

**MINUTES FOR THE NOVEMBER 9, 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

Mr. Michael Dillman, Chairman of the Not Forgotten Foundation, addressed the Board regarding the upcoming Not Forgotten Memorial Weekend event on May 29-31, 2022, at Woodward Park in Manteca. Mr. Dillman provided details of the event which hosts approximately 30,000 attendees; and displays replicas of the Vietnam War Memorial, Korean War Memorial, and Tomb of the Unknown Soldier; and a “Kids Energy Zone” play area. Supporters of the event include the City of Manteca, Manteca Police Department, and the Manteca Fire Department. He stated that SSJID had sponsored the event in the past and is asking the Board’s consideration to support this year’s event. Mr. Dillman thanked the Board for their time and handed a sponsorship request letter to Mr. Peter Rietkerk, SSJID General Manager. The Board expressed a heartfelt thank you to Mr. Dillman for his military service and his contributions to the veterans within our local communities.

CONSENT CALENDAR

- A. Approval of Checks in the amount of \$230,501.16; and Accounts Payable Wires in the amount of \$272,345.35. Final amounts for Payroll dated October 31, 2021 and November 5, 2021 will be provided to the Board at the next regular scheduled board meeting.
- B. Approval of the Regular Board Meeting Minutes of October 26, 2021
- C. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 229-030-23
- D. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 206-070-030
- E. Approval of Quitclaim Deed Regarding Access Easement Across APN 241-320-58

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

The motion passed 5 to 0 by the following vote:

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

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COMMUNICATIONS

Item #1 – Directors’ Reports

Director Weststeyn reported that he attended the San Joaquin Tributary Authority (SJTA) Commission meeting on November 8. Topic discussion included the Strategic Visioning Plan, which is still in the planning stages. A copy of the SJTA Strategic Visioning Update presentation was included in the General Manager’s Report dated November 9, 2021. Board discussion included the inclusion of educational components in the plan, and its relevance to bridge the gaps between growers, local communities and the cities.

Director Kamper reported that he attended Robin Giuntoli’s Retirement “Open House” on November 4, who retired as SSJID’s Accounting and Customer Services Manager after 35 years of service with the District. He commended the good working relationships and chemistry of District staff, acknowledged Ms. Giuntoli for her integral part of the SSJID family, and wished her well in her retirement.

Director Holmes reported that he attended the Tri-Dam Committee meeting on November 8. Topic discussions included the 2022 budget, unfunded liability, and a proposed Tri-Dam Appliance Technician position.

Director Spyksma commented that he had been approached by members of the public, on three (3) separate occasions, regarding news of the California Natural Resources Agency (CNRA) ending voluntary settlement negotiations with local irrigation districts and subsequent pending implementation of the Bay-Delta Water Quality Control Plan. Board discussion included the absence of voluntary negotiations by the CNRA.

Item #2 – Various Reports

The Managers’ Reports were provided in written form to the Board on November 8, 2021.

Director Holbrook addressed Mr. Forrest Killingsworth, SSJID Engineering Department Manager, regarding status of the Thomas Street project. Mr. Killingsworth responded that there had been slow movement on the project; the City of Manteca will not allow the access to District facilities through Gonzalves Park; and that staff requested plan revisions depicting access to Yosemite Avenue and a larger turnaround. Keith Sausedo, SSJID Civil Engineer/Surveyor is currently reviewing the submitted revisions.

Mr. Bere Lindley, SSJID Assistant General Manager, addressed the Board and summarized the remaining tasks necessary to finalize the 2022 budget process for the Water Treatment Plant (WTP), following budget discussions with the cities of Escalon, Lathrop, Manteca and Tracy on November 1. Discussion with the cities included their share of costs for large capital asset items, the unfunded liability balance, and the Canyon Tunnel project. Ms. Sarah Bloom, SSJID Management Accountant, will compile a list of costs, and the cities’ share of costs for presentation to the Board at a future meeting. Board discussion included the additional cost to be incurred due to the American Water Infrastructure Act; and raw water treatment. The Board thanked Mr. Lindley for his thoroughness and efforts.

Mr. Rietkerk noted previous Board discussion of the CNRA voluntary agreements and added that SSJID and other SJTA agencies had received information from their respective attorneys suggesting that the State Water Resources Control Board will act quickly on the letter from California Environmental Protection Agency (CalEPA), and CNRA Secretaries, calling off negotiations and recommending implementation of the Water Quality Control Plan Phase 1 for the lower San Joaquin River.

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Mr. Rietkerk stated that a special board meeting may be scheduled in December for discussion, and possible Board action on labor negotiations, and the 2022 budget process. Director Holmes and Ms. Danielle Barney, SSJID Executive Assistant/Clerk of the Board, will coordinate and finalize a date for the special meeting if determined as necessary.

Mr. Rietkerk noted that District staff is discussing future policy and approach surrounding agricultural flow measurement maintenance and repair for both the Division 9 project and SSJID, generally. The goal is to develop policy that is consistent, and self-sustaining for meter repair and replacement across the District. Staff will likely seek an Ag Water Committee meeting before final presentation to the Board at a future board meeting.

Mr. Rietkerk noted the California Department of Water Resources' (DWR) recent granting, to Kettleman City, a health and safety water allocation of 96-acre feet (AF) with restriction to only residential uses. He added that the modest allocation will likely force commercial businesses and rest stop areas along I-5 to shut down if other supplies are not obtained.

