

**MINUTES FOR THE JULY 25, 2023  
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. President Weststeyn called the meeting to order. Director Holbrook led the flag salute. Upon roll call the following members were noted present:

DIRECTORS:           HOLBROOK KAMPER ROOS 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**

Mr. Kevin Lucas, a local grower in Ripon, addressed the Board about issues regarding a District pipeline located on his property and unpermitted encroachment matters (Mr. Lucas’s property has a number of significant, unpermitted encroachments within the District’s easement and upon the pipeline). He provided a detailed history of purchasing the property, improvements made to the huller, and relocation and construction of a new pump station. Mr. Lucas explained that the District’s pipeline on his property leaks every year, has caused flooding to his property, and asked for the Board’s consideration to abandon the line. In addition, he expressed his willingness to work with the Board towards a resolution to expedite the unpermitted encroachment issues and sought direction for action he should take. Mr. Lucas thanked the Board for their time and consideration.

President Weststeyn thanked Mr. Lucas for appearing before the Board and encouraged him to continue to work with the Engineering Department to come to a mutual resolution. Director Holbrook thanked Mr. Lucas for speaking before the Board. Director Kamper commended Mr. Lucas on relocating the pump station which will keep his property dry.

**CONSENT CALENDAR**

- A. Approval of Checks in the amount of \$189,075.91; Accounts Payable Wires in the amount of \$886,755.40; and Payroll dated July 14, 2023 in the amount of \$306,876.09.
- B. Approval of the Regular Board Meeting Minutes of July 11, 2023
- C. Approval of the Special Board Meeting Minutes of July 13, 2023 – Manteca
- D. Approval of the Special Board Meeting Minutes of July 13, 2023 – Ripon

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

The motion passed 5 to 0 by the following vote:

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

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**COMMUNICATIONS**

**Item #1 – Directors’ Reports**

Director Holbrook reported that he attended the Ripon Chamber of Commerce Installation Dinner and Best of the Year Awards event on July 19. He noted the opportunity to dine with Ripon Vice-Mayor Leo Zuber, the 2023 recipient of the Ripon Chamber’s “Citizen of the Year” award.

Director Holbrook reported that he attended the Tri-Dam Project Annual Board meeting on July 20, in Strawberry, CA. He opined that the new Tri-Dam management team is working well together.

Director Holbrook reported that he participated in the 20<sup>th</sup> Annual Jim Brown Memorial “Swing for Youth” Golf Tournament on July 21. The District sponsored foursome also included Board Director David Roos; Mr. Justin Ashworth, SSJID Operations Supervisor; and Mr. Anthony Podesto, SSJID GIS/Engineering Technician.

Director Spyksma reported that he attended the Tri-Dam Board meeting on July 20, immediately followed by the Tulloch Reservoir Day Use Grand Opening and Ribbon Cutting Ceremony in Copperopolis. He commented on the new and beautiful day-use recreational facility.

Director Kamper stated that he has had discussions with a customer regarding an encroachment issue, and will further discuss with Mr. Forrest Killingsworth, SSJID Engineering Department Manager.

Director Roos reported that he attended the Tri-Dam Board meeting and Ribbon Cutting Ceremony on July 20.

President Weststeyn reported that he attended the Ripon Chamber Installation Dinner and Awards Ceremony on July 19. He commented on the beautiful venue, good food, and a pleasant time had.

President Weststeyn reported that he attended the Tri-Dam Board meeting and Ribbon Cutting Ceremony on July 20.

**Item #2 – Various Reports**

Mr. Peter Rietkerk, SSJID General Manager, announced the next San Joaquin Tributaries Authority (SJTA) Committee meeting on August 7. Discussion items will include refunding of dues in light of Oakdale Irrigation District’s (OID) departure from the SJTA, and next steps for the Strategic Plan Update. Director Spyksma noted that Director Weststeyn will attend the meeting. Mr. Rietkerk stated that he has a previous commitment and will be unable to attend.

