

**MINUTES FOR THE OCTOBER 8, 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. Director Holbrook 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 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 \$337,891.29; Accounts Payable Wires in the amount of \$940,924.87; and Payroll dated September 20, 2024 in the amount of \$324,176.91, September 20, 2024 in the amount of \$3,716.35, and September 25, 2024 in the amount of \$2,974.04.
- B. Approval of the Regular Board Meeting Minutes of September 24, 2024
- C. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 245-130-02
- D. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 245-230-23
- E. Consent to SSJID’s Entry of Property to Read and to Maintain Flow Meter, APN 245-250-12

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

The motion passed 5 to 0 by the following vote:

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

**COMMUNICATIONS**

**Item #1 – Directors’ Reports**

Director Roos stated that he has received phone calls from growers requesting the irrigation season be extended for one (1) additional week beyond the designated end date of October 18. He noted the late walnut harvest as a factor to consider and requested Board discussion and possible action on the topic. Mr. Peter Rietkerk, SSJID General Manager, responded that Board action on September 24, 2024, announcing the end of the 2024 irrigation season as October 18, also provided the President and General Manager authority to change the end date, as needed.

Director Kamper stated that he had no updates to report.

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Director Spyksma thanked SSJID staff for their continued hard work.

Director Spyksma concurred with Director Roos's statement to consider extending the irrigation season for an additional one week.

Director Holbrook reported that he attended the California Special Districts Association (CSDA) 2024 Annual Conference, on September 9-12, in Indian Wells. He stated it was a good conference with excellent speakers, and highlighted a breakout session on capital improvement financing for public agencies which provided information regarding prepayment options, interest rate negotiating, long-term versus short-term loans, public versus private loans, up-to-date audits, and finance teams. Mr. Holbrook commented on the heat wave experienced during the conference.

Director Holbrook shared about a recent trip to Tennessee during extreme wet weather conditions where he witnessed dam releases of 2-million gallons of water a second. He added that an area bridge had given way, though the dam held.

President Weststeyn reported on recent attendance at meetings and/or events including:

- September 25 – Eastern San Joaquin Groundwater Authority (ESJGWA) Open House and Groundwater Sustainability Plan (GSP) Presentation. He stated that the GSP is currently out for public comment, and the ESJGWA Groundwater Sustainability Agencies (GSAs) were present at the event to answer questions from their local customers.
- October 4 – East Bay Municipal Utility District (EBMUD) 29<sup>th</sup> Annual Pardee BBQ. He commented on the fun event and good food.
- October 7 – Tri-Dam Project Advisory Commission Meeting. Discussion included Tri-Dam revenue projections. He noted Tri-Dam revenue spreadsheets had been distributed by Tri-Dam General Manager Summer Nicotero, and stated he would provide the documents to Clerk of the Board Danielle Barney to forward to the SSJID Board.

**Item #2 – Various Reports**

Mr. Rietkerk referenced President Weststeyn's reporting on Tri-Dam revenue projections and added that there has been discussion regarding the de-escalating power purchase agreement between Silicon Valley Power and the Tri-Dam Project, and resulting revenue reductions over the four (4) years of the agreement.

Mr. Rietkerk referenced Director Holbrook's reporting on the CSDA Conference sessions regarding financing and finance teams and stated that SSJID issued Requests for Proposals (RFPs) in August, seeking a Financial Advisor to assist the District with financing options for Water Master Plan capital projects. Five (5) bid proposals were received, and two (2) interviews have been conducted to date. The final candidate will be presented for Board approval at a future board meeting.

Mr. Rietkerk reported that the grant proposal for the District's Q-Qc Project was submitted, and District staff is working on a grant proposal for a flow measurement project.

