



# SAN JOAQUIN TRIBUTARIES AUTHORITY

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**COMMISSION MEETING OF THE  
SAN JOAQUIN TRIBUTARIES AUTHORITY  
TURLOCK IRRIGATION DISTRICT  
Board Room, Main Office Building  
333 East Canal Drive  
Turlock, CA**

**11:00 a.m., Monday, February 14, 2022**

**ALTERNATE FORMATS OF THIS AGENDA WILL BE MADE AVAILABLE UPON REQUEST TO QUALIFIED INDIVIDUALS WITH DISABILITIES. PERSONS WHO REQUIRE A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, SHOULD CONTACT TAMI WALLENBURG, COMMISSION SECRETARY, IN PERSON OR BY MAIL, AT THE ABOVE ADDRESS, OR BY TELEPHONE AT (209) 883-8310, NOT LESS THAN 24 HOURS PRIOR TO THE MEETING FOR WHICH THE MODIFICATION OR ACCOMMODATION IS REQUIRED**

## **AGENDA**

**1. Call to Order**

Members of the Commission and the public have the opportunity to participate in person with precautionary protocols in place or via webinar. Please see the attached Addendum with instructions on how to join the Commission meeting via Zoom or phone, or review the protocols in place for the in-person meeting. Per the Stanislaus County Health Order, **masks are required** for any visitor to the District, including those attending Commission Meetings, regardless of vaccination status.

**Webinar:** Members of the Commission and the public may participate in the meeting by utilizing Zoom's webinar feature or through a phone number, both of which are provided in the meeting agenda. Members of the public will have the opportunity to provide public input via the webinar or phone features. If you wish to speak, click on the "Raise Hand" button via Zoom, or press \*9 if using a phone, and wait until your name (or other identifying information) is called by the Commission Secretary.

**To join the meeting:**

- [Click here to join the video meeting](#)
- Or to join by phone, please dial (toll free) 669-900-9128 or 346-248-7799; Meeting ID: 956 7632 0273

**2. Salute to the Flag**

**3. Roll Call of Commissioners**

4. **Public Comment (5 minutes per speaker maximum)**  
This time is provided for the public to address the Commissioners of the Authority on matters of concern that fall within the jurisdiction of the Authority that are **not** on the agenda. Speakers are encouraged to consult Member Management or Directors prior to agenda preparation regarding any Authority operation or responsibility as no action will be taken on non-agenda issues.
5. **Resolution of the Commission of the San Joaquin Tributaries Authority Ratifying Previous Findings In Accordance With AB 361 And Government Code Section 54953(E) and Authorizing Continuation of Remote Meetings of the Legislative Bodies of the San Joaquin Tributaries Authority**  
Consider approval of ratifying previous findings in accordance with AB 361 and authorizing continuation of remote meetings of the legislative body.
6. **Motion Appointing Chair**  
Consider appointing Turlock Irrigation District as Chair of the San Joaquin Tributaries Authority.
7. **Motion Appointing Vice-Chair**  
Consider appointing South San Joaquin Irrigation District as Vice-Chair of the San Joaquin Tributaries Authority.
8. **Motion Approving Minutes of November 8, 2021**
9. **Motion Accepting the Treasurer's Report**  
- Michael Clipper, Treasurer
10. **Update on Strategic Visioning and Early Project Development**  
- General Managers
11. **Resolution Approving the SJTA 2022 Fiscal Year Budget**  
- General Managers
12. **Motion to Adjourn to Closed Session**
  - A. **Conference with Legal Counsel – Existing Litigation**  
California Government Code Section 54956.9  
San Joaquin Tributaries Authority, et al vs. California State Water Resources Control Board  
Tuolumne County Superior Court - Case Number CV62094  
Judicial Council Coordinated Proceeding No.5013  
- Valerie Kincaid, Legal Counsel
  - B. **Conference with Legal Counsel – Existing Litigation**  
California Government Code Section 54956.9  
San Joaquin Tributaries Authority vs. California State Water Resources Control Board  
Fresno County Superior Court - Case Number 21CECG02632  
- Valerie Kincaid, Legal Counsel

**C. Conference with Legal Counsel – Existing Litigation**

California Government Code Section 54956.9

San Joaquin Tributaries Authority, et al vs. California State Water Resources  
Control Board

