

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

November 18, 2021
Manteca, 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 South San Joaquin Irrigation District located in Manteca, 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 9:01 a.m.

OID DIRECTORS

SSJID DIRECTORS

DIRECTORS PRESENT:

TOM ORVIS
ED TOBIAS
LINDA SANTOS
BRAD DeBOER
HERMAN DOORNENBAL

BOB HOLMES
GLENN SPYKSMA
JOHN HOLBROOK
MIKE WESTSTEYN
DAVE KAMPER

DIRECTORS ABSENT:

Also, Present:

Jarom Zimmerman, General Manager, Tri-Dam Project; Genna Modrell, Admin. & Finance Asst., Tri-Dam Project; Susan Larson, Compliance Coordinator, Tri-Dam Project; Peter Rietkerk, General Manager, SSJID; Mia Brown, General Counsel, SSJID; Brandon Nakagawa, Water Resources Coordinator, SSJID; Tim Wasiewski, Counsel; Tim O'Laughlin, Counsel

PUBLIC COMMENT

None.

CONSENT CALENDAR

ITEM #1 Approve the regular board meeting minutes of October 21, 2021.

ITEM #2 Approve the October financial statements and statement of obligations.

Director Holmes advised item 7 was at the request of Jarom Zimmerman and Brian Jaruszewski plus the adjournment was by Holmes instead of Orvis.

Director Holmes moved to approve the consent calendar with the corrections. Director Santos seconded the motion.

The motion passed by the following roll call vote:

AYES: Doornenbal, DeBoer, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spysma, Weststeyn

NOES: None
ABSTAINING: None
ABSENT: None

ACTION CALENDAR

ITEM #3 Discuss and consider adoption of Resolution TDP 2021-07 to implement teleconferencing requirements during a proclaimed state of emergency.

Mia Brown clarified this is for 30 day intervals and without it Directors would not be able to Zoom or call into the next meeting.

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

The motion passed by the following roll call vote:

AYES: DeBoer, Doornenbal, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: None

ITEM #4 Consider adoption of Tim O’Laughlin, PLC rate schedule.

Jarom Zimmerman presented the proposed rate schedule adding the last increase was May 2019.

Director Kamper moved to approve years 2022 and 2023 only at \$450/hr. Director Tobias seconded the motion.

The motion passed by the following roll call vote:

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

NOES: Holbrook, Holmes

ABSTAINING: None

ABSENT: None

ITEM #5 Consider adoption of FishBio 2022 research and monitoring.

Andrea Fuller updated the Board on the meeting regarding predation and discussed the three scope of work levels presented for the 2022 budget and responded to Director questions.

After a lengthy discussion, Director Holmes moved to approve option 3 for \$775,000. Director Santos seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Holbrook, Holmes, Spyksma, Weststeyn

NOES: Doornenbal, Kamper

ABSTAINING: None

ABSENT: None

ITEM #6 Award contract for construction of the Tulloch Day Use Recreation Site.

Susan Larson gave a brief history of this project, advised the Calaveras County Water District has also reviewed the bids, and answered Directors questions.

Director Kamper moved to award the contract to K.W. Emerson as presented. Director Doornenbal seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Doornenbal, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: None

ITEM #7 Review and authorize the General Manager to sign a professional services agreement with Dillon & Murphy Consulting Engineers and Condor Earth for construction phase engineering services for Tulloch Day Use Recreation Site.

Susan Larson advised that although this project is straight forward acquiring Dillon & Murphy and Condor Earth will meet the legal requirement for certifications at the final inspection.

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

The motion passed by the following roll call vote:

AYES: DeBoer, Doornenbal, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: None

ITEM #8 Discuss and consider adoption of the 2022 Draft Budget.

Jarom Zimmerman provided the background and the process of putting together this budget and responded to Directors questions.

The non-operating expenses will be increased by \$375,000 to include the amended FishBio amount approved in Item 5.

Director Holbrook moved to approve including the FishBio amendment. Director DeBoer seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Doornenbal, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: None

ITEM #9 CalPERS Unfunded Liability.

Jarom Zimmerman updated the Board on the current balance of the unfunded accrued liability and recommended options 1 or 2 to prevent overfunding.

