SSJID General Counsel, to evaluate the Master Agreement with the City. Also discussed was the backfill of the abandoned pipeline, to which Mr. Killingsworth responded that the pipeline is not within the traveled roadway of Main Street and the abandonment becomes the responsibility of the City of Manteca. He added that staff will present the Board with the next phase of plans at a future board meeting. Mr. Killingsworth acknowledged Mr. Keith Sausedo, SSJID Civil Engineer/Surveyor, on his thorough research and contribution to the staff report presented to the Board.

MOTION: A motion was made by Director Kamper and seconded by Director Holbrook to authorize conditional approval of the items listed below regarding removal and replacement of Lateral X and X 133DD segments, removal of Lateral X 134DD segments, and installation of new South Drain improvements. The aforementioned actions are related to the Griffin Park Subdivision project, Phase A, Units 1-5, and subject to compliance with the District’s standard requirements and to the satisfaction of District staff.

1. Staff signature of Improvement Plans
2. Developers Agreement
3. Encroachment Agreement/Temporary Construction Agreement
4. Irrigation Service Abandonment Agreement
5. Existing SSJID Lateral X 134DD easement quitclaims/pipeline abandonment
6. New SSJID Lateral X Easement(s)
7. Review/Approval of Joint Trench Plans
8. Review/Approval of Unit 1-5 Final Maps

The motion passed 5 to 0 by the following vote:

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

Item #11 – Consider Conditional Approval of Vintage II Subdivision Improvements

Mr. Killingsworth addressed the Board regarding abandonment of Lateral “Xaa” and improvements to the existing X-3 Pour-over Box. These actions are related to the Vintage II Subdivision project, and subject to

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compliance with the District’s standard requirements and to the satisfaction of District staff. SSJID improvements will be completed during the 2021-2022 non-irrigation season.

Mr. Killingsworth provided a description of the Vintage II subdivision project, the project location, and adjacent abandonment agreements. He detailed the proposed SSJID improvements; easements to be abandoned; irrigation service; storm drainage; status of improvement plans; and status of the SSJID easement quitclaims. Mr. Killingsworth explained that consideration was given as to whether the pipeline proposed for abandonment should be filled with concrete slurry as is typically required for aged, cast-in-place pipelines that are abandoned in place. However, staff is not recommending slurry fill because the pipeline was recently installed in 2018, the pipeline is made of quality reinforced concrete material and is structurally sound; the pipeline is not located in a heavy traffic corridor; and the abandoned pipeline will be completely inaccessible to the public. He added that District crews could arrange to have the pipeline filled with slurry upon Board request.

Board inquiry included if gases could develop in the hollow pipe, to which Mr. Killingsworth responded negative, and that the pipelines are breathable and venting. He added that the existing steel vent-pipes could be cut and capped at ground level and manholes lids could be welded into place. He assured the Board that the Operations staff will conduct a final inspection for no points of entry before the official abandonment has been finalized.

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to authorize conditional approval of the items listed below regarding abandonment of Lateral “Xaa” and improvements to the existing X-3 Pour-over Box. The aforementioned actions are related to the Vintage II Subdivision project, and subject to compliance with the District’s standard requirements and to the satisfaction of District staff.

1. Structure Abandonment Permit
2. Temporary Construction Agreement
3. Easement quitclaims/pipeline abandonment agreement for Lateral Xaa

The motion passed 5 to 0 by the following vote:

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

Item #12 – Consider Approval of Proposal to Update the Emergency Action Plan for Woodward Reservoir

Mr. Killingsworth addressed the Board and provided background of Senate Bill 92 (SB 92), which set new regulations requiring dam owners to submit inundation maps to DWR Division of Safety of Dams (DSOD) for review and approval. Once approved by DSOD, dam owners are required to submit an Emergency Action Plan (EAP) to the California Governor’s Office of Emergency Services (Cal OES). He provided a timeline which included SSJID submitting its updated inundation maps to DSOD in late 2017; comments received from DSOD in August 2020; revised inundation maps per DSOD’s requests re-submitted in November 2020; and DSOD’s approval of the inundations maps in January 2021.