Mr. Rietkerk announced that SSJID will be hosting an Almond Board of California Leadership Program meeting on August 24.

Mr. Rietkerk passed, for Board viewing, a thank you letter received from Stockton East Water District (SEWD) thanking the District for its continued support, and presentation of SSJID Resolution No. 23-17-H Commemorating the SEWD on the Occasion of Its 75<sup>th</sup> Anniversary Celebration, adopted by Board action on June 13, 2023.

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**ACTION CALENDAR**

**Item #3 – PUBLIC HEARING: Presentation and Public Hearing on SSJID’s Proposed Rate Increase**

a) Presentation by Staff

Ms. Sonya Williams, SSJID Finance and Administration Manager, addressed the Board regarding the proposed irrigation rate increase and gave a PowerPoint presentation on the Cost of Service Analysis conducted by Provost & Pritchard Consulting Group (P&P). She provided summaries of the Proposition (Prop) 218, public outreach and public hearing processes; SSJID Water Master Plan (WMP), WMP Financial Model and reason for the proposed rate increase; Cost of Service Analysis; overview of the proposed rate increase; comparison of SSJID’s proposed rate increase versus various local irrigation districts; annual inflation rates; and the effective dates should the proposed rate increase pass public protest and Board approval.

b) Explanation of Hearing Procedures by General Counsel

Ms. Mis Brown, SSJID General Counsel, addressed the Board and explained the legal and procedural framework for the public hearing including the timeline of the Public Notice mailing, protocol for public comments, and the public hearing agenda.

c) Open of Public Hearing

President Weststeyn opened the Public Hearing at 9:30 a.m.

d) Public Comments (5 minutes per person)

Mr. Gary Barton, a local grower, addressed the Board and expressed his support of the proposed rate increase, and gratitude for SSJID’s service and lower rates compared to that of other area irrigation districts. He also noted the bad timing for a proposed increase due to the current economic struggles of growers and farmers. In closing, he thanked the Board for their time and consideration.

Mr. Robert Holmes, an Escalon farmer, addressed the Board and acknowledged that SSJID had not raised rates for the past 23-years, and that the rate increase is necessary to keep up with inflation. He encouraged the Board to commit to the Prop 218 process every five (5) years to stay ahead of economic trends and changes in market conditions. Mr. Holmes commended the Board for the WMP including the financial modeling of District’s current and future finances, and stated that without a rate increase, reserves will be depleted and quality and dependability of service would be eroded. In closing, he expressed his support of the proposed rate increase, and his expectation for the Board to be prudent managers of District funds, and suggested the Board’s consideration to approve the first year increase but revisit the increase amounts for years 2 through 5 and/or contemplate a seven (7) year increase scale.

e) Last Call for Submittal of Written Protests

f) Close of Public Hearing

President Weststeyn closed the Public Hearing at 9:39 a.m.

Ms. Brown suggested a recess to allow a count of protests received, to be conducted by MK Election Services,

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in the board room.

*The Board took a brief recess at 9:40 a.m.*

*The Board reconvened to Open Session at 10:22 a.m.*

President Weststeyn called the meeting to order and directed General Counsel to provide the Board of Directors with the results of the tabulation of the written protests.

Ms. Brown introduced Mr. Cesar Casillas, Senior Election Administrator, MK Election Services.

Mr. Casillas reported that 3,257 protest ballots were mailed out on June 2, 2023 via the United States Postal Service, and the final count of protest ballots received was 332.

Ms. Brown explained that 1,629 protest ballots had to be received in order to constitute a majority opposition to the proposed rate increase. She advised the Board that a majority protest was not received, and the Board may proceed with the remaining items on the meeting agenda, including consideration of the proposed rate schedule.

