

**MINUTES FOR THE DECEMBER 15, 2020
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

The Board of Directors of the South San Joaquin Irrigation District met in person in regular session in the District Boardroom at 9:00 a.m., with public access provided via the online Zoom meeting platform. Director Kamper called the meeting to order and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS: HOLBROOK HOLMES KAMPER WESTSTEYN (via Zoom)
ABSENT: ROOS

Also present were General Manager, Peter M. Rietkerk; General Counsel, Mia Brown; Engineering Department Manager, Forrest Killingsworth; and SSJID Clerk of the Board, Danielle Barney.

Public Comment – None

CONSENT CALENDAR

A. Approval of Checks in the amount of \$919,335.57; Accounts Payable Wires in the amount of \$797,239.84; and Payroll dated November 20, 2020 in the amount of \$239,221.25, November 30, 2020 in the amount of \$5,304.43, December 4, 2020 in the amount of \$243,976.96, and December 10, 2020 in the amount of \$11,285.81.

B. Approval of the Regular Board Meeting Minutes of November 17, 2020

Director Holbrook noted a correction be made to page 2, paragraph 1:

- “Director Holbrook participated in the Agape Villages Golf Tournament on October 30.”
Corrected from reading November 30.

Director Kamper commented on page 1, Consent Calendar, Item A, stating that the amounts listed for SSJID payments did not tally up, at first glance. Ms. Danielle Barney, SSJID Executive Assistant/Clerk of the Board, will verify figures with the Finance Department and revise the minutes as needed.

C. Consider Approval of Amendment to Irrigation Services Abandonment Agreement for APN 245-200-02

D. Consider Approval of Quitclaim and Agreement to Transfer Irrigation Facilities to Van Groningen and Sons, Inc., for a Portion of Lateral R200dd

E. Consider Approval of a South San Joaquin Irrigation District Letter of Support for the North San Joaquin Water Conservation District’s Proposition 68 Sustainable Groundwater Management Act (SGMA) Grant

F. Consider Approval of Consent to South San Joaquin Irrigation District’s Entry of Property to Read and to Maintain Flow Meter, APN 228-090-06

G. Consider Approval of Consent to South San Joaquin Irrigation District’s Entry of Property to Read and to Maintain Flow Meter, APN 208-060-32

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- H. Consider Approval of Consent to South San Joaquin Irrigation District’s Entry of Property to Read and to Maintain Flow Meter, APN 249-180-07
- I. Consider Approval of Consent to South San Joaquin Irrigation District’s Entry of Property to Read and to Maintain Flow Meter, APN 226-110-24
- J. Consider Approval to Accept and File Notice of Completion for ADT Security (formerly Acme Security) for the Water Treatment Plant’s Door Access Control System Replacement Project
- K. Consider Approval of Annual Renewal of the South San Joaquin Irrigation District Investment Policy
- L. October 2020 Financial Statements
- M. October 2020 Investment Report

MOTION: A motion was made by Director Holmes and seconded by Director Holbrook to approve the Consent Calendar as amended.

The motion passed 4 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	ROOS

COMMUNICATIONS

Item #1 – Directors’ Reports

Director Weststeyn attended the Greater San Joaquin County (SJC) Integrated Regional Water Management (IRWM) Coordinating Committee (GSJC IRWMCC) meeting on November 18, via remote access from the District Office.

Director Weststeyn attended the SSJID Board Governance Ad Hoc meeting on December 2. Topic discussion was review of the draft SSJID Board Guidelines document.

Director and Mrs. Weststeyn attended the annual Tri-Dam Project Board of Directors lunch on December 3. He opined it was a good event and a nice day spent.

Director Weststeyn attended a San Joaquin Farm Bureau virtual meeting on December 8. A representative from the United States Bureau of Reclamation discussed the current water situation in California, and the projected 1.1 million agricultural acres out of production in order to meet state-mandated SGMA requirements. An estimated 500,000 agricultural acres would be out of production upon completion of required SGMA-related projects. The projected figures signify a loss of jobs, production, and revenue for the farming community.

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Director Weststeyn stated that he wished he could attend today's Board meeting in person, but he and his family are responsibly self-quarantining due to close contact tracing of COVID-19. He added that all are healthy and doing well.

Director Weststeyn wished all a Merry Christmas and a Happy New Year.

Director Holbrook announced the cancellation of the SJC Advisory Water Commission meeting on December 16.

