

**MINUTES FOR THE NOVEMBER 23, 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. Peter Rietkerk, SSJID General Manager, announced that SSJID’s new Public and Government Relations Manager Katie Patterson started work on November 15. Mr. Rietkerk stated that Ms. Patterson has already shared a number of new ideas for the District in her role. The Board welcomed her to the SSJID Team.

CONSENT CALENDAR

- A. Approval of Checks in the amount of \$363,143.81; Accounts Payable Wires in the amount of \$338,639.32; and Payroll dated October 31, 2021 in the amount of \$5,056.49, November 2, 2021 in the amount of \$530.30, November 5, 2021 in the amount of \$302,370.48, November 18, 2021 in the amount of \$239,316.72, and November 18, 2021 in the amount of \$5,056.49.
- B. Approval of the Regular Board Meeting Minutes of November 9, 2021
- C. Consider Approval of Notice of Completion for Auburn Constructors for the Water Treatment Plant Drying Beds Project

MOTION: A motion was made by Director Holbrook 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

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Holbrook announced SSJID’s 2021 Holiday Campaign whereby employees can participate in the “Toys for Tots” program, and/or the Ray of Hope “Guardian Angel” program. Employees can donate funds to purchase toys for the “Toys for Tots,” and/or select a “scroll” which gives a child’s name and their three (3) Christmas “wishes” to purchase for the “Guardian Angel” program. If interested in giving to Toys for Tots, contact Tom Lindsay at (209) 305-8168; and Mia Brown at (209) 249-4621 for the Guardian Angel program.

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Director Weststeyn provided an update on San Joaquin Tributaries Authority's (SJTA) Motion 473B, to reverse the dismissal of a California Environmental Quality Act (CEQA) claim. He stated that he has the Judge's statement and will forward upon request, and added that the ruling will be appealed at no cost to SJTA.

Director Spyksma participated in a tour of Tulloch Reservoir and Powerhouse on November 10, hosted by Mr. Jarom Zimmerman, Tri-Dam General Manager; and Susan Larson, Tri-Dam License Compliance Coordinator. He stated that during the tour of the reservoir, construction of unpermitted encroachments were observed which will be further investigated.

Director Holmes reported that he attended the Eastern San Joaquin Groundwater Authority (ESJGWA) Steering Committee meeting on November 10, via remote access from the District Office. Topic discussion included groundwater issues.

Director Holmes wished all a happy and healthy Thanksgiving holiday, and cautioned everyone to turn on car headlights when driving in the current dense fog weather conditions.

Item #2 – Various Reports

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

Director Holbrook addressed Mr. Bere Lindley, SSJID Assistant General Manager, and congratulated him on completion of the SSJID proposed 2022 budget. He thanked Mr. Lindley for his efforts.

Mr. Rietkerk introduced Ms. Patterson to the SSJID Board of Directors. Ms. Patterson addressed the Board and expressed enthusiasm to learn and absorb her new position as SSJID Public and Government Relations Manager. She provided detailed explanations of both 2021 Holiday Campaign programs, and added that she is excited to see the heartfelt generosity of the SSJID family. Ms. Patterson stated that her first week with the District has included meetings, reviewing contracts and tools for lobbyists, as well as thinking of ideas for SSJID relations with government and local communities.

Mr. Rietkerk noted that the State Water Resources Control Board (SWRCB) is aggressively planning for implementation of the Water Quality Control Plan (WQCP), and also considering additional curtailment efforts. The SWRCB will hear from SWRCB staff at the December 8 board meeting regarding next steps and timelines for implementation of the WQCP for the lower San Joaquin River. The SWRCB has scheduled a workshop on December 15, to discuss possible alternative approaches to address several water supply shortages in the Delta, including a curtailable methodology similar to standard water right Term 91. SSJID staff and representation will participate in the workshop.

Mr. Rietkerk wished the SSJID Board and staff a happy Thanksgiving. He expressed sentiment of reflection and gratitude to work at SSJID.

