

**MINUTES FOR THE OCTOBER 26, 2021
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

The Board of Directors of the South San Joaquin Irrigation District (SSJID) met in person in regular session in the District Boardroom at 9:00 a.m., with public access provided via the online Zoom meeting platform. Director Holmes called the meeting to order and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS: HOLBROOK HOLMES KAMPER 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 \$501,323.02; Accounts Payable Wires in the amount of \$370,385.55; and Payroll dated October 18, 2021 in the amount of \$2,706.23, and October 22, 2021 in the amount of \$243,896.06.
- B. Approval of the Regular Board Meeting Minutes of October 12, 2021
- C. Approval of Encroachment Agreement and Acceptance of Easement for Development at 456 E. Alameda Street, Manteca, CA, APN 223-120-080

MOTION: A motion was made by Director Weststeyn and seconded by Director Kamper 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 Kamper congratulated all staff on a successful and safe 2021 irrigations season.

Director Spyksma addressed Mr. Bere Lindley, SSJID Assistant General Manager, regarding the Assistant GM Report dated October 26, 2021, Safety & Environmental Compliance Section, Item 1, Tailgate Safety Meetings and inquired on the District’s current workers’ compensation modification (MOD) rating, and if the tailgate meetings include information of incident losses and MOD ratings as a way to equate District safety accomplishments to dollar value. Mr. Walt Luihn, SSJID Environmental Compliance and Safety Officer, responded via the online Zoom meeting platform, and stated the District’s MOD rating for 2022 is .84, and that this information is provided to staff at the annual Safety Day presentations.

Director Holmes commented on the recent extreme storm event and addressed Mr. Frank Avila, SSJID Irrigation Operations Manager, regarding conditions he observed within San Joaquin County (SJC) jurisdiction at Van Allen Road and Lone Tree Road, and suggested that Mr. Avila visit the site and assist the County with their cleanup

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efforts. Mr. Avila responded via the online Zoom meeting platform, and stated that Mr. Joe Hasten, SSJID Irrigation Operations Supervisor, had assigned crews to open District valves in the area to expedite drainage. He added that he will follow up on additional assistance to the County.

Director Weststeyn reported that he attended the following meetings:

- San Joaquin Tributaries Authority (SJTA) Commission Special Meeting on October 18.
- South San Joaquin Groundwater Sustainability Agency (SSJGSA) Board meeting on October 20.
- SJC Advisory Water Commission (AWC) meeting on October 20, via remote access from the District Office.
- Tri-Dam Board meeting on October 21.

Director Weststeyn expressed thanks for a successful irrigation season and start of the rainy season.

Director Holbrook reported the following:

- He attended the “Backyard BBQ” on October 20 which was hosted by SSJID’s Irrigation Operations Department. He opined it was a nice, well-attended event.
- The Greater SJC Integrated Regional Water Management Coordinating Committee meeting scheduled for October 20 was canceled.
- He participated in the Agape Villages Fairways Fore Golf Tournament on October 22, in a District-sponsored foursome. He announced that the foursome won “first place – net score,” and that Mr. Forrest Killingsworth, SSJID Engineering Department Manager, won “longest drive.” He also commented on an observation from the golf course of the District’s Drain #5, which was conveying significant storm water flows.

Director Holbrook thanked staff for an excellent irrigation season.

Director Holbrook commented on the General Manager’s Report, dated October 26, 2021, regarding the District being awarded the Special District Leadership Foundation’s (SDLF) “District Transparency Certificate of Excellence.” He thanked staff for their collaborated efforts.

Director Holbrook addressed Mr. Justin Ashworth, Water Treatment Plant (WTP) Operations Supervisor, regarding status of the new drying beds. Mr. Ashworth responded via the online Zoom meeting platform, that cracks and leaks had been identified in the interior walls and that Auburn Constructors addressed the issues and filled the cracks with epoxy. He added that the recent wind events demonstrated the effectiveness of the newly installed K-rails to serve as wave baffles to suppress turbulence which causes turbidity in water returning to the plant; and that the identified cracks/leaks were slightly apparent during the final inspection phases but met criteria to pass final inspection.

Director Spysma addressed Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, regarding the Water Resources Manager’s Report, dated October 26, 2021, and requested clarification of the Cal/OSHA’s re-writing of the COVID-19 Emergency Temporary Standards (ETS). Mr. Nakagawa responded that the current ETS is set to expire on January 14, 2022 and the revised ETS, if adopted, would be in effect from January through April 2022.

Director Weststeyn addressed Mr. Avila regarding delivery status of the pipeline resurfacing/relining equipment. Mr. Avila responded that only the winch has been delivered but all other deliveries are currently on hold due to

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shipping issues. He added that he sent an email inquiry to the vendor regarding a delivery update, on October 22, but had not received a response to date.

Director Holmes addressed Mr. Avila regarding the Irrigation Operations Manager's Report, dated October 26, 2021, Shop Department Section, Bullet 3, and inquired if the Global Positioning System (GPS) upgrades are for all District vehicles. Mr. Avila responded that the GPS upgrades will include the entire fleet, and will allow pings every minute thus providing better reporting, locating and research benefits.

