

THE REGULAR MEETING OF THE BOARD OF DIRECTORS
OF STOCKTON EAST WATER DISTRICT WAS HELD AT THE DISTRICT OFFICE
6767 EAST MAIN STREET, STOCKTON, CA
ON TUESDAY, OCTOBER 4, 2022 AT 12:30 P.M.

A. PLEDGE OF ALLEGIANCE AND ROLL CALL

President Watkins called the regular meeting to order at 12:30 p.m., and Manager Hopkins led the Pledge of Allegiance.

Present at roll call at the District were Directors McGaughey, McGurk, Panizza and Watkins. Also present were Manager Hopkins, Assistant Manager Vega, District Engineer Evensen, Finance Director Ram, Administrative Services Manager Carido, Administrative Clerk Feliciano, Legal Counsel Zolezzi and Consultant Barkett. Directors Atkins, Cortopassi and Sanguinetti were absent.

B. CONSENT CALENDAR (None)

A. PUBLIC COMMENT (None)

B. SCHEDULED PRESENTATIONS AND AGENDA ITEMS

1. Action Item: Stockton East Water District Board of Directors Reconsidered the Circumstances of the State of Emergency and Determine that
 - (i) The State of Emergency continues to directly impact the ability of the members to meet safely in person and/or
 - (ii) State or Local Officials continue to impose or recommend measures to promote social distancing.

A motion was moved and seconded to approve the Action Item: Stockton East Water District Board of Directors Reconsidered the Circumstances of the State of Emergency and Determine that (i) The State of Emergency continues to directly impact the ability of the members to meet safely in person and/or (ii) State or Local Officials continue to impose or recommend measures to promote social distancing, as presented.

Roll Call:

Ayes: McGaughey, McGurk, Panizza, Watkins

Nayes: None

Abstain: None

Absent: Atkins, Cortopassi, Sanguinetti

2. Minutes 09/27/22 Regular Meeting

A motion was moved and seconded to approve the September 27, 2022 Regular Board Meeting Minutes, as presented.

Roll Call:

Ayes: McGaughey, McGurk, Panizza, Watkins

Nayes: None

Abstain: None

Absent: Atkins, Cortopassi, Sanguinetti

3. Warrants – California Public Employees’ Retirement System

A motion was moved and seconded to approve the October 4, 2022 Warrants – California Public Employees’ Retirement System, as presented.

Roll Call:

Ayes: McGaughey, McGurk, Panizza, Watkins

Nays: None

Abstain: None

Absent: Atkins, Cortopassi, Sanguinetti

4. United States Army Corps of Engineers – Memorandum of Agreement Section 214, 10/04/22
Manager Hopkins provided the Board with a Board Memo for a United States Army Corps of Engineers – Memorandum of Agreement Section 214. Manager Hopkins reported the District has several projects in waterways under the jurisdiction of the United States Army Corps of Engineers (USACE) through the Central Valley Flood Protection Board which require Section 408 permitting. Manager Hopkins stated the District is having a difficult time getting USACE to produce any work in regards to the obtaining the necessary approvals and permits for project construction to begin. Manager Hopkins reported the District has eight projects that require USACE Section 408 permits, of which four projects are fully grant funded by the Department of Water Resources (DWR). Manager Hopkins reported District Staff has repeatedly appealed to the USACE to speed up approvals, and also with the help of Consultant Barkett, reached out to Congressman McNerney and Representative Harder to inquire if their support would help; all attempts have been unsuccessful. Manager Hopkins reported the USACE provides an option to enter into a Memorandum of Agreement Section 214 which provides permit review funding for specific projects; these projects receive the highest priority and continue to be reviewed when federal funding is not available. Manager Hopkins reported under District Staff’s proposal, an estimated \$100,000 would be set aside for payment of USACE review time for the four projects currently funded by a DWR grant. Manager Hopkins inquired if the Board is in support of Manager Hopkins providing Legal Counsel Zolezzi a USACE Memorandum of Agreement for review; upon approval of the draft Memorandum of Agreement by the USACE, District Staff will present the Memorandum of Agreement to the Board for approval.