**ACTION CALENDAR**

**Item #3 – Step 3 Grievance Hearing Regarding Division Manager Vacation Accruals**

Mr. Rietkerk addressed the Board regarding the Step 3 Grievance Hearing alleging missed vacation accruals for Division Managers during the 2023 irrigation season. He explained the Step 3 grievance process outlined in the

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current Memorandum of Understanding (MOU) between the International Brotherhood of Electrical Workers (IBEW) Local Union 1245 (Union) and SSJID and noted that the Board would not render a decision today, but rather listen, ask questions, and participate in the investigatory process. The Board will need to render a decision and convey said decision within thirty (30) work days, by October 21, 2024, in accordance with grievance procedures.

Mr. Rietkerk provided a detailed timeline of communication and/or events regarding the grievance including:

- July 10, 2024 – District received a Step 2 Grievance Letter from IBEW alleging improper accrual of vacation days and later than usual accruals for 2023 resulting in changes from a historical practice.
- August 15, 2024 – Step 2 Hearing
- August 29, 2024 – District sends a Step 2 response letter to the Union noting the General Manager’s review and analysis of the grievance, including accounting provided by the District and the Union, and communication between the District and the Union.
- September 9, 2024 – The Union rejected the District’s Step 2 decision and issued a Step 3 grievance request.

Mr. Rietkerk quoted MOU Article 5.1(b)(7), which stated that “... a vacation credit shall be accrued at the rate of two (2) days for each continuous month that the Employee works during the irrigation season.” He summarized that the District’s historical administration of vacation accruals was unfortunately inconsistent, but was found to follow the Union’s stance of a 30-day continuous accrual period. In addition, the District did not find justification for the proposed two (2) days of vacation accruals for 2023 requested by the Union, though the District offered to provide one (1) additional day of vacation for Division Managers.

Mr. Rietkerk concluded and stated that Ms. Sheila Lawton, IBEW Representative, and Mr. Ryan Thrasher, SSJID Electrical Technician I and IBEW Shop Steward, were in attendance to present their case before the Board.

Mr. Thrasher distributed a handout titled, “IBEW Step 3 Grievance Table” which contained a historical accounting of start date, end date, days assigned to water, actual historical hours accrued, IBEW methodology and proposed accrual hours, SSJID’s methodology and proposed accrual hours, and percentage differences from historical for water season years 2011 through 2023.

Mr. Thrasher addressed the Board and gave detailed explanations of water seasons’ historical days on water, accrued hours, IBEW’s interpretation of the District’s previous calculation methods, and IBEW’s proposed vacation accrual calculations. He referenced the District’s “Step 2 Response Letter dated August 29, 2024,” citing language that read “...vacation accruals, unfortunately, were not applied consistently under either interpretation of the contract, and that for 2022 and 2023, the District based the accruals on a full calendar month, and not 30-days.” and “... both parties agreed that several inconsistencies in accruals, both in timing and quantity, existed in the record.” Mr. Thrasher stated that the methodology of historical accrual calculations varied, and emphasized that the basis of the grievance was that the District allegedly changed practice regarding accruals, and that such action must be brought to the IBEW bargaining table beforehand.

The Board responded that the District was now following the method written in the MOU, which both parties agreed was done inconsistently in the past, to which Mr. Thrasher stated that there was no definitive language in the MOU regarding vacation accruals and that clear language and fair terms needed to be added to the document. The Board responded that Mr. Thrasher’s suggestion would require renegotiations at the bargaining table, and that resolution was necessary for the current issue as well as to avoid future issues.

Ms. Lawton addressed the Board and stated that though the language was unclear in the MOU, past practice prevailed, past methodology was clear, and that the District should continue to use the historical methodology.

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The Board responded to Ms. Lawton's comment and reiterated Mr. Thrasher's statement that the past methodology used was incorrect, was inconsistent, varied, and he "cannot figure it out."

In conclusion, Mr. Thrasher opined that Mr. Rietkerk's proposal to provide one (1) additional day of vacation would hurt morale, and that the Division Managers are the most important employees in the District. He thanked the Board for their consideration.

The Board stated that all SSJID employees are important, and that the issue will be discussed in Closed Session and a decision rendered.

