

**MINUTES FOR THE JULY 27, 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:               NONE

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

**Public Comment** – None

**CONSENT CALENDAR**

- A. Approval of Checks in the amount of \$688,238.99; Accounts Payable Wires in the amount of \$430,290.98; and Payroll dated July 15, 2021 in the amount of \$72.14, July 16, 2021 in the amount of \$260,889.21, and July 30, 2021 in the amount of \$3,934.18.
- B. Approval of the Regular Board Meeting Minutes of July 13, 2021
- C. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 205-070-04

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

The motion passed 4 to 0 by the following vote:

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

**COMMUNICATIONS**

**Item #1 – Directors’ Reports**

Director Holbrook reported that the July meetings of the San Joaquin County (SJC) Advisory Water Commission (AWC), and the Greater SJC Integrated Regional Water Management Coordinating Committee (IRWMCC) were canceled.

Director Weststeyn reported that he attended the Tri-Dam Project Board meeting in Strawberry, on July 15, which included a tour of the Beardsley Dam and Powerhouse. He opined it was a good tour and expressed thanks to both Tri-Dam and Beardsley personnel.

Director Weststeyn reported that he attended the South San Joaquin Groundwater Sustainability Agency (SSJGSA) Sustainable Groundwater Management Act (SGMA) outreach event on July 22. He stated it was well-attended both in-person and via Zoom, and opined that it provided a good opportunity to open dialogue and answer questions from the community. Director Weststeyn

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acknowledged Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, on his coordination efforts of the successful event.

Director Kamper distributed a handout titled, “Eco-Friendly Ultrasonic Treatment System Controls Algae in Power Plant Settling Pond.” He stated it is an intriguing article suggesting ultrasonic treatment to sustain algae management.

Director Holmes reported that he participated in the SGMA outreach event on July 22, and expressed thanks to Mr. Nakagawa for coordinating the meeting. He added that it was well-attended and proved effective engaging the public in the Question & Answer session.

**Item #2 – Various Reports**

*The Managers’ Reports were provided in written form to the Board on July 26, 2021.*

Director Holbrook addressed Mr. Forrest Killingsworth, SSJID Engineering Department Manager, and inquired about Mr. Killingsworth’s outlook of the fish screen issue at Goodwin Dam. Mr. Killingsworth explained the preliminary environmental review process; Provost and Pritchard Consulting Group’s (P&P) efforts to identify the best Canyon Tunnel portal alternative for SSJID, including the necessity for fish screens; and the permit application process with the California Department of Fish & Wildlife.

Mr. Peter Rietkerk, SSJID General Manager, reported on the California State Water Resources Control Board (SWB) plans to move forward with emergency curtailments of the Sacramento-San Joaquin Delta. He added that consideration of a proposed resolution to adopt an emergency curtailment and reporting regulation for the Sacramento-San Joaquin Delta Watershed has been agendaized for the SWB agenda for August 3. District water attorneys are reviewing the documents and preparing a response to the SWB, and are concerned not only with a lack of authority of the SWB to issue curtailments, but also the lack of detail assuring that curtailments are lifted in a timely manner.

Mr. Rietkerk announced the upcoming 2021 California Special Districts Association (CSDA) Annual Conference on August 30 to September 2, in Monterey, CA. Directors interested in attending should contact Ms. Danielle Barney, SSJID Executive Assistant/Clerk of the Board, for assistance in conference registration and travel arrangements. Hotel room reservation cut-off is August 9.

Mr. Rietkerk circulated to the Board for viewing, multiple notes received from community organizations thanking SSJID for the Community Education Awareness Program (CEAP) sponsorship donations of events.