Director Holbrook attended the GSJC IRWMCC meeting on November 18, via remote access from the District Office. He stated the virtual meeting went well and discussion included the allocation of \$6.5 million in State grant funds among projects in San Joaquin County. He added that the SJC Integrated Regional Water Management Plan (IRWMP) has been updated and will need to be approved by resolution of the GSJC IRWMCC members' respective councils or boards. Mr. Brandon Nakagawa, SSJID Water Resources Coordinator, will place the item on the agenda for a SSJID Board meeting in January 2021.

Director Holbrook attended the virtual Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA) annual board meeting on November 30. Discussion included insurance items for 2020, California investment funds, and general business.

Director Holbrook attended the SSJID Board Governance Ad Hoc meeting on December 2 for review and discussion of the draft SSJID Board Guidelines.

Director and Mrs. Holbrook attended the Tri-Dam Project Board of Directors lunch on December 3.

Director Holbrook participated in the California Special District Association 2-day virtual workshop, titled "Governance Foundations," on December 8 and 9, 9:00 a.m. to 12:00 p.m., via remote access from the District Office.

Director Holmes attended the SSJID Finance Committee meeting on December 4. The topic of discussion was review of the SSJID 2021 proposed budget. Director Holmes thanked District staff for their diligent work on the annual budget and added that the Board Finance Committee recommends approval of the proposed budget, which will be presented as an action item in today's board meeting.

Director Holmes expressed thanks to "each and every SSJID employee" for their continuous efforts and service to the District. He wished all a merry, happy, and safe Christmas and a bright new year.

Director Holmes expressed thanks for receipt of the SSJID employee jacket.

Item #2 – Various Reports

In adherence to the District's new Board meeting protocols due to COVID-19, the Managers' Reports were provided in written form to the Board on December 14, 2020.

Director Holmes addressed Mr. Ed Erisman, Water Treatment Plant (WTP) Manager, on the status of construction to modify the roof at the Tracy Booster Plant. Mr. Erisman responded, via the online Zoom

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meeting platform, that an initial delay regarding delivery issues of the skylights has been resolved. Currently, staff is addressing permit issues with the City of Lathrop.

Mr. Peter Rietkerk, SSJID General Manager, noted that the Water Supply Update figures listed in the General Manager's (GM) Report are current, as of December 14, following the significant rain event over the weekend. Early predictions show low precipitation for the upcoming hydrology season.

Mr. Rietkerk mentioned an article titled, "Ocean Harvest of Central Valley Chinook Salmon: A Threat to Viability of California's Wild Salmon," by Bradley Cavallo with Cramer Fish Sciences, which illustrates the significant impacts California's ocean harvest is having on Central Valley Salmon stocks. A copy of the article was included in the GM Report dated December 14.

Mr. Rietkerk attended the Agricultural Energy Consumers Association (AECA) Board Meeting on December 9 via the online Zoom meeting platform. Discussion included Pacific Gas & Electric (PG&E) rates; PG&E's intent to boost agricultural rates by 7% by 2022 and 13% by 2025; and vehicle and building electrification goals by 2035 including the push to discontinue production of combustible engine vehicles and the ban of the sale/purchase/installation of gas appliances.

Mr. Rietkerk wished the Board and SSJID employees a Merry Christmas and Happy New Year. He thanked the Directors for their leadership and support of staff through the COVID-19 situation, and District projects, and looks forward to a continued relationship with the Board of Directors.

ACTION CALENDAR

Item #3 – Coronavirus (COVID-19) Update

Mr. Nakagawa addressed the Board via the online Zoom meeting platform and reported that the California Department of Public Health announced a Regional Stay Home Order on December 3, which goes into effect after a region has been announced to have less than 15% ICU availability. Daily reports indicate that San Joaquin County is at 107% of ICU bed capacity at area hospitals. Effective November 30, California Division of Occupational Safety and Health (Cal/OSHA) adopted new emergency regulations for employers regarding COVID-19 protocols, reporting, testing, and prevention. Employers are required to develop a COVID-19 Prevention Program (CPP), and update their Illness and Injury Prevention Program (IIPP). Staff has updated the SSJID IIPP, and developed a CPP for internal use.

Director Roos joined the meeting at 9:40 a.m.

Mr. Rietkerk stated that the Families First Coronavirus Response Act (FFCRA) is set to expire on January 1, 2021, at which time employee coronavirus leave would expire. Staff is discussing employee leave options in the event that Congress does not pass an extension of the FFCRA. Mr. Rietkerk added that further discussion will be held in Closed Session.

