

**MINUTES FOR THE SEPTEMBER 13, 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. Director Holbrook led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS: HOLBROOK HOLMES SPYKSMA WESTSTEYN
ABSENT: KAMPER

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 – Members of the public addressed the Board regarding unauthorized encroachments upon the District’s easement and utilities installed at real property located at 285 S. Austin Road in Manteca.

Mr. Jose Valdovinos, Contractor, noted the District’s easement, acknowledged the installation of the encroachments, and requested resolution so as to proceed with construction including installation of a septic system. Mr. Sergio Aguilar, Septic Contractor, addressed the Board and recited the location of the District pipeline across the easement, and the scope of work and measurements of the septic system project, and requested a solution to complete the septic project. Ms. Linda Stafford, real estate agent, concurred with the previous public comments, alleged that the driveway was installed upon approval of District staff, noted the expense to remove the driveway and replace the District’s pipeline, and requested Board action regarding an appeal of the District’s directives to the property owner to address the unauthorized encroachments.

Ms. Mia Brown, SSJID General Counsel, provided background for the public comments made regarding 285 S. Austin Road. She added that District staff issued a letter to the owner of 285 Austin Road on September 8, 2022, advising him of the actions that he would need to take regarding the property, and informing him that he had the opportunity to appeal to the Board of Directors. A request for appeal had not been received by the deadline to include the matter on the agenda for this meeting. If an appeal is received, the matter will be scheduled for the next board meeting, on September 23.

President Holmes advised the commenters that the Board can only receive public comments, but cannot discuss or make any decisions on items that are not on the agenda. He thanked the speakers for their statements.

CONSENT CALENDAR

- A. Approval of Checks in the amount of \$772,843.88; Accounts Payable Wires in the amount of \$408,349.08; and Payroll dated August 22, 2022 in the amount of \$823.60, August 26, 2022 in the amount of \$256,700.51, August 29, 2022 in the amount of \$4,780.38, and September 9, 2022 in the amount of \$249,746.07.

- B. Approval of the Regular Board Meeting Minutes of August 23, 2022

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

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COMMUNICATIONS

Item #1 – Directors’ Reports

Director Holbrook reported that he attended the California Special Districts Association (CSDA) 2022 Annual Conference, on August 22-25, 2022, in Palm Desert, CA. Highlights included keynote speaker, Ms. Wendy Suzuki, Dean at New York University College of Arts and Science, and author of “Healthy Brain, Happy Life: A Personal Program to Activate Your Brain and Do Everything Better,” as well as presentations regarding an organization’s optimal mission and vision. He noted that SSJID’s Mission, Vision and Values; Strategic Plan; and forward thinking are in alignment with successful near- and long-term planning. Director Holbrook commented that it would be beneficial to invite some of the CSDA presenters to speak at a future District event on their area(s) of expertise.

Director Weststeyn stated that there were no updates to report.

Director Spysma stated that there were no updates to report.

Director Holmes stated that there were no updates to report.

Item #2 – Various Reports

Mr. Peter Rietkerk, SSJID General Manager, reported that he attended an internal meeting, on September 7, to discuss the V-ditch incident at Highway 99 that occurred on July 14, recommendations, and action items. Discussion included the development of emergency standard operating procedures, a checklist of emergency tasks, and improvement of responsiveness. Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, will take the lead to coordinate establishing standard operating procedures.

Mr. Rietkerk reported on a damaged culvert which caused emergency road closures on Airport Way from August 29 to September 2. Staff coordinated with outside contractors to perform excavation assessment, traffic control, and dewatering of shallow groundwater. District crews were able to perform the pipeline repairs in a safe and efficient manner once groundwater was controlled in the area.

Mr. Rietkerk announced that SSJID is hosting a tour for the CSDA San Joaquin County (SJC) Districts’ Legislative Tour on September 21, which will include the Port of Stockton, SJC Mosquito and Vector Control, and SSJID facilities. Participating in the tour will be representatives for Congressman Jerry McNerney, Assemblymember Heath Flora, and Assemblymember Carlos Villapudua. Katie Patterson, SSJID Public and Government Relations Manager, is coordinating with CSDA and District staff for this tour.

Mr. Rietkerk stated that staff continues to work on finalizing the Water Master Plan (WMP). The internal deadline to finalize the draft presentation for the Growers’ Advisory Meeting is September 16. The finalized WMP PowerPoint will be presented to the Board on September 27.

Mr. Rietkerk reported that he attended the SSJID Finance Committee meeting on August 29. Discussion included the WMP financial modeling.