Court of Appeals 6<sup>th</sup> District – Case No. H047270

- Valerie Kincaid, Legal Counsel

- 13. Reconvene in Open Session – Report of Any Action Taken in Closed Session**
- 14. Matters Too Late for the Agenda**
- 15. Next SJTA Meeting – May 9, 2022**
- 16. Motion to Adjourn**

## **RESOLUTION NO. 2022 - 1**

### **RESOLUTION OF THE COMMISSION OF THE SAN JOAQUIN TRIBUTARIES AUTHORITY RATIFYING PREVIOUS FINDINGS IN ACCORDANCE WITH AB 361 AND GOVERNMENT CODE SECTION 54953(e) AND AUTHORIZING CONTINUATION OF REMOTE MEETINGS OF THE LEGISLATIVE BODIES OF THE SAN JOAQUIN TRIBUTARIES AUTHORITY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings; and

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so; and

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Covid-19 variants continue to emerge which are increasingly transmissible, and breakthrough cases are becoming more common; and

WHEREAS, on September 22, 2021, Stanislaus County Public Health Officer Julie Vaishampayan recommended social distancing measures including implementation of AB 361 to maintain social distancing by legislative bodies due to the continued threat of Covid-19 to the community; and

WHEREAS, the Commissioners of the San Joaquin Tributaries Authority previously adopted Resolution No. 2021-1 on October 18, 2021, finding that the requisite conditions exist for the legislative body of the SJTA to conduct remote teleconference meetings without compliance with section 54953(3)(b); and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the Commission of the San Joaquin Tributaries Authority (“Commission”) hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The Commission of the San Joaquin Tributaries Authority (“SJTA”) finds, by a majority vote, the following:
  - a. That there exists a proclaimed state of emergency; and
  - b. State or local officials have imposed or recommended measures to promote social distancing.
3. SJTA and member staff is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.
4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) March 14, 2022, or (ii) such time the Authority adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Authority may continue to teleconference without compliance with section 54953(b)(3).

Moved by Commissioner , seconded by Commissioner , that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:	Commissioners
Noes:	Commissioners
Absent:	Commissioners
Abstain:	Commissioners

The Chair declared the resolution \_\_\_\_\_.

I, Tami Wallenburg, hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the San Joaquin Tributaries Authority, a California joint powers agency, at a regular meeting of the San Joaquin Tributaries Authority Commission thereof duly called and held at Turlock Irrigation District office on the 14<sup>th</sup> day of February 2022.

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Secretary to the COMMISSION OF THE  
SAN JOAQUIN TRIBUTARIES AUTHORITY

## **SAN JOAQUIN TRIBUTARIES AUTHORITY**

### **MOTION APPOINTING CHAIR**

Moved by Commissioner , seconded by Commissioner , that the representative for the Turlock Irrigation District is hereby appointed as Chair of the San Joaquin Tributaries Authority effective February 14, 2022.

Upon roll call the following vote was had:

Ayes:	Commissioners
Noes:	Commissioners
Absent:	Commissioners

The Chairman declared the motion \_\_\_\_\_.

### **CERTIFICATE OF SECRETARY**

The undersigned hereby certifies that she is the Secretary of the San Joaquin Tributaries Authority and that the foregoing motion was adopted by the Commission of said Authority at a meeting thereof, duly called and held at Turlock Irrigation District office on February 14, 2022, at which meeting a quorum of the Commission was at all times present and acting.

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Secretary to the COMMISSION OF THE  
SAN JOAQUIN TRIBUTARIES AUTHORITY

## **SAN JOAQUIN TRIBUTARIES AUTHORITY**

### **MOTION APPOINTING VICE-CHAIR**

Moved by Commissioner , seconded by Commissioner , that the representative for the South San Joaquin Irrigation District is hereby appointed as Vice-Chair of the San Joaquin Tributaries Authority effective February 14, 2022.

Upon roll call the following vote was had:

Ayes:	Commissioners
Noes:	Commissioners
Absent:	Commissioners

The Chairman declared the motion \_\_\_\_\_.

