

**MINUTES FOR THE AUGUST 23, 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:           HOLMES KAMPER SPYKSMA WESTSTEYN  
ABSENT:               HOLBROOK

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 \$407,903.47; Accounts Payable Wires in the amount of \$397,443.32; and Payroll dated August 12, 2022 in the amount of \$251,904.48.
- B. Approval of the Regular Board Meeting Minutes of August 9, 2022
- C. Consider Adoption of Resolution 22-27-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency

Ms. Mia Brown, SSJID General Counsel, addressed the Board and explained that Resolution 22-27-Y was placed on the Consent Calendar due to its reoccurrence for adoption every thirty (30) days per Governor Gavin Newsom’s Executive Order No. N-8-21. The substantive language remains unchanged from month to month, and therefore it is appropriate to consider it as a consent item unless the Board wishes to discuss it as a separate item, in which case it can be removed and placed on the Action Calendar.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION No. 22-27-Y**

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

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

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

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

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

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

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

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

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

**WHEREAS**, the Board of Directors previously adopted Resolution No. 22-24-Y authorizing teleconferencing until August 28, 2022, and the conditions under which that Resolution was adopted remain unchanged.

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

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The Board of Directors (“Board”) of the South San Joaquin Irrigation District (“District”) finds, by a majority vote, the following:
  - a. That there exists a proclaimed state of emergency; and
  - b. State or local officials have imposed or recommended measures to promote social distancing.
3. District staff is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.
4. Full participation by the public in meetings covered under the provisions of this Resolution is facilitated through the teleconferencing platform.
5. This Resolution shall take effect **August 28, 2022** and shall remain in effect for thirty (30) days thereafter (until September 27, 2022), provided the conditions set forth in Section 2 remain.
6. This Resolution repeals and replaces Resolution 22-24-Y.

**PASSED AND ADOPTED** by the Board of Directors of the South San Joaquin Irrigation District this 23<sup>rd</sup> day of August 2022, by the following vote:

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

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

The motion passed 4 to 0 by the following vote:

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

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**COMMUNICATIONS**

**Item #1 – Directors’ Reports**

Director Spyksma stated that he had no updates to report.

Director Kamper cautioned District crews to be considerate when irrigating and/or driving on or near agricultural property. He stated that it is harvest season and crops are on the ground, and noted the potential for incidents of crop damage due to irrigation or vehicular negligence.

Director Weststeyn reported that he attended a meeting with Mr. Peter Rietkerk, SSJID General Manager; Mr. Tony Encalade, SSJID Interim Telemetry Systems Supervisor; and Mr. AJ Cecchettini of Hortau on August 17. Discussion included Hortau’s flow meter device and depth monitoring technology. Mr. Rietkerk added that consideration is being given to the multitude of flow meter equipment, technology, services, and telemetry instruments currently available on the market. Board discussion included urging staff to do their due diligence to research trialing options.

Director Holmes commented on a book recently read titled, “The Abundance Choice: Our Fight for More Water in California” by Edward Ring. He opined that it was a good read which outlined an overview of political biases, a first-hand look at the political process, and the failure of California’s policymakers to invest in water supply infrastructure, while enacting restrictions on how much water can be withdrawn from rivers or extracted from the ground.

**Item #2 – Various Reports**

*The Managers’ Reports were provided in electronic form to the Board on August 19, 2022.*

Mr. Rietkerk noted that staff has been considering anticipated diversions through 2022 and 2023 under current and future drought conditions. Any non-diverted water will go into the District’s conservation account which is currently not at full-capacity. Recommendations to the Board on an irrigation season end date that considers these factors will come at the next board meeting.

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, addressed the Board with an update to the Engineering Department Manager’s Report, dated August 23, 2022, regarding the Canyon Tunnel Project. He stated that the California Department of Fish and Wildlife (CDFW) did not return or respond to SSJID’s submitted draft Lake and Streambed Alteration (LSA) application by the statutory deadline of August 5. Therefore, the LSA application is applicable to be deemed complete by Operation of Law (Op-Law) by which the District may be authorized to proceed with the project under the specifications identified in the original application. Informal discussions with CDFW staff concurred that the Agency still intends to develop a draft LSA with SSJID, which will allow for more flexibility than what was originally specified in the application submitted by the District. In addition, CDFW’s fisheries biologist indicated that CDFW will not require a fish screen to be included as a part of the Canyon Tunnel project. Mr. Killingsworth summarized that the updates place the District in a good position to move forward with the project.

