

**MINUTES FOR THE MAY 10, 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 Weststeyn called the meeting to order. Director Holbrook led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS: HOLBROOK KAMPER SPYKSMA WESTSTEYN
ABSENT: HOLMES

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 \$722,949.37; Accounts Payable Wires in the amount of \$452,142.72; and Payroll dated May 6, 2022 in the amount of \$243,534.44.
- B. Approval of the Regular Board Meeting Minutes of April 26, 2022
- C. Approval of Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 245-160-28
- D. Approval of Amendment to Irrigation Service Abandonment Agreement, APN 245-130-37

Board discussion included status of a wood pile located on the District easement and if removal should be a condition of approval of the Amendment to Irrigation Service Abandonment Agreement (SAA). Mr. Forrest Killingsworth, SSJID Engineering Department Manager, responded that cleanup of the easements is a standard requirement included in all SAA documents. He added that Mr. Anthony Podesto, SSJID GIS/Engineering Technician had inspected the property and approved the application for the amended SAA.

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

The motion passed 4 to 0 by the following vote:

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

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Holbrook reported that he attended the Association of California Water Agencies (ACWA) 2022 Spring Conference on May 3-5, 2022 and the ACWA/Joint Powers Insurance Authority (JPIA) annual Board meeting on May 2, 2022, in Sacramento. He opined on an informative event, and the benefits of the ACWA/JPIA California Water Insurance Fund towards improving District finances. Highlights of the JPIA Board meeting included presentations from Mr. Hong Sae, Chief Information Officer, City of Roseville and President of

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Municipal Information Systems Association of California (MISAC), titled “Cybersecurity for Utilities: Principles and Framework;” and Mr. Alex Kaplan, Executive Vice President, Alternative Risk, Amwins, titled “The Protection Gap: Climate Risk and Insurance.” Director Holbrook completed the ACWA/JPIA course to renew the required AB 1825 Sexual Harassment Prevention certificate.

Director Spyksma reported that he attended the ACWA 2022 Spring Conference on May 3-5, 2022 and the ACWA/JPIA annual board meeting on May 2, 2022, in Sacramento. He commented on information acquired regarding cybersecurity and recommended an annual cybersecurity training and certification, as well as the rapidly changing climate and subsequent irrelevance of historical data. Director Spyksma noted the current availability of safety grant funding, and suggested inviting Mr. Walter “Andy” Sells, ACWA/JPIA President, to a future board meeting and/or tour of the District dams and facilities. He completed the ACWA/JPIA course to renew the required AB 1825 Sexual Harassment Prevention certificate.

Director Kamper stated there were no updates to report.

Director Weststeyn commented on the recent Magnacide application, expressed appreciation for the clean water in the irrigation ditches, and thanked the Irrigation Operations crews.

Item #2 – Various Reports

The General Manager’s Report was presented orally to the Board on May 10, 2022.

Mr. Peter Rietkerk, SSJID General Manager, provided a brief hydrology update and water supply projections per the California Department of Water Resources (DWR) Bulletin 120, dated May 1, 2022, indicating an increase in projected runoff from the Stanislaus River with the 90-percent exceedance forecast to be 627,000 acre-feet (AF). He noted again that the lack of hydrology will result in lower New Melones storage as compared to last year. Mr. Rietkerk highlighted that with continued prudent and efficient water use by our customers and District staff, the District will be able to increase its savings in the conservation account, to further protect against another dry year.

Mr. Rietkerk reported that he attended the ACWA 2022 Spring Conference on May 3-5, 2022 in Sacramento. He commented that it was an excellent conference, and was pleased that a majority of the District’s Senior Leaders attended representing SSJID as a team and engaging with counterparts and other organizations. Mr. Rietkerk stated that follow up at a future Senior Leadership meeting will include a debriefing of the ACWA conference and ways to incorporate learned new ideas and best practices into the SSJID culture. He noted additional conference highlights including federal and state funding available for Water Master Plan (WMP) projects, which Mr. Brandon Nakagawa, SSJID Water Resources Manager, and Mr. Killingsworth will research further; voluntary agreements for the Bay-Delta Water Quality Control Plan; and the ACWA Quench California campaign to educate Californians on water infrastructure.

Mr. Rietkerk announced that the first round of interviews for SSJID Finance and Administration Manager will be held on May 12.

Mr. Rietkerk provided an update of the San Joaquin Tributaries Authority (SJTA) Managers meeting held on April 27. Discussion included coordination of member agency presentations of their respective Strategic Plan projects, and opening a dialogue with local farmers to discuss potential projects. Highlights of SJTA Strategic Plan projects will be presented at the board meeting on May 24, as Board feedback is required.

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ACTION CALENDAR

Item #3 – Consider Adoption of Resolution 22-16-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency

MOTION: A motion was made by Director Spyksma and seconded by Director Holbrook to adopt Resolution 22-16-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION No. 22-16-Y**

**RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings; and

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so; and

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing; and

WHEREAS, the Board of Directors previously adopted Resolution No. 21-29-Y authorizing teleconferencing until February 24, 2022, and the conditions under which that Resolution was adopted remain unchanged.

