

**MINUTES FOR THE AUGUST 9, 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 Holmes called the meeting to order and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS: HOLBROOK HOLMES KAMPER SPYKSMA WESTSTEYN
ABSENT: NONE

Also present were General Manager Peter M. Rietkerk; 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 \$419,205.48; Accounts Payable Wires in the amount of \$1,081,574.12; and Payroll dated July 29, 2022 in the amount of \$262,126.02, July 29, 2022 in the amount of \$885.40, and July 29, 2022 in the amount of \$14,072.30.
- B. Approval of the Regular Board Meeting Minutes of July 29, 2022
- C. Approval of the Special Board Meeting Minutes of August 3, 2022
- D. Approval of Notice of Completion for Griffin Estates A4 Subdivision

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

The motion passed 5 to 0 by the following vote:

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

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Holbrook announced the upcoming California Special Districts Association (CSDA) Annual Conference on August 22-25, 2022, in Palm Desert, CA. He asked if additional staff would be attending which could allow for SSJID to receive Special District Risk Management Authority (SDRMA) credit incentive points and reduce its SDRMA annual member contribution amount. Mr. Peter Rietkerk, SSJID General Manager, responded that he will follow up with Mr. Don Thornburg, SSJID Human Resources Specialist, to inquire if Mr. Thornburg and/or others are planning to attend.

Director Weststeyn reported that he attended the San Joaquin Farm Bureau (SJFB) Water Advisory Committee meeting on July 26, along with Mr. Brandon Nakagawa, SSJID Water Resources Coordinator. Mr. Steve Shih, San Joaquin County (SJC) Environmental Health Department, was a guest speaker discussing the County’s well permitting process. To date, three (3) well permits have been approved, and 18-19 are pending.

Director Weststeyn reported that he attended the San Joaquin Tributaries Authority (SJTA) Commission meeting on August 8. Action included approval of the SJTA Strategic Plan. He noted that Mr. John Mensinger, Modesto Irrigation District (MID) Board Director, commended Ms. Katie Patterson, SSJID Public and Government Relations Manager, on her

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informative presentation before the State Water Resources Control Board (SWRCB), and accurate representation of water districts' position on the SWRCB biological opinions.

Director Kamper reported that he attended the funeral services for former SSJID Board Director Robert "Bob" Schulz. He added that the District was well represented by SSJID retirees and current staff who were present to pay their respects.

Director Spyksma inquired if the District is familiar with the California Department of Food and Agriculture (CDFA) State Water Efficiency & Enhancement Program (SWEEP) which provides financial assistance to growers for on-farm irrigation system improvements that both reduce greenhouse gas (GHG) emissions, and save water. He suggested adding the link onto the District website publicizing as an effort towards surface water sustainability. Mr. Rietkerk stated that the District has considered providing workshops and messaging regarding SWEEP to its growers, but should first update its growers' contact list for a more proactive approach.

Director Holmes revisited Board discussion at the board meeting on July 26, 2022 regarding the adoption of Resolution 22-26-B Reaffirming and Certifying 2022 Water Charges for Services Furnished by the South San Joaquin Irrigation District, and providing that information to the SJC Auditor Controller's Office for inclusion on the property tax roll for the upcoming year. He researched the property tax bill and clarified that the County operates on a fiscal year, from July 1 to June 30, with property tax bills due annually on December 10 and April 10. Charges adopted by the Board in August 2023 will certify charges for services to be included on the County's tax roll for 2023-24, specifically the December 2023 and April 2024 property tax bills.

Director Holmes addressed Ms. Patterson regarding Director Weststeyn's comment on her presentation to the SWRCB, and asked for details. Ms. Patterson stated that she and Mr. Tim Wasiewski, Paris Kincaid Wasiewski LLP, had collaborated on talking points to address issues surrounding the SWRCB's biological opinions. Highlights of her presentation addressed the SWRCB's requirements to assemble a working group to allow interested parties the opportunity to comment and provide recommendations and suggestions regarding the SWRCB's biological opinions, and to hold a workshop providing direction and discussion of technical capabilities. Also in attendance at the SWRCB meeting was Andrea Fuller from FISHBIO, whose presentation provided a positive representation of SSJID and Oakdale Irrigation District (OID).

Item #2 – Various Reports

Mr. Rietkerk reiterated the District's intentions for participating in the SWRCB's workshop regarding biological goals for the implementation of the Water Quality Control Plan (WQCP). He noted the State's requirement to assemble and subsequent invitation to participate in a stakeholder group called the Stanislaus, Tuolumne, Merced (STM) Group. Mr. Rietkerk stated that participation in the STM Group could allow SSJID the opportunity to provide District data and science, as well as voice concerns and engage directly with SWRCB staff.