Director Holmes addressed Mr. Killingsworth and inquired about the status of the Woodward Reservoir Spillway issues with the California Department of Water Resources (DWR) Division of Safety of Dams (DSOD). Mr. Killingsworth replied that staff sent a response letter to DSOD, including required technical memorandums, on December 16, 2021. Recent conversations with DSOD indicated that the response letter had been misplaced by the DSOD as a result of a staffing turnover with the Agency. SSJID staff retransmitted the letter and technical memorandums to Mr. Austin Roundtree. A response from DSOD is pending.

Director Spyksma addressed Mr. Rietkerk and inquired on status of the Robert O. Schulz Solar Farm. Mr. Rietkerk responded that discussions continue with Mr. Mel Bradley, Consultant, regarding alternatives for partial or full replacement of the solar inverters. He will follow up with Mr. Bradley regarding a time-frame to present options before the Board.

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Director Holmes announced that Agenda Item #8 – Consider Approval of Water Transfer Agreement By and Between Chicken Ranch Rancheria Me-Wuk Indians of California and SSJID and Oakdale Irrigation District (OID), and Adoption of Resolution 22-28-W Water Transfer Agreement By and Between Chicken Ranch Rancheria Me-Wuk Indians of California and SSJID and OID would be moved to the first item on the Action Calendar as a courtesy to the Chicken Ranch Rancheria Me-Wuk Indians of California (Rancheria) representative in attendance.

**ACTION CALENDAR**

**Item #8 – Consider Approval of Water Transfer Agreement By and Between Chicken Ranch Rancheria Me-Wuk Indians of California and SSJID and Oakdale Irrigation District (OID), and Adoption of Resolution 22-28-W Water Transfer Agreement By and Between Chicken Ranch Rancheria Me-Wuk Indians of California and SSJID and OID**

Mr. Rietkerk addressed the Board and explained history of the Emergency Water Transfer Agreement with the Rancheria in 2019 which is in effect until 2024, the Rancheria’s recent request to secure a more permanent water supply that could grow over time, and the District’s coordination efforts with OID and the Rancheria regarding the request. He stated that the request was initially presented to the Board at the August 9 board meeting, but that the agenda item was tabled, per Board action, pending renegotiations and modifications to the draft agreement to include language specifying limited conditions and provisions for non-payment. Mr. Rietkerk introduced Ms. Stephanie Suess, Environmental Program Manager at Tuolumne Me-Wuk Tribal Council.

Ms. Suess addressed the Board and provided background of the Rancheria’s relationship with the District dating back to 2014 under former SSJID General Manager Jeff Shields. She presented a brief PowerPoint presentation depicting a current aerial overview of the Rancheria and depleted water supply from New Melones; a projection of the Rancheria’s water demands; the Firm Water Supply Project (FWSP); and potential future construction projects. Ms. Suess provided detailed explanations of the Rancheria’s current water status, agricultural plan, water needs assessment, and the FWSP scope of work to build a pipeline creating a water supply from Lake Tulloch.

Ms. Suess asked the Board to consider the Rancheria’s request to sell and deliver 1,500 acre feet (AF) of water, per calendar year, from January 1 to December 31 per the “Build-Up Schedule” identified in the agreement, from 2024 to 2048. The water transfer would be a 50/50 split with SSJID and OID, and revenue would be a 50/50 split with SSJID and OID at a cost of \$200 per AF.

Ms. Suess thanked the Board, on behalf of the Rancheria, for their consideration and for the opportunity to present the Rancheria’s request.

Board discussion included clarification of the pipeline project from Lake Tulloch and land surrounding the Rancheria property.

**MOTION:** A motion was made by Director Sypkmsa and seconded by Director Weststeyn to approve the Water Transfer Agreement By and Between Chicken Ranch Rancheria Me-Wuk Indians of California and SSJID and OID, and adopt Resolution 22-28-W Water Transfer Agreement By and Between Chicken Ranch Rancheria Me-Wuk Indians of California and SSJID and OID.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT  
RESOLUTION NO. 22-28-W**

**AUTHORIZE THE GENERAL MANAGER TO ENTER INTO A  
WATER TRANSFER AGREEMENT BY AND BETWEEN  
OAKDALE IRRIGATION DISTRICT, SOUTH SAN JOAQUIN IRRIGATION DISTRICT AND  
THE CHICKEN RANCH RANCHERIA OF ME-WUK INDIANS OF CALIFORNIA**