The District is now required to submit an updated EAP for Woodward Reservoir to Cal OES. Per a Cal OES letter, dated April 2, 2020, the District was notified of specific modifications necessary to the prior EAP. The

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latest version of the Woodward EAP is dated December 18, 2017, however EAP requirements have significantly changed following the 2017 Oroville Dam incident and will require considerable effort to update the document.

Staff reached out to four (4) consultants to solicit proposals to assist with updating the Woodward Dam EAP. Two of the four consultants submitted proposals including Gannet Fleming, Inc., and Kjeldsen, Sinnock Neudeck, Inc. (KSN). Mr. Killingsworth provided detailed descriptions of both consultants' qualifications, scope of services, fee structure and amount, and schedule. He added that the item was not specifically budgeted for but could fall under the description of "On/call services for miscellaneous Engineering and Surveying Work" which has \$78,000 allocated in 2021 for this type of work.

Staff concluded that KSN's scope of work appears to be more robust including five (5) cycles of review with Cal OES, and will contract with the District on a Time and Expense Basis with a total not-to-exceed cap that is ~\$14,000 less than Gannet Flemings' fixed price.

Staff recommended Board approval of the proposal from KSN to prepare the updated Woodward EAP; and authorize staff to enter the District into a Professional Services Agreement with KSN for a not-to-exceed amount of \$26,336.

MOTION: A motion was made by Director Weststeyn and seconded by Director Holbrook to: 1) Approve the proposal from Kjeldsen, Sinnock and Neudeck, Inc. to prepare an updated Emergency Action Plan for Woodward Dam and process it for approval through Cal OES; and 2) Authorize staff to enter the District into a Professional Services Agreement with Kjeldsen, Sinnock and Neudeck, Inc. for a contract amount not-to-exceed \$26,336 to be billed based on a Time and Expense basis.

The motion passed 5 to 0 by the following vote:

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

Item #13 – Consider Approval of the Interagency Agreement Between Oakdale Irrigation District and SSJID for the Canyon Tunnel Project

Mr. Rietkerk addressed the Board regarding the Interagency Agreement between OID and SSJID for the Canyon Tunnel project. He provided history of OID and SSJID utilizing the Joint Supply Canal (JSC) to convey water from the Stanislaus River to the Districts' service areas, with approximately 72-percent of the JSC capacity meeting SSJID water demands, and 28-percent meeting OID needs. Mr. Rietkerk gave a brief recap of the Joint Supply Canal Bypass Tunnel Project (Canyon Tunnel), which will be located at Goodwin Dam and would extend approximately 12,000 feet downstream to a point where the JSC departs from the Stanislaus River canyon.

Mr. Rietkerk explained that Canyon Tunnel project costs will be the responsibility of both Districts, and allocated using the 72-percent/28-percent (SSJID/OID) percentages that continue to be used for allocating maintenance costs on the JSC. In addition, the scope of the project, and ways that staff and both agencies may participate in the project, justified a separate formal agreement so titled the "Interagency Agreement Between the Oakdale Irrigation District and the South San Joaquin Irrigation District for the Joint Supply Canal Bypass Tunnel Project (Interagency Agreement)."

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Staff and Counsel from both districts have participated in the development of the proposed Interagency Agreement. The Interagency Agreement was presented to the Tri-Dam Board on March 18, 2021, to be presented to OID and SSJID’s respective boards for approval.

Board inquiry included the Interagency Agreement, Section 3 – Project Costs Defined, Paragraph “c” regarding the labor or time of Project Managers and General Managers of each District shall not be included in project costs nor reimbursed by one District to the other. Mr. Rietkerk responded that the language is intended to prevent scrutiny of individual participation and provide latitude for those in charge.

Staff recommends Board approval of the Interagency Agreement and authorize the Board President and appropriate staff to sign the Agreement.