Director Holbrook addressed Mr. Killingsworth regarding the Engineering Department Manager's Report, dated October 26, 2021, Active Development and Construction Projects Section, Bullet 8, and commented on the rejection of three (3) truckloads of pipe delivered to the site for the Lateral T replacement project by Mr. Shawn Ussery, SSJID Inspector. Both Mr. Holbrook and Mr. Killingsworth commended Mr. Ussery on his diligence and knowledge of construction materials, requirements, and codes.

Item #2 – Various Reports

The Managers' Reports were provided in written form to the Board on October 25, 2021.

Mr. Peter Rietkerk, SSJID General Manager, reported that all San Joaquin River tributary irrigation districts received a letter from the California Natural Resources Agency regarding breakdowns in voluntary agreement talks to settle concerns with the December 2018 Water Quality Control Plan. The state indicated that they plan on implementing the Water Quality Control Plan in the near future. Mr. Rietkerk added that the District is monitoring the situation and will be exploring additional legal remedies as necessary.

Mr. Rietkerk reported that the District is working with a consultant regarding options surrounding a license agreement renewal with Stanislaus County for the use of Woodward Reservoir. He added that proposed options will be presented to the Board for consideration at a future board meeting.

Mr. Rietkerk noted SSJID's recent award of the SDLF "District Transparency Certificate of Excellence" and stated that this project was initiated two (2) years prior in SSJID's Strategic Plan, and that the application process included meeting a long list of requirements to update the District website and policies. He acknowledged Ms. Mia Brown, SSJID General Counsel; Ms. Sarah Bloom, SSJID Management Accountant; and Mr. Lindley on their contributions towards finalizing required District policies; and Ms. Danielle Barney, SSJID Executive Assistant/Clerk of the Board on her efforts of data collection, data consolidation, and submittal of the complete application packet. Mr. Rietkerk commented that the Transparency Certificate is an accomplishment for the District strengthening trust with the community and customers, and that he will contact Mr. Dennis Wyatt, Manteca Bulletin, for distribution of a press release.

Mr. Rietkerk reminded the Board of the upcoming Hope Ministries "Night of Hope Annual Donor Appreciation Dinner" on November 12. Directors interested in attending should contact Ms. Barney.

ACTION CALENDAR

Item #3 – Consider Approval of Response Letter to 2021 Grand Jury Report

Ms. Brown addressed the Board and explained that the District received a report from the SJC Civil Grand Jury, on July 29, 2021, entitled "Independent Districts: Transparency 'Not Found'." She further explained that the report is the result of the Grand Jury's investigation on the websites of all independent special districts within San Joaquin County, and an assessment of how those websites met accessibility metrics and required components under the Brown Act. Ms. Brown commented that the Grand Jury investigation could have occurred before the District's new website was launched as the findings do not correspond with the state of the current website, or the fact of the

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District’s recent award of the SDLF “District Transparency Certificate of Excellence.” The District must respond in writing to each of the applicable findings and recommendations in the report within 90 days of receipt.

Staff is recommending Board approval of the proposed response letter to the SJC Civil Grand Jury.

MOTION: A motion was made by Director Spyksma and seconded by Director Holbrook to approve the proposed response letter to SJC Civil Grand Jury Report Case #0220, entitled “Independent Special District: Transparency ‘Not Found’.”

The motion passed 5 to 0 by the following vote:

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

Item #4 – Discussion and Possible Action Regarding California Special District Association 2021 Bylaw Vote

Mr. Rietkerk addressed the Board and explained that the last California Special District Association (CSDA) Bylaws updates were made in 2016. Following receipt of feedback and suggestions over the last few years from members, CSDA has conducted a review of the CSDA Bylaws making the necessary updates as well as additions or improvements. A redline draft of the revised bylaws was included in the agenda packet Item #4, which included proposed updates regarding membership, board vacancies, and the addition of a new Annual Report section.

Staff is recommending Board approval to 1) approve the updates to the CSDA Bylaws; and 2) authorize staff to convey Board decision via electronic vote to CSDA.

Board discussion included the redline draft Bylaws, page 4, Article 1-General, Section 3-Principal Office regarding the addition of the following: “The Board of Directors shall have authority to change the principal office from one location to another.” Board discussion concluded that the District recommend the inclusion of the following: “...contingent upon a 4/5 approval vote of the entire CSDA Board of Directors.” The Board concurred that CSDA include SSJID’s proposed revision or the District will vote against the Bylaws updates, as the Board disagreed with the proposed language allowing the CSDA Board of Directors to change the principal office by simple majority. Mr. Rietkerk stated that he will try to include the reasoning behind the SSJID Board’s rejection of the updates to the CSDA Bylaws when sending the Board decision via electronic vote.

MOTION: A motion was made by Director Holbrook and seconded by Director Holmes to reject the updates to the California Special District Association Bylaws.