Board discussion included unseen future costs to the District including protection of SSJID's Water Rights, electrical vehicle state mandates, and the Canyon Tunnel Project. The Board recognized the economic struggles currently faced by growers and farmers, and noted that economic and other factors will be taken into consideration when reviewing annual increases for years 2 through 5. The Board expressed thanks to the public for attending the Public Hearing and for voicing their public comments. The Board also expressed thanks to staff and consultants for their contributions and hard work on the rate increase and Prop 218 process.

**Item #4 – Discuss and Consider Approval of SSJID's 2023 Proposed Rate Structure**

Ms. Brown recommended Board approval of the SSJID 2023 proposed rate structure, as presented. She added that the rate increase proposed in years 2 through 5 could be adjusted, and would be revisited each year requiring Board approval.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Holbrook to approve SSJID's proposed rate structure, as presented.

The motion passed 5 to 0 by the following vote:

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

**Item #5 – Consider Adoption of Resolution 23-20-B Adopting Rates for Irrigation Services Furnished by the South San Joaquin Irrigation District**

Ms. Williams addressed the Board and recommended approval of Resolution 23-20-B Adopting Rates for Irrigation Services Furnished by the SSJID.

**MOTION:** A motion was made by Director Kamper and seconded by Director Spyksma to adopt Resolution 23-20-B Adopting Rates for Irrigation Services Furnished by the South San Joaquin Irrigation District.

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SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION 23-20-B**

**RESOLUTION ADOPTING RATE SCHEDULE FOR IRRIGATION SERVICES FURNISHED BY  
THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT**

**WHEREAS**, the Irrigation District Law provides authority for the South San Joaquin Irrigation District, (“District”) in lieu, in whole or in part, of levying assessments, to fix and collect charges for any service furnished by the District and to prescribe reasonable rules with respect to said charges; and

**WHEREAS**, the District operates an irrigation system on which District-supplied water is delivered to parcels within the District for irrigation purposes; and

**WHEREAS**, at its duly noticed regular meeting on May 23, 2023, the District’s Board of Directors accepted and adopted the May 2023 “Cost Analysis of Irrigation Services and Irrigation Rate Recommendations – South San Joaquin Irrigation District” prepared by Provost & Pritchard Consulting Group; and

**WHEREAS**, at the same May 23, 2023 regular meeting, the Board of Directors adopted Resolution 23-16-Y Adopting Procedures for Proceedings under Proposition 218 to Adopt and Implement Irrigation Rates, and authorized and directed staff to commence all necessary procedures in order to initiate the notice and public hearing process under Proposition 218 (Cal. Const., Art. XIII D, § 6); and

**WHEREAS**, pursuant to Article XIII D, Section 6 of the California Constitution, Notice of Public Hearing (“Notice”) is required to be provided to the affected property owners and any tenants subject to the proposed rate increases to the irrigation water rates not less than forty-five (45) days prior to the public hearing on the proposed rates; and

**WHEREAS**, the District mailed Notices on June 2, 2023, to the affected property owners and tenants subject to the proposed rate increases to the irrigation water rates in compliance with Article XIII D, Section 6 of the California Constitution and the Proposition 218 Omnibus Implementation Act (Gov. Code § 53755), of the location, date, and time of the public hearing on the proposed rate increases, and of the procedures for written protests against the proposed rate increases; and

**WHEREAS**, pursuant to Article XIII D, Section 6 of the California Constitution, on July 25, 2023, at 9:00am in the SSJID Board Room located at 11011 E. Highway 120, Manteca, California, the District held a public hearing to consider public comments to and protests against the proposed irrigation water rate increases; and

**WHEREAS**, during that public hearing, the Board of Directors considered public comments to and protests against adoption of the proposed irrigation water rate increases; and

**WHEREAS**, affected property owners and tenants subject to the proposed rate increases were given the opportunity to submit written protests against the proposed rate increases by the close of the public hearing; and

**WHEREAS**, at the close of the public hearing, written protests were counted by MK Election Services, LLC and the total number of written protests presented by the close of the public hearing was less than fifty percent plus one (50% + 1) of the total number of affected parcels subject to the proposed irrigation water rate increase.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that the Board of Directors of the South San Joaquin Irrigation District hereby takes the following actions:

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- (1) The Board of Directors hereby adopts the Schedule of Irrigation Rates set forth in Exhibit A, attached hereto and by this reference incorporated herein. The rates set forth in Exhibit A shall be in effect for irrigation services provided on or after the respective dates set forth therein.
- (2) Prior to implementing any of the authorized rate increases for 2025, 2026, 2027, and 2028 as set forth in Exhibit A, the District shall supply written notice of any such increase not less than 30 days prior to the effective date of the increase. Such notice may be included in the regular billing statement for the payment of irrigation water or any other mailing by the District to the address to which the District customarily mails the billing statement.
- (3) The Board of Directors further finds as follows:
  - a. The revenues derived from the aforementioned charges do not exceed the costs of providing the subject properties with the respective service(s); and,
  - b. The revenues derived from the charges will not be used for any purpose other than that for which the charges are imposed; and,
  - c. The amount of the charge imposed does not exceed the proportional cost of the service(s) attributable to the subject property.
- (4) This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 25<sup>th</sup> day of July 2023 by the following vote:

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

**Item #6 – Consider Adoption of Resolution 23-21-B Certifying Rates and Charges for Services Furnished by the South San Joaquin Irrigation District**

Ms. Brown addressed the Board and explained that the proposed resolution certifies the District’s rates and charges and allows the San Joaquin County Tax Collector’s Office to include the 2024 rates on the 2023-2024 tax roll. She added that the Item #6 Staff Report included two (2) proposed versions of Resolution 23-21-B, one which identified the rate increase, and one which identified the current rate structure.

Staff recommended Board approval of Resolution 23-21-B Certifying Rates and Charges for Services Furnished by the SSJID identifying the rate increase.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Kamper to adopt Resolution 23-21-B Certifying Rates and Charges for Services Furnished by the South San Joaquin Irrigation District.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION 23-21-B**

**CERTIFYING RATES AND CHARGES FOR SERVICES  
FURNISHED BY THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT**

**WHEREAS**, the Irrigation District Law provides authority for the South San Joaquin Irrigation District, (“District”) in lieu, in whole or in part, of levying assessments, to fix and collect charges for any service

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furnished by the District and to prescribe reasonable rules with respect to said charges; and

**WHEREAS**, the District currently charges a flat rate charge (“Flat Rate Charge”) of \$24.00 per acre per year for water service to each parcel in the District on which District-supplied water is available for irrigation, with a minimum charge of \$50 per year; and

**WHEREAS**, the District currently charges a groundwater recharge charge (“Ground Water Recharge Charge”) of \$12.00 per acre per year to each parcel in the District of 10 acres or more which is subject to a recorded Irrigation Service Abandonment Agreement, and on which crops are commercially grown; and

**WHEREAS**, on July 31, 2012, in conformance with the procedural requirements of Proposition 218, the District approved an additional volumetric charge of \$3 per acre-foot (“First Tier Volumetric Charge”), and on September 22, 2015 limited the First Tier Volumetric Charge to the first 48 inches of water used per year, and approved an additional volumetric charge of \$10 per acre-foot for water used in excess of 48 inches per year starting in 2016 (“Second Tier Volumetric Charge”); and

**WHEREAS**, on January 12, 2021, in conformance with the procedural requirements of Proposition 218, the District approved a pressurized water charge (“Pressurization Charge”) for customers served with pressurized water from the District’s Division 9 Irrigation System Improvement Project set at \$50 per acre-foot consisting of (a) \$38 per acre-foot for recovery of electricity expense (“Electricity Cost Recapture”), subject to an annual inflation or deflation adjustment, and (b) \$12 per acre-foot for the improvement or replacement of capital assets (“Provision for Capital Assets”), also subject to an annual inflation or deflation adjustment. The Pressurization Charge of \$50 was effective for the 2021 season, and may be adjusted by the Board of Directors for inflation or deflation in accordance with the provisions of Proposition 218 and Government Code section 53756 for each of the 2022, 2023, 2024 and 2025 seasons. The annual inflation or deflation index applicable to the Electricity Cost Recapture is the change in the cost of electricity, on a per acre-foot basis, experienced by the pressurized water system in the preceding year. The annual inflation or deflation index applicable to the Provision for Capital Assets is based on the California Consumer Price Index as published by the California Division of Industrial Relations for the preceding calendar year; and