Director DeBoer moved to approve option 1, \$750,000, to be paid from the operating reserve account. Director Holbrook seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Doornenbal, Orvis, Santos, Tobias, Holbrook, Holmes, Spyksma, Weststeyn

NOES: Kamper

ABSTAINING: None

ABSENT: None

ITEM #10 Discussion and possible action to approve Stephens Mechanical invoice for Beardsley PRV work.

Jarom Zimmerman provided a background, the challenges and the work done that went beyond the General Manager's approval limit and responded to Directors questions.

Director Holmes moved to approve as presented. Director Doornenbal seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Doornenbal, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: None

ITEM #11 JPIA Board of Directors – Member / Alternate.

Jarom Zimmerman stated this item was requested at the previous meeting and advised the Board previously took action on March 26, 2020. After reviewing the Board decided to take no action.

ITEM #12 Holiday time off between Christmas and New Year's for all Tri-Dam employees.

Jarom Zimmerman advised that Tri-Dam staff has completed an exceptional amount of maintenance and upgrades, and even on a reduced budget while finding ways to reduce expenditures by performing much of the work in house resulting in additional savings.

Jarom recommended providing paid days off between Christmas and New Year's Day for all Tri-Dam employees, which will result in 3-4 days, depending on each employee's work week. Staff unable to utilize vacation on those designated days will receive the time as vacation accrual to use at a later date.

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

The motion passed by the following roll call vote:

AYES: DeBoer, Doornenbal, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: None

ITEM #13 2021 IBEW Incentive Program.

Jarom Zimmerman presented the current hours of downtime and advised that staff is expected to receive the full amount of this program.

ITEM #14 Tri-Dam Project and Tri-Dam Power Authority Transition Update.

Jarom Zimmerman updated the Board on recent findings with CalPERS and advised that Classic members cannot be “grandfathered” in to a new CalPERS contract with Authority. Due to this, he recommended consolidating Authority into Project to maintain the current CalPERS contract. This would result in a much simpler transition.

COMMUNICATIONS

ITEM #15 Staff Reports

In addition to the written reports Jarom Zimmerman gave a brief summary of the General Manager’s report.

ITEM #16 Generation Report

Jarom Zimmerman provided the expected revenue for November and December.

ITEM #17 Fisheries Studies on the Lower Stanislaus River

No discussion.

Recess to Tri-Dam Power Authority

President Orvis recessed to the Tri-Dam Power Authority Board of Commissioners meeting at 11:17 a.m.

The Tri-Dam Project meeting resumed at 11:24 a.m. after the Tri-Dam Power Authority meeting adjourned.

ITEM #18 Directors Comments

Director Santos stated she had recently traveled to Shasta and has never seen it so low. Director Spyksma shared he had recently toured Tulloch. It was enlightening, he learned a lot and really enjoyed it.

Directors DeBoer, Orvis and Tobias are thankful to Jarom and staff.

President Orvis announced before closed session that the following items would be discussed. The Board took a brief recess at 11:28 a.m. and convened to Closed Session at 11:40 a.m.

ITEM #19 Closed Session

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code § 54956.9(d)(1)
 - 1. *Tri-Dam v. Scott Frazier*
Eastern District of California Case No. 1:20-cv-00408-SKO
 - 2. *SJTA v. State Water Resources Control Board*
Judicial Council Coordination Proceeding 5013
 - 3. *SJTA v. State Water Resources Control Board*
Fresno County Superior Court, Case No. 21CECG02632

- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Possible Initiation of Litigation
Government Code § 54956.9(d)(4)
Three (3) cases

- c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation
Government Code § 54956.9(d)(2)
Two (2) cases

- d. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code § 54956.8
Negotiating Parties: Oakdale Irrigation District, South San Joaquin Irrigation District, and Chicken Ranch Rancheria Band of Mi-Wuks
Property: Water
Agency Negotiators: OID & SSJID General Managers and Water Counsel
Under Negotiations: Price and Terms of payment of sale

At the hour of 1:16 p.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.

ADJOURNMENT

President Orvis adjourned the meeting at 1:17 p.m.

The next regular board meeting is scheduled for December 16, 2021, at the offices of South San Joaquin Irrigation District, Manteca, California beginning at 9:00 a.m.

ATTEST:

Jarom Zimmerman
Secretary, Tri-Dam Project