Item #4 – Consider Approval of Second Amendment to Communications Site Lease Agreement with MetroPCS

Mr. Forrest Killingsworth, SSJID Engineering Department Manager, addressed the Board regarding a proposed amendment to the Communications Site Lease Agreement with MetroPCS for the installation

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of a backup generator at the tower site located north of Lathrop Road between Union Road and Highway 99. He described the SSJID-owned parcel and radio tower that supports the SSJID SCADA and communications network, and the third parties permitted to utilize the tower for similar purposes including MetroPCS and the City of Manteca.

Mr. Killingsworth provided background of the agreement with MetroPCS, dated January 15, 2008, to construct the tower, at their expense, in exchange for 5-years free rent for their facilities; and allowance of four (4) 5-year extensions of the agreement. Currently, the agreement is in its third term which expires in March 2024 with rent amounting to \$1,587 per month. MetroPCS has requested to install a backup power generator for their T-Mobile network within the District's property, and has offered to increase their rent payment by \$400 per month for utilization of the extra space. In addition, Mr. Killingsworth provided details of the additional District property to be utilized by MetroPCS for their generator and explained the methodology in establishing the proposed \$400 rent increase.

Discussion included liability in the event of a diesel spill from the proposed new generator, and the review and revision of the proposed agreement to include language pertaining to "containment" and proper indemnification related to diesel storage.

Staff is recommending Board approval of the second amendment to the Communication Site Lease Agreement with MetroPCS.

MOTION: A motion was made by Director Holbrook and seconded by Director Weststeyn to approve the Second Amendment to Communication Site Lease Agreement with MetroPCS for the installation of a backup power generator, including a rent increase amounting to \$400 per month and subject to all existing terms of the current Agreement.

The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER ROOS WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

Item #5 – Consider Approval of Temporary Encroachment Area and Area of Common Use Agreement for the Schell Road Bridge Replacement Project with Stanislaus County

Mr. Killingsworth addressed the Board regarding Stanislaus County's Schell Road Bridge Replacement project. He provided details of the bridge location within the County right-of-way which overlaps a 100 foot-wide District easement; the improvement plans; impacts of construction to the District; and terms of the Temporary Encroachment Area and Area of Common Use Agreement (Agreement). Staff drafted the initial version of the Agreement and provided it to the County for review. County and District staff have agreed to the terms of the Agreement, which is scheduled to be considered by the County Board of Supervisors on December 15. The anticipated project completion date is February 8, 2021.

Staff is recommending the Board's conditional approval of the improvement plans and associated drawings/exhibits; and Temporary Encroachment Area and Area of Common Use Agreement for the Stanislaus County's Schell Road Bridge Replacement Project.

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MOTION: A motion was made by Director Holbrook and seconded by Director Holmes to approve the improvement plans and associated drawings/exhibits; and Temporary Encroachment Area and Area of Common Use Agreement for the Stanislaus County's Schell Road Bridge Replacement Project.

The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER ROOS WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

Item #6 – Consider Approval of South San Joaquin Irrigation District Retainer Contracts with Marcia Herrmann Design

Ms. Troylene Saylor, SSJID Public Relations Director, addressed the Board via the online Zoom meeting platform regarding the advertising and marketing agreements with Marcia Herrmann Design (MHD) for the remainder of 2020 through September 30, 2021. She provided background of the District using MHD services for advertising, social media, and marketing since 2017 when MHD merged with Martino Design (Martino); as well as prior history with Martino, dating back to 2012, for these services which also included work on SSJID's retail electric Local Agency Formation Commission (LAFCo) hearing.

Ms. Saylor explained that the former professional services agreement with Martino, approved in 2015, has expired and MHD has been operating on an informal month-to-month agreement under the same terms and conditions with no increase to SSJID's monthly retainer fee. She provided a breakdown of the average hours of labor per month performed by MHD including messaging, slogans, graphic design, and advertising for SSJID and the Powered by Purpose campaign. The fiscal impacts for proposed professional services agreements with MHD are as follows:

1. SSJID General - \$6,500 per month (35 hours per month) = \$78,000 total agreement expenditure; and
2. SSJID Powered by Purpose - \$2,350 per month (14 hours per month) = \$28,200 total agreement expenditure

Each contract gives both SSJID and MHD the right to cancel the agreement following written notice provided 30 days in advance.

Discussion among the Board included placing the marketing/advertising services contract out to bid; current social media presence and opinions; utilizing other social media platforms to broaden SSJID's exposure; the separate SSJID and Powered by Purpose websites; conducting a marketing analysis to optimize and improve results of SSJID's target audience; and continuing on the informal month-to-month agreement as an alternative to the proposed contracts.

