

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, NOVEMBER 1, 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 Director McGaughey led the Pledge of Allegiance.

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

**B. CONSENT CALENDAR (None)**

**C. PUBLIC COMMENT (None)**

**D. 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 member 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: Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins  
Nayes: None  
Abstain: None  
Absent: Atkins

2. Minutes 10/25/22 Regular Meeting

A motion was moved and seconded to approve the October 25, 2022 Regular Board Meeting Minutes, as amended.

Roll Call:

Ayes: Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins  
Nayes: None  
Abstain: None  
Absent: Atkins

3. Warrants – California Public Employees’ Retirement System

A motion was moved and seconded to approve the November 1, 2022 Warrants, as presented.

Roll Call:

Ayes: Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins

Nays: None

Abstain: None

Absent: Atkins

4. JWT and Associates, LLP – Certified Public Accountants – Audited Financial Statements Fiscal Year 2021/2022

A motion was moved and seconded to accept the Draft Audited Financial Statements Fiscal Year 2021/2022, as presented.

Roll Call:

Ayes: Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins

Nays: None

Abstain: None

Absent: Atkins

5. Stockton East Water District – CEQA – Bellota Weir Modifications Project Memo, 11/01/22

a. Bellota Weir Modifications Project – Final Mitigated Negative Declaration

b. Bellota Weir Modifications Project – Notice of Determination

Manager Hopkins stated the District drafted a CEQA document for the Bellota Weir Project which was circulated for public review from September 16<sup>th</sup> through October 17<sup>th</sup>, and one comment was received from the State Water Resource Control Board (SWRCB). The boiler plate comments were addressed in the final document. District Staff requests adoption of the CEQA document for Bellota.

A motion was moved and seconded to authorize the General Manager to finalize the CEQA documents by approving and signing the Initial Study and Notice of Determination.

Roll Call:

Ayes: Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins

Nays: None

Abstain: None

Absent: Atkins

6. Stockton East Water District – CEQA – Fugazi Brothers Pump Turnout Project Memo, 11/01/22

a. Fugazi Brothers Pump Turnout Project – Initial Study with Mitigated Negative Declaration

b. Fugazi Brothers Pump Turnout Project – Notice of Determination

President Watkins stated the corrected handout indicates a pumping station is being built, not a box culvert crossing. Director McGurk asked how the Fugazi’s can have a PO Box in Stockton with a Linden zip code. President Watkins stated the address needs to be corrected, and the Board could approve the new handout with the correction.

Manager Hopkins informed the Board the Fugazi Brothers approached the District earlier this year to install a new surface water diversion. District Staff has been working with them through the process. As a first step, District Staff completed the development and circulation of a CEQA document. It was advertised for public comment from September 16<sup>th</sup> through October 16<sup>th</sup>. One boiler plate comment was received from the SWRCB, and addressed in the final document. Staff requested the Board authorize the General Manager to finalize the CEQA documents and approve the initial study, and notice of determination. This approval includes the newly corrected mitigated negative declaration handout provided at the Board meeting.

Director McGurk asked if the Fugazi Brothers are applying for a permit to change the diversion, or if this is a new location. Director McGurk also asked if Mormon Slough is different upstream than Bellota Weir; Manager Hopkins answered yes. The Army Corps 408 jurisdiction ends around Escalon Bellota Road, so this will require a 408 permit. Director McGurk also asked if this declaration is abbreviated because they're assuming the Bellota Fish Screen will be installed, and therefore the need for delays installing this is gone. Director Sanguinetti stated the diversion must be less than what requires a screen. Manager Hopkins stated all new diversions will require a screen for the HCP, but because the 408 permit is through the flood side of the Army Corps, and the Central Valley Flood Protection Board, regardless of the Bellota Project, they still evaluate every application for flood control impacts.

President Watkins noticed Fugazi is the applicant, but the address belongs to a Mr. Bockmon. President Watkins asked who the land owner is, stating 5503 North Fine Road is Mr. Bockmon's residence. Manager Hopkins stated he believes Fugazi is the landowner. President Watkins asked if they are applying for surface water conversion program, or groundwater being used. Manager Hopkins stated Fugazi is applying for the surface water conversion program, but the property owner must sign the application and will be confirmed.

