

**MINUTES FOR THE SEPTEMBER 27, 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, 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 \$680,144.55; Accounts Payable Wires in the amount of \$456,636.17; and Payroll dated September 9, 2022 in the amount of \$221.96, September 19, 2022 in the amount of \$2,163.72, September 19, 2022 in the amount of \$4,973.20, and September 23, 2022 in the amount of \$280,105.06.
- B. Approval of the Regular Board Meeting Minutes of September 13, 2022
- C. Adoption of Resolution 22-30-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION No. 22-30-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

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

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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. 22-27-Y authorizing teleconferencing until September 27, 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 **September 27, 2022** and shall remain in effect for thirty (30) days thereafter (until October 27, 2022), provided the conditions set forth in Section 2 remain.
6. This Resolution repeals and replaces Resolution 22-27-Y.

PASSED AND ADOPTED by the Board of Directors of the South San Joaquin Irrigation District this 27th day of September 2022, by the following vote:

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

D. Financial Statements through August 2022

Director Holmes addressed Ms. Sonya Williams, SSJID Finance and Administration Manager, and requested clarification regarding the staff report Operating Revenues reference of “Treated water sales were \$8.5 million....” Ms. Williams responded that the \$8.5 million includes revenue from treated water sales, as well as pension liability reimbursements from the Cities of Escalon, Lathrop, Manteca and Tracy.

Director Holbrook inquired on the budget variance percentages listed on page 10 of the August 31, 2022 Financial Statements, to which Ms. Williams responded that the percentages indicate the difference between the YTD budget amount versus the actual-to-date budget amount.

E. Investment Report for July 2022

F. Investment Report for August 2022

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

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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 noted discussion at the 2023 California Special District Association (CSDA) Conference, on August 22-25, 2022, in Palm Desert, with Mr. Greg Normart from Utility Cost Management, LLC (UCM). He stated that UCM provides services to special districts to analyze utility bills in order to identify billing errors, reduce ongoing costs, and recover refunds. To date, UCM has recovered \$100,000.00 in over-charges on Pacific Gas & Electric (PG&E) bills. Director Holbrook added that it could be beneficial to have UCM audit the PG&E bills for the Nick C. DeGroot Water Treatment Plant (WTP). He will forward all UCM company information to Mr. Peter Rietkerk, SSJID General Manager.

Director Weststeyn reported that he attended the SSJID Public Relations Committee meeting on September 14. Also in attendance were Director Holbrook, Mr. Rietkerk, SSJID Public and Government Relations Manager Katie Patterson, and representatives from CV Strategies, SSJID’s public relations firm. Discussion included concepts for the District’s new billboard advertising campaign.

Director Spyksma stated that there were no updates to report.

Director Kamper stated that there were no updates to report.

Director Holmes stated that there were no updates to report.

Item #2 – Various Reports

The Managers’ Reports were provided in electronic form to the Board on September 23, 2022.

Mr. Rietkerk reported that on September 12, the state appeals court ruled that the State Water Resources Control Board (SWRCB) cannot curtail senior water rights holders “solely on the basis that the board believes that there will be insufficient water to serve all pre-1914 appropriative water rights.” This decision favored senior water rights holders including members of the San Joaquin Tributaries Authority (SJTA), Oakdale Irrigation District (OID), and SSJID. The SWRCB continued to curtail senior water rights holders in 2021 and 2022 through the use of emergency regulation, unlike 2015 when curtailments were made through declaration of the water board. Litigation challenging the SWRCB’s 2021 and 2022 curtailments is pending.

Mr. Rietkerk announced business to be scheduled on the October 11 agenda regarding the board meeting calendar for November and December 2022. Discussion will include holding only one (1) meeting for the identified months, and potential dates for a special board meeting, if deemed necessary.

Director Weststeyn referenced the Finance and Administration Manager’s Report, dated September 27, 2022, Section IT, Bullet #14 – Working with OID and Tri-Dam to analyze the IT needs of Tri-Dam. He inquired if the District is billing Tri-Dam for the IT services being provided. Mr. Rietkerk responded that SSJID and OID are in the initial phase to research and strategize Tri-Dam’s current IT status and needs. Tri-Dam is not being billed but should the provided services develop into an ongoing project, SSJID and OID will invoice Tri-Dam as separate entities.