**Item #4 – Consider Approval of Amendment to Task Order 008 for On-Call Services with MCR Engineering**

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, addressed the Board regarding an amendment to Task Order 008 with MCR Engineering, Inc. (MCR), for miscellaneous on-call engineering and consulting services in the amount not-to-exceed \$100,000.00, to be billed on a time and expense basis.

Mr. Killingsworth provided background of Board action, on July 11, 2023, authorizing staff to issue the MCR Task Order for on-call engineering and consulting services, which included an MCR "Designated Engineer" to SSJID, for an amount of \$75,000.00. Mr. Killingsworth acknowledged that MCR Principal Engineer Marshall Swift, as SSJID's "Designated Engineer," has worked from the SSJID office for 1-2 days per week, and has provided excellent assistance related to capital improvement projects, development review, outside agency coordination, permitting, planning/studies, and administrative tasks. In addition, MCR has provided assistance for miscellaneous surveying services related to filed surveys and review of legal descriptions and plats. Mr. Killingsworth noted the benefits of SSJID's assigned "Designated Engineer," and on-call services with MCR survey teams to perform field surveys to identify property lines involving unauthorized encroachments.

Mr. Killingsworth stated that at the end of September 2024, the \$75,000.00 budget for MCR services will be nearly exhausted. Staff noted that there was approximately \$20,000.00 remaining in the 2024 budget for on-call services. Board approval of the proposed amendment would allow District staff to utilize the remaining budget authorized in 2024 plus additional funds that will be proposed in the 2025 budget. Mr. Killingsworth added that of the \$100,000.00 proposed, approximately 25-percent (25%) would be reimbursed by developers, amounting to a \$75,000.00 fiscal impact to the District.

Staff recommended Board approval to amend Task Order 008, with MCR, to increase the on-call services budget by \$100,000.00 to support work anticipated through 2025.

Board discussion included the amount allocated in the 2025 budget, to which Mr. Killingsworth responded that the 2025 budget had not been finalized yet.

**MOTION:** A motion was made by Director Holbrook and seconded by Director Spyksma to approve an amendment to Task Order 008 with MCR Engineering, Inc., subject to the terms of the Master Professional Services Agreement, for miscellaneous on-call engineering and consulting services in an amount not to exceed \$100,000.00, to be billed on a time and expense basis.

The motion passed 5 to 0 by the following vote:

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

**Item #5 – Consider Approval of Amendment to Canyon Tunnel 95% Design Contract to Include Engineering Design of Hoist System**

Mr. Killingsworth addressed the Board regarding approval of Amendment No. 1 to the Canyon Tunnel 95% Design Contract (Contract) with Provost & Pritchard Consulting Group (P&P) for design services related to electrification of the hoist at the upstream portal at Goodwin Dam, and explained that the original Contract included design for a manual hoist and trolley system at the upstream portal which will be utilized to raise, lower, place, and remove stop logs immediately upstream of the diversion gates to allow for maintenance and removal of the diversion gates. He further explained that it was originally assumed that a manual hoist would be sufficient for operations, but discussions with Tri-Dam Project (TDP) staff concluded that a manual system would be problematic from an operations and safety perspective. Staff requested P&P provide a proposal to include design services modifying design plans and specifications to include electrification of the hoist.

Mr. Killingsworth provided justification for an electric hoist including improved safety, operations, and efficiency.

P&P’s proposal includes an estimated budget of \$22,000.00 to modify the plans and design specifications to include electrification of the hoist. The electric hoist is estimated to increase construction costs by \$30,000.00 to \$40,000.00. Mr. Killingsworth noted that the commencement of the Canyon Tunnel 100% Design Project is anticipated by early 2025.

Staff recommended Board approval of Amendment No. 1 to the Canyon Tunnel 95% Design Contract with P&P for design services related to electrification of the hoist at the upstream portal at Goodwin Dam for an amount not to exceed \$22,000.00, to be billed on a Time and Materials basis.

