

REGULAR BOARD MEETING

JUNE 13, 2023



**STOCKTON
EAST WATER
DISTRICT**

PROVIDING SERVICE SINCE 1948

www.sewd.net

DIRECTORS

Richard Atkins
President
Division 1

Andrew Watkins
Division 2

Alvin Cortopassi
Division 3

Melvin Panizza
Division 4

Paul Sanguinetti
Division 5

Loralee McGaughey
Division 6

Thomas McGurk
Vice President
Division 7

STAFF

Justin M. Hopkins
General Manager

Juan M.Vega
Assistant General Manager

LEGAL COUNSEL

Jeanne M. Zolezzi
General Counsel

Phone 209-948-0333
Fax 209-948-0423

E-mail sewd@sewd.net

6767 East Main Street
Stockton, CA 95215

Post Office Box 5157
Stockton, CA 95205

MEETING NOTICE

THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE STOCKTON EAST WATER DISTRICT WILL BE HELD AT 12:30 P.M., TUESDAY, JUNE 13, 2023 AT THE DISTRICT OFFICE, 6767 EAST MAIN STREET STOCKTON, CALIFORNIA 95215

Assistance for the Disabled: If you are disabled in any way and need accommodation to participate in the meeting, please contact Administrative Staff at (209) 948-0333 at least 48-hours in advance for assistance so the necessary arrangements can be made.

FOR CONTINUED CONVENIENCE STOCKTON EAST WATER DISTRICT BOARD MEETINGS WILL BE AVAILABLE BY TELECONFERENCE.

Please call (669) 444-9171/Meeting ID: 876 5902 3782#/Passcode: 847846# to be connected to the Regular Board Meeting, to begin at 12:30 p.m. Agendas and minutes are located on our website at www.sewd.net.

AGENDA

Page No

- A. Pledge of Allegiance (Director Cortopassi) & Roll Call**
- B. Consent Calendar (None)**
- C. Public Comment (Non-Agenda Items)**
- D. Scheduled Presentations and Agenda Items**
 - 1. Minutes 06/06/23 Regular Meeting 1
 - 2. Warrants – California Public Employees’ Retirement System 9
 - 3. Friends of Elkhorn, LLC – Non-Potable Water Service Agreement 11
 - 4. Association of California Water Agencies – 2023 Authorized Voting Representative Form 15
 - 5. Resolution No. 23-24-04 – Placing in Nomination (Nominee’s Name) as a Member of the Association of California Water Agencies for Region 4 Board of Directors 17
 - 6. Stockton East Water District – Sewd.Gov Authorization Letter Memo 19
 - 7. Resolution No. 23-24-05 – Approving the Disposal of Surplus Property 23

E. Committee Reports

1. San Joaquin County & Delta Water Quality Coalition Meeting, 9:00a.m., 06/12/23

This meeting was cancelled

F. Report of the General Manager

1. Water Supply Report as of 06/06/23

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2. Information Items

- a. Material Included, but Bound Separately from Agenda Packet:

1. 'Improvised, Spotty and Belated': Will California Reform It's Oversight of Water Rights?, Los Angeles Time, 06/05/23

2. California Drought Update: How Dry Is The State Ahead of Summer's Scorching Temps?, The Sacramento Bee, 06/01/23

3. Inadvertent Disclosure of Water Right Account Information for Rights in the Delta Watershed, California Water Boards, 06/08/23