Director Holmes announced a Tri-Dam Advisory meeting scheduled for September 28, at 3:00 p.m., at the SSJID District boardroom. Mr. Rietkerk added that discussion will include the purchase of cyber security locks; applicants for Tri-Dam

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General Manager; and review of the job description for Tri-Dam Finance Manager. It was clarified that attendees will include an ad-hoc committee consisting of the Board President and General Manager from OID and SSJID, as well as Tri-Dam staff.

ACTION CALENDAR

Item #3 – Enforcement of Action Regarding Unauthorized Encroachments at 285 S. Austin Road, Manteca: Consider Appeal by Landowner

Ms. Mia Brown, SSJID General Counsel, addressed the Board and provided a brief background regarding the unauthorized encroachments at 285 S. Austin Road, including a description of the encroachments, a timeline of communications between the District and the landowner, and a summary of District enforcement actions to date.

Ms. Linda Stafford, real estate agent, addressed the Board on behalf of the landowner, appealing the District's enforcement action for the unauthorized encroachments. She acknowledged that the landowner and parties involved had prior knowledge of the easement, and provided a timeline of communications with the District, the City of Manteca (City), and San Joaquin County (SJC). Ms. Stafford claimed that District staff never informed the landowner of the requirement that the District's pipeline be replaced until receipt of the SSJID letter regarding encroachment, dated September 8, 2022, and that communication between staff and Acorn Onsite, Inc. (Acorn) approved an encroachment permit. Ms. Stafford noted future development of an Austin Road extension project and the potential for collaboration with the City, SJC, and the District to replace the pipeline. Mr. Sergio Aguilar, septic contractor for the project, addressed the Board and inquired about the possibility of replacing only the affected area(s) of the pipeline, and redirection of the sewer lines so as not to cross the District's pipeline.

Board discussion observed that the City of Manteca failed to route the building permit through SSJID, which would have alerted the landowner to the various issues that needed to be addressed prior to commencement of construction; that the SJC Environmental Health Department sent Acorn a letter, dated April 21, 2022, regarding conditional approval of the proposed septic system and requirement of an encroachment permit from SSJID for the sewer crossing and installed concrete driveway improvements; that development of the property itself automatically triggered the requirement to replace the pipeline; and that any developer that encroaches on District utilities is required to replace or remove the underlying pipeline. It was noted that if the landowner had applied for the required encroachment permit as initially instructed, all conditions of approval would have been conveyed to the landowner, including information regarding the pipeline replacement requirement.

Mr. Chad Parsons, SSJID Associate Civil Engineer, provided a detailed timeline of communications between the District and the parties regarding the encroachment issues, and explained the exact location, measurements, and description of the encroachments.

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, addressed the Board and stated that the encroachments (sewer line, driveway) are eligible for issuance of an encroachment permit, but that no permits can be issued until the pipeline has been replaced.

Ms. Brown noted that the pipeline replacement requirement was triggered by the development of the subject property for strictly residential use from its former agricultural use. The fact that the home is constructed at the edge of the District's easement, as opposed to within the easement, does not eliminate the need to replace the pipeline.

Director Holmes thanked Ms. Stafford and Mr. Aguilar for speaking before the Board, and stated that all issues presented will be taken under advisement during Closed Session. Ms. Brown added that the landowner would be notified in writing of the Board's final decision.

Additional discussion included measures to prevent future encroachment issues, and coordination with the City of Manteca to establish communication protocol with SSJID when issuing building permits within District service areas. Mr. Killingsworth responded that staff is working with the City regarding their permit process. Ms. Brown commented that the

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incident was not unique to the City of Manteca, and that similar problems have occurred with the City of Escalon and unincorporated areas of the County.

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

Mr. Ed Erisman, WTP Manager, addressed the Board via the online Zoom meeting platform regarding the inspection, conducted by Corrosion Integrity, of the Treated Water Reservoir #1 floor. He provided a description of the testing technique, called Magnetic Flux Leakage (MFL) to magnetize the conductive material under test (steel). When defects (corrosion or material loss) are evident, the magnetic field “leaks” from the steel. The inspection concluded that the 150 ft. tank floor contained no metal loss, no pitting in the steel, and that light surface rust and coating failure in some areas was identified.

