

**MINUTES FOR THE FEBRUARY 5, 2024**  
**“SPECIAL” 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 2:00 p.m., with public access provided via the online Zoom meeting platform. President Weststeyn called the meeting to order. Director Spyksma led the flag salute. Upon roll call the following members were noted present:

DIRECTORS:           HOLBROOK KAMPER ROOS SPYKSMA WESTSTEYN  
ABSENT:               NONE

Also present were General Manager Peter M. Rietkerk, Engineering Department Manager Forrest Killingsworth, and Clerk of the Board Danielle Barney.

**Public Comment** – None

**ACTION CALENDAR**

**Item #1 – Consider Approval of Canyon Tunnel 90% Design Contract Addendum with Provost & Pritchard Consulting Group to Include Landowner Negotiation Support**

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, addressed the Board regarding approval of an amendment to the existing Canyon Tunnel 90% Design Professional Services Agreement (PSA) to include a task for “Miscellaneous Landowner Negotiation Support Services” with a not to exceed budget of \$20,000.00.

Mr. Killingsworth explained current negotiations with two (2) landowners impacted by the Canyon Tunnel Project (Project), which will require coordination and agreement regarding easements, access to private property, disposal of “spoils,” water services, transfer of abandoned infrastructure and property interests, etc. He further explained that to facilitate the negotiation process, staff will need to coordinate with Provost & Pritchard Consulting Group (P&P), the District’s primary tunnel design consultant, to evaluate propositions from the landowners and establish specific terms of the final agreement.

The existing Canyon Tunnel PSA with P&P does not include a budget for activities associated with landowner negotiations, therefore staff requested a proposal from the consultant to amend the existing PSA to include miscellaneous landowner negotiations support. Anticipated tasks requiring support include field meetings, development of cost estimates, evaluation of alternatives, and exhibit preparation at a not-to-exceed budget of \$20,000.00. Specific tasks will be assigned to P&P by the District’s project manager on an as needed basis.

Oakdale Irrigation District (OID) would reimburse SSJID for 28-percent (28%) of the cost of services per the existing Canyon Tunnel Interagency Agreement. The OID Project Manager and General Manager have been informed of the proposed amendment and have provided support to proceed with approval.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Spyksma to approve the Canyon Tunnel 90% Design Contract Addendum with Provost & Pritchard Consulting Group to include landowner negotiation support.

The motion passed 5 to 0 by the following vote:

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

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**Item #2 – Consider Approval of Master Services Agreement with FISHBIO, and Task Order #1 for On-Call Consulting Services**

Mr. Peter Rietkerk, SSJID General Manager, addressed the Board regarding approval to enter into a Master Services Agreement (MSA) with FISHBIO, authorize Task Order #1 for on-call consulting services, and authorize Task Order #2 for facilitation services towards River Restoration Grant preparation, which apply to agenda Item #2 and agenda Item #3, respectively. He noted a handout distributed titled, “FISHBIO Task Order 2 – Project Scope: River Restoration Grant Preparation.”

Mr. Rietkerk provided detailed explanations of Task Order #1, including the history of SSJID’s past experience with FISHBIO through the Tri-Dam Project, and directly with the District. He explained that Task Order #1 would allow SSJID to continue utilizing FISHBIO for general consulting tasks including but not limited to permitting and environmental requirements; performing biological surveys; participating, reviewing, and commenting on regulatory actions; and consulting on Stanislaus River fishery issues; with a requested budget not to exceed \$10,000.

**MOTION:** A motion was made by Director Kamper and seconded by Director Roos to approve the Master Services Agreement with FISHBIO and authorize Task Order #1: On-Call Consulting Services with a budget not to exceed \$10,000.

The motion passed 5 to 0 by the following vote:

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

**Item #3 – Consider Approval of Task Order #2 of Master Services Agreement with FISHBIO for River Restoration Grant Application Development, Including Approval to Submit Grant Applications for State and Federal Grants**

Mr. Rietkerk continued to explain a funding opportunity presented by the Bureau of Reclamation titled “Central Valley Project Habitat and Facility Improvements – Year 3 Notice of Funding Opportunity (NOFO).” NOFO will fund up to \$10,000,000.00 per agreement for projects that can be completed within five (5) years, and would not require a local cost-share.

Mr. Rietkerk also explained that the California Department of Fish and Wildlife is accepting applications for the Fisheries Restoration Grant Program (FRGP), which will award funding for restoration projects including grants under Nature Based Solutions, Drought, and Climate Resiliency.

