

**MINUTES FOR THE APRIL 9, 2024
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. President Weststeyn called the meeting to order. SSJID General Counsel Mia Brown led the flag salute. Upon roll call the following members were noted present:

DIRECTORS: KAMPER ROOS SPYKSMA WESTSTEYN
ABSENT: HOLBROOK

Also present were 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 \$293,798.99; Accounts Payable Wires in the amount of \$828,243.29; and Payroll dated April 5, 2024 in the amount of \$310,717.26, March 29, 2024 in the amount of \$130,341.09, and March 29, 2024 in the amount of \$3,197.52.
- B. Approval of the Regular Board Meeting Minutes of March 26, 2024

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

The motion passed 4 to 0 by the following vote:

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

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Roos shared observations about his recent trip to Yosemite National Park, and commented on the extreme snow levels, snow melt, and rushing flows he witnessed.

Director Kamper reported that he attended the San Joaquin Farm Bureau (SJFB) Calla Nile and Escalon Farm Center Annual Dinner meeting on March 28, along with President Weststeyn. He commented on the good food and fellowship, and commended Ms. Katie Patterson, SSJID Public and Government Relations Manager, for her presentation regarding the District’s current issues with unauthorized encroachments. President Weststeyn noted the topics highlighted by the San Joaquin County Sheriff’s Department including rural crime, and illegal street racing.

Director Spyksma reported that he attended the Tri-Dam Advisory Committee meeting on April 8: Discussions included long-term financial requirements, revenue, budget, availability of power, and consumer safety.

President Weststeyn reported that he attended and/or participated in the following meetings and/or events:

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- SJFB Water Advisory Committee meeting on March 26.
- SJFB Calla Nile and Escalon Farm Center Annual Dinner meeting on March 28.
- Tri-Dam Advisory Committee meeting on April 8 – He noted additional discussion regarding consideration of an “asset tracking system” due to the recent theft of a Tri-Dam vehicle.

Item #2 – Various Reports

No updates were reported.

ACTION CALENDAR

Item #3 – Consider Approval of San Joaquin Regional Rail Commission Lathrop Wye and Track Extension Project

Ms. Brown distributed copies of the following documents to be considered for Board approval: Resolution No. 24-09-P Authorizing the Grant of Easement to the San Joaquin Regional Rail Commission (SJRRC); Developers Agreement; Agreement for Temporary Construction Easement; Grant of Easement; and Encroachment Agreement. She stated that the documents were not included in the agenda packet due to coordination with the SJRRC for finalization of the documents, which extended beyond the Board Packet distribution deadline.

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, addressed the Board and introduced SJRRC representatives in attendance: Mr. Bryan Pennino, President of Pennino Management Group and Project Manager; and Ms. Janice Magdich, General Counsel of SJRRC.

Mr. Killingsworth provided a detailed explanation of the SJRRC Lathrop Wye and Track Extension Project (Project) located approximately one-half mile north of Louise Avenue in Manteca. The Project calls for the installation of a new segment of railroad track crossing the District’s French Camp Outlet Canal (FCOC), which will necessitate the installation of a new box culvert and other proposed encroachments. Mr. Killingsworth explained the affected District property interests; proposed improvements; ownership of proposed facilities to be constructed; grant of a permanent easement for railroad facilities to be located upon SSJID property, and a temporary construction easement for the associated construction activities, as well as the consideration to be paid therefor; matters concerning District operations, maintenance and modifications; and construction coordination and timing.

Mr. Killingsworth stated staff’s preference for construction during irrigation season when the likelihood for stormwater runoff is minimized, and added that the State requires SJRRC’s construction for in-canal work to occur between May 1 and October 1. He noted that a Bypass Plan would be required, and must be reviewed and approved by staff prior to the construction of proposed improvements or encroachments upon or affecting the FCOC.