Mr. Rietkerk reported that the San Joaquin Tributaries Association (SJTA) held its first strategic planning sessions on July 20 and July 21. Staff participants discussed strengths, weaknesses, opportunities, and threats for the organization, and spent time brainstorming on a mission and vision for the SJTA moving forward. Additional sessions will be held in August to continue to refine and develop this effort. He added that there was a lot of interest and commonality on the direction to take the SJTA. Mr. Rietkerk and Mr. Nakagawa attended on behalf of SSJID. Mr. Rietkerk will keep the Board updated on progress.

Director Holbrook inquired about the General Manager’s Report, dated July 27, 2021, referencing SSJID Irrigation Operations targeting September 30, 2021 as a recommendation to the Board for an

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end-of-irrigation season date. Mr. Rietkerk noted that the date is being considered in an effort to be efficient with water use this year, and into next year, due to the current drought conditions. Director Holmes requested an agenda item for the next board meeting regarding SSJID’s water resources accounting, to which Mr. Rietkerk agreed.

**ACTION CALENDAR**

**Item #3– Step 3 Grievance Hearing Regarding SSJID Nick DeGroot Water Treatment Plant (WTP) Solar Farm**

Mr. Rietkerk introduced Ms. Sheila Lawton, Business Representative – IBEW Local 1245. Ms. Lawton addressed the Board and explained the grievance presented; the job duties performed at the Robert O. Schulz Solar Farm; and the scope of work for WTP employees. She asserted that the work being performed at the solar farm by WTP employees is contrary to their job descriptions, and requested that the Board direct WTP staff to cease all work at the solar farm.

Mr. Chris Whittenburg, SSJID Instrument Control Technician, addressed the Board and articulated the impact that the additional solar farm work is having on WTP duties.

Mr. Ed Erisman, WTP Manager, addressed the Board and stated, upon inquiry, that WTP supervisors did not see a negative impact to WTP work due to solar farm tasks. He provided a detailed explanation of the employee tasks performed at the solar farm, and added that WTP staff were involved with the solar farm since the beginning design phase and that the duties performed are not new. He summarized that contractors are not stationed on-site and that WTP staff must be used to respond to issues and assure reliability in generation.

Ms. Mia Brown, SSJID General Counsel, stated that the Board can render a decision now, or defer until after further discussion in Closed Session. She added that the matter to defer must be decided by Board vote.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Weststeyn to defer Agenda Item #3 – Step 3 Grievance Hearing Regarding SSJID Nick DeGroot Water Treatment Plant Solar Farm, and render a decision following Closed Session, in Open Session.

The motion passed 4 to 0 by the following vote:

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

**Item #4 – Coronavirus (COVID-19) Update**

Mr. Rietkerk addressed the Board regarding the new COVID-19 Delta variant, and reported that three (3) District employees are currently out, on self-quarantine, due to exposure outside the workplace. Procedural updates include Division Managers exchanging fleet vehicles in the District Yard as opposed to other locations which required two Division Managers riding together to complete a vehicle handoff. Staff is considering hosting a 2021 Employee Picnic but moving forward with coordination efforts is contingent on concerns related to COVID-19.

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**Item #5 – Discuss and Consider for Approval Temporary Entry Permit for the California Department of Fish & Wildlife Nutria Eradication Program**

Ms. Brown addressed the Board and explained that the California Department of Fish and Wildlife (CDFW) originally approached the District in 2020 to conduct inspections and line trapping of nutria within District areas. She further explained that the 2020 agreement with CDFW has expired and the agency is approaching the District with an identical agreement for Woodward Reservoir and the surrounding areas. Upon Board inquiry, Mr. Erisman stated that CDFW inspections and trapping around Woodward raise no concerns for WTP operations. Ms. Brown concluded that CDFW will provide 24-hour notice of intent to set line traps for the nutria.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Kamper to approve the Temporary Entry Permit for the California Department of Fish & Wildlife Nutria Eradication Program.

