



**SPECIAL 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, July 11, 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 public have the opportunity to participate in person or via webinar. Please see the attached Addendum with instructions on how to join the Commission meeting via Zoom or phone.

**Webinar:** Members of the public may participate in the meeting by utilizing Zoom's webinar feature or through a phone number, both of which are provided below. 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: 923 6448 4351

**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. **Motion Approving Minutes of February 14, 2022 and April 11, 2022**
6. **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
  - D. **Conference with Legal Counsel – Anticipated Litigation**  
California Government Code Section 54956.9  
Anticipated Litigation: two potential cases  
- Art Godwin, General Counsel  
- Valerie Kincaid, Legal Counsel
7. **Reconvene in Open Session – Report of Any Action Taken in Closed Session**
8. **Matters Too Late for the Agenda**
9. **Next Regular SJTA Meeting – August 8, 2022 at 10:00 a.m.**
10. **Motion to Adjourn**

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

The Commission of the San Joaquin Tributaries Authority met in special session on the 14<sup>th</sup> day of February, 2022 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.

**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 Doornenbal, seconded by Commissioner Frantz, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

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

The Chair declared the resolution adopted.

### **MOTION APPOINTING CHAIR**

Moved by Commissioner Doornenbal, seconded by Commissioner Weststeyn, 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 Mensinger, Weststeyn, Doornenbal, Frantz, Moran
Noes:	Commissioners - None
Absent:	Commissioners - None

Chairman Moran declared the motion carried. Commissioner Frantz proceeded as Chair the remainder of the meeting.

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

Moved by Commissioner Moran, seconded by Commissioner Doornenbal, 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 Mensinger, Weststeyn, Doornenbal, Moran, Frantz
Noes:	Commissioners - None
Absent:	Commissioners - None

The Chairman declared the motion carried.

### **MOTION APPROVING MINUTES**

Moved by Commissioner Doornenbal, seconded by Commissioner Moran, that the minutes of the meeting of November 8, 2021 be 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 January 2022. As of January 1, the San Joaquin Tributaries Authority had funds available in the amount of \$531,127.11. Mr. Clipper reported expenditures of \$90,468.00 for January leaving cash on hand in the amount of \$440,659.11.

### **MOTION ACCEPTING TREASURER'S REPORT**

Moved by Commissioner Weststeyn, seconded by Commissioner Doornenbal, that the Treasurer's Report through January 30, 2022, is hereby accepted as presented.

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

### **UPDATE ON STRATEGIC VISIONING AND EARLY PROJECT DEVELOPMENT**

SSJID General Manager Peter Rietkerk presented an update on the creation of the Strategic Visioning Plan and recent discussions regarding potential joint water projects. He stated the five agency general managers met several times to develop strategy on what the Authority would desire to do jointly, looking at different projects the agencies can agree on, available resources and potential funding. Though no final decisions were made on potential projects, there was a lot of good discussion in determining how best to move forward.

Commissioner Doornenbal stated OID has discussed regional partnerships noting interest from out-of-district agencies to receive water. He noted understanding in the time it takes to move forward but encouraged a joint continued effort among all member agencies. Mr. Rietkerk agreed stating the District Managers are on board with broader regional advocacy though it may be difficult to get all five boards into one plan as there are a lot of "nuts and bolts" to work through while also deciding which project to do first.

Commission Chair Moran felt encouraged by the progress made stating "we are moving in a good direction." He recommended waiting to make a decision until there is a preliminary project list created along with adopting a vision to share with the public. He also desired projects that address the environmental fisheries.

Commissioner Frantz agreed a list of preliminary projects would be helpful while also expressing concerns the Authority may be holding the District Manager's back due to the quarterly meeting schedule. Mr. Rietkerk responded they were looking for long term direction from the Commissioners while also trying to create latitude in the budget.

TID General Manager Michelle Reimers commented the District Manager's reviewed several potential projects in their discussions, moving through different formation structures, which projects work best and making sure they are strong and sound.

## **DISCUSSION REGARDING PROPOSED 2022 FISCAL YEAR BUDGET**

SFPUC Deputy General Manager Michael Carlin reviewed the proposed budget for 2022 noting it does reflect what was presented previously with mutual agreements going forward and a potential project list being created. The proposed budget includes a \$190,000 Cash Call per member agency and includes \$100,000 in contingency which can be moved around. Commissioner Mensinger questioned the contingency and strategic planning monies allocated in the proposed budget with Mr. Carlin clarifying contingency money is a reserve that cannot be spent until approved by the Authority, and monies allocated for strategic planning purposes could cover feasibility studies for potential projects. Commissioners Doornenbal and Mensinger expressed concern over the carryover of \$400,000 in this year's proposed budget which although good to have carryover, makes it difficult to plan future budgets. Legal Counsel Valerie Kincaid stated she would give an update on all legal items during the closed session portion noting the Bay Delta issue continues to be a challenge. Mr. Carlin stated they could come back to realign the budget if needed. Commissioner Weststeyn stated he was comfortable with that and Commissioner Moran concurred noting no one likes carryovers but sometimes it is needed. Hearing no further comments, the Authority took the following action:

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

Upon roll call the following vote was had:

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

The Chairman declared the resolution adopted.