4. California Announces \$288 Million for Drought and Flood Projects, Office of Governor Gavin Newsom, 06/08/23

3. Report on General Manager Activities

- a. Stockton East Water District Activities Update

G. Director Reports

1. Regional Water Authority Meeting with Jay Ziegler, 06/07/23

2. Stockton East Water District – 75th Anniversary Celebration, 06/09/23

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H. Communications

I. Agenda Planning/Upcoming Events

1. Eastern San Joaquin Groundwater Authority Steering Committee Meeting, 8:30 a.m., 06/14/23

2. Eastern San Joaquin Groundwater Authority Board Meeting, 10:30 a.m., 06/14/23

3. ACWA State Legislative Committee Meeting, 10:00 a.m., 06/16/23

I. Agenda Planning/Upcoming Events - *continued*

4. District Holiday – Juneteenth Day, 06/19/23

J. Closed Session

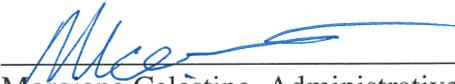
1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION Potential exposure to litigation – Government Code
Section 54956.9 – two cases

K. Adjournment

Certification of Posting

I hereby certify that on June 8, 2023 I posted a copy of the foregoing agenda in the outside display case at the District Office, 6767 East Main Street, Stockton, California, said time being at least 72 hours in advance of the meeting of the Board of Directors of the Stockton East Water District (Government Code Section 54954.2).

Executed at Stockton, California on June 8, 2023.



Morgiana Celestine, Administrative Services Manager
Stockton East Water District

Any materials related to items on this agenda distributed to the Board of Directors of Stockton East Water District less than 72 hours before the public meeting are available for public inspection at the District's office located at the following address: 6767 East Main Street, Stockton, CA 95215. Upon request, these materials may be available in an alternative format to persons with disabilities.

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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, JUNE 6, 2023 AT 12:30 P.M.

A. PLEDGE OF ALLEGIANCE AND ROLL CALL

President Atkins 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 Atkins, Cortopassi, McGaughey, McGurk, Panizza, Sanguinetti and Watkins. Also present were Manager Hopkins, Assistant Manager Vega, District Engineer Evensen, Finance Director Ram, Administrative Service Manager Celestine, Administrative Clerk Sukhram, Legal Counsel Zolezzi and Consultant Barkett.

B. CONSENT CALENDAR (None)

C. PUBLIC COMMENT (None)

D. SCHEDULED PRESENTATIONS AND AGENDA ITEMS

1. Minutes 05/30/23 Regular Meeting

A motion was moved and seconded to approve the May 30, 2023 Regular Board Meeting Minutes, as presented.

Roll Call:

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

Nayes: None

Abstain: None

Absent: None

2. Warrants

- a. Fund 68 – Municipal & Industrial Groundwater Fund
- b. Fund 70 – Administration Fund
- c. Fund 71 – Water Supply Fund
- d. Fund 91 – Vehicle
- e. Fund 94 – Municipal & Industrial Fund
- f. Summary
- g. Short Names/Acronym List
- h. SEWD Vehicles & Heavy Equipment

Director Sanguinetti inquired on the expense on page 20, line item 120 for US Bank-Hardin Animal Hospital for WTP Security maintenance. Manager Hopkins responded the charge is for the security dogs' annual checkup.

Director Cortopassi inquired on the expense on page 9, line item 1 for PG&E for Gas & Electric 04/15/23-05/15/23 TP-Electric Well #5. Manager Hopkins reported it was the demand charge. The District collected water samples for the month that were not for production. As part of the District's Temporary FloodMAR Permit, approximately 120-acre feet of groundwater was recharged that has to be pumped out this year. Manager Hopkins stated once this water is pumped out, the District intends

to contact PG&E regarding a rate schedule change. If the wells are kept active with the division of drinking water they have to be sampled every month.

Director Cortopassi inquired on the expense on page 12, line item 17 for Robert Half Finance & Accounting for Conversion fee for Administrative Services Manager. Manager Hopkins explained this is the cost of converting a temporary employee to a full-time employee through the staffing agency.

Director Sanguinetti inquired on the expense on page 15, line item 71 for Holt of CA for Rental of dozer-D8 for McGurk Earth Dam project. Manager Hopkins reported the materials had to be moved this year. Assistant Manager Vega reported the District does not have additional repair or damage charges. However, the District may receive an additional damage invoice at a later time.