Legal Counsel Zolezzi inquired if the \$100,000 covers all of the projects presented. Manager Hopkins replied the \$100,000 is an estimated cost for the four grant funded projects; the process requires we draft an agreement for Stockton East Water District and USACE estimates the cost per project.

Director McGurk inquired if the USACE will provide the District with an itemized receipt. Legal Counsel Zolezzi replied yes, however it will not be detailed. Director McGurk inquired if Manager Hopkins has the request for the Section 214 Agreement in writing for legitimacy reasons. District Engineer Evensen replied other entities have entered into Section 214 Agreements and unfortunately it is the only option to speed up the permitting process in order to execute projects. President Watkins inquired if this is the same issue the DREAM Project is facing. Manager Hopkins replied yes, it is the same issue.

Consultant Barkett commented the USACE budgets a certain amount for reviewing Section 408 permits and once that amount is expended they stop; spending the money per an agreement ensures the District will have staff working on our projects. Consultant Barkett reported he worked on a project with SJAFCA and it took 8 years to get the Section 408 permit completed; SJAFCA was presented with the option to enter into a Memorandum of Agreement to complete the project.

President Watkins inquired if the District is in danger of losing grant funding. Manager Hopkins replied he is in communication with DWR about the possibility of extending the funding deadline. Manager Hopkins explained the Hosie Low Water Crossing was planned to be completed last summer and the funding was awarded almost two years ago.

President Watkins stated the USACE Memorandum of Agreement Section 214 should be drafted for the four grant funded projects for now and should the Board decide to use the same process again for the other District projects, another Memorandum of Agreement could be drafted.

Manager Hopkins reported the USACE Memorandum of Agreement Section 214 will be drafted to only include the four grant funded projects and once it has been reviewed by Legal Counsel and the USACE, it will return to the Board for approval.

E. COMMITTEE REPORTS

1. San Joaquin Farm Bureau Federation Water Committee Meeting, 09/27/22

Directors Sanguinetti, Watkins and Manager Hopkins attended the September 27, 2022 San Joaquin Farm Bureau Federation Water Committee Meeting. Manager Hopkins reported East Bay Municipal Utility District is working on a project to reline one of their aqueduct pipelines from 8 Mile Rd. to Hildreth Lane. Manager Hopkins reported North San Joaquin Water Conservation District is looking for funding to rehabilitate their north pipeline and north pumping plant system; they are also looking to hire a General Manager. Manager Hopkins reported Central and South Delta are still fighting over riparian rights issues with the State. Manager Hopkins stated Oakdale and South San Joaquin Irrigation Districts reported they have water. Manager Hopkins reported a member of the United States Department of Agriculture (USDA) gave an update regarding RCCP funding which will be advertised soon; it will provide funding for groundwater recharge for a watershed level project or program and does not have a monetary matching requirement. President Watkins reported they have \$8 billion of available funding. Director McGurk inquired if individual farmers could apply for grants as well. President Watkins replied the watershed program would be given the funding and then it was unknown how those funds will be distributed. President Watkins added this is the time to get involved in the process because all those factors can be discussed and decided at the ground level. President Watkins stated USDA has already done pilot projects down south. Manager Hopkins reported the San Joaquin County gave a presentation on the 100-year flood zones. President Watkins reported the County identified zones that would require a variance to build but even with the variance, flood insurance is still required. President Watkins reported the County has also been out of compliance for years and they are making moves to get back into compliance. The next scheduled meeting is October 25, 2022.

F. REPORT OF GENERAL MANAGER

1. Water Supply Report as of 09/26/22

Manager Hopkins provided a handout of the Water Supply Report for information only that included storage, release, and production data collected from various sources as of midnight last night.

There is 55,251 AF in storage at New Hogan Reservoir. Current releases are set at 147 cfs. Current release at Goodwin Dam to Stanislaus River are set at 154 cfs and release to all water users are set at 0 cfs. There are 10 irrigators on New Hogan, 0 irrigators on New Melones, and 0 irrigators out of District. The water treatment plant is currently processing 46 mgd. The City of Stockton is currently processing 13 mgd. Manager Hopkins reported the District wells total water extraction is 6,823 gpm (~9.8 mgd).