For the Federal NOFO and State FRGP grant opportunities, staff recommended applying for a project called Honolulu Bar II located along the Stanislaus River, upstream of Orange Blossom Bridge near Oakdale. Mr. Rietkerk explained that the scope of the project would seek to reconnect the currently unavailable side-channel to the river, and improve the side-channel thus creating new spawning and rearing habitat. He added that the project would be a continuation of the Honolulu Bar I project, completed in the early to mid-2010s by OID, with FISHBIO and engineering firm CBEC on the project team.

Mr. Rietkerk noted that staff was recently invited to participate in ongoing quarterly meetings led by the East Stanislaus Resources Conservation District (ESRCD) called the Stanislaus Quarterly Watershed Meeting. ESRCD has expressed interest in collaborating with the District on a grant application for the Stanislaus River,

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with ESRCDC serving as lead on an application that would include three (3) major habitat restoration projects, including Honolulu Bar II. If the application were funded, SSJID would be responsible for implementing the Honolulu Bar II project, and ESRCDC responsible for implementing the other projects and providing grant administration.

Mr. Rietkerk summarized that SSJID would utilize FISHBIO and its subconsultant CBEC to develop conceptual design and budget information for inclusion in the ESRCDC grant application, apply for the FRGP grant, and submit a separate grant application for the NOFO, if deemed necessary.

In addition, Mr. Rietkerk requested the Board’s authority for the District to apply as a sole applicant on a separate grant application should a collaboration with ESRCDC not come to fruition.

The fiscal impact of approving Task Order #2 to the MSA with FISHBIO would result in a budget amendment of approximately \$40,000.00. It was noted that the original \$40,000.00 budget requested in the staff report for Task Order 2 differed from the Task Order scope and budget as provided by FISHBIO (\$30,772.00) due to the nature of the collaboration with ESRCDC on the grant application. Mr. Rietkerk noted though that should the District need to submit its own allocation for the NOFO funding, the budget approval would likely need to be \$40,000 for task Order #2.

Board discussion included the benefits of river restoration projects; working with and learning from FISHBIO; experience gained in a grant application process; opportunities to utilize District crews for river grading; and ensuring that the Tri-Dam FISHBIO tasks do not migrate into the SSJID FISHBIO MSA tasks.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Holbrook to authorize FISHBIO Task Order #2: River Restoration Grant Preparation with a budget not to exceed \$40,000; and further approve for District staff to submit grant applications for the Central Valley Project Habitat and Facility Improvements Year 3 Notice of Funding Opportunity, and state Fisheries Restoration Grant Program.

The motion passed 5 to 0 by the following vote:

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

**Item #4 – Consider Approval of Design Build Contract for Solar Farm Repowering Project with NuLife Power Electric Services, LLC**

Mr. Bill Schwandt, SSJID Retail Electric Utility Manager, addressed the Board regarding a construction contract with NuLife Power Electric Services, LLC (NuLife) for the Robert O. Schulz Solar Farm (Solar Farm) Repowering Project. He provided background of Board action on November 28, 2023, which approved the design build contract with NuLife for Project Phase 1 and future phases, and included three (3) sets of arrays, namely PV2 (Phase 1) and PV1 (future phases).

Mr. Schwandt explained that NuLife’s contract had been simplified and its scope of work had been revised to encompass only PV2 – Repowering of the 750-kilowatt (kW) Solar Project, for an amount up to \$1,125,000.00. He further explained, in detail, the changes to the scope of work; cost benefits of the PV2 project to the Solar Farm; and changes to the Contract Section 8 – “Invoicing and Payment, Retention” which reduced the time for approving and paying invoices, and provided NuLife with a mobilization advance to start the project. Repowering construction is expected to be completed by June 30, 2024.

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Board discussion included projected production methodology; future negotiations with Pacific Gas & Electric (PG&E) regarding changes in solar power production and billing; potential future grant opportunities; and inclusion of language in the solar construction contracts requiring equipment repair.

Board inquiries included Contract Page 3, Section 11, Item (b) regarding clarification of “Design Builder” to which Mr. Rietkerk responded that any sub-contractors are independent of the District and that the language was standard verbiage in SSJID’s contract template; and if proposals were solicited from local solar companies to which Mr. Schwandt responded that bids were requested from local solar companies in July 2023 resulting in no bids and/or responses from local vendors.

Mr. Schwandt noted a correction will be made to the Contract, Page 18, Task Order Template, Scope of Services deleting irrelevant language of a previously saved contract.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Kamper to approve the construction contract with NuLife Power Electric Services, LLC, for the Robert O. Schulz “PV2 Solar Project,” for an amount up to \$1,125,000.00 to be billed on a Time & Materials (T&M) basis.

The motion passed 4 to 1 by the following vote:

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

**Item #5 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 2:50 p.m.

**ATTEST:**

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Danielle Barney, Clerk of the Board