Ms. Brown stated that upon project completion, SJRRC will dedicate all improvements to Union Pacific Railroad (UPRR); and the District, SJRRC, and UPRR will take the necessary actions to appropriately effectuate the legal transfer of ownership interests in the improvements to UPRR, making UPRR the permanent owner of the improvements within SSJID property. The District, however, will provide regular and routine maintenance of the drainage aspects of the improvements, with reimbursement for the maintenance provided by then-current owner of record of the improvements.

Staff recommended Board approval of the following listed items regarding the Project, subject to compliance with the District’s standard requirements and to the satisfaction of staff:

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1. Staff signature of Improvement Plans
2. Encroachment Agreement
3. Developer's Agreement
4. Resolution 24-09-P Authorizing the Grant of Easement to the San Joaquin Regional Rail Commission
5. Temporary Construction Easement

Board discussion included responsibility for maintenance; the size of the area between the culverts and District access; safety barricades of the FCOC; and potential runoff into the construction site.

Mr. Pennino thanked the Board, the District, Ms. Brown, and District staff for their consideration and working with SJRRC on this landmark enterprise for direct rail transportation to San Jose.

MOTION: A motion was made by Director Spyksma and seconded by Director Roos to approve the items listed above regarding the SJRRC Lathrop Wye and Track Extension Project, subject to compliance with the District's standard requirements and to the satisfaction of District staff; and adoption of Resolution 24-09-P Authorizing the Grant of an Easement to the San Joaquin Regional Rail Commission.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION NO. 24-09-P**

**RESOLUTION AUTHORIZING THE GRANT OF AN EASEMENT TO
THE SAN JOAQUIN REGIONAL RAIL COMMISSION**

WHEREAS, the SOUTH SAN JOAQUIN IRRIGATION DISTRICT ("District") is the owner of real property situate in the city of Manteca, County of San Joaquin, identified by San Joaquin County Assessor's Parcel Number 198-110-070 (District Property"); and

WHEREAS, the SAN JOAQUIN REGIONAL RAIL COMMISSION ("SJRRC") desires an easement upon the District Property for the location of a segment of railroad track, a box culvert, and other appurtenances related to the "ACE Rail Lathrop Wye and Track Extension Project;" and

WHEREAS, the District Board of Directors finds it in the best interests of the District to grant the aforementioned easement.

NOW THEREFORE BE IT RESOLVED, by this Board of Directors that:

1. In exchange for valuable consideration in the amount of Sixty-Seven Thousand Dollars (\$67,000.00), the Board of Directors agrees to convey an easement upon the District Property to the San Joaquin Regional Rail Commission.
2. The proposed Grant of Easement is attached hereto as Exhibit "A."
3. The Board of Directors authorizes the General Manager and other District staff to execute and record all documents and do all other things necessary and proper to effectuate the Grant of Easement.

PASSED AND ADOPTED this 9th day of April, 2024, by the following vote:

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

Item #4 – Consider Approval of Amendment to Irrigation Service Abandonment Agreement for Rudy and Lizbeth Whitely, APN 226-040-01

Mr. Anthony Podesto, SSJID GIS/Engineering Technician, addressed the Board regarding approval of the Agreement to Amend Irrigation Service Abandonment Agreement for APN 226-040-01 (the Property). He provided background of Rudy Whitely (Owner) entering into a Service Abandonment Agreement (SAA) with the District in 1995 (Agreement #1031) and explained that Jacob Cardoza (Grower) farms the parcel on behalf of the Owner and would like to amend the existing SAA so the property would be eligible to receive District water. He further explained that the parcel is planted in almonds and is irrigated with a private well, and the Owner’s intent is to submit a structure permit application to install a new pressurized service connection to District Lateral W356dd. The Property has a private pipeline that can be utilized for flood irrigation, and there are no unauthorized encroachments within the Property.

Mr. Killingsworth stated that the Amendment to the SAA, and a subsequent request for on-farm pressurized service to the Property, would trigger the need for flow management improvements to Lateral W356dd. Improvements would include a float-valve and a cut-down-pour-over wall which were previously identified in the Water Master Plan (WMP) to benefit the local distribution area, including the subject Property. Mr. Killingsworth added that if the proposed amendment was approved and a structure permit was submitted, staff would include the flow management improvements (discussed above) in the following years budget. Also noted were specific conditions for approval which staff recommended regarding flood irrigation, and sprinkler or drip irrigation.