ACTION CALENDAR

Item #3 – Consider Adoption of Resolution 21-29-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953

Ms. Mia Brown, SSJID General Counsel, explained to the Board that the recommended Board action is the renewal of Resolution 21-27-Y, pursuant to recent legislation enacted for continuance of modified teleconferencing attendance requirements of the Ralph M. Brown Act, allowing Board Members to attend board meetings via teleconference. Per legislation, the resolution needs to be renewed every thirty (30) days.

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MOTION: A motion was made by Director Spyksma and seconded by Director Weststeyn to adopt Resolution 21-29-Y to Implement Teleconferencing Requirements During a Proclaimed State of Emergency Under Government Code Section 54953.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION No. 21-29-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

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. 21-27-Y authorizing teleconferencing until November 26, 2021, 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.

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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 **December 14, 2021** and shall remain in effect for thirty (30) days thereafter (until January 14, 2022), provided the conditions set forth in Section 2 remain.
6. This Resolution repeals and replaces Resolution 21-27-Y.

PASSED AND ADOPTED by the Board of Directors of the South San Joaquin Irrigation District this 23rd day of November, 2021, by the following vote:

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

Item #4 – Consider Approval of Comment Letter to the California Department of Water Resources Concerning the Sustainable Groundwater Management Grant Program Draft 2021 Guidelines

Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, addressed the Board regarding a draft comment letter from SSJID to the California Department of Water Resources (DWR) addressing the 2021 Sustainable Groundwater Management 2021 Grant Program draft guidelines. Mr. Nakagawa provided background of the State Budget process for 2021-2022 which proposed allocation in the Governor’s Budget to cover groundwater related infrastructure through existing grant programs, whereby DWR would distribute \$180 million equally to the 19 critically over-drafted groundwater basins in the San Joaquin Valley. In addition, Senate Bill (SB) 170 (Budget Act) created additional criteria for San Joaquin Valley basins by requiring \$60 million of the \$180 million to be spent on recharge investigations and projects that accomplish groundwater recharge and habitat creation through the restoration of historic floodplains.

The ESJGWA Steering Committee provided a draft comment letter from San Joaquin County which directly requested that DWR staff allocate the maximum amount available to the 19 critically over-drafted basins in the San Joaquin Valley while adhering to the Legislative instruction detailed in SB 170. The County requested that the ESJGWA Groundwater Sustainability Agencies (GSAs) consider submitting similar comment letters. Staff requested that the Board authorize and direct the President of the Board or General Manager to sign a comment letter to DWR regarding the Sustainable Groundwater Management 2021 Grant Program draft guidelines.

Board discussion included grammatical issues in the draft letter. Ms. Brown stated that draft letter will be reviewed and appropriately revised prior to sending to DWR.

MOTION: A motion was made by Director Holbrook and seconded by Director Kamper to authorize and direct the President of the Board or General Manager to sign a comment letter to DWR regarding the Sustainable Groundwater Management 2021 Grant Program draft guidelines, following review and appropriate revisions by General Counsel.

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 of the South San Joaquin Irrigation District 5-Year Plan of Major Expenditures for January 2022 – December 2026

Ms. Sarah Bloom, SSJID Management Accountant, addressed the Board and explained that the SSJID 5-Year Plan of Major Expenditures for January 2022 – December 2026 (Plan) provides context to the annual Capital Budget allowing staff and the Board to properly plan large projects. Ms. Bloom emphasized that the Plan is to be used as a guide and does not grant approval for projects presented in the Plan. Staff and the Board may decide to alter the Plan during the mid-year update and/or at the next annual adoption.

Ms. Bloom noted some changes from the previous approved version of the Plan including Water Treatment Plant (WTP) postponed projects, and vehicle and equipment cancellations and postponements. She explained the 5-Year Plan content and highlighted the Backup Generator project, the Treated Water Reservoir #1 project, and the Re-caulk Drying Beds #1 and #2 project. Ms. Bloom stated that on November 1, a preliminary version of the WTP 2022 Budget had been presented to the cities of Escalon, Lathrop, Manteca, and Tracy to be discussed with their respective finance teams, and that the cities have a 30-day window to submit any comments regarding the proposed WTP budget. Any revisions to the budget and subsequent Plan would be presented for Board approval at a future board meeting.