### **CERTIFICATE OF SECRETARY**

The undersigned hereby certifies that she is the Secretary of the San Joaquin Tributaries Authority and that the foregoing motion was adopted by the Commission of said Authority at a meeting thereof, duly called and held at Turlock Irrigation District office on February 14, 2022, at which meeting a quorum of the Commission was at all times present and acting.

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Secretary to the COMMISSION OF THE  
SAN JOAQUIN TRIBUTARIES AUTHORITY

**MINUTES OF THE COMMISSION  
OF THE SAN JOAQUIN TRIBUTARIES AUTHORITY**

The Commission of the San Joaquin Tributaries Authority met in regular session on the 8<sup>th</sup> day of November, 2021 at 11:00 a.m., conducted in-person and via Zoom Webinar from Turlock, California.

Attending were the following representatives of the member agencies:

Anson Moran – City and County of San Francisco (Chair-via Zoom)  
Michael Frantz – Turlock Irrigation District (Vice-Chair)  
John Mensinger – Modesto Irrigation District (via Zoom)  
Herman Doornenbal – Oakdale Irrigation District  
Mike Weststeyn – South San Joaquin Irrigation District

**PUBLIC COMMENT**

There was none.

**MOTION APPROVING MINUTES**

Moved by Commissioner Doornenbal, seconded by Commissioner Weststeyn, that the minutes of the regular meeting of August 9, 2021 and the special meeting of October 18, 2021 are approved.

All voted in favor with none opposed. The Chairman declared the motion carried.

**PRESENTATION OF TREASURER'S REPORT**

Treasurer Michael Clipper presented the Statement of Cash Receipts and Disbursements, Revenue and Expenditures Budget Report and Member Cash Call through the end of September, 2021. As of September 1, the San Joaquin Tributaries Authority had funds available in the amount of \$971,387.44. Mr. Clipper reported expenditures of \$106,267.15 for September, leaving cash on hand in the amount of \$865,120.29.

**MOTION ACCEPTING TREASURER'S REPORT**

Moved by Commissioner Weststeyn, seconded by Commissioner Frantz, that the Treasurer's Report through September 30, 2021, is hereby accepted as presented.

All voted in favor with none opposed. The Chairman declared the motion carried.



**RESOLUTION NO. 2021 - 2**

**RESOLUTION APPROVING THE SAN JOAQUIN TRIBUTARIES AUTHORITY  
MEETING SCHEDULE FOR 2022**

WHEREAS, the San Joaquin Tributaries Authority is a Joint Powers Authority under the California Government Code; and

WHEREAS, the legislature adopted additional provisions in the Government Code Section 6592.1 to require all meetings where actions regarding financing actions be held at regularly scheduled meetings of the Authority.

BE IT RESOLVED by the Commission of the San Joaquin Tributaries Authority that the attached regular meeting schedule for 2022 be established.

Moved by Commissioner Doornenbal, seconded by Commissioner Weststeyn, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:	Commissioners Mensinger, Weststeyn, Doornenbal, Frantz, Moran
Noes:	Commissioners - None
Absent:	Commissioners - None

The Chairman declared the resolution adopted.

**STRATEGIC VISIONING UPDATE**

Consultant Jennifer Persike and the SJTA District Managers presented an update on the strategic visioning process. Ms. Persike stated she has worked with the local District General Manager's over the past few months noting excellent engagement by each along the way. The team reviewed challenges of the past and present, while thinking boldly for the future, and all agreed the final Strategic Plan (Plan) needs to represent each agency. Each General Manager then presented different portions of the draft Plan answering questions or concerns from the commissioners. Commissioners expressed concern the proposed Plan lacked the SJTA's objectives and what the vision is for a healthy system in the Central Valley. They felt that in years past, the SJTA focused too much on litigation and now would like to focus on agreed upon projects to show the community we are capable, thriving and not just existing. The commissioners acknowledged the agencies probably won't agree on all future projects but felt this is a good opportunity for member agencies to collaborate on projects that benefit the environment as a whole. Further discussion included the timing of hiring of an Executive Director with the majority of commissioners agreeing they are not yet at that point and may consider the matter in the future.