A motion was moved and seconded to approve the June 6, 2023 Warrants, as presented.

Roll Call:

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

Nays: None

Abstain: None

Absent: None

3. United States Army Corps of Engineers – Memorandum of Agreement Section 214, 10/04/22
Manager Hopkins presented a Section 214 Agreement with United States Army Corps of Engineers (USACE) for Board approval to allow the District to pay USACE for expedited review of the District's 408 permitting for the four projects listed in the summary section on page 27: Hosie Low Water Crossing, George Watkins Low Water Crossing, Hogan Low Water Crossing, and Fujinaka Low Water Crossing. Staff performed additional research and confirmed two of the projects are located within areas where USACE has levies listed in their levy database. With regards to the other two projects, Hogan and Fujinaka Low Water Crossings, the District reached out to the Central Valley Flood Protection Board who confirmed these are within a "USACE project channel". The assumption is that USACE must claim the entire Mormon Slough falls under 408 permitting requirements. After visiting the crossings, Manager Hopkins stated there is definitely no levy at Hogan. Although there may be a levy at Fujinaka, it is not showing up on the levy database.

Staff continues to recommend the Board consider authorizing General Manager to execute a Memorandum of Agreement with USACE beginning on page 28, and make all the necessary approvals and payments. An estimated \$139,425 by USACE would be paid under this agreement from DWR grant funding.

Director Cortopassi commented the District has waited for two years, and part of the problem may be the Department of Water Research not understanding what is happening. Manager Hopkins replied the DWR staff the District works with is aware of the 408 being a holdup on the projects. DWR has established their own section 214 agreements with USACE through which DWR pays money to get state projects reviewed. Unfortunately, this section of DWR does not have an agreement the District can use. Manager Hopkins stated the District reached out to other sections but the scope of their agreements would not allow District projects to be included. DWR is familiar with this process. Director Atkins mentioned this is the only process to expedite permits for this project.

A motion was moved and seconded to authorize the General Manager to execute a Memorandum of Agreement with USACE per the terms delineated in the Memorandum of Agreement between

Stockton East Water District and the U.S. Army Corps of Engineers, Sacramento District, and make all other necessary approvals and payments, as presented.

Roll Call:

Ayes: McGaughey, McGurk, Panizza, Sanguinetti

Nays: Atkins, Cortopassi, Watkins

Abstain: None

Absent: None

4. Herum\Crabtree\Suntag Attorneys – Impact of Supreme Court Ruling in Sackett V. EPA Memo
Legal Counsel Zolezzi report the case was focused on wetlands so it doesn't affect the District's permit requests in the rivers. The case limits jurisdiction over wetlands to those adjacent to waterways, but does not cover isolated wetlands. Previously the Environmental Protection Agency (EPA) placed broader definitions on the waters it covers. The Supreme Court is trying to limit the reach.

The Sackett decision does include some language that may mean ephemeral watercourses could be included. The decision did not apply to those, but instead was limited to wetlands. Many have argued about the possible inclusion of ephemeral streams. The older opinion of the Supreme Court was split, one side holding similar views to the Sackett decisions, which provides that only relatively permanent standing or continuously flowing bodies of water forming geographic features that are described as streams, oceans, rivers and lakes will qualify as waters of the U.S. and would exclude channels through which water flows intermittently or ephemerally or that provide periodic drainage. It is unclear what is ultimately covered and not covered. Legal Counsel Zolezzi doesn't believe the case will change the District's requirement to obtain 404 permits for work in the watercourses. Although the District may believe based on the Sackett decision 404 permits are not needed, fighting it would likely prove to be more difficult than obtaining the permits.

5. Stockton East Water District – Board Recognition of 75th Anniversary
Manager Hopkins inquired if the Board had any specific questions, suggestions or requests in regards to the 75th Anniversary event. President Atkins inquired if the Board would like to donate any items for the raffle prizes. Director Sanguinetti proposed the Board donate raffle or auction items instead of money. Manager Hopkins replied the Board can collectively decide on what to donate for the 75th Anniversary at their own time if they so choose.

