

**TRI-DAM PROJECT
MINUTES OF THE JOINT BOARD
OF DIRECTORS REGULAR MEETING**

September 21, 2023
Oakdale, California

The Joint Boards of Directors of the Oakdale Irrigation District and the South San Joaquin Irrigation District met in joint session at the office of Oakdale Irrigation District in Oakdale, California, on the above date for the purpose of conducting business of the Tri-Dam Project, pursuant to the resolution adopted by each of the respective Districts on July 29, 1955.

President Orvis called the meeting to order at 9:00 a.m.

OID DIRECTORS

SSJID DIRECTORS

DIRECTORS PRESENT:

ED TOBIAS
LINDA SANTOS
TOM ORVIS
BRAD DEBOER

GLENN SPYKSMA
MIKE WESTSTEYN
DAVID KAMPER

Also Present:

Summer Nicotero, General Manager, Tri-Dam Project; Scot A. Moody, General Manager, Oakdale Irrigation District; Sharon Cisneros, Chief Financial Officer, Oakdale Irrigation District; Genna Modrell, Finance Asst., Tri-Dam Project; Justin Calbert, License Compliance, Tri-Dam Project; Peter Rietkerk, General Manager, SSJID; Mia Brown, Counsel, SSJID; Brandon Nakagawa, Water Resources Coordinator, SSJID; Tim Wasiewski, Paris Kincaid Wasiewski

PUBLIC COMMENT

No public comment.

Summer Nicotero presented an emergency item to be added:

- xx. Authorize General Manager to Execute Renewal of Islanding Letter of Agreement with Silicon Valley Power.

Director DeBoer moved to add as item 12b to the agenda. Director Weststeyn seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

CONSENT CALENDAR

ITEM #1 Approve the regular board meeting minutes of August 17, 2023.

ITEM #2 Approve the Financial Statements of the seven months ending July 31, 2023.

- ITEM #4 Approve renewal of Anthem Medical Plan Insurance Coverage effective January 1, 2024.**
ITEM #5 Approve renewal of Delta Dental Insurance Plan Coverage effective January 1, 2024.
ITEM #6 Approve renewal of Vision Services Plan Insurance Coverage effective January 1, 2024.

Director Spyksma requested to pull item 3 from consent. He also questioned the possibility of a calculation error in the financial statements, noting a large variance.

Director Santos moved to approve items 1,2,4,5,6 as presented. Director Spyksma seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

ITEM #3 Approve the August statement of obligations.

Director Spyksma asked for clarification regarding language on summary page regarding “distribution.”

Director Spyksma moved to approve item 3 as presented. Director Santos seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

ACTION CALENDAR

ITEM #7 Discussion and possible action regarding Application 2023-28, Variance Request for the Shoreline Management Plan for a private facility to extend beyond the 40 ft. maximum distance from the 510' elevation contour. Property is located within the Poker Flat Subdivision at 524 Thomson Lane, Copperopolis, CA 95228, APN 064-035-003.

Summer Nicotero presented the variance request to the Board, advocating for approval on behalf of the requestor for reasons noted in the written materials. Joel and Lisa Timpano (property owners) spoke in favor of the variance request as did Reuben Chirnside (Engineer, Land & Structure).

Director Santos, pursuant to section 4.3.3 of the Shoreline Management Plan, moved to approve the requested variance with the condition that the permit issued for the variance contain express language requiring full indemnification for Tri-Dam and the Districts, and release them from any liability whatsoever in approving the variance and landowner's election to build the home and appurtenances. Director Spyksma seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

ITEM #8 Discussion and possible action to authorize the replacement of Tulloch Cottage 2 ducted air conditioner with a ductless mini-split, to include a capital budget amendment authorization.

Director Kamper moved to approve Foust as the low bidder. Director Santos seconded the motion.

After further discussion, Directors Kamper and Santos withdrew the motion and requested to table this item for further review.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

ITEM #9 Discussion and possible action to approve the purchase of a 4 stroke Lowe Boat Motor, to include a capital budget amendment authorization.

Director Santos moved to approve Wrights Motors Marine as the low bidder including a capital budget amendment not to exceed \$11,190.92. Director Weststeyn seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

ITEM #10 Discussion and possible action to authorize the purchase of replacement tire chains.