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

Moved by Commissioner Weststeyn, 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

**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

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

### **RECONVENE – OPEN SESSION**

The commission meeting was reconvened at 12:24 p.m. in open session with all officers present as per the previous session.

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

The Chairman announced no reportable action was taken in closed session.



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

OID Director Tom Orvis announced from the audience there will be a March 17 Ag Luncheon with State Water Resources Control Board member DeeDee D'Adamo as the speaker. The event will take place at the Oakdale Community Center at 11 a.m.

### **FUTURE MEETING**

The next regular meeting is scheduled for May 9, 2022.

### **ADJOURNMENT**

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

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

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Secretary to the Commission

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

The Commission of the San Joaquin Tributaries Authority met in special session on the 11<sup>th</sup> day of April, 2022 at 2:00 p.m., conducted in-person and via Zoom Webinar from Turlock, California.

Attending were the following representatives of the member agencies:

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

### **PUBLIC COMMENT**

There was none.

### **DISCUSSION ON APPROACHES FOR CONDUCTING A FEASIBILITY STUDY REGARDING POTENTIAL FUTURE WATER PROJECTS**

Commissioner Frantz (Chair) opened the discussion stating the purpose of today's special meeting is to get a consensus on working together as a region by staying strongly united on areas agreed upon for future projects while also understanding the individual needs of each member agency. Commissioner Orvis agreed stating there is a lot of knowledge within the member agencies and supports collaboration on increasing storage by possibly creating interconnections. Commissioner Weststeyn stated there are a lot of big issues impacting water agencies today and agreed the Authority needs to stick together as a united front for the main goals noting today's dialogue is a good beginning to discuss modeling and different technical aspects of potential projects. Commissioner Moran concurred stating he is encouraged by today's meeting topic as there is clear benefit on all sides by tying the two watersheds together noting what began as a narrow view is expanding.

TID General Manager Michelle Reimers appreciated the positive comments made by the commissioners and sought direction on three potential projects. She noted two options would need a feasibility study and permits if related to interconnection and agency boards can determine value to their specific needs. She noted some agencies have expressed interest in conducting all three projects at the same time while others prefer they be staggered. Ms. Reimers also noted staff has been contacted by congressional representatives stating monies are available for use on projects.

SFPUC Deputy General Manager Michael Carlin thanked commissioners for holding today's meeting noting water agencies are at a crossroads and working together in a long term relationship is more about regional resilience while creating a voice to tell the state we know what

we are doing and making it better. He stated it is vital to be partners on the Tuolumne River during extreme drought periods and appreciates any direction the Authority can provide to flush out any issues that may arise while determining who supports the concept of collaborative projects and who does not.

OID General Manager Steve Knell stated he is looking at this from a historical perspective after VAMP was created in 1998. From that period, the San Joaquin River Group Authority was formed which evolved into today's San Joaquin Tributaries Authority noting there weren't a lot of fishery studies done prior to that time and the JPAs were the first to bring predation to the table. He stated that in 2007, OID conducted a study on the Main Canal which ultimately allowed the District to build a lot of infrastructure resulting in having more water than could be stored, leading to the agreement with the Modesto Irrigation District to place 300 cfs into their canal system.

Commission members and agency staff discussed the pros and cons of creating a memorandum of understanding vs. action plan with the District Manager's recommending direction from the Authority before proceeding. Commission members also discussed the potential need for additional funding from each member agency once projects have been decided on and costs have been determined. Commissioner Weststeyn recommended choosing a couple of projects with estimated costs to take back to their full agency boards for input. MID Board Member Larry Byrd thanked the Commissioners for thinking outside of the box stating "we have power in unison" and agreed that information needs to be provided to the full agency boards for discussion and transparency. Legal Counsel Ronda Lucas recommended a consistent message goes out to the public by posting information on agency websites once they are at that point. SSJID Board Member Glen Spyksma emphasized "time is of the essence before the state or feds figure out how to take more of our water" with many regulations already in place. He also encouraged transparency with the public and feedback from full agency boards including a clear plan and true costs. After further discussion the group decided on the creation of a White Paper so the message is the same to all five member agency boards. Commission members reviewed their agency meeting schedules and felt there would not be enough time for the creation of the White Paper and discussions with full boards before the next scheduled commission meeting on May 9<sup>th</sup>. Commission Secretary Tami Wallenburg stated the regular meeting could be canceled with a special meeting scheduled at a later time if needed. Commission Chair Michael Frantz thanked everyone for accommodating the special meeting and participating in open and candid conversations.

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

There were none.

### **FUTURE MEETING**

The next regular meeting is scheduled for 11:00 a.m. on May 9, 2022.

### **ADJOURNMENT**

There being no further business, the meeting was duly adjourned by Commission Chair Michael Frantz.

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Secretary to the Commission



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

**In-Person:**

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\*\***