Director Holbrook commented that several CSDA conference exhibitors requested a tour of the Tri-Dam Project facilities, and that he will forward contact information to Mr. Rietkerk for coordination efforts. Mr. Rietkerk listed potential upcoming tours including the Water Treatment Plant (WTP), and a Tri-Dam tour tentatively scheduled in October.

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, addressed the Board regarding an update of the Canyon Tunnel Project. He stated that a draft Lake and Streambed Alteration (LSA) Agreement was received from the California Department of Fish and Wildlife (CDFW), which did not include a fish screen requirement.

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He noted that the draft LSA was received past the agency's statutory deadline of August 5, which lawfully deemed the application complete by Operation of Law (Op-Law). However, staff will review the draft LSA and begin negotiations with CDFW. Board discussion included direct communication with CDFW to maintain compliance with the submittal of required documents and/or actions. Mr. Killingsworth will review and assess the draft LSA agreement, and update the Board at an upcoming board meeting.

Director Holmes announced that agenda Item #3 – Legislative Update Presentation by Shaw Yoder Antwih Schmeizer & Lange would be heard following Closed Session, upon reconvening Open Session.

ACTION CALENDAR

Item #4 – Update of the WTP Treated Water Reservoir #1 Interior Rehabilitation Project

Mr. Charles Galea, WTP Chief Plant Operator, addressed the Board regarding an update of the WTP Treated Water Reservoir #1 Interior Rehabilitation Project, which was approved by Board action on August 23. Board discussion at the August 23 meeting included the seemingly quick degradation of the steel tanks and the need to research the cause, and preventive measures.

Staff contacted a corrosion specialist to perform a detailed inspection to confirm the metal loss and determine the cause of the corrosion that exists within the tank. The inspection will identify the exact location of the metal loss, and the cause of the corrosion so the coating contractor can perform the necessary repairs before moving forward with the interior rehab project.

The corrosion inspection is scheduled for September 20 and 21. The coating contractor's start date has been delayed until after receipt of the corrosion inspection report. Completion of the tank repairs and recoating of the WTP Treated Reservoir #1 are anticipated by the end of October.

Board discussion included obtaining, from the contractor, the exact procedure of rewiring and rewelding the tanks in effort to maintain precision and integrity for any future service and/or repairs.

Item #5 – Consider Approval of Proposal from Gold Electric Inc. for the WTP's PG&E Meter Aggregation Project

Mr. Ed Erisman, WTP Manager, addressed the Board regarding the Pacific Gas & Electric (PG&E) Intertie Agreement project at the Robert O. Schulz Solar Farm, which was approved by Board action on February 8, 2022. As part of the project, work to physically move the solar generation into a single meter and the WTP PG&E supply onto a separate, single meter is required.

Staff coordinated with Electrical Advantage Engineering to develop a comprehensive scope of work for the job, which was explained in detail to the Board. A request for proposals was sent out, three (3) contractors visited the site for a job walk, and two (2) bids were received: Gold Electric, Inc. (Gold) for \$29,132.00, and Modesto Executive Electric Inc. for \$35,000.00.

Staff recommended that the Board award the contract to Gold as the lowest bidder (\$29,132.00) to complete the meter aggregation at the WTP. This work was originally budgeted for as part of the new WTP emergency generator project. Mr. Erisman added that the scope of work includes the cleaning and inspection of the existing wires, and any replacements and/or additional findings will be presented for Board approval at a future board meeting. Completion of Gold's work is anticipated within the near future.

Ms. Sarah Bloom, SSJID Assistant Finance and Administration Manager, noted that the PG&E Intertie Agreement project is funded through an escrow account, which requires completion within one (1) year.

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MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to authorize the General Manager to approve the proposal from Gold Electric Inc. to complete the meter aggregation at the WTP, for a cost of \$29,132.00.

The motion passed 4 to 0 by the following vote:

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

Item #6 – Consider Approval of Letter Requesting the State Water Resources Control Board Set Aside the Proposed Order to Cancel Water Right Application 30531B for the City of Stockton

Mr. Nakagawa addressed the Board regarding a letter requesting that the State Water Resources Control Board (SWRCB) set aside the proposed order to cancel Water Right Application 30531B for the City of Stockton (City). He provided background of the City’s original Water Right Application for 125,900 acre feet (af) per year, filed in 1996, protests, and subsequent grant of 33,600 af/yr, in 2005, which is the basis for the City’s \$250 Million Delta Water Supply Project. The remainder of the original application is encompassed in Application 30531B which is subject to the proposed cancellation order by the SWRCB.