A motion was moved and seconded to authorize the General Manager to finalize the CEQA documents, after verifying information, by approving and signing the Initial Study and Notice of Determination.

Roll Call:

Ayes: Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti, Watkins

Nays: None

Abstain: None

Absent: Atkins

7. Dr. Joe Waidhofer Drinking Water Treatment Plant – Sodium Hypochlorite Project Monthly Update

District Engineer Evensen provided the Board with a presentation regarding the monthly update for October. District Engineer Evensen reported the project is presently at 54% completion. The metal storage building for sodium hypochlorite has been completed, and tested for secondary containment by filling up the concrete secondary containment foundation and walls with water and measuring water loss over time. Some minor leaks were discovered and repaired, and the area passed the test. District Engineer Evensen indicated construction is going well on the CMU building. The roof beams are in place, and metal decking will be installed soon. A major tie-in was installed in front of the Operations Building with existing six-inch pipe and new four-inch pipe. This new four-inch pipe loops the waterline by the Administration Building to provide adequate flow and better water quality. Southeast of the Maintenance Building, the pipe line was extended further to the east for future water fill station for trucks in case of any fire or drinking water needs. The key tie-in will be made

tomorrow, Wednesday between the existing eight-inch main and the new eight-inch rerouted main located between the filter building and the sedimentation basins 1 & 2.

Director Cortopassi asked how the District will know in the future where the pipes are located. District Engineer Evensen informed him Staff used GPS to locate the pipes in the future and all points will be put on the GIS map. He stated the old design could then be overlaid with the new GPS points showing the new pipeline modifications and additions.

## **E. COMMITTEE REPORTS**

1. San Joaquin County Flood Control and Water Conservation District Advisory Commission Meeting, 10/19/22

Director McGurk stated SGMA Implementation Grant Round 1 is a statewide competitive process rewarding grant money from the Department of Water Resources (DWR) for approved projects. There are nine projects in San Joaquin County for the first tier which should be completed within 20 years. Director McGurk stated a handout was presented by KSN (Chris Neudeck and staff engineers) regarding small communities. Funds were spent on flood protection feasibility studies. Statewide, DWR will award funds for 35 feasibility studies, six projects are within San Joaquin County (Banta, Kasson, Weatherby, French Camp and Morada). The evaluation to determine feasibility is to characterize the existing conditions, develop alternatives which can improve flood management, determine support from the community, and cost. There were three different proposals to protect the community of Banta. Mary Jimenez from DWR, connected online giving an update on Central Valley Flood Protection Plan. The deferred maintenance project at Dad's Point at Smith Canal is having trouble installing the pilings, so the contractor is suing SJAFCA. A public comment was made by Dominic Gooley regarding the lawsuit. Director McGurk noted the meeting time for this commission meeting has changed from 8:30 a.m. to 1:00 – 3:00 p.m.

2. Eastern San Joaquin Farm Bureau Federation – Water Committee Meeting, 10/25/22

Manager Hopkins stated that East Bay Municipal Utilities District (EBMUD) reported Camanche is 80% full of their historic average, so Woodbridge will not be receiving any cutbacks. North San Joaquin is still waiting on a permit for operating the DREAM Project. President Watkins stated they're waiting for a 408 permit to install a temporary pipe over an existing bridge. South San Joaquin Irrigation District reported the Bureau of Reclamation is still doing pulse flow releases from New Melones for the Stanislaus. And, San Joaquin County expects to have the Mormon Slough erosion repair project completed by the end of this year. President Watkins added the supreme court heard arguments from the Sacketts' in the petition vs. the Environmental Protection Agency in Idaho regarding regulation of wetlands (Rapanos v. United States).