The motion passed 4 to 0 by the following vote:

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

**Item #6 – June 2021 Financial Statements**

Mr. Bere Lindley, SSJID Assistant General Manager, distributed a handout titled SSJID Monthly Financial Statements, dated June 30, 2021 and explained that the report was not ready to include in the agenda packet as more time was needed to make changes to correctly account for solar farm revenue and WTP electrical expense. Mr. Lindley provided a summary of the accounting methods for electrical expenses at the WTP, and revenue at the solar farm.

Mr. Lindley provided a quarterly presentation to the Board of financial statements for the month and the year ended June 30, 2021 and gave explanations of total current assets; accounts payable; accounts receivable; the net pension liabilities; year-to-date income statement; wholesale electric revenues and expenses; revenues, expenses, and changes in net position by business line; cash reserves; cash flow; and capital assets.

**Item #7 – June 2021 Investment Reports**

The Investment Report for June 2021 was included in the agenda packet, Item #7.

*The following agenda items were taken up following Closed Session*

**Item #8 – Discuss and Consider Claim for Property Damage, Claimant: Trent Ferguson, Amount Claimed: \$9.142.51**

**Item #9 – Discuss and Consider 2021-2022 Compensation for General Counsel**

*It was announced that all items listed in 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.*

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**Item #10 – CLOSED SESSION**

10. a. Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9
  - 6 cases
  
- b. Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Section 54956.9
  - 3 cases
  
- c. Conference with Legal Counsel – Existing Litigation  
Paragraph (1) of subdivision (d) of Government Code Section 54956.9
  - 7 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

*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

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

- 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. Conference with Real Property Negotiator  
California Government Code Section 54656.8  
Property: Land  
Negotiating Parties: AT&T  
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: SCADA Technician I-III
  
- h. Public Employee Performance Evaluation  
California Government Code Section 54956(b)(1)  
Titles: General Counsel

**RETURN TO OPEN SESSION**

*The Board reconvened to Open Session at 1:45 p.m.*

**Item #11 – ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

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

**Item #10.e. – Conference with Real Property Negotiator, California Government Code Section 54656.8, Property-SSJID Tower at Lathrop and Union Roads, Negotiating Parties-AT&T, District Negotiator-General Manager, Terms-Leaser Price and Terms of Payment**

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**MOTION:** A motion was made by Director Holbrook and seconded by Director Kamper to reject AT&T proposal for lease and to cease further negotiations regarding the proposed use/lease of the SSJID tower at Lathrop and Union Roads.

The motion passed 4 to 0 by the following vote:

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

**Item #3– Step 3 Grievance Hearing Regarding SSJID Nick DeGroot Water Treatment Plant Solar Farm**

**MOTION:** After review of the union, employee, and management representation of the issue and letters from the District and union on the matter, a motion was made by Director Holbrook and seconded by Director Kamper to deny the grievance regarding the SSJID Nick DeGroot WTP Solar Farm; to instruct employees to uphold duties and responsibilities at the WTP and Solar Farm; and further direct staff to send a letter to IBEW Local 1245 conveying the same.

The motion passed 4 to 0 by the following vote:

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

**Item #8 – Discuss and Consider Claim for Property Damage, Claimant: Trent Ferguson, Amount Claimed: \$9,142.51**

**MOTION:** A motion was made by Director Kamper and seconded by Director Weststeyn to deny the claim for property damage, from claimant Trent Ferguson, in the amount of \$9,142.51.

The motion passed 4 to 0 by the following vote:

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

**Item #9 – Discuss and Consider 2021-2022 Compensation for General Counsel**

**MOTION:** A motion was made by Director Holmes and seconded by Director Weststeyn to increase General Counsel’s salary by 3%, effective on August 21 anniversary date; increase vacation days to eighteen (18) days per year as requested; and provide General Counsel the option to rewrite their SSJID Employment Agreement one (1) year early contingent upon acceptance of a five (5) year contract extension through 2027.

The motion passed 4 to 0 by the following vote:

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

**Item #12 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 1:51 p.m.

**ATTEST:**

\_\_\_\_\_  
Danielle Barney, Clerk of the Board