

**TRI-DAM PROJECT
MINUTES OF THE JOINT BOARD
OF DIRECTORS REGULAR MEETING**

June 16, 2022
Manteca, California

The Joint Boards of Directors of the Oakdale Irrigation District and the South San Joaquin Irrigation District met in joint session at the office of South San Joaquin Irrigation District in Manteca, California, on the above date for the purpose of conducting business of the Tri-Dam Project, pursuant to the resolution adopted by each of the respective Districts on July 29, 1955.

President Holmes called the meeting to order at 9:00 a.m.

OID DIRECTORS

SSJID DIRECTORS

DIRECTORS PRESENT:

BRAD DeBOER
LINDA SANTOS
TOM ORVIS
ED TOBIAS

JOHN HOLBROOK
BOB HOLMES
DAVE KAMPER
GLENN SPYKSMA
MIKE WESTSTEYN

DIRECTORS ABSENT:
HERMAN DOORNENBAL

Also, Present:

Jarom Zimmerman, General Manager, Tri-Dam Project; Brian Jaruszewski, Admin. & Finance Manager, Tri-Dam Project; Chris Tuggle, Ops & Maintenance Supervisor Genna Modrell, Admin. & Finance Asst., Tri-Dam Project; Peter Rietkerk, General Manager, SSJID; Sharon Cisneros, Chief Financial Officer, OID; Tim Wasiewski, Counsel; Tim O’Laughlin, Counsel

PUBLIC COMMENT

None.

CONSENT CALENDAR

ITEM #1 Approve the regular board meeting minutes of May 19, 2022.

Director Holbrook moved to approve the May 19, 2022 minutes as presented. Director Santos seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Doornenbal

ITEM #2 Approve the advisory committee meeting minutes of June 7, 2022.

Director Holmes advised Scot Moody was present and should be added.
Director Orvis moved to approve the advisory meeting minutes with the noted correction. Director Spyksma seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Doornenbal

ITEM #3 Approve the May financial statements and statement of obligations.

Brian Jaruszewski presented the May financials and responded to Director's questions.

Director Santos moved to approve as presented. Director Weststeyn seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Doornenbal

ACTION CALENDAR

ITEM #4 Discuss and consider adoption of Resolution TDP 2022-10 to implement teleconferencing requirements during a proclaimed state of emergency.

Director Orvis moved to approve as presented. Director Holbrook seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Tobias, Holbrook, Holmes, Kamper, Spyksma

NOES: Santos, Weststeyn

ABSTAINING: None

ABSENT: Doornenbal

TRI-DAM PROJECT
RESOLUTION No. TDP 2022-10
RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY

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;

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so;

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, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the Board of Directors of the Tri-Dam Project 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 Board of Directors ("Board") of the Tri-Dam Project ("TDP") 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. TDP 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. That this Resolution shall take effect immediately and shall remain in effect for thirty (30) days thereafter, provided the conditions set forth in Section 2 remain.

ITEM #5 Discussion and possible action to approve 2022 unrepresented employee pay schedule.

Brian Jaruszewski presented the unrepresented employee salary schedule reflecting the recommended CPI increase effective for the full pay period that includes July 1, 2022.

After a discussion regarding the CPI index used, Director Holbrook moved to approve the cost of living increase of 6.53% as presented. Director Tobias seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Doornenbal

ITEM #6 Discussion and possible action to approve the timber replacement of the Mill Creek Bridge.

Chris Tuggle presented the condition of the current bridge timbers, reminded the Board of the road agreement with the US Forest Service and responded to Director's questions. Director Holbrook moved to approve as presented. Director Tobias seconded the motion.

The motion passed by the following roll call vote:

AYES: DeBoer, Orvis, Santos, Tobias, Holbrook, Holmes, Kamper, Spyksma, Weststeyn

NOES: None

ABSTAINING: None

ABSENT: Doornenbal

ITEM #7 Staff Reports

Jarom Zimmerman presented the staff reports and responded to Director's questions.

ITEM #8 Generation Report

No discussion.

ITEM #9 Fisheries Studies on the Lower Stanislaus River

No report.

ITEM #10 Directors Comments

The Directors thanked Jarom and staff for another great board packet.

Director Tobias advised that he traveled to Donnell's Dam and met Daniel Hogue, Brian Anderson and Nick Payne and shared they they were professional and very helpful.

Director Orvis stated "Two and half years ago we took a chance on lightning in a bottle." Jarom, I wish you and your family well. PDirector Orvis added that OID needs a completed audit by June 30 to be compliant.

Recess to Tri-Dam Power Authority

President Holmes recessed to the Tri-Dam Power Authority Board of Commissioners meeting at 9:45 a.m.

The Tri-Dam Project meeting resumed at 9:53 a.m. after the Tri-Dam Power Authority meeting adjourned.

President Holmes announced before closed session that the following items would be discussed.

The Board took a brief recess at 9:53 a.m. and convened to Closed Session at 10:03 a.m.

ITEM #11 Closed Session

11. a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code § 54956.9(d)(1)
 1. *Tri-Dam v. Scott Frazier*
Eastern District of California No: 1:20-cv-00408-SKO
 2. *Tri-Dam v. MWH Americas, Inc., et al.*
Tuolumne County Superior Court, Case No. CV61638
 3. *SJTA v. State Water Resources Control Board*
Judicial Council Coordination Proceeding 5013
- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Possible Initiation of Litigation
Government Code § 54956.9(d)(4)
Four (4) cases
- c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation
Government Code § 54956.9(d)(2)
Two (2) cases
- d. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code § 54957(b)(1)
Title: General Manager
- e. PUBLIC EMPLOYMENT
Government Code sec. 54957(b)(1)
Title: General Manager

At the hour of 10:52 a.m., the Board reconvened to open session.

Disclosure of reportable actions taken in Closed Session, pursuant to Government Code Section 54957.1: There were no reportable actions taken in closed session.

ADJOURNMENT

President Holmes adjourned the meeting at 10:52 a.m.

The next regular board meeting is scheduled for July 21, 2022, at the offices of Oakdale Irrigation District, Oakdale, California beginning at 9:00 a.m.

ATTEST:

Peter M. Rietkerk,
Interim Secretary
Tri-Dam Project