NOW THEREFORE, the Board of Directors hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The Board of Directors ("Board") of the South San Joaquin Irrigation District ("District") finds, by a majority vote, the following:

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- a. That there exists a proclaimed state of emergency; and
 - b. State or local officials have imposed or recommended measures to promote social distancing.
3. District staff is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.
 4. Full participation by the public in meetings covered under the provisions of this Resolution is facilitated through the teleconferencing platform.
 5. This Resolution shall take effect **May 12, 2022** and shall remain in effect for thirty (30) days thereafter (until June 11, 2022), provided the conditions set forth in Section 2 remain.
 6. This Resolution repeals and replaces Resolution 22-12-Y.

PASSED AND ADOPTED by the Board of Directors of the South San Joaquin Irrigation District this 10th day of May 2022, by the following vote:

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

Item #4 – Consider Cancellation of the Regular Board Meeting on June 14, 2022

Mr. Rietkerk addressed the Board regarding cancellation of the regular board meeting on June 14, 2022, due to a conflict with the American Public Power Association (APPA) Annual Conference on June 10 through June 15, 2022. To date, Mr. Rietkerk, Director Holbrook, SSJID General Counsel Mia Brown, and SSJID Government and Public Relations Manager Katie Patterson are registered to attend this year’s event.

Mr. Rietkerk recommended cancellation of the board meeting due to the absence of the above mentioned staff. He noted that should an issue arise requiring an immediate board decision and/or action, a special board meeting may be called upon by the Board President. Should the Board approve staff recommendation, the only regularly scheduled board meeting, in June, will be held on June 28, 2022.

MOTION: A motion was made by Director Kamper and seconded by Director Spyksma to cancel the regular board meeting on June 14, 2022.

The motion passed 4 to 0 by the following vote:

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

Item #5 – Quarterly Presentation of Financial Statements through March 2022

Ms. Sarah Bloom, SSJID Interim Finance and Administration Manager, addressed the Board and provided a quarterly presentation of the year-to-date financial statements through March 31, 2022. She gave detailed explanations of the balance sheet; liabilities, deferred inflows, and net position; 2021/2022 comparison of year-to-date revenues and expenses; budget comparison of year-to-date revenues and expenses; and analysis of

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changes to cash and investments. The Board inquired about the line item depicting fuel costs due to the increase in gasoline prices, to which Ms. Bloom responded that it may be included in Materials and Supplies, but she will seek clarification and provide findings to the Board. The Financial Statements Report for March 2022 was included in the agenda packet, Item #5.

Item #6 – Quarterly Presentation of Investment Report through March 2022

Ms. Bloom provided a quarterly presentation of the investment report for March 31, 2022. She gave detailed explanations of cash and investments; summary of portfolio yield at 0.73%; treasury yield curve; and future investment redemptions. The Investment Report for March 31, 2022 was included in the agenda packet, Item #6.

Board discussion included long-term versus high-yield investments; ACWA California Water Insurance investments; inviting a financial advisor to a future board meeting to provide investment options; and convening an SSJID Finance Committee meeting to discuss next steps. Ms. Bloom will confer with the District’s investment broker, Mr. Kevin Martin, Financial Advisor, Cantella & Co., Inc., on his availability to attend a future meeting.

The next item was taken up following Closed Session.

Item #7 – Consider Approval of Job Description for SSJID Electric Utility Manager

It was announced that all items listed in the Closed Session agenda would be discussed. The Board took a brief recess at 10:00 a.m. and convened to Closed Session at 10:05 a.m.

Item #8 – CLOSED SESSION

- 8. 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
 - 1 case

- c. Conference with Legal Counsel – Existing Litigation
 - Paragraph (1) of subdivision (d) of Government Code Section 54956.9
 - 11 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

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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

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

7/11 Materials INC v. Auburn Constructors et al.

Stanislaus County Superior Court

CV-22-001717

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

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- ii. Property: Woodward Reservoir
Negotiating Parties: Stanislaus County
District Negotiator: General Manager
Under Negotiation: Grant of License

- 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

Director Spyksma exited the meeting at 11:36 a.m.

RETURN TO OPEN SESSION

The Board reconvened to Open Session at 11:38 a.m.

Item #9 – ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

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

Item 8.b. – Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Government Code Section 54956.9

MOTION: A motion was made by Director Holbrook and seconded by Director Spyksma to order the bridge on the Main Distribution Canal (MDC) to remain closed to traffic, and undergo inspection by a structural engineer. Depending on findings of structural engineer, and dependent upon demonstration by affected landowners of legal right to use and maintain bridge, bridge may be repaired, rehabilitated or replaced by landowners. Any such work will take place after water season and will require a District-issued permit. Design and construction must be in accordance with standards set forth by the District.

The motion passed 4 to 0 by the following vote:

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

Item #7 – Consider Approval of Job Description for SSJID Electric Utility Manager

MOTION: A motion was made by Director Holbrook and seconded by Director Kamper to approve the job description for SSJID Electric Utility Manager, as presented.

The motion passed 3 to 0 by the following vote:

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

Item #10 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:40 a.m.

ATTEST:

Danielle Barney, Clerk of the Board