**WHEREAS**, the Oakdale Irrigation District (OID) and the South San Joaquin Irrigation District (SSJID), collectively referred to as “Districts”, are California irrigation districts operating under and by virtue of Division 11 of the California

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Water Code; and

**WHEREAS**, the Chicken Ranch Rancheria of Me-Wuk Indians of California, herein referred to as “Purchaser”, are a federally recognized Tribe, located within Tuolumne County; and

**WHEREAS**, Districts are the owners of certain senior water rights to the waters of the Stanislaus River, including pre-1914 appropriative water rights; and

**WHEREAS**, the Purchaser desires to purchase water from the Districts for essential municipal and industrial and irrigation uses; and

**WHEREAS**, the Districts and Purchaser have negotiated the terms of a water transfer agreement and desire to execute an agreement, a draft of which is attached hereto as “Exhibit A”; and

**WHEREAS**, the Districts and Purchaser have negotiated a 25-year term with an option to extend for an additional 15-years for a quantity of water building up to a maximum amount not to exceed 1,500 acre-feet, and at a purchase price of \$200 per acre-foot with an annual escalation factor; and

**WHEREAS**, prior to the delivery of water, Districts and Purchaser must obtain all necessary regulatory approvals and/or permits including petitioning the State Water Resources Control Board and the preparation of documents supporting the required findings and approvals required by the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”); and

**WHEREAS**, Purchaser is responsible for costs associated with any regulatory approvals and CEQA/NEPA documents.

**NOW THEREFORE, BE IT RESOLVED**, by this Board of Directors that:

1. The foregoing recitals are true and correct.
2. The General Manager is hereby authorized to enter into a water transfer agreement with Oakdale Irrigation District and the Purchaser.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, by this Board of Directors that prior to the delivery of water to Purchaser:

1. The Districts and Purchaser obtain all necessary regulatory approvals, permits, and other requirements including the processing of documents required under CEQA/NEPA,
2. The SSJID Board of Directors make all required findings and approve the water transfer as required under CEQA.

**PASSED AND ADOPTED** this 23<sup>h</sup> day of August 2022 by the following vote:

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

**Item #3 – Consider Approval of Proposal for the WTP Treated Water Reservoir #1 Interior Rehabilitation Project**

Mr. Charles Galea, Water Treatment Plant (WTP) Chief Plant Operator, addressed the Board regarding the Treated Water Reservoir #1 Floor Rehabilitation Project. He explained that the WTP has two (2) treated water reservoirs and described the coating inspection process of the treated tanks, the 2020 inspection which identified that the steel floors in Reservoir #1

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had experienced deterioration and peeling though the sides remained intact, and the scope of work to re-coat the interior floor.

Staff requested proposals for the re-coating project with four (4) quotes received.

Staff recommended that the Board award the contract to Farr Construction Corporation as the lowest bidder (\$240,200.00) for the preparation and repair of the interior flooring of the WTP Treated Water Reservoir #1 potable storage tank. Mr. Galea added that the WTP's remaining reservoir tank was recoated in 2017, and that costs have tripled since then.

In addition, the coating inspections are conducted by an independent contractor and not included in the proposal submitted by Farr Construction. Mr. Galea distributed, to the Board, a proposal from Bay Area Coating Consultants, Inc., to provide NACE coating inspections for the Treated Water Reservoir #1 project, for the amount of \$20,496.00.

Board discussion included the seemingly quick degradation of the steel tanks and research for cause and prevention.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Weststeyn to approve the proposal from Farr Construction Corporation to perform the work of preparation and repair of the interior flooring of the WTP Treated Water Reservoir #1 for the amount of \$240,200.00, and approve the proposal from Bay Area Coating Consultants, Inc. to provide NACE coating inspections for the Treated Water Reservoir #1 project for an amount of \$20,496.00.

The motion passed 4 to 0 by the following vote:

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

**Item #4 – Consider Approval of Proposal from for Engineering Services for the X-W Connection Project**

Mr. Killingsworth addressed the Board regarding Board approval of a task order to Provost & Pritchard Consulting Group (P&P) to provide engineering services for the X-W Connection Project (Project), to be billed on a Time and Materials (T&M) basis, for a not-to-exceed amount of \$83,700.00.