### **MOTION TO ADJOURN TO CLOSED SESSION**

Moved by Commissioner Frantz, seconded by Commissioner Doornenbal, that the Commission adjourn to closed session:

**A. Conference with Legal Counsel – Existing Litigation**

California Government Code Section 54956.9

San Joaquin Tributaries Authority, et al vs. California State Water Resources Control Board

Tuolumne County Superior Court - Case Number CV62094

Judicial Council Coordinated Proceeding No.5013

- Valerie Kincaid, Legal Counsel
- Art Godwin, General Counsel

**B. Conference with Legal Counsel – Existing Litigation**

California Government Code Section 54956.9

San Joaquin Tributaries Authority vs. California State Water Resources Control Board

Fresno County Superior Court - Case Number 21CECG02632

- Valerie Kincaid, Legal Counsel
- Art Godwin, General Counsel

All voted in favor with none opposed. The Chair declared the motion carried.

### **RECONVENE – OPEN SESSION**

The commission meeting was reconvened at 12:47 p.m. in open session with all officers present as per the previous session.

### **REPORT OF ANY ACTION TAKEN IN CLOSED SESSION**

The Chair announced there was no action taken in closed session.

### **MATTERS TOO LATE FOR THE AGENDA**

There were none.

### **FUTURE MEETING**

The next regular meeting is scheduled for 11 a.m. on February 14, 2022.

### **ADJOURNMENT**

There being no further business, the meeting was duly adjourned by Commissioner Weststeyn, seconded by Commissioner Frantz.

All voted in favor with none opposed. The Chair declared the meeting adjourned.

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Secretary to the Commission

### **MOTION APPROVING TREASURER'S REPORT**

Moved by Commissioner , seconded by Commissioner , that the Treasurer's Report through January 31, 2022, be approved as presented.

The Chairman declared the motion \_\_\_\_\_.

### **CERTIFICATE OF SECRETARY**

The undersigned hereby certifies that she is the Secretary of the San Joaquin Tributaries Authority and that the foregoing motion was adopted by the Commission of said Authority at a meeting thereof, duly called and held at Turlock Irrigation District office on February 14, 2022, at which meeting a quorum of the Commission was at all times present and acting.

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Secretary to the COMMISSION OF THE  
SAN JOAQUIN TRIBUTARIES AUTHORITY



# SAN JOAQUIN TRIBUTARIES AUTHORITY

P.O. Box 949  
Turlock, CA 95381-0949  
(209) 883-8293

## San Joaquin Tributaries Authority Cash Reconciliation

Balance as of 1/1/22: **\$531,127.11**

Receipts for the month:

0.00	Cash Call	
0.00	Miscellaneous - MeID / CCSF	
<u>0.00</u>		\$0.00

Disbursements for the month:

90,468.00	Paris / Kincaid (Pending check)	
<u>0.00</u>	Consultants	
90,468.00		\$90,468.00

Bank Account Balance: **\$531,127.11**

Balance as of 1/31/22: **Total Cash Balance: \$440,659.11**

6 36FDP 3943AX.001 FMCC: 0017091



Account Number  
[REDACTED] Page  
1

### ACCOUNT SUMMARY

ACCOUNT NUMBER	STARTING BALANCE	TOTAL NO	DEBITS AMOUNT	TOTAL NO	CREDITS AMOUNT	TOTAL CHGS	INT PD	NEW BALANCE
[REDACTED]	CHECKING 531,127.11	0	.00	0	.00	.00	.00	531,127.11

### ✓ PUBLIC FUNDS DDA

ACCOUNT	DATE	TRANSACTIONS	DEBITS	CREDITS	BALANCE
[REDACTED]		*** NO ACTIVITY ***			
		Average Daily Balance			531,127.11



## SAN JOAQUIN TRIBUTARIES AUTHORITY

P.O. Box 949  
Turlock, CA 95381-0949  
(209) 883-8293

### San Joaquin Tributaries Authority Comparison of Revenue and Expenditures to Budget Year-to-Date January 2022

	Month of <u>January</u>	2022 <u>YTD Activity</u>	2022 <u>Budget</u>	Budget <u>Variance</u>
<b>Revenue</b>				
2022 Cash Call & prior calls	0.00	0.00	1,375,000.00	(1,375,000.00)
	0.00	0.00	1,375,000.00	(1,375,000.00)
<b>Expenditures</b>				
Administration	0.00	0.00	100,000.00	(100,000.00)
General Legal				
Paris Kincaid	90,468.00	90,468.00	750,000.00	(659,532.00)
Strategic Visioning Plan	0.00	0.00	350,000.00	(350,000.00)
Miscellaneous				
Contingency	0.00	0.00	175,000.00	(175,000.00)
<b>Total Expenditures</b>	90,468.00	90,468.00	1,375,000.00	(1,284,532.00)
<b>Revenue Over Expenditures</b>	(90,468.00)	(90,468.00)	0.00	(90,468.00)

