

**MINUTES FOR THE MAY 11, 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: HOLMES KAMPER ROOS (via Zoom) WESTSTEYN
ABSENT: HOLBROOK

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 \$278,651.41; Accounts Payable Wires in the amount of \$447,315.43; and Payroll dated April 30, 2021 in the amount of \$4,910.72, and May 7, 2021 in the amount of \$243,598.62.
- B. Approval of the Regular Board Meeting Minutes of April 27, 2021

Director Kamper noted corrections to be made to page 4, Item #5, Resolution 21-15-W, and Resolution 21-16-W. He stated that the vote count on both resolutions should be corrected to reflect a “NO” vote from Kamper.

- C. Conditional Approval of Notice of Completion for the Lateral Qk-Qn Connection Project at Delicato Winery
- D. Conditional Approval of Notice of Completion for the Lateral H Relocation Project (Reed Leasing Group)

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

The motion passed 4 to 0 by the following vote:

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

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Weststeyn reported that he attended the San Joaquin Tributaries Authority (SJTA) Commission meeting on May 10, at the Turlock Irrigation District offices. Accompanying Director Weststeyn was Mr. Peter Rietkerk, SSJID General Manager, and Mr. Brandon Nakagawa, SSJID Water Resources Coordinator. Topic discussion included SJTA Strategic Planning Exploration.

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

Director Kamper participated in the FishBIO boat tour of the Stanislaus River on August 28. He opined it was an informative tour and added that FishBIO's efforts were highlighted in the May 5, 2021 edition of the California Farm Bureau's Farm and Fish News.

Director Kamper partook in the Manteca Rotary's Duck Race on May 3. He added that Mr. John Mangelos, Manteca Rotary Co-President, did a fine job coordinating the event with proceeds benefiting trade school scholarships for this year's local graduating high school seniors.

Director Kamper commented that he would like to see employees return to the office and resume in-person work and customer service, based upon Governor Gavin Newsom slowly reopening California and lessening COVID-19 restrictions.

Director Holmes announced that he will be attending the Eastern San Joaquin Groundwater Authority Steering Committee meeting on May 13, via remote access from the District Office.

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 May 10, 2021. The General Manager's Report was distributed to the Board on May 11, 2021.

Mr. Peter Rietkerk, SSJID General Manager, announced Mr. Justin Ashworth, Water Treatment Plant (WTP) Operations Supervisor, who presented the Board with an update on the WTP Drying Beds project. Mr. Ashworth addressed the Board via the online Zoom meeting platform, and provided a PowerPoint presentation depicting impressive photos of the project plans, preliminary dirt work, aerial views of the project site, and the concrete and steel work. He summarized that the bed dimensions are 125' x 350' each; each bed will hold roughly 1.4 million gallons of water; approximately 2,600 cubic yards of concrete have been poured; and approximately 443,000 pounds of steel will be used in the project. The anticipated project completion date is July 7, 2021.

Board discussion included inquiries if the concrete has been pre-treated to withstand chemicals used in the treatment process, and if the concrete had been covered with water during the construction process to contain moisture. Mr. Ashworth responded that the recent strong winds evaporated the water and have caused the concrete to dry and spider cracks have developed, which are being monitored. He added that there have been issues with the last concrete pours and HDR Engineering, Inc., will conduct a 56-day compression test to determine pressure ratings, and if the concrete will be accepted or need to be removed. The Board thanked Mr. Ashworth for his update.

Mr. Bere Lindley, SSJID Assistant General Manager, announced Mr. Don Thornburg, SSJID Human Resources Specialist, who presented the Board with an update on SSJID retirees' medical insurance. Mr. Thornburg addressed the Board and explained that the Association of California Water Agencies (ACWA)/Joint Powers Insurance Authority (JPIA) is considering changing health insurance providers for retirees, ages 65 and over, from the current Anthem plans to one offered by United Health Care (UHC). Kaiser Permanente coverage will continue to be offered in its current plan design. He added that the proposed change will affect 7 of the 20 current District retirees covered by health insurance.

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Mr. Thornburg provided details of ACWA's analysis of the current Anthem plan including current premium amounts, proposed UHC premium amounts, and the improved benefits offered in the proposed UHC plan. He added that an announcement letter to current enrollees is forthcoming in August/September 2021.

Director Weststeyn referenced the Assistant General Manager's Report regarding Communications and Public Relations and commended Ms. Sarah Bloom, SSJID Management Accountant, on her overseeing and coordination of the SSJID Facebook media posts. He thanked her for a job well done.

Director Weststeyn addressed Mr. Forrest Killingsworth, SSJID Engineering Department Manager, regarding the Engineering Department Manager's Report and inquired if the 37 sump pumps listed on the Structure Permit Applications matrix are connected to the District's SCADA system. Mr. Killingsworth responded that permit approvals include connections to the District's flow meters, which are SCADA ready. Discussion included that the rate of implementation of meters to SCADA is not accurately reflected in the demand; an average of twenty-four (24) sump pumps are approved annually; and the importance of the On-Farm Meter portal, located on the SSJID website, to provide real-time flow data related to irrigation deliveries.