- a. Resolution No. 23-24-02 – Resolution Of The Board Of Directors Of Stockton East Water District On The Occasion Of Its 75th Anniversary

Manager Hopkins presented the 75th Anniversary resolution to the Board, noting some of the history outlined was derived from the District's 60th Anniversary resolution. Milestones and major accomplishments from June 2008 to present have been added to update the 2023 resolution. The resolution is also recommending the new Sodium Hydrochloride Facility be dedicated in this Board's honor with the installation of a plaque. Handout D-5a is a proof of the plaque's design.

Director Cortopassi inquired where in the resolution it shows the District's purchased property from the Bozzano Family to increase campus size by approximately 212 acres. Manager Hopkins replied this is not included in the No. 23-24-02 Resolution, but will be added. Manager Hopkins inquired if Director Cortopassi or the Board recalled the purchase date. Assistant Manager Vega responded the year was 2014. Director Sanguinetti added the resolution should also state the District purchased the property to enhance the ground water recharge and to help well water storage.

Director Sanguinetti inquired if the solar panels are mentioned in the resolution. Manager Hopkins replied yes, on page 47, the third “WHEREAS, on January 30, 2019” states the district commissioned a new two-megawatt photovoltaic power system constructed through a Power Purchase Agreement with Onyx Renewable Partners L.P. Director Cortopassi commented the resolution should mention that the project is on the District’s campus and not elsewhere. Manager Hopkins replied a location can be added to this item on the resolution.

Director Watkins suggested on page 47 third to the last “Whereas, beginning in January 2022” regarding satellite imagery and spatial data, the language should be reworded into simpler terms such as geographic or GIS data for clearer understanding. Manager Hopkins agreed to remove the word “spatial”.

A motion was moved and seconded to adopt Resolution 23-24-02 – Resolution Of The Board Of Directors Of Stockton East Water District On The Occasion Of Its 75th Anniversary, as amended.

Roll Call:

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

Nays: None

Abstain: None

Absent: None

6. Resolution No. 23-24-03 – Authorization To File A Grant Application With The Department Of Interior United States Bureau Of Reclamation For The WaterSMART: Aquatic Ecosystems Restoration Projects (Funding No. R23AS00106) For Fiscal Year 2023, Execute Any Required Documents And Provide Delegation Of Authority

Manager Hopkins presented a resolution authorizing the \$4,550,000 grant application staff has worked on for the Bellota Weir project through the U.S. Bureau of Reclamation’s Aquatic Ecosystems Restoration projects of the WaterSMART program. There are \$2,450,000 matching funds required from the District. The grant if awarded will be applied to the first phase of construction for the Bellota project.

Staff recommends the Board approve Resolution 23-24-03 allowing the District to move forward with submitting the grant application. Director Cortopassi inquired why the grant and District amounts aren’t exact matching numbers. Assistant Manager Vega reported the total estimated amount to be spent is \$7,000,000 with the District having a cost share of 35 percent equaling \$2,450,000. The grant if awarded will cover the remaining \$4,550,000. The language will be changed to reflect the total amount of \$7,000,000 and the breakdown of funding.

A motion was moved and seconded to adopt Resolution 23-24-03 and Authorize the General Manager To File A Grant Application With The Department Of Interior United States Bureau Of Reclamation For The WaterSMART: Aquatic Ecosystems Restoration Projects (Funding No. R23AS00106) For Fiscal Year 2023, Execute Any Required Documents And Provide Delegation Of Authority, as amended.

Roll Call:

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

Nays: None

Abstain: None

Absent: None

E. COMMITTEE REPORTS

1. Stockton East Water District – 75th Anniversary Ad-Hoc Committee Meeting, 05/31/23

Manager Hopkins reported District staff has confirmed catering quantities, site layout, parking, and the timing of some events for the 75th Anniversary event for June 9th. President Atkins commented this last meeting fine-tuned items for the day of the event and staff did a great job. As of the time of the Board meeting 120 people had RSVP'd, although reservations were still being received by staff. Manager Hopkins stated the 75th Anniversary event will be noticed as a special Board meeting.