MOTION: A motion was made by Director Holbrook and seconded by Director Kamper to approve the Interagency Agreement between Oakdale Irrigation District and South San Joaquin Irrigation District for the Canyon Tunnel Project; and authorize the Board President and appropriate staff to sign the Agreement.

The motion passed 5 to 0 by the following vote:

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

Item #14 – Enforcement Action for Unauthorized Encroachment Upon Wc Lateral/District Easement: Appeal by R.J.M. Vineyards, LLC

Ms. Brown addressed the Board and provided descriptions of the unauthorized encroachments upon SSJID’s Lateral Wc; the subject property (APN 228-150-15); District rules regarding encroachments within District Rights-of-Way; the District’s easement upon the subject property; and a detailed timeline of communication and action(s) between District staff and the landowner commencing in November 2020. Ms. Brown introduced Mr. Dirk Heuvel, R.J.M Vineyards; and Ms. Danielle Stephens, Downey Brand, LLP, who were attending via the online Zoom meeting platform.

Ms. Stephens addressed the Board and provided an account of the encroachment pipeline which lies underground, asserting that its installation is allowable under the terms of the District’s easement, therefore should be permitted to remain in place. She explained that upon discovery of the easement, the trellis system was immediately removed from within 10’ of centerline of the District’s pipeline within the easement, and remaining is one (1) 3-inch pipeline, and numerous vineyard row endposts and anchors.

Mr. Heuvel addressed the Board and explained that his intent, upon purchasing the property, was to plant and that the District easement was not included in the escrow title report. He stated he was notified of the District easement on March 9, 2021, and cited his compliance of the District’s requests to remove vines and vehicular access.

Ms. Stephens added that the landowner is willing to remove the pipeline if/when the need arises in the future; can provide 10-feet of reasonable access for District maintenance needs; and reiterated that no evidence of easements were listed on the escrow title report.

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Discussion included the depth of the end posts for the trellis system; the end post anchors; and the standard District requirement for an Encroachment Permit. Ms. Brown announced that the Board will take the landowner's presentation under advisement, and that public announcement of the Board's decision will follow Closed Session. She welcomed Mr. Heuvel and Ms. Stephens to attend the meeting when reconvened to Open Session, and stated that Board decision will also be presented in writing.

In conclusion, Ms. Stephens offered a compromise to take one (1) side of the anchor to the 15-foot mark edge which will allow for a total 20-foot access right-of-way. Mr. Heuvel added that his intent is not to create conflict with the District.

Director Holmes thanked Mr. Heuvel and Ms. Stephens for their presentation. He stated that all facts will be considered and Board decision will be rendered following Closed Session.

It was announced that all items listed in the closed session agenda would be discussed. The Board took a brief recess at 11:14 a.m. and convened to closed session at 11:27 a.m.

Director Roos exited the meeting at 11:27 a.m.

Item #15 – CLOSED SESSION

15. 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
 - 8 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

Tyler v. Oakdale Irrigation District et al
Calaveras County Superior Court
Case No. 17CV42319

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

- 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 Racheria 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

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- h. Public Employment
California Government Code Section 54956
Titles: Public Relations Director

RETURN TO OPEN SESSION

The Board reconvened to open session at 2:23 p.m.

Item #16 – ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

Disclosure of reportable actions taken in Closed Session, pursuant to Government Code Section 54957.1:

Item #14 – Enforcement Action for Unauthorized Encroachment Upon Wc Lateral/District Easement: Appeal by R.J.M. Vineyards, LLC

Upon the following vote, the Board denied the appeal of R.J.M. Vineyards, LLC (R.J.M.) to allow the unauthorized encroachments to remain in the District’s easement as presently installed:

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

The denial of the appeal was based on the following findings made by the Board:

1. R.J.M. is presently encroaching upon the District’s easement located on that real property identified by APN 228-150-15 (the “Subject Property”) without prior permission by the District. The encroachments of which the District is presently aware include one (1) 3” PVC pipeline crossing District’s Lateral “Wc” (as provided in R.J.M.’s application for an encroachment permit dated April 4, 2021); and approximately fifty-six (56) metal endposts and 56 corresponding anchors and guy-wires.
2. R.J.M. was on notice of the existence of the District’s “Wc” Lateral upon the Subject Property prior to installation of the encroachments, which began on or about March 9, 2021.
3. The encroachments consisting of endposts, anchors, and guy-wires are located closer than 10 feet from centerline of the “Wc” pipeline.
4. The encroachments, as installed, provide the District access to a total of approximately 10 feet (approximately 5 feet on either side of the pipeline) length of its 30-foot wide easement; R.J.M.’s encroachments physically occupy the remaining approximately 20 feet of the easement footprint (or approximately 2/3 of the easement) to the exclusion of the District.
5. The location of the encroachments closer than 10 feet from centerline of the “Wc” pipeline unreasonably interferes with the District’s use and enjoyment of the easement, including the right to perform construction, operation and maintenance activities upon the pipeline.

The Board of Directors’ decision included a provision that the 3” PVC pipeline presently crossing the District’s “Wc” lateral to will be allowed to remain in place, if all of the following conditions are met:

1. R.J.M. properly completes its submittal for an encroachment permit;
2. Under direct observation and supervision of the District, R.J.M. uncovers the line for inspection;
3. The pipeline, as installed, passes inspection by District staff.

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The Board's decision included the following directives to R.J.M. regarding the encroachments:

1. If, upon inspection, it is discovered that the 3" PVC line is found not to have been installed in a manner acceptable to the District, it must be removed and reinstalled by R.J.M. in an acceptable manner;
2. The other unauthorized encroachments (endposts and anchors) lying closer than ten feet (10') from the centerline of the District's "Wa" line must be removed by April 30, 2021.
3. If the endposts and anchors are not removed by April 30, 2021, the District will undertake to have them removed at R.J.M.'s expense.
4. R.J.M. may reinstall the endposts and anchors within the District's easement area, so long as R.J.M. properly obtains an encroachment permit therefor from the District, and the endposts and anchors are not to be installed closer than 10' from centerline of the "Wc." The District will not approve an encroachment permit for anchors or endposts to be installed closer than 10' from centerline of the pipeline. R.J.M. may apply for the pipeline, endposts, and anchors under a single application and permit.

Item #8 – Consider Approval of Water Transfer Agreement By and Between South Delta Water Agency (SDWA) and SSJID; and Adoption of Resolution 21-12-W Approving Water Transfer Agreement By and Between SDWA and SSJID; and Resolution 21-13-W Approval of the California Environmental Quality Act Notice of Exemption for Water Transfer Agreement By and Between SDWA and SSJID

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to adopt Resolution 21-12-W Approving Water Transfer Agreement By and Between South Delta Water Agency and South San Joaquin Irrigation District, and approve the Water Transfer Agreement By and Between South Delta Water Agency and South San Joaquin Irrigation District.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION NO. 21-12-W**

**RESOLUTION APPROVING WATER TRANSFER AGREEMENT
BY AND BETWEEN SOUTH DELTA WATER AGENCY AND
SOUTH SAN JOAQUIN IRRIGATION DISTRICT**

WHEREAS, the South San Joaquin Irrigation District is a California irrigation district operating under and by virtue of Division 11 of the California Water Code; and,

WHEREAS, the South San Joaquin Irrigation District, along with Oakdale Irrigation District, are co-owners of certain water rights on the Stanislaus River, including pre-1914 appropriative rights to divert water from the Stanislaus River for irrigation of the lands within the Districts, and various post-1914 appropriative rights to store Stanislaus River water in various reservoirs for diversion to irrigate lands within the Districts, as well as to generate electrical power; and,

WHEREAS, South Delta Water Agency is a California public agency, set forth in Act 1270, California Water Code, Uncodified Acts; and,

WHEREAS, the South San Joaquin Irrigation District Board of Directors was presented with, and has reviewed a Water Transfer Agreement By and Between South Delta Water Agency, and South San Joaquin Irrigation District totaling 266 acre-feet; and,

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WHEREAS, the South San Joaquin Irrigation District Board of Directors has determined that water surplus to District demands is available for sale in water year ending September 30, 2021.