The motion passed 5 to 0 by the following vote:

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

Item #5 – Discussion and Possible Action Regarding Board Calendar for December 2021

Mr. Rietkerk addressed the Board regarding the possibility of the Board reducing the number of regular meetings to one per month for November and December, as the Board has done in the past. He stated that President Holmes had expressed preference to hold both of the November board meetings as scheduled which will coincide with review and Board approval of the 2022 budget, and reduce the board calendar in December to one meeting. Mr.

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Rietkerk added that current policy allows for the Board President to schedule a special board meeting, if deemed necessary in December.

Staff is recommending Board approval to cancel the regularly scheduled board meeting on the fourth Tuesday in December 2021 (December 21, 2021).

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn approve the cancellation of the regularly scheduled board meeting on December 21, 2021.

The motion passed 5 to 0 by the following vote:

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

Item #6– Financial Statements for September 2021

Mr. Lindley presented the year-to-date financial statements through September 2021. He noted that in the financial orientation meetings recently conducted for Director Spyksma, the Director had suggested that the financial statements presented to the Board should include written material providing explanations of relevance and importance. Mr. Lindley provided a quarterly presentation of the financial statements for the month and the nine months ended September 30, 2021 and gave explanations of the balance sheet; revenues, expenses, and changes in net position; and the analysis of changes to cash and investments. Board discussion included conferring with the Brown Armstrong Accountancy Corporation (District Auditors) regarding the removal of the line item entitled “Changes in Market Value of Investments” from the financial statements. Mr. Lindley acknowledged Ms. Bloom’s development of a budget item numbering system to easily identify budget variances. The Financial Statements Report for September 2021 was included in the agenda packet, Item #6.

Item #7 – Investment Report for September 2021

Mr. Lindley provided a quarterly presentation of the investment report for September 30, 2021. He gave detailed explanations of the amounts invested by yield-to-maturity; the table depicting investment holdings; treasury yield curve; unemployment rates; and rates of inflation. The Investment Report for September 30, 2021 was included in the agenda packet, Item #7.

The following agenda item was taken up following Closed Session

Item #8 – Following Performance Evaluation, Consider Compensation for General Manager

It was announced that all items listed in the Closed Session agenda would be discussed. The Board took a brief recess at 10:34 a.m. and convened to Closed Session at 10:45 a.m.

Item #9 – CLOSED SESSION

9. a. Conference with Legal Counsel – Anticipated Litigation
 - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9
 - 2 cases

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- b. Conference with Legal Counsel – Anticipated Litigation
 - Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Section 54956.9
 - 3 cases

- c. Conference with Legal Counsel – Existing Litigation
 - Paragraph (1) of subdivision (d) of Government Code Section 54956.9
 - 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

PG&E vs. San Joaquin LAFCo; SSJID, Real Party in Interest
In the Court of Appeal for the State of California, Third Appellate District
Case No. C086008
Superior Court for San Joaquin County
Case No. STK-CV-UJR-2015-0001266

SSJID vs. Lakeview Ranch Partners
Superior Court for Stanislaus County
Case No. 2028441

California Sportfishing Protection Alliance vs. Eastern San Joaquin Groundwater Authority et al.
Superior Court of Stanislaus County
Case No. CV-20-001720

Jana Lynn Woodbridge Apartments, LLC vs. South San Joaquin Irrigation District
San Joaquin County Superior Court
STK-CV-UPI-2021-0002339

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

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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, Other Potential Parties Unknown
District Negotiator: General Manager
Terms: Price and terms of payment of sale

- ii. Property: Stanislaus County Assessor's Number 001-011-076
(Temporary Construction Easement)
Negotiating Parties: SSJID and PG&E
District Negotiator: General Manager
Under Negotiation: Terms and Price

e. Liability Claim

California Government Code Section 54956.95

Claimant: Joe Dutra

f. Labor Negotiations

California Government Code Section 54957.6

Agency Negotiator: General Manager

Employee Organization: IBEW Local 1245

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 12:18 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:

Item #9.d.ii – Conference with Real Property Negotiator, Government Code Section 54656.8: Property – Stanislaus County Assessor's Number 001-011-076 (Temporary Construction Easement), Negotiating Parties – SSJID and Pacific Gas & Electric, District Negotiator – General Manager, Under Negotiation – Terms and Price

MOTION: A motion was made by Director Kamper and seconded by Director Spyksma to approve proposed Temporary Construction Easement with Pacific Gas & Electric for District-owned property (Stanislaus County APN 001-011-076) upon satisfactory clarification in agreement as to ingress, egress, and use of roadways upon the property.

The motion passed 3 to 2 by the following vote:

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

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Item #9.e – Liability Claim, Government Code Section 54956.95, Claimant Joe Dutra

MOTION: A motion was made by Director Holbrook and seconded by Director Spyksma to deny claim with explanation as to why SSJID is not liable for damages.

The motion passed 4 to 0 by the following vote:

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

Item #8 – Following Performance Evaluation, Consider Compensation for General Manager

MOTION: A motion was made by Director Spyksma and seconded by Director Holbrook to increase General Manager’s salary by 4%, retroactive to the anniversary date of September 21.

The motion passed 5 to 0 by the following vote:

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

Item #11 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 12:20 p.m.

ATTEST:

Danielle Barney, Clerk of the Board