F. REPORT OF GENERAL MANAGER

1. Water Supply Report as of 06/06/23

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 237,535 AF in storage at New Hogan Reservoir. Current releases are set at 210 cfs. There is 1,870,202 AF in storage at New Melones Reservoir. Current releases are set at 2,831 cfs. Current release at Goodwin Dam to Stanislaus River are set at 1,501 cfs and release to all water users are set at 0 cfs. There are 15 irrigators on New Hogan, 2 irrigators on New Melones, and 1 irrigator out of District. The water treatment plant is currently processing 34 mgd. The City of Stockton is currently processing 22 mgd. Manager Hopkins reported the District wells total water extraction is 0 gpm.

2. Information Items:

a. Material Included, But Bound Separately from Agenda Packet:

Manager Hopkins noted item: F2a-1, F2a-2, F2a-3, F2a-4 and F2a-5

3. Report on General Manager Activities

a. ACWA State Legislative Special Committee Meeting, 06/02/23

Manager Hopkins reported Executive Director of ACWA Dave Eggerton reported the Governor's Office has reached out to ACWA requesting support of what he calls the Governor's infrastructure packet which includes five of the six trailer bills. There was discussion about what support from ACWA would entail. The five bills are related to expediting infrastructure improvements. The first is to help expedite judicial review of CEQA issues to allow infrastructure projects to progress more quickly. The ACWA State Legislative Committee accepted staff's recommendation of favor for five bills.

The sixth bill related to drought and flood streamlining was not part of the package and was referred to a work group. State Water Project and some of the Southern California agencies have a lot of concerns about this proposed legislation which would identify groundwater recharge as a beneficial use. It would also allow diversion of flood flows under certain circumstances to occur without obtaining a water right or a temporary permit as it exists currently under the Governor's Executive order to be made permanent.

b. Stockton East Water District Activities Update

Manager Hopkins reported receipt of a notice from North San Joaquin Water Conservation District stating they have approved the exchange agreement so the District may provide water to the Leffler property and North San Joaquin would provide water to Elkhorn Golf Course. Manager Hopkins anticipates to have the Elkhorn agreement as part of next week's Board packet for execution. Another ordinance will be required to revise the District's 2023 water rates. Ordinance 49 which was passed a couple of months ago did not have an M&I water surface rate. Should the Board approve the Elkhorn agreement one will need to be added which means a revised ordinance

will also be necessary. Director Cortopassi inquired if unauthorized users could remove water. Manager Hopkins responded that North San Joaquin and District staff looked into that possibility, and although water could be diverted without permission, unpermitted diversion is very unlikely. Ultimately North San Joaquin is responsible for unpermitted diversions within their district.

Registration deadline for California Special District Association (CSDA) annual conference is August 4, 2023. The CSDA Special District Leadership Academy held in October registration deadline is September 22, 2023. Interested Directors should notify Manager Hopkins.

Manager Hopkins reported on potential recharge opportunities off the Calaveras River. Manager Hopkins and staff met with a landowner who could potentially allow the District to convey some pipelines through their property to recharge on Wagner Ranch. Upon looking at Wagner Ranch it has been determined not much of the land is conducive to water recharging due to slopes of 0-8%. The landowner has about 12 acres and is receptive to a summer pilot project. The conversation on compensation came up. The District does not have a compensation recharge policy. Therefore, a one-off agreement might need to be created. Manager Hopkins requested feedback from the Board on a good starting point for compensation. District Engineer Evensen observed the soil and shows it is good for infiltrating water. This summer would be a dry run of the whole process of getting down the river, getting water to the property and seeing how well it infiltrates. If the summer pilot project goes well, the landowner is open to a longer-term project.