Mr. Rietkerk reported on the status of positive COVID-19 cases among SSJID staff. The affected employees are out of the office, experiencing mild symptoms, and causing no interruption in District business due to the willingness of our team members to step up when necessary. The Magnacide application scheduled for the morning of the board meeting occurred without delay or incident.

Mr. Rietkerk reported that he met with Mr. Kevin Werner, Ripon City Administrator, regarding the City's request to obtain surface water from the Nick C. DeGroot Water Treatment Plant (WTP). He opined that it was a productive meeting with discussion including timing for the City to update conceptual costs and gaining Council support to engage with the WTP Operating Committee, and brokering the deal.

Mr. Rietkerk reported that he has met with Mr. Ed Erisman, WTP Manager, and Mr. Mel Bradley, Consultant, regarding maintenance related issues for the Robert O. Schulz Solar Farm. He noted concerns including the current unavailability of solar inverter replacement parts, and difficulty obtaining consultants to perform updated economic feasibility with updated PG&E time-of-use rates. Mr. Rietkerk, Mr. Erisman, and Mr. Bradley are working on a formal presentation to the Board to seek direction soon.

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Mr. Rietkerk reported that he attended the SJTA Committee meeting on August 8. Action included the unanimous approval of the SJTA Strategic Plan. Next steps discussed included hiring a consultant to facilitate discussions regarding the recommendation, prioritization, and implementation of projects and initiatives. While the timeline is aggressive, the SJTA General Managers are planning to present their recommendations to the SJTA Committee in November.

Director Holmes announced that Agenda Item #8 – Consider Approval of the SSJID 2022 Mid-Year Budget Amendment would be moved to the first item on the Action Calendar.

ACTION CALENDAR

Item #8 – Consider Approval of the SSJID 2022 Mid-Year Budget Amendment

Ms. Sarah Bloom, SSJID Assistant Finance and Administration Manager, addressed the Board and stated that the budget amendment occurs annually mid-year, and Board approval grants staff permission to carry out the plan of action intended by the budget. She added that the budget amendments reflect revisions for the upcoming winter construction season.

Mr. Chad Parsons, SSJID Associate Civil Engineer, addressed the Board and explained the methodology to prioritize the District’s Capital Improvement Plan Projects to align with the SSJID Water Master Plan (WMP). He provided detailed descriptions of the prioritized capital improvement projects including the pipeline relining, shotcrete lining, float valve, and box reconstruction projects. He added that a meeting is scheduled for August 10, with a potential supplier for pipelining materials.

The Board commended staff on maintaining an accurate and detailed projects list, and discussed the WMP projected cash flow, and the balance between short-term versus long-term engineering projects.

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, expressed appreciation to the Board on their supportive view of the District’s capital planning vision. He explained that some capital improvement projects (e.g. pipelining) will develop into routine annual maintenance conducted in-house; other specialized projects will develop into larger capital improvements constructed by outside contractors; and in-house maintenance and construction will ultimately become a long-term, standardized process. He further explained that the recent master planning effort has allowed staff to identify a long range vision to execute worthwhile projects in an efficient manner.

Board discussion included that consideration be given to the internal structure of engineering staffing to ensure that engineering services are executed in the most efficient manner possible.

MOTION: A motion was made by Director Kamper and seconded by Director Weststeyn to approve the SSJID 2022 mid-year budget amendment.

The motion passed 5 to 0 by the following vote:

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

Item #3 – Consider Approval of Proposal from Provost & Pritchard Consulting Group to Prepare a Preliminary Engineering Design for the Q/Qc Regulation Reservoir

Mr. Killingsworth addressed the Board regarding the background for agenda Item #3 – the Q/Qc Regulation Reservoir project, and agenda Item #4 – the French Camp Outlet Canal (FCOC) Recirculation Reservoir project, and explained the present opportunities to secure properties related to both projects. He further explained the proposals submitted from Provost & Pritchard Consulting Group (P&P) for both projects, and that a preliminary engineering design study is a first step towards acquiring property for the proposed projects.

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Mr. Killingsworth stated that the property in question regarding the proposed Q/Qc Regulation Reservoir project is owned by The Wine Group, and the location had previously been identified for a capital improvement project. He provided project details, and explained the necessity for a regulation reservoir. He explained the P&P scope of work and analysis for the Q/Qc Regulation Reservoir project, to be billed on a Time & Materials (T&M) basis for a not to exceed amount of \$57,000.00.

Mr. Killingsworth stated that the property in question regarding the proposed FCOC Recirculation Reservoir project is a vacated property. He provided project details, and explained the P&P scope of work and analysis for the FCOC Recirculation Reservoir project, to be billed on a T&M basis for a not to exceed amount of \$62,000.00.