**WHEREAS**, Notice of the changes in the Electricity Cost Recapture and Provision for Capital Assets caused by application of the inflation or deflation indexes shall be given by mail to each customer subject to the Pressurization Charge at the address to which the District customarily mails the billing statement for the Pressurization Charge, and to the record owner's address shown on the last equalized assessment roll, if that address is different than the billing address; and

**WHEREAS**, the District declares the following with respect to the Flat Rate Charge, Ground Water Recharge Charge, First and Second Tier Volumetric Charges, and Pressurization Charge:

- (1) The revenues derived from the aforementioned charges do not exceed the costs of providing the subject properties with the respective service(s); and
- (2) The revenues derived from the charges will not be used for any purpose other than that for which the charges are imposed; and
- (3) The amount of a charge imposed shall not exceed the proportional cost of the service(s) attributable to the subject property.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that pursuant to Sections 22280 and 22283 of the Water Code, the Flat Rate Charge, First and Second Tier Volumetric Charges, shall increase for the

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2024 calendar year and the Ground Water Recharge Charge and the Pressurization charge will continue at their current levels for 2023 calendar year as follows and subject to the following rules:

**RULE NO. 1: FLAT RATE CHARGE**

- a) For each separate parcel, as shown on the District records of San Joaquin County Assessor's Parcel Maps, which is not the subject of an Irrigation Service Abandonment Agreement with the District, there shall be a charge for the use of District irrigation water, an annual Flat Rate Charge of \$38.00 per acre.
- b) The minimum amount for the Flat Rate Charge shall be \$50.00. The Flat Rate Charge is due on receipt and payable in two installments.
- c) For parcels billed by the District, the first installment is delinquent if not paid by 4:30 p.m. on December 20, 2023, and the second is delinquent if not paid by 4:30 p.m. on June 20, 2024.
- d) For parcels billed by San Joaquin County, the first installment of such charges will be delinquent if not paid by the customer to the County by December 10, 2023, and the second installment of such charges will be delinquent if not paid by the customer to the County by April 10, 2024.
- e) For parcels billed by the District, water service will be denied to any land having outstanding Flat Rate Charges in excess of ten (10) working days.

**RULE NO. 2: FIRST and SECOND TIER VOLUMETRIC CHARGES**

- a) There shall be a First-Tier Volumetric charge of \$5.00 per acre-foot for the first 48 inches and a Second-Tier Volumetric charge of \$12.50 per acre-foot for water used in excess of 48 inches.
- b) Water service will be denied to parcels having outstanding volumetric charges in excess of \$10.00 for 45 days or longer.

**RULE NO. 3: PRESSURIZATION CHARGE**

- a) The pressurization charge and the annual adjustment feature is described as follows:  
On February 14, 2023, the District imposed a Pressurization Charge for customers served with pressurized water from the District's Division 9 Irrigation System Improvement Project set at \$52.00 per acre-foot consisting of (a) \$38.00 per acre-foot for Electricity Cost Recapture, subject to an annual inflation or deflation adjustment, and (b) \$14.00 per acre-foot for Provision for Capital Assets, also subject to an annual inflation or deflation adjustment. The Pressurization Charge of \$52.00 is effective for the 2023 season and may be adjusted by the Board of Directors for inflation or deflation in accordance with the provisions of Proposition 218 and Government Code section 53756 for each of 2022, 2023, 2024 and 2025. The annual inflation or deflation index applicable to the Electricity Cost Recapture is the change in the cost of electricity, on a per acre-foot basis, experienced by the pressurized water system in the preceding year. The annual inflation or deflation index applicable to the Provision for Capital Assets is the change in the California Consumer Price Index as published by the California Division of Industrial Relations for the preceding calendar year. Notice of the changes in the Electricity Cost Recapture and Provision for Capital Assets caused by application of the inflation or deflation indexes shall be given by mail to each customer subject to the Pressurization Charge at the address to which the District customarily mails the billing statement for the Pressurization Charge, and to the record owner's address shown on the last equalized assessment roll, if that address is different than the billing address.