Mr. Killingsworth noted staff's development of a "Service Ratio" to evaluate effectiveness of each individual conveyance facility within the distribution area of the District, and that facilities identified with service ratios greater than 0.70 were considered "troubled." He explained the scope of the Project and added that it was one of the highest ranked capacity enhancement projects on the Water Mater Plan (WMP) infrastructure list. He further explained the detailed evaluation conducted on the Project and summarized benefits including immediate improved service to over 10,000 acres of irrigated land, and potential for all service areas in the south Manteca and west Ripon areas to be reduced to a 0.70 service ratio or lower. Mr. Killingsworth added that a majority of the benefits will occur in the future as the cities continue to grow and develop.

Mr. Killingsworth detailed the P&P proposal scope of work separated into five (5) phases including surveying, preliminary engineering design, design, easement preparation, and environmental documents.

Staff recommended Board approval of the P&P proposal for \$68,700.00 to complete the scope of work identified, plus an additional \$15,000.00 contingency to be authorized by the Engineering Department Manager for non-identified services, as needed, for a total amount of \$83,700.00.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Kamper to approve the task order to P&P to provide engineering services for the X-W Connection Project, to be billed on a T&M basis, for a not-to-exceed amount of \$83,700.00.

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The motion passed 4 to 0 by the following vote:

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

**Item #5 – Quarterly Presentation of Financial Statements through June 2022**

Ms. Sonya Williams, SSJID Finance and Administration Manager, gave a quarterly oral presentation to the Board of financial statements through June 2022, and provided explanations of total current assets; accounts payable; accounts receivable; net pension liabilities; year-to-date income statement; revenues, expenses, and changes in net position; cash reserves; cash flow; capital assets; and decreases to reserve. The Financial Statements through June 2022 were included in the agenda packet, Item #5.

**Item #6 – Quarterly Presentation of Investment Report for June 2022**

Ms. Williams provided a quarterly oral presentation of the investment report for June 2022. She provided detailed explanations of current market values; investments held; 2<sup>nd</sup> quarter earnings; yield-to-maturity rates; anticipated market values; and investment earnings. The Investment Report for June 2022 was included in the agenda packet, Item #6.

The Board inquired on recommendations and/or concerns from Ms. Williams regarding the District to which she responded that there are concerns with the District’s service rates and the probable need to raise fees, and that operating revenue should optimally offset expenditures. She noted that during her first 30-days with the District, the Finance Department is doing a great job and adjusting well to procedural and staff changes. Additional discussion included the financial review of Tri-Dam and that consideration is being given to contracting an outside audit firm.

*The next items to be taken up following Closed Session.*

**Item #7 – Discuss and Consider Renewal of Employment Contract and Annual Compensation or General Counsel**

**Item #9 – Consider Approval of Tentative Agreement Between SSJID and IBEW Local 1245**

*It was announced that all items on the Closed Session agenda would be discussed. The Board took a brief recess at 10:36 a.m. and convened to Closed Session at 10:45 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

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*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

*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

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



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- iii. 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
  
- iv. Property: 682 S. Main Street, Manteca  
Negotiating Parties: City of Manteca  
District Negotiator: General Manager  
Under Negotiation: 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. Labor Negotiations  
California Government Code Section 54957.6  
Agency Negotiator: General Manager  
Employee Organization: Management Unit
  
- g. Public Employment  
California Government Code Section 54957(b)(1)  
Classifications: Electric Utility Manager
  
- h. 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 2:01 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:  
There were no reportable actions taken in Closed Session.

**Item #7 – Discuss and Consider Renewal of Employment Contract and Annual Compensation for General Counsel**

**MOTION:** A motion was made by Director Weststeyn and seconded by Director Kamper to renew the contract for SSJID General Counsel, and increase the salary by 7-percent (7%) effective the annual anniversary date of August 21, 2017.

Director Holmes commended Ms. Brown and thanked her for her continued service to the District.

The motion passed 4 to 0 by the following vote:

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

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**Item #9 – Consider Approval of Tentative Agreement Between SSJID and IBEW Local 1245**

Mr. Rietkerk provided the Board with a timeline summary of the negotiations between SSJID and IBEW Local Union 1245 (Union) including that the Tentative Agreement was finalized with the Union on August 16, 2022; the District’s Union members voted to approve the Tentative Agreement on August 22, 2022; and that staff is seeking Board approval of the Tentative Agreement which would include implementation of wage increases effective September 4, 2022. He added that the final Memorandum of Understanding (MOU) between SSJID and the Union will be presented for approval before the Board at a future board meeting.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Weststeyn to approve the Tentative Agreement between SSJID and IBEW Local Union 1245.

The motion passed 4 to 0 by the following vote:

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

**Item #12 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 2:05 p.m.

**ATTEST:**

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