## **F. REPORT OF GENERAL MANAGER**

1. Water Supply Report as of 10/24/22

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 51,072 AF in storage at New Hogan Reservoir. Current releases are set at 49 cfs. Current release at Goodwin Dam to Stanislaus River are set at 429 cfs and release to all water users are set at 0 cfs. There are 0 irrigators on New Hogan, 0 irrigators on New Melones, and 0 irrigators out of District. The water treatment plant is currently processing 38 mgd. The City of Stockton is currently processing 9 mgd. Manager Hopkins reported the District wells total water extraction is 6,884 gpm (~9.9 mgd).

2. Information Items:

Board Meeting – 11/01/22

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

Director Cortopassi asked if there's a reason why the City of Stockton doesn't use more of their own water. Manager Hopkins replied they're trying to maximize the use of the District's water. They have used more of their water when requested to do so. President Watkins stated his concern is they're passing up water they're going to lose at the end of their contract. SEWD could be reserving water in New Hogan, and the City could use this other water that's not used against them. When the new contract begins (January 1), they will have the same amount of water. President Watkins stated they should maximize their usage if they're foregoing water.

3. Report on General Manager Activities

a. ACWA State Legislative Committee Meeting, 10/28/22

Manager Hopkins stated he attended the meeting. There were five legislative proposals for ACWA to consider sponsoring – only two were approved by the committee for sponsorship, and three were requested to be brought back in January for consideration after additional research is performed. The two moving forward as ACWA sponsored legislation is to streamline the permitting process to the State Water Resources Control Board by establishing some statutory review period limits similar to the California Fish & Wildlife. And, establish a payment program similar to the Army Corp's 214 agreements. The other bill would add an administrative remedy requirement to Proposition 218 implementation before an agency can be challenged in court. This would require anyone challenging a Prop 218 process to work through the agencies' administrative process to address their claim before filing a lawsuit. Lastly, the DC trip for ACWA is scheduled for February 28<sup>th</sup> through March 2<sup>nd</sup>.

b. Stockton East Water District Activities Update

Manager Hopkins stated he has been working with the county on securing funding in round two of the SGMA grant funding, and plans to bring a resolution for approval next week. That resolution will be sent with the application to DWR. The District's current cost for the application is approximately \$58,000. The Ozone kickoff meeting was last Thursday. District Engineer Evensen stated there were major tentative decisions made concerning injecting ozone into a large pipe, or ozone diffused air into contact chambers. Most facilities used diffused air. This works for the City of Stockton. The biggest hurdle is the siting of the lagoon or sanitation basins 3 & 4. Additional meetings will be required with the Board. Manager Hopkins met with NRCS last week to discuss funding opportunities. Currently, most funding available is on-farm. The only funding right now for an agency is to fund construction of a recharge basin. Manager Hopkins stated three farmers were inquiring about recharge, and is it possible SEWD can assist with these projects. Manager Hopkins stated NRCS will fund field flooding recharge, but not a pilot project for either reverse tile drains or dry well. Manager Hopkins reported the District has one employee out with COVID. And, the District's preliminary budget will be available for review by the Ag Ops Committee the week of November 14<sup>th</sup>. Staff will confirm a date with the committee.

**G. DIRECTOR REPORTS (None)**

**H. COMMUNICATIONS (None)**

**I. AGENDA PLANNING/UPCOMING EVENTS**

1. Lodi District Grape Growers Association – Local Water Forum, 9:00 a.m., 11/03/22
2. Eastern San Joaquin Groundwater Authority Steering Committee Meeting, 10:30 a.m., 11/03/22
3. Greater Stockton Chamber of Commerce Monthly Mixer – Lincoln Center, 5:15 p.m., 11/03/22

**J. REPORT OF THE COUNSEL**

1. 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
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED  
LITIGATION Section 54956.9 (2 Cases)

President Watkins adjourned the meeting to closed session at 1:13 p.m. to discuss closed session agenda items. The regular meeting reconvened at 1:51 p.m., with the no reportable action.

**K. ADJOURNMENT**

President Watkins adjourned the meeting at 1:52 p.m.

Respectfully submitted,



Justin M. Hopkins  
Secretary of the Board

cm