Mr. Erisman summarized that the storage tank flooring was not losing metal or corroding from inside or under the tank. The next step is to move forward with the tank coating repair. Farr Construction will begin preparation and coating of the tank floor on October 3. Estimated duration of the Treated Water Reservoir #1 Interior Rehabilitation Project is one (1) month.

Item #5 – Consider Approval of One-Year Extension of Services Agreement for State Legislative Advocacy with Shaw Yoder Antwih Schmelzer & Lange

Ms. Patterson addressed the Board regarding approval of a one-year extension to the Services Agreement for State Legislative Advocacy with Shaw Yoder Antwih Schmelzer and Lange (SYASL). She provided background of the current 2-year consulting services agreement with SYASL that expires on September 30, and which offered the original term of 2-years, plus an addition of three (3) 1-year extensions.

Ms. Patterson described services provided by SYASL including monitoring legislation; providing education to legislative representatives regarding the District’s priorities including water, irrigation, and retail electric issues; and providing the Board with monthly legislative reports. Future involvement will include informational meetings with SYASL lobbyists and SSJID managers to evaluate legislative priorities for the 2023-2024 legislative season.

The proposed fee for SYASL services is \$5,000.00 per month for twelve (12) months. This represents no change in the current fees for service.

MOTION: A motion was made by Director Holbrook and seconded by Director Kamper to approve the one-year extension to the Services Agreement for State Legislative Advocacy with Shaw Yoder Antwih Schmelzer & Lange.

The motion passed 5 to 0 by the following vote:

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

Item #6 – Consider Approval of Health Insurance Rates for 2023

Mr. Don Thornburg, SSJID Human Resources Specialist, addressed the Board regarding the annual health plan renewals for District employees. He summarized the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) plans for the District’s current medical, vision and Employee Assistance Program (EAP) plans; the current self-funded dental plan; the life, accidental death and dismemberment (AD&D), and long-term disability (LTD) plans offered through Lincoln National Life Insurance; employee contributions; and plan cost comparisons of the 2022 and 2023 monthly premiums. He noted revisions made to the Employee Contributions matrix included in agenda Item #6, and distributed a revised matrix of calculated 2023 Premiums with Employee Contributions. In addition, Mr. Thornburg gave a PowerPoint presentation providing the benefits and details of a Consumer Driven Health Plan (CDHP), and Health Savings

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Account (HSA). Open enrollment for the 2023 plan year will be held from the second week in October through November 10, 2022.

Discussion included positive feedback from employees currently enrolled in the CDHP and HSA plans.

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to renew the District’s current medical, vision and Employee Assistant Program plans through the ACWA/JPIA; the current self-funded dental plan; and the accidental death and dismemberment and long-term disability plans offered through the Lincoln National Life Insurance Company.

The motion passed 5 to 0 by the following vote:

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

Item #7 – Consider Approval of SSJID Vehicle Policy Update

Mr. Rietkerk addressed the Board regarding approval of updates to the SSJID Vehicle Policy. He stated that revisions included changes to the policy to add two (2) positions to Section 7E – Use of District Vehicles: the Water Resources Coordinator and the Electric Utility Manager. Additional minor changes were made to maintain consistency with current administration of the policy.

Existing fleet vehicles will be allocated for the two positions added under the vehicle policy. Annual cost for operation (e.g. fuel, maintenance, and repairs) for each vehicle, once allocated out of the District fleet, is estimated to increase by approximately \$3,340.00 per year as compared to similar vehicles in the fleet used for routine District business.

MOTION: A motion was made by Director Weststeyn and seconded by Director Spyksma to approve the updated South San Joaquin Irrigation District Policy Related to Driving Violations, Guidelines, and Vehicle Use.

The motion passed 5 to 0 by the following vote:

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

Mr. Rietkerk addressed the Board and suggested a short break prior to commencing with the Water Master Plan (WMP) Growers’ Advisory Committee meeting presentation.

The Board took a brief recess at 10:26 a.m. and reconvened to Open Session at 10:40 a.m.

Item #8 – Water Master Plan Growers’ Advisory Meeting Presentation

Mr. Rietkerk addressed the Board regarding the final draft WMP update to be presented at the Growers’ Advisory Committee (GAC) meeting on October 5. He stated that factors considered in the development of the WMP included recommendations for the Capital Improvement Plan (CIP), financial model of the CIP, previous GAC meetings and growers’ input, the SSJID Finance Committee input, and long-term financial sustainability for the District. Development of the WMP has been a 2.5 year process.