G. DIRECTOR REPORTS

1. Greater Stockton Chamber of Commerce – Business Showcase & Tradeshow Mixer, 06/01/23
Director Atkins reported it was a nice successful event with raffle prizes. There were many people at the Civic Auditorium networking with companies such as PG&E.

H. COMMUNICATIONS (None)

I. AGENDA PLANNING/UPCOMING EVENTS

1. Regional Water Authority – A Conversation with Jay Ziegler, Delta Watermaster, 10:00 a.m., 06/07/23
2. Stockton East Water District – 75th Anniversary Celebration, 10:00 a.m., 06/09/23
3. Stockton Area Water Suppliers (SAWS) Meeting, 1:00 p.m., 06/09/23

J. REPORT OF THE COUNSEL

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION Potential exposure to litigation – Government Code
Section 54956.9 – three cases

President Atkins adjourned the meeting to closed session at 1:41 p.m. to discuss closed session agenda items. The regular meeting reconvened at 2:14 p.m., with the no reportable action.

K. ADJOURNMENT

President Atkins adjourned the meeting at 2:15 p.m.

Respectfully submitted,

Justin M. Hopkins
Secretary of the Board

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**STOCKTON EAST WATER DISTRICT
INVOICES FOR BOARD PACKAGE
CALPERS EFT REQUEST
JUNE 13, 2023**

Vendor name	District Fund#	Account #	Description	Amount	Invoice No.
1 CA Public Employees Retirement System (CalPERS)	70	10-5049-0	Retirement Contributions for Payroll 06/09/23-Admin	5,162.47	06/09/23 1245106351
2 CA Public Employees Retirement System (CalPERS)	70	10-2299-0	Retirement Contributions for Payroll 06/09/23-Admin	47.45	06/09/23 1245106351
			Total Fund 70 Admin	\$ 5,209.92	
3 CA Public Employees Retirement System (CalPERS)	71	10-5049-0	Retirement Contributions for Payroll 06/09/23-WS-NM	4,093.12	06/09/23 1245106351
4 CA Public Employees Retirement System (CalPERS)	71	10-5058-0	Retirement Contributions for Payroll 06/09/23-WS-NH	1,952.37	06/09/23 1245106351
			Total Fund 71 Water Supply	\$ 6,045.49	
5 CA Public Employees Retirement System (CalPERS)	94	10-5049-0	Retirement Contributions for Payroll 06/09/23-M&I	18,294.50	06/09/23 1245106351
			Total Fund 94 Municipal & Industrial	\$ 18,294.50	
Grand Total for Electronic Funds Transfer Request on RBM 06/13/2023				\$ 29,549.91	

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AGREEMENT FOR NON-POTABLE WATER SERVICE

This AGREEMENT FOR NON-POTABLE WATER SERVICE (“**Agreement**”) is made this ___ day of _____, 2023 by and between the FRIENDS OF ELKHORN, LLC, a California limited liability company (“**Landowner**”) and STOCKTON EAST WATER DISTRICT, organized and existing under and by virtue of Enabling Legislation of the California State Legislature (“**District**”). Landowner and District are each individually referred to in this Agreement as a “**Party**” and collectively as the “**Parties**.”

1. RECITALS.

A. Landowner is the owner of that real property located near 1050 ELKHORN ROAD, STOCKTON, and identified as San Joaquin County Assessor Parcel Nos. 070-090-300 and -310 (“**Property**”), which Property is within the boundaries of District. The Property is operated by Landowner as a golf course, requiring non-potable water for irrigation.

B. Landowner has requested non-potable municipal water service (“**Water**”) from District for irrigation of the Property.

C. District does not have physical improvements in place that can provide Water to the Property, but has entered into an exchange with North San Joaquin Water Conservation District (“**North San Joaquin**”) to supply the Water to the Property.

D. The Parties intend by this Agreement to confirm the terms and conditions under which Water may be provided to the Property.