Mr. Rietkerk noted a developing concern regarding the Bureau of Reclamation's recent change order, on May 7, to increase releases out of New Melones to 1,500 cubic feet per second (cfs) citing "Delta Needs" as the reason for the increase. The change does not appear to be part of the 2019 Biological Assessment setting operational criteria for New Melones, but rather a change in historical operations at New Melones. Staff is coordinating with water counsel on a response, as necessary.

Mr. Rietkerk noted the California Department of Water Resources' (DWR) Bulletin 120 update, dated May 1, citing projections for unimpaired runoff under a 90-percent and 50-percent exceedance are at 315,000 acre-feet (AF) and 388,000 AF respectively. He also noted the discrepancies between readings of DWR's Bulletin 120, and the California Nevada River Forecast dated May 1. Mr. Rietkerk stated that options will be discussed with Mr. Jarom Zimmerman, Tri-Dam General Manager, and added that any additional reduction to in-flows could cause the District to utilize the conversation account.

Mr. Rietkerk noted that Governor Newsom expanded a drought emergency declaration to 41 counties on May 10, including San Joaquin County. In concert with the drought declaration, Governor Newsom also announced a \$5.1 billion budget proposal to assist with drought and California water including funding towards Sustainable Groundwater Management Act (SGMA) implementation, the State Water Efficiency and Enhancement Program (SWEET), and small community water systems that serve schools as they plan for drought and potential water shortages.

Mr. Rietkerk stated that the SSJID Public Relations Director job description is being revised and routed internally for feedback before finalizing and presenting to the Board. Staff is considering adding additional government relations related tasks and responsibilities for this position.

Mr. Rietkerk announced that the new SSJID website is up and running at www.ssjid.com. Staff is working with Marcia Herrmann Design (MHD) on minor corrections to improve public meeting agenda postings and processes, and address internal and customer comments.

Mr. Rietkerk reported that discussions are ongoing with the Senior Leadership Group regarding re-opening of the District Office as the state begins to lessen COVID-19 restrictions. Following the State's recommended guidelines regarding tiered levels, the District plans to slowly transition and re-open in

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accordance with California's Blueprint for a Safer Economy. Re-opening details have been identified regarding public spaces, facemask requirements, and social distancing. In addition, consideration is being given to allow for continued remote work with a required two (2) days a week in the office. Mr. Rietkerk opined that he is supportive for some remote work to continue, and emphasized that remote work during the COVID-19 pandemic has caused little, if any, delays in work productivity.

Director Holmes announced that the meeting will commence with the action items and inquired if there were any public comments on any non-agenda items. Hearing none, Director Holmes moved on to the Action Calendar.

ACTION CALENDAR

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

Mr. Rietkerk stated there were no additional updates to report. Mr. Walt Luihn, SSJID Environmental Compliance and Safety Officer, addressed the Board via the online Zoom meeting platform and announced that on May 20, the California Department of Industrial Relations – Division of Occupational Safety and Health (Cal/OSHA) will be discussing a proposed emergency safety order regarding updates to the COVID-19 Prevention Program. He added that major changes to the program will definitely affect employers, including public agencies.

Item #4 – Consider Proposal from TerraVerde Energy, LLC for Asset Management of the Robert O. Schulz Solar Farm

Mr. Ed Erisman, WTP Manager, addressed the Board via the online Zoom meeting platform, regarding the proposal submitted from TerraVerde Energy, LLC (TerraVerde) for asset management services of the Robert O. Schulz Solar Farm. Mr. Erisman provided history of the solar farm's previous operations and maintenance (O&M) services provided by Conergy from 2008 to 2016, and the problems identified in 2016 from insufficient O&M from the, now out of business, entity. TerraVerde was commissioned to research and report on the financial and operational viability of the site, with the findings presented to the Board on March 23, 2021. The TerraVerde report concluded a potential net benefit to SSJID of \$7,200,000 over the next eleven (11) years, and that the system could be brought back into optimal performance with a reasonable investment into repairs and updates.

Though TerraVerde will not be performing all of the recommended services, they will manage all aspects of the project and pull from their list of qualified vendors to outsource work as needed. Recommended work includes site inspection and recommissioning; solar photovoltaic module annual washing support and management; Solar Renewable Energy Certificate – monetization and management; energy performance optimization; detailed quarterly energy performance analysis; and annual analysis and financial reporting. The fiscal impact for a one (1) year contract with TerraVerde is \$29,321, which was not specifically allocated in the 2021 budget.

Staff recommended the Board authorize the General Manager to approve the proposal from TerraVerde Energy, LLC, for asset management services of the Robert O. Schulz Solar Farm, for a 1-year term at a cost of \$29,321.00.