Mr. Rietkerk announced that Ms. Katie Patterson, the new SSJID Government and Public Relations Manager, is set to start work on November 15. Ms. Patterson is a local Ripon resident. Staff is looking forward to having her on board and as part of the SSJID family.

ACTION CALENDAR

Item #3 – Consider Proposal from Provost and Pritchard to Develop California Environmental Quality Act Documents for the Canyon Tunnel

Mr. Killingsworth addressed the Board regarding the Canyon Tunnel project and required California Environmental Quality Act (CEQA) documents. He provided background of Board action, on August 24, 2021, approving a proposal from Provost and Pritchard Consulting Group, Inc. (P&P) for Phase I, to support the District in submitting a Lake and Stream Bed Alteration Agreement (LSA) application to the California Department of Fish and Wildlife (CDFW). Mr. Killingsworth explained P&P's scope of work in Phase I which included environmental work and investigation of SSJID compliance requirements. CDFW has required that a draft CEQA document be included with the LSA application.

Mr. Killingsworth named P&P staff instrumental in Phase I including Ms. Dena Giacomini, Senior Planner; Ms. Briza Sholars, Senior Planner; and Mr. Alex Collins, PE, Vice-President, and introduced Ms. Scholars to the Board. Ms. Scholars addressed the Board via the online Zoom meeting platform, and provided a detailed explanation of Phase 1 work including a biological resource study, bat survey, and communications with CDFW regarding the District's requirement of a fish screen.

District staff requested a proposal from P&P to provide Phase II environmental services which would include assistance to develop all documents required by CEQA and obtain required environmental permits necessary to contract the Canyon Tunnel Project. Mr. Killingsworth described Phase II scope of work including the necessary steps and required documents for CEQA compliance. Services shall be performed on a time and materials (T&M) basis in accordance with the Standard Fee Schedule in effect and shall not exceed \$143,000.

Staff recommended Board approval of the Amendment to Canyon Tunnel Professional Services Agreement with P&P to include CEQA compliance and environmental permitting services, for a total cost not to exceed \$143,000.

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MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to approve the Amendment to Canyon Tunnel Professional Services Agreement with Provost and Pritchard Consulting Group, Inc., to provide Phase II environmental services, on a T&M basis, for a total cost not to exceed \$143,000.

The motion passed 5 to 0 by the following vote:

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

Item #4 – Consider Annual Year-End Recognition for SSJID Staff

Mr. Rietkerk addressed the Board requesting the board consider providing additional days off to staff in appreciation of successful and safe performance over the past year. He explained that in years past, Board action has approved four (4) paid days off typically set between the Christmas and New Year’s holidays. Should the Board approve the annual year-end recognition for staff, the dates proposed would be December 27 to December 30, 2021. Staff unable to utilize the designated time will receive the 32-hours vacation accrual to use at a later date.

Mr. Rietkerk summarized and commended the Irrigation and WTP staff on a successful water season. He acknowledged continued smooth operations during COVID due to the commitment of all SSJID employees. Mr. Rietkerk stated that the agenda topic is entirely at the Board’s sole discretion and is revisited every year.

MOTION: A motion was made by Director Spyksma and seconded by Director Holbrook to approve the annual year-end recognition for SSJID staff by providing four (4) paid 8-hour days off from December 27 to December 30, 2021.

The motion passed 5 to 0 by the following vote:

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

The following item was taken up following Closed Session

Item #5 – Consider Approval for Carollo Engineers to Update the Water Treatment Plant Risk and Resilience Assessment, and Emergency Response Plan

It was announced that all items listed in the Closed Session agenda would be discussed. The Board took a brief recess at 10:25 a.m. and convened to Closed Session at 10:35 a.m.

Item #6 – CLOSED SESSION

- 6. a. Threat to Public Services or Facilities
Government Code Section 54957(a)
Consultation with Ed Erisman, Water Treatment Plant Manager

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- b. Conference with Legal Counsel – Anticipated Litigation
 - Initiation to litigation pursuant to paragraph (4) of Subdivision (d) of Section 54956.9
 - 2 cases
- c. Conference with Legal Counsel – Anticipated Litigation
 - Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Section 54956.9
 - 3 cases
- d. 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

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

- e. 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
- f. Labor Negotiations
California Government Code Section 54957.6
Agency Negotiator: General Manager
Employee Organization: IBEW Local 1245
- g. Conference with Real Property Negotiator
California Government Code Section 54656.8
Property: San Joaquin County Assessor's Number 23-074-01
Negotiating Parties: SSJID and Janice King
District Negotiator: General Manager
Under Negotiations: Terms and Price

RETURN TO OPEN SESSION

The Board reconvened to Open Session at 1:05 p.m.

Item #7 – 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.g. – Conference with Real Property Negotiator, Government Code Section 54656.8: Property – San Joaquin County Assessor's Number 23-074-01, Negotiating Parties – SSJID and Janice King, District Negotiator – General Manager, Under Negotiation – Terms and Price

MOTION: A motion was made by Director Kamper and seconded by Director Holbrook to authorize staff to do all things necessary to finalize an easement agreement.

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 #5 – Consider Approval for Carollo Engineers to Update the Water Treatment Plant Risk and Resilience Assessment, and Emergency Response Plan

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to approve the proposal from Carollo Engineers to update the Water Treatment Plant Risk and Resilience Assessment, and Emergency Response Plan for a total amount of \$54,952.

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 1:09 p.m.

ATTEST:

Danielle Barney, Clerk of the Board