Mr. Rietkerk acknowledged the Board's concerns and stated he is advocating staff's recommendation to approve the retainer contracts with MHD due to urgent matters the agency is working on under the existing arrangement. He concurred with the need for an analysis of the current marketing results and will provide metrics to the Board at a future meeting. In addition, staff will place the

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marketing/advertising services contract out for bid before the MHD contract expires on September 30, 2021.

MOTION: A motion was made by Director Holbrook and seconded by Director Holmes to approve the 2020-2021 District retainer contracts with Marcia Herrmann Design.

The motion passed 4 to 1 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER ROOS
NOES:	WESTSTEYN
ABSTAIN:	NONE
ABSENT:	NONE

Item #7 – Consider Approval of South San Joaquin Irrigation District Board Member Orientation Manual

Mr. Rietkerk addressed the Board regarding the proposed Board Member Orientation Manual (Manual), which was developed to: 1) Memorialize the board actions, processes, and traits that the SSJID Board believes are essential to the long-term success of the District; and 2) Instill and promote good governance through proper orientation and ongoing training of board members. He added that the current SSJID Board of Directors is exemplary and the Manual will be guidance for future board members for years to come.

On December 2, the draft Manual was reviewed by the Board Governance Ad Hoc Committee, which included Director Holbrook and Director Weststeyn. Mr. Rietkerk also provided background of Board approval on September 22, of the Board Governance Policy, which was the first in this set of two documents intended to fulfil the board governance goal.

Discussion among the Board included thanking staff for their time and contributions in developing the Manual, the helpfulness of the document to provide guidelines and an overview of Board/Staff responsibilities, and how the concept for a board manual originated as an SSJID Strategic Plan Project. Mr. Rietkerk acknowledged Ms. Barney for her contributions of content and formatting of the document, and Mr. Bere Lindley, SSJID Assistant General Manager, and Ms. Mia Brown, SSJID General Counsel, for their content review and legal expertise.

MOTION: A motion was made by Director Holmes and seconded by Director Weststeyn to approve the proposed Board Member Orientation Manual.

The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER ROOS WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

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Item #8 – Consider Approval of the South San Joaquin Groundwater Sustainability Agency Proposed 2021 Budget

Mr. Nakagawa addressed the Board regarding approval of the proposed South San Joaquin Groundwater Sustainability Agency (SSJGSA) budget for 2021. He explained that the SSJGSA Board met on October 21, and received a final accounting of SSJGSA expenses from 2018, 2019, and through September 2020. The SSJGSA agreed-upon member cost allocation is as follows: SSJID – 85%, Ripon – 10%, and Escalon – 5%. In addition, the SSJGSA has established its own checking account to pay bills directly. Mr. Nakagawa also explained that, going forward, the member agencies will be billed in-arrears on a quarterly basis, and SSJID would be reimbursed for its staff time.

Director Holmes inquired if the SSJGSA invoice payable to the Eastern San Joaquin Groundwater Authority (ESJGWA), in the amount of \$16,000 for the 2021 membership dues to the ESJGWA, has been paid. Mr. Nakagawa will research and provide Director Holmes with an answer. There was an additional Board inquiry regarding a projection of a 5-year plan of SSJGSA expenditures, to which Mr. Nakagawa responded that there will be expenses including, but not limited to, planning, regulating, monitoring, and fees for SGMA-related requirements.

MOTION: A motion was made by Director Holbrook and seconded by Director Roos to approve the proposed 2021 budget for the South San Joaquin Groundwater Sustainability Agency.

The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER ROOS WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

Item #9 – Consider Approval of the South San Joaquin Irrigation District 5-Year Plan of Major Expenditures for January 2021 – December 2025

Ms. Sarah Bloom, SSJID Management Accountant, addressed the Board and stated that the SSJID 5-Year Plan of Major Expenditures for January 2021 – December 2025 has been reviewed by the Finance Committee and staff is seeking the Board’s formal adoption of the Plan. She explained that the 5-Year Plan provides context to the annual Capital Budget allowing staff and the Board to properly plan large projects. Ms. Bloom emphasized that the Plan is to be used as a guide, and does not grant approval for projects presented in this agenda Item #9, Attachment A. Staff and the Board may decide to alter the Plan during the mid-year update and/or at the next annual adoption.

Ms. Bloom discussed changes that occurred to the Plan, since the last update in June 2020, which included the Water Master Plan Environmental Impact Review; the Division 9 Pump; vehicle replacements to the SSJID Fleet; the Robert O. Schulz Solar Farm; and the Water Treatment Plant’s new drying beds. There was inquiry from the Board regarding a 2020 budgeted Deep Well project, to which Mr. Killingsworth responded that an initial investigation for the installation and design of the Deep Well project estimated costs to exceed \$700,000 prompting staff to consider an alternate solution (i.e., Bypass Project).