Director Spyksma stated that he would abstain from voting on future Q/Qc Regulation Reservoir agenda items due to his past association with The Wine Group. He noted that he would vote on this item since the proposal only considers preliminary engineering investigation services.

MOTION: A motion was made by Director Holbrook and seconded by Director Spyksma to approve the task order to Provost & Pritchard Consulting Group to prepare a preliminary engineering design for the Q/Qc Regulation Reservoir Project, to be billed on a T&M basis, for a not to exceed amount of \$57,000.00.

The motion passed 5 to 0 by the following vote:

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

Item #4 – Consider Approval of Proposal from Provost & Pritchard Consulting Group to Prepare a Preliminary Engineering Design for the French Camp Outlet Canal Recirculation Reservoir

MOTION: A motion was made by Director Weststeyn and seconded by Director Spyksma to approve the task order to Provost & Pritchard Consulting Group to prepare a preliminary engineering design for the French Camp Outlet Canal Recirculation Reservoir, to be billed on a T&M basis, for a not to exceed amount of \$62,000.00.

The motion passed 5 to 0 by the following vote:

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

Mr. Killingsworth noted that the FCOC projects place the District in an excellent position for grants and funding opportunities.

Item #5 – Consider Approval of Purchase and Sale Agreement for Sale of Real Property to Parmvir Singh Sidhu, Portion of APN 241-300-65

Mr. Killingsworth addressed the Board and provided details of the location of the District property in question (a portion of APN 241-300-65, involving Lateral Z-200dd), Mr. Parmvir Singh Sidhu’s intent to develop the property, and negotiations with Mr. Sidhu regarding purchase price and sequence of transactions included in the Purchase and Sale Agreement.

Mr. Killingsworth stated that Ms. Mia Brown, SSJID General Counsel, has assisted in the development and overview of the proposed agreement. He noted that the purchaser is considering opening an escrow account to facilitate the sale transaction, and that the purchaser will bear the sole responsibility for setting up the escrow account, paying all fees associated with the account, and paying the District’s costs in preparing all necessary documents. In addition, prior to effectuating the

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transaction, staff will review the legal descriptions and plat maps prepared by MCR Engineering to ensure they have been appropriately drafted to support the quitclaim and reserved easement.

Staff recommended the Board provide conditional approval of the Purchase and Sale Agreement between the District and Mr. Parmvir Singh Sidhu for the transfer of 0.32 acres of District property (a portion of APN 241-300-65) involving Lateral Z-200dd, for a purchase price of \$90,000.00.

MOTION: A motion was made by Director Spyksma and seconded by Director Kamper to conditional approval of the Purchase and Sale Agreement between the District and Mr. Parmvir Singh Sidhu for the transfer of 0.32 acres of District property (a portion of APN 241-300-65) involving Lateral Z-200dd, for a purchase price of \$90,000.00. Final approval shall be subject to staff's satisfactory review of the legal description and plat exhibits provided by MCR Engineering to support the transaction.

Item #6 – Consider Approval of Amendment to the PG&E Temporary Construction Easement at the Solar Farm to Include Additional 3.5 Acres for the Period March 1 – December 31, 2022

Mr. Erisman addressed the Board via the online Zoom meeting platform, and provided background of the District's Temporary Construction Easement (TCE) granted to PG&E, dated November 2, 2021 for the staging of materials and equipment associated with PG&E's nearby Bellota-Warnerville Reconductoring Project. PG&E violated the TCE and had been storing material and equipment in areas outside the agreed upon footprint designated in the TCE, with violations commencing on or about March 1, 2022. The additional staging area measures approximately 3.5 acres.

PG&E was notified by General Counsel, via letter dated July 27, 2022, that they were exceeding the permitted area, demanded past rent for the additional area utilized, and offered a possible amendment to the TCE for the additional area. PG&E has requested an amendment to the TCE to include the additional 3.5 acres, for the period of March 1, 2022 to December 31, 2022, for an additional \$8,750.00.

The Board inquired on the timeframe for PG&E to remediate District property once the utility has vacated the premises, and questioned PG&E's request to expand the footprint through December 31, 2022 and not to the term of the TCE through July 15, 2024.

The Board requested General Counsel revise the TCE to address the following:

1. Specify the terms of area, rent and payment due date of amounts owed from PG&E for any area(s) not vacated by the date specified in the amended TCE of December 31, 2022.
2. Specify the terms of area, rent and payment due date of amounts owed from PG&E for any area(s) not vacated by the end of the TCE agreement of July 15, 2024.
3. Specify a closing date and/or time frame that PG&E must remediate District property once the utility has vacated the premises.
4. Include language in the TCE, Item #2, Compensation to read, "If PG&E extends the Term of the TCE, PG&E shall pay Property Owner One Thousand Five Hundred (\$1,500) per month for the duration of the extended Term or until property is remediated and restoration is complete."

