

**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 Board Member 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.

*Tami Wallenburg*  
Secretary to the Commission