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Ms. Bloom extended thanks to the entire SSJID budgeting team for their efforts and contributions to the Plan. Director Holbrook acknowledged staff on a job well done, and commended Ms. Bloom on her presentation.

MOTION: A motion was made by Director Holmes and seconded by Director Holbrook to adopt the South San Joaquin Irrigation District 5-Year Plan of Major Expenditures for January 2021 – December 2025.

The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER ROOS WESTSTEYN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

Item #10 – Consider Approval of the South San Joaquin Irrigation District Proposed 2021 Budget

Mr. Lindley addressed the Board regarding the proposed SSJID 2021 budget and options for today’s Board action including adoption of the budget as presented, adoption of the budget with changes, or revision and adoption at the next Board meeting. The proposed budget was reviewed by the Board Finance Committee on December 4. Mr. Lindley acknowledged staff on their contributions to the annual budget; and commended Ms. Bloom on her work and commitment to the SSJID Capital Budget, the 5-Year Plan of Major Expenditures for January 2021, the income and expense budget, and the WTP budget.

Mr. Lindley explained that the proposed budget yields a positive net income, and a substantial positive cash flow before capital expenditures. He also provided summary explanations of the Consolidated Income Statement; the Income Statement by Lines of Business including losses from the Solar Farm, treated water sales, and other water sales; raw water rates; projected cash flows; and debt service coverage.

Ms. Bloom presented the proposed WTP budget which was previously provided to the WTP Operations Committee on November 2. Ms. Bloom explained that staff has made some changes to the budget since November 2. She also noted changes to the Capital Budget for the Water Treatment Plant, which were not listed on Attachment A – Capital Expenditures, including a backup power supply at the WTP, a backup generator at the L1 site, and replacement irrigation and landscaping at the WTP. Mr. Lindley stated that the revised budget will be presented to the Operations Committee on January 11, 2021.

Director Holmes thanked all for the diligent work, and detailed attention given to the SSJID 2021 budget. He noted the projected decrease in 2021 revenue from Tri-Dam presented staff with a significant challenge in planning expenses.

MOTION: A motion was made by Director Holmes and seconded by Director Weststeyn to approve the South San Joaquin Irrigation District Proposed 2021 Budget.

The motion passed 5 to 0 by the following vote:

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AYES: HOLBROOK HOLMES KAMPER ROOS WESTSTEYN
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

It was announced that all items in closed session would be discussed. The Board took a break at 11:50 a.m. and convened to closed session at 12:00 p.m.

Item #11 – CLOSED SESSION

11. a. Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9
- 4 cases
- b. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Section 54956.9
- 2 cases
- c. Conference with Legal Counsel – Existing Litigation
Paragraph (1) of subdivision (d) of Government Code Section 54956.9
- 8 cases

SAN JOAQUIN TRIBUTARIES AUTHORITY, et al., vs. CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

County of Sacramento Superior Court
Case No. JCCP 5013

SSJID vs. PG&E

Appeal from Judgment of Dismissal Pending:
In the Court of Appeal for the State of California, Third Appellate District
Case No. C086319
Superior Court for San Joaquin County
Case No. STK-CV-UED-2016-0006638

PG&E vs. San Joaquin LAFCo; SSJID, Real Party in Interest

In the Court of Appeal for the State of California, Third Appellate District
Case No. C086008
Superior Court for San Joaquin County
Case No. STK-CV-UJR-2015-0001266

SSJID vs. Lakeview Ranch Partners

Superior Court for Stanislaus County
Case No. 2028441

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Tri-Dam et al vs. Linda Santos
Superior Court of Stanislaus County
Case No. CV-20-002349

Tri-Dam et al vs. MWH Americas, Inc., et al
Tuolumne County Superior Court
Case No. CV-61638

California Sportfishing Protection Alliance v. Eastern San Joaquin Groundwater Authority et al.
Superior Court of Stanislaus County
Case No. CV-20-001720

IBEW Local 1245 v. SSJID
Case No. SA-CE-1122-M

- d. Conference with Real Property Negotiator
California Government Code Section 54656.8
Property: Water
Negotiating Parties: San Luis and Delta Mendota Water Authority, other potential parties unknown
District Negotiator: General Manager
Terms: Price and terms of payment of sale

- e. Public Employee Discipline/Dismissal/Release
California Government Code Section 54954.5(e)

The Board reconvened to open session at 1:40 p.m.

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 #12 – ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 1:41 p.m.

ATTEST:

Danielle Barney, Clerk of the Board