Mr. Rietkerk provided details and displayed slides depicting definition and intent of the WMP; SSJID’s Mission; grower engagement and WMP timeline; summaries of growers’ feedback; land/water use and infrastructure; infrastructure

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alternatives; SSJID financial planning facts; the WMP financial model; operating losses; and SSJID revenue sources. He stated that completion of the WMP is anticipated by the end of 2022.

Mr. Killingsworth provided details and displayed slides regarding infrastructure including the District's water distribution and supply and projected \$60 million cost, which included the Canyon Tunnel Project; key takeaways from the GAC meetings; activity over the last two (2) years towards infrastructure planning and financial modeling; challenges including identifying a long-term rehabilitation plan, stabilizing service, and measuring and enhancing service; and solutions including trenchless pipe rehabilitation, enhancing flow control, and measuring and enhancing service through the District-wide capacity analysis to calculate "service ratio." Slides depicting the service ratio relevance and methodology of crop demand versus supply capacity were thoroughly explained, solutions were identified, and concluded the optimal objectives for 100% of SSJID irrigated land to reach a service ratio less than 0.70.

Highlighted were slides depicting five (5) scenarios of SSJID's sustainability including existing conditions, existing conditions with improvements, future conditions in 2040 with no improvements, future conditions in 2040 with improvements, and future conditions in 2040 with improvements and 100% groundwater conversion. Also displayed were summaries of the WMP comprehensive project list; project classifications; project implementation costs by year; and projects not included.

Ms. Sarah Bloom, SSJID Assistant Finance and Administration Manager, explained the WMP financial objectives and displayed slides depicting SSJID's business model of revenue versus expenses and operating losses; the WMP Financial Projection Model; fundamentals of the financial model; financial model inputs; financial model outputs; negative assumptions; and financial model results of irrigation rate variables which included irrigation revenues versus expenses, irrigation operating loss, annual cash flow, and reserves.

Board discussion included revising the presentation to add Tri-Dam revenue accompanied with a detailed definition of the debt service coverage ratio and calculations; and change the order of the financial portion of presentation topics to irrigation operating loss, cash flow, reserves, and lastly debt service ratio.

Mr. Rietkerk expressed appreciation to the Board for their feedback and comments, and commended staff on the collaborative effort to plan, analyze, and develop the WMP presentation. Mr. Killingsworth concurred that a lot of hard work went into the presentation, and that today's intent was to familiarize the Board with the content in preparation for potential customer questions.

Mr. Killingsworth stated that invitations for the GAC meeting, on October 5, were forwarded to twenty (20) participants on the GAC, six (6) RSVPs have been received to date, and staff will begin follow-up calls on the outstanding RSVPs. The meeting is slated as an SSJID Special Board meeting and the Directors were encouraged to invite their District constituents. Staff will forward, to the Board, the meeting invitation for the Directors to distribute, the meeting invite list, and the list of RSVPs received.

The Board thanked the presenters, and expressed appreciation for the hard work and knowledge put forth in development of the WMP GAC presentation.

The next items to be taken up following Closed Session.

Item #9 – Consider Approval of Employee Agreement for SSJID Electric Utility Manager

It was announced that all items on the Closed Session agenda would be discussed. The Board took a brief recess at 12:21 p.m. and convened to Closed Session at 12:30 p.m.

Item #10 – CLOSED SESSION

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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

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 Counsel

RETURN TO OPEN SESSION

The Board reconvened to Open Session at 1:49 p.m.

It was reported that Director Spyksma exited the meeting during Closed Session at 1:00 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 #3 – Enforcement of Action Regarding Unauthorized Encroachments at 285 S. Austin Road, Manteca:
Consider Appeal by Landowner**

MOTION: A motion was made by Director Kamper and seconded by Director Holbrook to deny the appeal by landowner and uphold the District's directive to enforce action regarding the unauthorized encroachments at 285 S. Austin Road, Manteca.

The motion passed 5 to 0 by the following vote:

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

Item #9 – Consider Approval of Employee Agreement for SSJID Electric Utility Manager

MOTION: A motion was made by Director Kamper and seconded by Director Weststeyn to approve the Employee Agreement for Mr. William Schwandt, SSJID Electric Utility Manager.

The motion passed 4 to 0 by the following vote:

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

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