NOW, THEREFORE, BE IT RESOLVED that the South San Joaquin Irrigation District Board of Directors does hereby approve the Water Transfer Agreement and authorize the General Manager to execute the agreement.

PASSED AND ADOPTED this 13th day of April 2021 by the following vote:

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

MOTION: A motion was made by Director Kamper and seconded by Director Weststeyn to adopt Resolution 21-13-W Approval of the California Environmental Quality Act Notice of Exemption for Water Transfer Agreement By and Between South Delta Water Agency and South San Joaquin Irrigation District.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION NO. 21-13-W**

**APPROVAL OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF
EXEMPTION FOR WATER TRANSFER AGREEMENT BY AND BETWEEN
SOUTH DELTA WATER AGENCY AND
SOUTH SAN JOAQUIN IRRIGATION DISTRICT**

WHEREAS, the South San Joaquin Irrigation District (SSJID) is a California irrigation district operating under and by virtue of Division 11 of the California Water Code; and,

WHEREAS, the SSJID, along with Oakdale Irrigation District, are co-owners of certain water rights on the Stanislaus River, including pre-1914 appropriative rights to divert water from the Stanislaus River for irrigation of the lands within the Districts, and various post-1914 appropriative rights to store Stanislaus River water in various reservoirs for diversion to irrigate lands within the Districts, as well as to generate electrical power; and,

WHEREAS, South Delta Water Agency (SDWA) is a California public agency, set forth in Act 1270, California Water Code, Uncodified Acts; and,

WHEREAS, District's senior water rights are satisfied by and through the performance of a settlement agreement with the USBR (the 1988 Agreement) which requires the USBR to deliver water to the Districts at Goodwin Dam each year; and,

WHEREAS, SSJID adopted Resolution 21-12-W, approving a Water Transfer Agreement for 266 acre-feet by and between SDWA and the SSJID for the water year ending September 30, 2021; and,

WHEREAS, the proposed transfer (Project) would utilize existing water conveyance infrastructure and no construction would take place; and,

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WHEREAS, the proposed Project has been determined by the Board of Directors to be categorically exempt from California Environmental Quality Act (CEQA) based on the ongoing operation exemption in 14 Cal. Code Regs. 15261; projects designed to protect the environment (14 Cal. Code Regs. 15307); no change or expansion of existing diversion and pumping facilities (14 Cal. Code Regs. 15301); and on the basis that there is no possibility that release of the subject water into the Stanislaus River for re-diversion in the southern delta in this water year will cause any significant impacts in the environment; and,

WHEREAS, SSJID and SDWA are located in San Joaquin County; and,

WHEREAS, SSJID is the custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based, and the District office is the location of this record.

NOW THEREFORE, BE IT RESOLVED, by this Board of Directors that:

1. The foregoing recitals are true and correct.
2. The proposed Project has been determined to be categorically exempt from CEQA based on the ongoing operation exemption in 14 Cal. Code Regs. 15261; projects designed to protect the environment (14 Cal. Code Regs. 15307); and no change or expansion of existing diversion and pumping facilities (14 Cal. Code Regs. 15301).
3. A Notice of Exemption is approved (and is on file with the District's records).
4. Staff is authorized and directed to file a Notice of Exemption at the Clerk's Office (or other authorized place) of San Joaquin County in the manner prescribed by the CEQA.

PASSED AND ADOPTED this 13th day of April 2021 by the following vote:

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

Item #17 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 2:25 p.m.

ATTEST:

Danielle Barney, Clerk of the Board