MOTION: A motion was made by Director Spyksma and seconded by Director Weststeyn to table Item #6 – Consider Approval of Amendment to the PG&E Temporary Construction Easement at the Solar Farm to Include Additional 3.5 Acres for the Period March 1 – December 31, 2022, pending further negotiations of proposed revisions specified above.

Item #7 – Consider Approval of 24-Week Billboard Lease Renewal between Outfront Media and SSJID

Ms. Patterson addressed the Board regarding approval of a 24-week billboard lease renewal with Outfront Media. She described the locations of the two (2) billboards located on eastbound Highway 20 near the District offices, and at the end of the Austin Road onramp to southbound Highway 99.

Ms. Patterson provided background of the District's billboard advertising with Outfront Media under SSJID's previous

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contract with Marcia Herrmann Design (MHD) for communications and public relations services. When MHD’s contract expired in March 2022, the Board approved the District to lease directly with Outfront Media for billboard advertising for a 6-month term which is set to expire in September 2022.

Staff, the SSJID Public Relations Committee, and CV Strategies, the District’s current communications and public relations consultant, have met to discuss ideas and messaging concepts. CV Strategies is set to propose updated billboard advertising themes to the Public Relations Committee at the next committee meeting on September 14.

Staff recommended the Board approve a 24-week agreement with Outfront Media for a total cost of \$22,644.00 plus the costs of vinyl and installation as necessary, and direct the General Manager to sign the contract with Outfront Media.

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to approve a 24-week billboard lease renewal between Outfront Media and SSJID, for a total cost of \$22,644.00 plus the costs of vinyl and installation as necessary, and direct the General Manager to sign the contract with Outfront Media.

The next item to be taken up following Closed Session.

Item #9 – Discuss and Consider Renewal of Employment Contract and Annual Compensation for General Counsel

Director Holmes announced that Agenda Item #9 – Discuss and Consider Renewal of Employment Contract and Annual Compensation for General Counsel, would be postponed to a future board meeting when General Counsel is present. General Counsel is absent from today’s meeting due to illness.

Mr. Rietkerk announced that Closed Session Items 10. a, b, and c would not be discussed due to the absence of SSJID General Counsel. He added that all other items listed in the Closed Session agenda would be pursued. The Board took a brief recess at 10:14 a.m. and convened to Closed Session at 10:25 a.m.

Item #10 – CLOSED SESSION

10. 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
 - 8 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

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

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 |
| | | |
| ii. | Property: | Woodward Reservoir |
| | Negotiating Parties: | Stanislaus County |
| | District Negotiator: | General Manager |
| | Under Negotiation: | Grant of License |
| | | |
| iii. | Property: | Lateral Z 200dd |
| | Negotiating Parties: | Sidhu Parmvir Singh |
| | District Negotiator: | General Manager |
| | Under Negotiation: | Price and terms of payment of sale |
| | | |
| iv. | Property: | Lateral Q/Qc Regulation Reservoir |
| | Negotiating Parties: | Wine Group, LLC |

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| | District Negotiator: | General Manager |
| | Under Negotiation: | Price and terms of payment of sale |
| v. | Property: | French Camp Outlet Canal Regulation Reservoir |
| | Negotiating Parties: | Maan Gurvinder S |
| | District Negotiator: | General Manager |
| | Under Negotiation: | Price and terms of payment of sale |
| vi. | Property: | 682 S. Main Street, Manteca |
| | Negotiating Parties: | City of Manteca |
| | District Negotiator: | General Manager |
| | Under Negotiation: | Price and terms of payment of sale |
| vii. | Property: | Water |
| | Negotiating Parties: | Mountain House Community Services District |
| | District Negotiator: | General Manager |
| | Under Negotiation: | Price and terms |
| viii. | Property: | APNs 208-070-24, 35 & 36 |
| | Negotiating Parties: | N/A |
| | District Negotiator: | General Manager |
| | Under Negotiation: | Lease, terms and price |
- 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 54957(b)(1)
Classifications: Electric Utility Manager
- g. Public Employee Performance Evaluation
California Government Code Section 54957(b)(1)
Title: General Counsel

RETURN TO OPEN SESSION

The Board reconvened to Open Session at 11:45 a.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:
There were no reportable actions taken in Closed Session.

Item #12 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:46 a.m.

ATTEST:

Danielle Barney, Clerk of the Board