**RESOLUTION NO. 2022 - 2**

**RESOLUTION APPROVING THE  
SAN JOAQUIN TRIBUTARIES AUTHORITY  
2022 FISCAL YEAR BUDGET**

WHEREAS, a proposed budget for fiscal year 2022 totaling \$1,375,000, discounted by a carryover of approximately \$425,000 from 2021, results in cash call of \$190,000 from each member agency for operation of the San Joaquin Tributaries Authority and associated business was presented to the Commission of the San Joaquin Tributaries Authority; and

WHEREAS, the San Joaquin Tributaries Authority recognizes the uncertainty associated with many of the upcoming activities but does not expect the cost to exceed that proposed in the projected budget; and

WHEREAS, the cash call from each member agency of the San Joaquin Tributaries Authority to fund the Authority's share of actions on the San Joaquin River is projected to now be \$190,000 for fiscal year 2022.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the San Joaquin Tributaries Authority that the proposed 2022 fiscal-year budget in the amount of \$1,375,000 is hereby approved, along with a cash call of \$190,000 from each member agency. Payment due date will be January 15, 2022 or an alternate date determined by the Commission.

Moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes:	Commissioners
Noes:	Commissioners
Absent:	Commissioners

The Chairman declared the resolution \_\_\_\_\_.

I, Tami Wallenburg, hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the San Joaquin Tributaries Authority, a California joint powers agency, at a regular meeting of the San Joaquin Tributaries Authority Commission thereof duly called and held at Turlock Irrigation District office on the 14<sup>th</sup> day of February 2022.

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Secretary to the COMMISSION OF THE  
SAN JOAQUIN TRIBUTARIES AUTHORITY

## 2022 Budget

	2022 <u>Budget</u>
<b>Revenue</b>	
2022 Cash Call ()	950,000.00
Carryover	<u>425,000.00</u>
	1,375,000.00
 <b>Expenditures</b>	
Administration	100,000.00
General Legal	
Paris Kincaid	750,000.00
Strategic Visioning Plan	350,000.00
Miscellaneous	
Contingency	175,000.00
 <b>Total Expenditures</b>	 <u>1,375,000.00</u>
<b>Revenue Over Expenditures</b>	0.00





## **Instructions for Participating in SJTA Commission Meeting In-Person, via Zoom Webinar or Phone**

### **In-Person:**

Per the Stanislaus County Health Order, masks are required for any visitor to the District, including those attending Commission Meetings, regardless of vaccination status. Do not attend the meeting if you are not well or are experiencing any of the following symptoms:

- Fever (100.4 F or higher) or chills
- Sore throat
- Cough
- Loss of taste/smell
- Diarrhea
- Nausea or vomiting
- Runny or stuff nose
- Body or muscle aches
- Shortness of breath/difficulty breathing

### **Using your desktop/laptop/iPad or tablet:**

1. To join the webinar, click the link published in the Agenda for the current meeting about five minutes before webinar is scheduled to begin.
2. Follow the on-screen prompts/instructions to install or launch the Zoom application.
3. If prompted, enter the meeting number published in the Agenda.
4. All public attendees will enter the meeting muted.
5. If you wish to speak under the Public Comment Period, click on the "Raise Hand" button to request to speak.
  - a. Wait until your name or other identifying information is called by the Commission Secretary.

### **Using your phone:**

1. To join the meeting by phone, call the number published in the Agenda for the current meeting.
2. Enter the meeting number published in the Agenda, then press the # symbol.
3. All public attendees will enter the meeting muted.
4. If you wish to speak under the Public Comment Period, press \*9 on your phone to "Raise Hand" to request to speak.
  - a. Wait until the last four digits of your phone number is called by the Commission Secretary.

**\*\*If you have problems joining the webinar, please contact TID's Information Technology Support Staff at 209.883.8411\*\***