Director Santos moved to approve Acme Rigging & Supply Co. as the low bidder. Director Spyksma seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

ITEM #11 Discussion and possible action to authorize the General Manager to execute Professional Services Agreement with Western Hydrologic Systems for stream gaging services for water years 2024 through 2025.

Director Santos moved to approve as presented. Director Kamper seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

ITEM #12 Discussion and possible action to approve 2023/2024 SDRMA insurance policy. –*This item will be hand carried.*

Summer Nicotero explained that SDRMA quote had not been finalized yet, but presented the Board with a quote from State Compensation Insurance Fund. Summer requested the Board authorize the General Manager to approve the lowest quote available by September 28, 2023.

Director Santos moved to approve as presented. Director Spyksma seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn
NOES: None
ABSTAINING: None
ABSENT: Holbrook, Doornenbal, Roos

ITEM #12b Discussion and possible action to authorize General Manager to Execute Renewal of Islanding Letter of Agreement with Silicon Valley Power.

Summer Nicotero explained the most recent letter of agreement with Silicon Valley Power, which allowed Tri-Dam to continue to provide this islanding service expired at the end of 2022. The renewal contains the same terms of payment as the previous agreement and will extend through the end of this calendar year.

Director Santos moved to approve as presented. Director Weststeyn seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spyksma, Weststeyn
NOES: None
ABSTAINING: None
ABSENT: Holbrook, Doornenbal, Roos

Item #13 To be Discussed Following Closed Session

DISCUSSION

ITEM #14 Discussion regarding the Me-Wuk Tribe extension of time to complete CEQA in the OID water transfer agreement.

Scot Moody presented this item in an effort to ensure the Districts were in agreement. Peter Rietkerk explained potentially conflicting language regarding when the contract begins versus how the ramp-up schedule is applied. The Joint Board of Directors asked the General Managers to seek clarification on this matter with legal counsel representing the Chicken Ranch Rancheria Me-Wuk Indians and report back.

COMMUNICATIONS

ITEM #15 Staff Reports:

- A. General Manager, Summer Nicotero
 - Summer Nicotero added an update regarding her recent trip to Arkansas for the shoreline conference, acknowledged the addition of financial statements and the huge feat by Sharon Cisneros, and audit response of the recent FERC cyber audit.
- B. Interim Operations Supervisor, Brett Gordon
 - Nothing to add.
- C. Interim Maintenance Supervisor, Daniel Hogue
 - Nothing to add.
- D. Interim License Compliance Coordinator, Justin Calbert
 - Nothing to add.

ITEM #16 Generation Report

No report.

ITEM #17 Fisheries Studies on the Lower Stanislaus River

No report.

ITEM #18 Directors Comments

None.

President Orvis recessed to the Tri-Dam Power Authority Board of Commissioners meeting at 10:22 a.m.

The Tri-Dam Project meeting resumed at 10:26 a.m. after the Tri-Dam Power Authority meeting adjourned.

President Orvis announced before closed session that the following items would be discussed. The Board took a brief recess at 10:27 a.m. and convened to Closed Session at 10:39 a.m.

ITEM #19 Closed Session

- 11. a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code § 54956.9(d)(1)
 - 1. *Tri-Dam v. Scott Frazier*
Eastern District of California No: 1:20-CV-00408-SKO
 - 2. *San Joaquin Tributaries Authority, et al v. California State Water Resources Control Board*
County of Sacramento Superior Court
Case No. JCCP 5013
- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation
Government Code § 54956.9(d)(2)
Two (2) cases
- c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of Litigation
Government Code § 54956.9(d)(4)
One (1) case

At the hour of 11:23 a.m., the Board reconvened to open 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 #13 Discussion and possible action to consider claim presented by Cari McCormick et al. v. CalPERS Employers.

Director Santos moved to deny the claim presented by Cari McCormick et al v. CalPERS Employers. Director Spysma seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Kamper, Spysma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Holbrook, Doornenbal, Roos

ADJOURNMENT

President Orvis adjourned the meeting at 11:35 a.m.

The next regular board meeting is scheduled for October 19, 2023, at the offices of South San Joaquin Irrigation District beginning at 9:00 a.m.

ATTEST:

Summer Nicotero, Secretary
Tri-Dam Project