Mr. Nakagawa explained that the Sustainable Groundwater Management Act (SGMA) is a major consideration in allowing the City to hold its 1996 priority date for Application 30531B. He further explained that the City is one of the 16 Groundwater Sustainability Agencies (GSA) in the Eastern San Joaquin Groundwater Authority (ESJGWA), and an integral part in the ESJGWA Groundwater Sustainability Plan (GSP) to comply with SGMA and meet sustainability requirements by 2040. The South San Joaquin Groundwater Sustainability Agency (SSJGSA) is a member agency of the ESJGWA.

Mr. Nakagawa stated that the SWRCB letter includes language to protect SSJID’s senior water rights. A copy of the draft letter was included in agenda Item #6 Staff Report, and had been reviewed by Mr. Tim Wasiewski, SSJID Special Counsel.

Staff recommended that the SSJID Board of Directors authorize and direct the President of the Board to sign a letter requesting that the SWRCB set aside the Administrative Hearing Officer’s Proposed Order to cancel the City’s pending Water Right Application 30531B.

MOTION: A motion was made by Director Spyksma and seconded by Director Holbrook to approve the letter requesting the State Water Resources Control Board set aside the proposed Order to Cancel Water Right Application 30531B for the City of Stockton.

The motion passed 4 to 0 by the following vote:

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

Item #7 – Discuss and Consider Adoption of Resolution 22-29-P Authorizing the Disposition of Real Property (a portion of APN 241-300-650)

Ms. Brown addressed the Board and provided background of the property in question (a portion of APN 241-300-650) and Board action on August 9, 2022, authorizing staff to enter into real property negotiations with the buyer resulting into a Purchase and Sale Agreement with Mr. Parmvir Sidhu, dated August 17, 2022. She detailed the

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property location, description, the District's Lateral Z-200dd contained on the property, and future operation and maintenance of Lateral Z-200dd which could be served through an easement interest in the relevant property.

Mr. Sidhu has paid the purchase price for the property, and has maintained a retainer to cover the District's costs in completing the transaction. To effectuate the transfer of property, the Board must pass Resolution 22-29-P authorizing the transaction, execute a quitclaim deed, and do all other things necessary and proper to complete the transaction.

Staff recommended the Board adopt Resolution 22-29-P Authorizing the Quitclaim of Real Property with Reservation of an Easement Therefrom, and authorize the Board President and Board Secretary to execute a quitclaim deed and do all other things necessary and proper to complete the transaction.

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to adopt Resolution 22-29-P Authorizing the Quitclaim of Real Property with Reservation of an Easement Therefrom, and authorize the Board President and Board Secretary to execute a quitclaim deed and do all other things necessary and proper to complete the transaction.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION NO. 22-29-P**

**RESOLUTION AUTHORIZING THE QUITCLAIM OF REAL PROPERTY WITH RESERVATION
OF AN EASEMENT THEREFROM**

WHEREAS, the SOUTH SAN JOAQUIN IRRIGATION DISTRICT ("District") owns in fee, certain real property situated in the City of Manteca, County of San Joaquin, generally described as a strip of land sixty (60) feet along, adjacent to, and on the southerly side of the southerly right of way boundary line of what is currently known as W. Yosemite Avenue, by virtue of a Grant Deed filed for record in Volume 419, Page 259 of San Joaquin County Official Records, identified by San Joaquin County Assessor's Number (APN) 241-300-650, ("District Property"); and

WHEREAS, the District Property is a fee-owned right of way for the location, operation and maintenance of District's underground irrigation pipeline commonly known as Lateral "Z-200dd;" and

WHEREAS, Parmvir Singh Sidhu ("Purchaser") is the owner of two (2) parcels of real property immediately adjacent to the District Property, and separated from contiguity with W. Yosemite Avenue by a portion of the District Property; and

WHEREAS, Purchaser desires to purchase from the District, and the District desires to sell to the Purchaser, a portion of the District Property consisting of approximately 0.16 acre more or less ("Quitclaim Parcel"), which is described particularly in Exhibit "A" and depicted in Exhibit "B" attached hereto; and

WHEREAS, the District Board of Directors agree to sell the Quitclaim Parcel to Purchaser upon the following terms and conditions:

1. Purchaser shall pay to District the purchase price of \$90,000.00 for the Quitclaim Parcel, which consists of approximately 0.16 acres or 6,960 square feet, more or less.
2. Upon receipt of payment of the purchase price in full, District shall convey the Quitclaim Parcel to Purchaser by quitclaim deed, reserving therefrom a perpetual easement for the benefit of the District.
3. Purchaser will pay all costs related to effectuating the conveyance, including but not limited to, closing costs, title fees, brokerage fees, survey costs, recording fees and administration costs.
4. Purchaser will satisfy all conditions of the Purchase and Sale Agreement entered into by the parties on August 17, 2022.