Board discussion included the urgency to move forward with O&M services; frustration incurred in expediting the proposal process; the benefits of a 1-year contract; and the shortage of contractors to

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maintain or upgrade existing solar power production facilities. Director Holbrook recommended researching for qualified O&M contractors through American Public Power Association (APPA).

MOTION: A motion was made by Director Holbrook and seconded by Director Kamper to authorize the General Manager to approve the proposal from TerraVerde Energy, LLC, for asset management services of the Robert O. Schulz Solar Farm for a 1-year term at a cost of \$29,321.00.

The motion passed 4 to 1 by the following vote:

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

Item #5 – Consider Approval of the North Main Commons Development Project

Mr. Killingsworth addressed the Board regarding the approval of the North Main Commons Development Project, subject to compliance with the District’s standard requirements and to the satisfaction of District staff. He provided the Board with descriptions of the 30.7-acre site; the location of the site along the east side of Main Street, west of Highway 99, near the Main Street/Northgate Drive intersection; the project scope of work; the District’s current utilities and locations; and proposed SSJID improvements. In addition, Mr. Killingsworth provided a detailed explanation of issues identified during staff’s project review process regarding Drain “3” being partially blocked and at least half-full of sand and silt, both upstream and downstream of the project site; and an unknown and unaccounted for communication utility discovered in a Drain “3” Main Street culvert within a vault structure.

In summary, Mr. Killingsworth stated the Mr. Keith Sausedo, SSJID Civil Engineer/Surveyor, is working with the City of Manteca regarding the identified issues and impacts, and that the discoveries are generating awareness of unidentified potential effects to operations. The developers would like to proceed with construction as soon as possible, which would be in the District’s best interest to occur immediately following irrigation season.

Board discussion included consideration of an amendment to the Developer’s Agreement regarding language should the project be constructed during the irrigation season.

Staff is recommending conditional approval of the items listed below regarding improvements to existing Drain “3,” as related to the North Main Commons Subdivision project, 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. Encroachment Agreement/Temporary Construction Agreement
4. Irrigation Service Abandonment Agreement
5. New SSJID Drain “3” Easement
6. Review/Approval of Joint Trench Plans
7. Review/Approval of 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 improvements to existing Drain “3,” as related

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to the North Main Commons Subdivision project, subject to compliance with the District's standard requirements and to the satisfaction of District staff.

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 of Amendment to Service Abandonment Agreement for R.A. Kearsley and Son, Inc. (APN 249-120-35)

Mr. Killingsworth addressed the Board regarding an Agreement to Amend Irrigation Service Abandonment Agreement for APN 249-120-35. He provided a detailed explanation of the property; history of the existing Service Abandonment Agreement with the District in 2003 (Agreement #1355); and the owner's intent to farm almonds and walnuts. He 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.

Mr. Killingsworth noted that during standard inspection of the property, unauthorized encroachments were identified. The discoveries raise the questions to 1) continue to approve the Amendment to Irrigation Service Abandonment Agreement; and 2) make approval conditional on the removal of all unauthorized encroachments.

Ms. Mia Brown, SSJID General Counsel, cited the District's Rules and Regulations (dated 1919) which state the District can withhold water delivery for any unauthorized encroachments, and said the District is proper in requiring the property to be fully in compliance with District regulations and standards before being eligible to receive water.

Board discussion included the encroachments identified (debris, and fence line); enforcement for removal of encroachments before the property receives water; staff's re-evaluation of the property for permitted encroachments; and staff revising a conditional Agreement. Ms. Brown clarified that approval of the Agreement to Amend Irrigation Service Abandonment Agreement for APN 249-120-35 is the item presented before the Board today.

MOTION: A motion was made by Director Weststeyn and seconded by Director Kamper to approve the Agreement to Amend Irrigation Service Abandonment Agreement for APN 249-120-35, upon conditional approval to bring the property in compliance with the District's Rules and Regulations to

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remove any unauthorized encroachments; and subject to the terms and conditions 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

It was announced that all items listed in the Closed Session agenda would be discussed. The Board took a brief recess at 10:29 a.m. and convened to Closed Session at 10:35 a.m.

Director Holbrook exited the meeting at 10:29 a.m.

Item #7 – CLOSED SESSION

7. 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
Superior Court for San Joaquin County
Case No. STK-CV-UJR-2015-0001266

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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 Rancheria Band of Mi-Wuks, Other Potential Parties
Unknown
District Negotiator: General Manager
Terms: Price and terms of payment of sale

- 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 54956
Titles: Division Manager Foreman, and SCADA Technician I-III

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

RETURN TO OPEN SESSION

The Board reconvened to Open Session at 11:58 a.m.

Item #8 – ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

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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 #9 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:59 a.m.

ATTEST:

Danielle Barney, Clerk of the Board