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- b) Parcels receiving pressurized water from the District's Division 9 Irrigation System Improvement Project, shall, in addition to the Flat Rate Charge described in Rule No. 1, and the First and Second Tier Volumetric Charges described in Rule No. 2, pay a Pressurized Charge of \$52.00 per acre-foot during 2023.
- c) Parcels receiving pressurized water from the District's Division 9 Irrigation System Improvement Project will be billed each month of the irrigation season both for delivery of District-supplied water under Rule No. 2 and for pressurization of such water under this Rule No. 3.
- d) Water service will be denied to parcels having outstanding Pressurization Charges in excess of ten (10) working days.

**RULE NO. 4: GROUNDWATER RECHARGE CHARGE**

- a) For those separate parcels, as shown on the District records of San Joaquin County Assessor's Parcels, which are used to grow commercial crops and which are the subject of an approved District Irrigation Service Abandonment Agreement, there shall continue to be an annual Ground Water Recharge Charge of \$12.00 per acre for the benefits derived from groundwater recharge.
- b) The Groundwater Recharge Charge is due on receipt and payable in two installments.
- c) For parcels billed by the District, the first installment is delinquent if not paid by 4:30 p.m. on December 20, 2023, and the second is delinquent if not paid by 4:30 p.m. on June 20, 2024.
- d) For parcels billed by San Joaquin County, the first installment of such charges will be delinquent if not paid by the customer to the County by December 10, 2023, and the second installment of such charges will be delinquent if not paid by the customer to the County by April 10, 2024.

**RULE NO. 5: SERVICE ABANDONMENT**

- a) Those separate parcels, as shown on the District records of San Joaquin County Assessor's Parcels, which do not utilize District water service may be exempted from the District Flat Rate Charge provided the owners of such lands enter into an "Irrigation Service Abandonment Agreement" with the District, and
- b) Provided further, there are no outstanding amounts owed to District for water service on such lands.
- c) Such parcels may also be exempted from the Ground Water Recharge Charge, provided such parcels are less than 10 acres or are not used to grow commercial crops.

**RULE NO. 6: COLLECTION**

- a) The Board authorizes the charges to be billed and collected by the District and to deny water service to parcels having outstanding charges that exceed the thresholds established in the Rules above.
- b) The Board authorizes the charges resulting from the Flat Rate Charge and Groundwater Recharge Charge to be transmitted to the County Auditor-Controller and continue to be enrolled on the tax roll of the County of San Joaquin for collection at the same time, in the same manner, and subject to the same penalties for delinquency as county taxes.

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**PASSED AND ADOPTED** this 25<sup>th</sup> day of July 2023 by the following vote:

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

*It was announced that all remaining items on the Closed Session agenda would be discussed. The Board took a brief recess at 10:35 a.m. and convened to Closed Session at 10:45 a.m.*

**Item #7 – CLOSED SESSION**

**RETURN TO OPEN SESSION**

*The Board returned to Open Session at 1:02 p.m.*

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

Disclosure of reportable actions taken in Closed Session, pursuant to Government Code Section 54957.1:  
There were no reportable actions taken in Closed Session.

**Item #9 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 1:04 p.m.

**ATTEST:**

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Danielle Barney, Clerk of the Board