The Board had several inquiries regarding the vehicles listed under “Mechanical Shop and Fleet Capitalized Expenditures.” Staff responded that the vehicles listed were due to the following: necessity due to regulatory requirements; anticipated deliveries in 2022; and pre-order and scheduled deliveries in 2023 and 2024. Additional Board discussion ensued, with Members advising that the District must be prudent in its spending.

Ms. Bloom thanked the Board for their consideration, and the SSJID budgeting team for their efforts and contributions to the Plan.

MOTION: A motion was made by Director Weststeyn and seconded by Director Spyksma to adopt the South San Joaquin Irrigation District 5-Year Plan of Major Expenditures for January 2022 – December 2026.

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 the South San Joaquin Irrigation District Proposed 2022 Budget

Mr. Lindley addressed the Board regarding the proposed SSJID 2022 budget, thanked the budgeting team for their contributions, and commended Ms. Bloom and Mr. Rietkerk on their thoroughness, diligence and commitment to the budget process.

Mr. Lindley addressed the question of why the Board should adopt this proposed budget considering that it includes a forecast of a negative cash flow and a budgeted net loss for 2022. He explained that the budget includes an assumption of very low distributions from Tri-Dam due to dry weather that is expected to continue through the coming winter and spring. Mr. Lindley further explained that the municipal customers of the WTP

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provided a forecast of sharply increased demand, and how this affects budgeted revenues and expenses. The proposed budget also provides for the possibility of a very large increase in litigation costs for the electric utility project during 2022, and significant capital asset acquisitions. Mr. Lindley recommended budget evaluation criteria including standards for change in net position, cash flow, the use of a multi-year perspective for evaluating SSJID finances, and understanding the frequency of uncontrollable influences on SSJID financial performance.

Board discussion included operating net loss; financial reserves; future liabilities; changes in net position; depreciation; future staffing; and a 100-year vision of SGMA and irrigation water revenue. Mr. Rietkerk acknowledged the budgeting team and staff on their contributions to the budget and willingness to forego certain requested budget items in 2022.

MOTION: A motion was made by Director Spyksma and seconded by Director Weststeyn to approve the South San Joaquin Irrigation District Proposed 2022 Budget.

The motion passed 5 to 0 by the following vote:

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

The next item was taken up following Closed Session.

Item #7 – Discussion and Disposition of Claim: Oakdale Irrigation District, Money Damages in the Amount of \$29,692.04

It was announced that all items listed in the Closed Session agenda would be discussed. The Board took a brief recess at 10:39 a.m. and convened to Closed Session at 10:50 a.m.

Item #8 – CLOSED SESSION

- 8. 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
 - 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*

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*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

d. Conference with Real Property Negotiator

California Government Code Section 54656.8

- | | | |
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| 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 |

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iii. Property: Woodward Reservoir
Negotiating Parties: Stanislaus County
District Negotiator: General Manager
Under Negotiation: Grant of License

e. Labor Negotiations
California Government Code Section 54957.6
Agency Negotiator: General Manager
Employee Organization: IBEW Local 1245

RETURN TO OPEN SESSION

The Board reconvened to Open Session at 2:04 p.m.

Item #9 – 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 – Discussion and Disposition of Claim: Oakdale Irrigation District, Money Damages in the Amount of \$29,692.04

MOTION: A motion was made by Director Holbrook and seconded by Director Kamper to table discussion and disposition of claim regarding Oakdale Irrigation District, Money Damages in the Amount of \$29,629.04, until the next regular scheduled board meeting.

The motion passed 5 to 0 by the following vote:

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

Item #10 – ADJOURNMENT

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

ATTEST:

Danielle Barney, Clerk of the Board