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WHEREAS, the District’s Board of Directors further find as follows:

1. The purchase price to be paid for the Quitclaim Parcel is fair and valuable consideration.
2. The sale of the Quitclaim Parcel under the stated terms and conditions is in the best interests of the District.
3. The Quitclaim Parcel is deemed “exempt surplus land” pursuant to Government Code Section 54221(f)(1)E, and is not subject to the disposition of surplus land procedures required by Government Code Sections 54222.3 et seq.
4. The proposed disposition of the Quitclaim Parcel is categorically exempt under California Environmental Quality Act as Class 12 Project pursuant to 14 CA Adm. Code of Regulations 15112, as the surplus government property does not have significant value for wildlife habitat or other environmental purposes and the property is of such size and shape that it is incapable of independent development or use.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the South San Joaquin Irrigation District hereby authorize the Board President and Secretary to execute on behalf of the District, a quitclaim deed to Purchaser disposing of the District’s interest in the Quitclaim Parcel, excepting therefrom a reserved easement for District purposes on the terms and conditions recited above, and do all other things necessary and proper to complete the disposition of the Quitclaim Parcel as contemplated herein.

PASSED AND ADOPTED by the Board of Directors of the South San Joaquin Irrigation District this 13th day of September 2022, by the following vote:

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

Item #8 – Discussion and Possible Action to Consider Setting the Date for End of Irrigation Season

Mr. Nakagawa addressed the Board and proposed October 7, 2022 as the end date of the 2022 irrigation season. He cited considerations that factored into the recommendation including that the date falls on the end of the normal 10-day irrigation rotation, the District’s positive water supply projections, and positive water conservation account balance. Mr. Nakagawa noted additional water outlook variables to consider including potential drought conditions, and the need to divert water should the end date for the 2022 irrigation season fall after October 7.

Board discussion included Oakdale Irrigation District’s (OID) end date for water on October 23, the OID/SSJID combined conservation account balance, and clarifying the terms of the OID/SSJID combined conservation account based on OID’s end date.

MOTION: A motion was made by Director Weststeyn and seconded by Director Spyksma to announce that the end of the 2022 irrigation season will be October 7, 2022.

The motion passed 4 to 0 by the following vote:

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

It was announced that all items on the Closed Session agenda would be discussed. The Board took a brief recess at 10:00 a.m. and convened to Closed Session at 10:10 a.m.

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Item #9 – CLOSED SESSION

9. 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

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

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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: French Camp Outlet Canal Regulation Reservoir
Negotiating Parties: Maan Gurvinder S
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: Management Unit

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 Manager

RETURN TO OPEN SESSION

The Board reconvened to Open Session at 12:50 p.m.

Item #10 – 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 #3 – Legislative Update Presentation by Shaw Yoder Antwih Schmeizer & Lange

Ms. Patterson addressed the Board and introduced SSJID’s legislative advocacy firm, Shaw Yoder Antwih Schmeizer & Lange (SYASL), namely Ms. Karen Lange and Mr. Andrew Antwih, both partners at SYASL. She stated intent to provide regular legislative update presentations to the Board on an annual and/or as-needed basis, and added that today’s scheduled visit included individual meetings with the Senior Leaders to communicate needs and/or concerns regarding SSJID utility, irrigation, or retail electric issues.

Mr. Antwih stated that the 2022 legislative calendar had concluded business, and cited bills passed that pertained to SSJID interests. He provided updates on the state budget, surplus, COVID-19 sick leave, Senate Bill (SB) 656 regarding public utilities, SB 1090 regarding Diablo Canyon, Assembly Bill (AB) 1279 regarding greenhouse gas emissions and land management practices, and AB 205 regarding energy reliability legislation.

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Ms. Lange updated the Board on the state expenditures, electric vehicle tax rebate caps, SB 222 regarding a water rate assistance program, and the proposed Delta Tunnels project and Environmental Impact Report (EIR). She recommended patience of potential issues and/or adjustments with the new incoming legislation.

Board discussion included potential water legislation in the next term including water conservation, off-stream storage, groundwater recharge, and water bonds.

The Board thanked Ms. Lange and Ms. Antwih for the informative updates. The SYASL team thanked the Board for their time and opportunity to work with the District.

Item #11 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 1:50 p.m.

ATTEST:

Danielle Barney, Clerk of the Board