Board discussion included that weather is not a factor in hoist safety, and the portal design will remain the same with inclusion of the electric hoist.

**MOTION:** A motion was made by Director Kamper and seconded by Director Holbrook to approve Amendment No. 1 to the Canyon Tunnel 95% Design Contract with Provost & Pritchard Consulting Group for design services related to electrification of the hoist at the upstream portal at Goodwin Dam for an amount not to exceed \$22,000.00, to be billed on a Time and Materials basis.

The motion passed 4 to 1 by the following vote:

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

**Item #6 – Consider Approval of Western Area Power Authority Displacement Program Contract**

Mr. Bill Schwandt, SSJID Electric Utility Manager, addressed the Board regarding approval of the Western Area Power Administration (WAPA) Displacement Program Contract to offset California Independent System Operation (CAISO) cost impacts related to CAISO’s Integrated Balancing Authority Area (IBAA).

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Mr. Schwandt noted that SSJID’s relationship with WAPA began in January 2015, after receiving a Preference Power allocation under WAPA’s 2015 Power Marketing Plan, and executing a base resource contact with WAPA to purchase power. Currently, SSJID has several contracts and letters of agreement with WAPA to provide power supply and scheduling services for the District including an Electric Service Base Resource contract, a Full Load Service contract, a Scheduling Coordinator Services contract, and a Back-to-Back Interconnection contract.

Mr. Schwandt provided a detailed explanation of the Balancing Authority of Northern California (BANC). WAPA is not a formal balancing authority but operates within the BANC. WAPA is a power marketing administration that sells and delivers federal hydropower to customers, and participates in BANC processes and projects through contracts. He further explained that, under IBAA, imports from the BANC Balancing Authority Area (BAA) into the CAISO BAA are priced differently than exports from the CAISO BAA into BANC BAA.

Mr. Schwandt stated that WAPA created its Displacement Program on behalf of its Full Load Service customers in an effort to reduce CAISO fees for customers that elect to participate. WAPA customers, like SSJID, that are not directly connected to WAPA benefit from the Program. The District currently participates in the Displacement Program, which runs concurrent with the Base Resource, Full Load Service, and Scheduling Coordinator contracts and will terminate on December 31, 2024. The Displacement Program Contract has been extended through December 31, 2026.

Staff recommended Board approval of the WAPA Displacement Contract to offset CAISO IBAA impacts for SSJID’s WAPA power supply.

**MOTION:** A motion was made by Director Spyksma and seconded by Director Roos to approve the Western Area Power Administration Displacement Program Contract to offset California Independent System Operator Integrated Balancing Authority Area impacts for SSJID’s WAPA power supply.

The motion passed 5 to 0 by the following vote:

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

**Item #7 To Be Discussed Following Closed Session**

*It was announced that all remaining items on the Closed Session agenda would be discussed. The Board took a brief recess at 10:00 a.m. and convened to Closed Session at 10:15 a.m.*

**Item #8 – CLOSED SESSION**

*Director Roos exited the meeting at 1:00 p.m.*

**RETURN TO OPEN SESSION**

*The Board returned to Open Session at 1:49 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.

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**Item #3 – Step 3 Grievance Hearing Regarding Division Manager Accruals**

President Weststeyn stated the Board concurred that the General Manager would draft a letter to the IBEW Union regarding the Board’s decision of the Step 3 Grievance Hearing regarding Division Manager accruals.

**Item #7 – Following Performance Evaluation, Consider Compensation for General Manager**

**MOTION:** A motion was made by Director Holbrook and seconded by Director Kamper to increase the General Manager’s salary by 4-percent (4%) for an annual salary of or around \$312,000.00, effective the anniversary hire date of September 21.

The motion passed 4 to 0 by the following vote:

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

**Item #10 – ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 1:50 p.m.

**ATTEST:**

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Danielle Barney, Clerk of the Board