Staff recommended Board approval of the Agreement to Amend Irrigation Service Abandonment Agreement for APN 226-040-01, subject to the conditions stated in the agenda Item #4 Staff Report, and a revision to the standard agreement that further reflects those conditions. Approval shall be subject to the terms and conditions specified in the revised policy entitled, “Policy for Rescinding Irrigation Service Abandonment.”

Board discussion included concerns and District monitoring of groundwater levels.

MOTION: A motion was made by Director Roos and seconded by Director Spyksma to approve the Agreement to Amend the Irrigation Service Abandonment Agreement for Rudy and Lizbeth Whitely, APN 226-040-01, subject to the conditions stated in the agenda Item #4 Staff Report, and a revision to the standard agreement that further reflects those conditions.

The motion passed 4 to 0 by the following vote:

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

Item #5 – Consider Approval of Amendment No. 3 to Canyon Tunnel 90% Design Professional Services Agreement to Include Irrigation Service Turnout Design for Jim Mangante, APN 053-021-003

Mr. Killingsworth addressed the Board regarding Amendment No. 3 to the Canyon Tunnel 90% Design

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Professional Services Agreement (PSA) with Provost and Pritchard Consulting Group (P&P) to include support services for the design of the proposed “Mangante Turnout.” He noted two (2) water service connections that currently provide service to the Mangante Property, which are associated with a claim for water dating back to SSJID & OID’s purchase of the “Old Tulloch” irrigation system. The Mangante Property was historically entitled to service for 10 acres and has been served by the District through 2 points of delivery: the “River Bottom Service” and the “Ram Pump Service.” It was proposed that only the River Bottom Service be reestablished to maintain the original 10-acre service obligation.

Mr. Killingsworth explained the scope of work to reestablish service, which includes a gated turnout, and pipeline installation and connection at the original service location. While re-establishment of the connection has been identified in concept, specific details require site investigation, surveying, preferred alignment identification, plan development, and connection details. Mr. Killingsworth stated that negotiations with Jim Mangante (Landowner) are stalled, pending details related to his service connection, and will be required prior to finalizing an agreement. Additional Landowner negotiations include ownership of the installed pipeline, and grant of easement.

Mr. Killingsworth detailed the scope of work outlined in the P&P proposal including site meetings with SSJID staff and Landowner, field surveying, technical site visits, hydraulic calculations, structural calculations, preparation of Design Plans, informal cost estimates, and development of project specifications specific to the new turnout design.

The recommended proposed budget for design support services amounts to \$50,000.00 split between SSJID and Oakdale Irrigation District (OID) at the 72% and 28% agreed upon cost-share (respectively). This Canyon Tunnel work was anticipated as part of the 100% Design and appropriately included in the 2024 Canyon Tunnel budget.

Board discussion included P&P’s rates, inflation of engineering costs, staff’s monitoring of P&P’s billable time, P&P’s experience with SSJID and the Canyon Tunnel Project, and P&P’s reputation for efficiency and quality work.

MOTION: A motion was made by Director Kamper and seconded by Director Spyksma to approve Amendment No. 3 to the Canyon Tunnel 90% Design Professional Services Agreement with Provost and Pritchard Consulting Group to include support services for the design of the Mangante Turnout, to be performed on a Time and Materials (T&M) basis for a cost not to exceed \$50,000.00.

The motion passed 4 to 0 by the following vote:

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

It was announced that all remaining items on the Closed Session agenda would be discussed. The Board took a brief recess at 9:53 a.m. and convened to Closed Session at 10:00 a.m.

Item #6 – CLOSED SESSION

RETURN TO OPEN SESSION

The Board returned to Open Session at 11:58 a.m.

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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:
There were no reportable actions taken in Closed Session.

Item #8 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:59 a.m.

ATTEST:

Danielle Barney, Clerk of the Board