2. Information Items:

Manager Hopkins noted item: F2a-1, F2a-2, F2a-3 and F2a-4.

3. Report on General Manager Activities

a. Potential Recharge Projects Meeting with Growers, 09/28/22

President Watkins, Manager Hopkins and District Engineer Evensen attended the September 28, 2022 Potential Recharge Projects Meeting with Growers. Manager Hopkins reported three growers attended the meeting; novel recharge methods of reverse tile drain and dry well recharge systems were discussed. Manager Hopkins reported the meeting went well and there is a follow up meeting on Wednesday, October 5, 2022 with one grower to discuss moving forward on a pilot project this fall; the pilot project would allow the District to put storm water to use and see how the system works next year with a crop. This item was for information only.

b. Stockton East Water District Activities Update

Manager Hopkins provided a handout for the Board regarding a letter received on October 3, 2022 from the San Joaquin County Registrar of Voters (ROV). Manager Hopkins reported the ROV disclosed an error on the ballot which excludes the two Board Directors that are being contested this election. Manager Hopkins reported the ROV approach to correct the issue is to send out a supplemental ballot for all the voters voting for Stockton East Water District candidates which will be submitted along with the original ballots. Manager Hopkins added the supplemental ballots will be counted separately. Director Panizza inquired if the voters will have instruction on the process. Manager Hopkins replied the ROV ensured that voters will be instructed to not discard their original ballots and to complete and submit both the original and supplemental ballots; the supplemental ballot will be submitted in a yellow envelope and the original ballot in a blue envelope. Manager Hopkins reported the ROV will be sending out a press release, post cards, information on their website and a letter; the ROV will be covering all the supplemental costs and the candidate statements will still be printed and sent out to the voters.

Manager Hopkins reported the State Water Resources Control Board voted to cancel the City of Stockton Water Right Application yesterday; the City of Stockton will have to reapply if they want to pursue that water.

Manager Hopkins reported due to the promotion of Juan Vega to Assistant General Manager that left a vacancy in the Finance Director position; the position is fairly complicated and requires knowledge of the budget and how funds are managed which could take years of training and mistakes to be as proficient as the previous Finance Director. Manager Hopkins promoted Priya Ram, Accountant to the position of Finance Director. The Board congratulated Finance Director Ram on her promotion to Finance Director. Manager Hopkins stated the District is now recruiting for an Accountant. This item was for information only.

G. DIRECTOR REPORTS (None)

H. COMMUNICATIONS (None)

I. AGENDA PLANNING/UPCOMING EVENTS

1. Eastern San Joaquin Groundwater Authority Technical Advisory Committee Meeting, 10:30 a.m., 10/06/22
2. Greater Stockton Chamber of Commerce Monthly Mixer – University Plaza Waterfront Hotel, 5:00 p.m., 10/06/22
3. East Bay Municipal Utility District – 27th Annual Pardee BBQ, 11:30 a.m., 10/07/22
4. District Holiday – Columbus Day, 10/10/22
5. San Joaquin County & Delta Water Quality Coalition Meeting, 9:00 a.m., 10/10/22

J. REPORT OF THE COUNSEL

1. Closed Session - Existing Litigation
Stockton East Water District vs. City of Stockton, et al.
Government Code 54956.9 (a)

2. Closed Session: REAL PROPERTY – GOVERNMENT CODE
SECTION 54956.9 – Property: Water Rights
Agency Negotiator: Justin M. Hopkins
Negotiating Parties: Oakdale Irrigation District/South San Joaquin
Irrigation District
Under Negotiation: Water Transfer

3. Closed Session - Potential Litigation
Government Code 54956.9 (c) – one case

President Watkins adjourned the meeting to closed session at 1:02 p.m. to discuss closed session agenda items. The regular meeting reconvened at 1:27 p.m., with the no reportable action.

K. ADJOURNMENT

President Watkins adjourned the meeting at 1:28 p.m.

Respectfully submitted,



Justin M. Hopkins
Secretary of the Board

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