NOW THEREFORE, the Parties agree as follows:

2. WATER.

A. Water Service. Provided Water is available, and provided North San Joaquin continues to agree to wheel Water to the Property, District will provide Water to the Property, upon the same terms and conditions that it provides irrigation water to properties within the District boundaries.

B. Water Availability. The Parties acknowledge that while the Property uses Water for municipal purposes as defined by the District’s governing legislation, Water is available in District facilities for diversion by Landowner only during the irrigation season (ordinarily March through October of each year).

C. Water Measurement. The District will install, maintain, and replace, as necessary, a flow meter with a volumetric totalizer for measurement of all water diverted by Landowner. Landowner must provide suitable improvements to facilitate installation of the flow meter to the meter manufacturer’s specifications. If parties agree the installation of a flow meter is not conducive to the diversion facility, volumetric diversions will be determined in accordance with District Rule 107 and Rule 131.

3. **RULES AND REGULATIONS.** Water delivery from DISTRICT is subject to District rules and regulations, as adopted and modified from time to time, including all applicable charges.

4. **WATER USE EFFICIENCY.** Landowner shall demonstrate its overall irrigation efficiency on the Property and be able to achieve efficiency goals established by the District from time to time. The ability to achieve these efficiency goals will be evaluated by the District. The burden shall be on the Applicant(s) to prove that irrigation efficiency goals are maintained.

5. **TERM.** This Agreement shall become Effective on the Effective Date, and continue until terminated by either Party upon sixty (60) day's prior written notice of either Party.

6. **RATES.** Landowner agrees to pay to District the rate established annually by the Board of Directors of the District after public hearing.

7. **INSTALLATION AND OPERATION OF CONVEYANCE FACILITIES.** Landowner agrees to install, operate and maintain the facilities necessary to transport Water from Pixley Slough to the Property at Landowner's sole cost and expense.

8. **ACCESS EASEMENT.** Landowner agrees to provide direct ingress and egress, Monday through Friday, during normal business hours, to the District's agents, vehicles and equipment during the term of this Agreement. The District will coordinate access with the Landowner at least 24 hours in advance.

9. **QUALITY OR FITNESS OF WATER.** District makes no warranty or representations as to the quality or fitness for use of the Water sold and provided to Landowner pursuant to this Agreement. Landowner shall be responsible for all necessary measures at its own expense for any testing, treatment, and other steps required for Water sold pursuant to this Agreement.

10. **AVAILABILITY & REDUCTION IN WATER.** District makes no representation, guarantee or warranty to Landowner regarding the availability of Water or the quantity, quality, or delivery times of said Water. Water delivered to Landowner under this Agreement may be reduced by District due to it becoming unavailable as determined by the District, drought, failure of facilities, intervening acts, failure of North San Joaquin to wheel the Water, or any other actions beyond the control of District.

11. **INDEMNIFICATION.** This Agreement is made on the express condition that District shall be free from all liability and claims for damages by reason of any injury to or death of any person, or persons, or damage to property of any kind whatsoever, arising out of or in any manner connected with this Agreement, District's provision of Water pursuant to this Agreement, and/or with Landowner's acts or omissions related to this Agreement. In this regard, Landowner hereby agrees to and shall indemnify and hold harmless District from and against any and all claims, damages, loss, liability and expenses, including court costs and attorneys' fees, arising out of or on account of injury to or death of any person or loss of or damage to any property as hereinabove mentioned.

12. **NOTICE.** Any notice or communication required or permitted hereunder shall be in writing and shall be delivered personally, delivered by nationally recognized overnight courier service or sent by certified or registered mail, postage prepaid, or, if an email address is

provided, sent by electronic transmission, subject to confirmation of such electronic transmission. Any such notice or communication shall be deemed to have been given (i) when delivered, if personally delivered, (ii) one (1) Business Day after it is deposited with a nationally recognized overnight courier service, if sent by nationally recognized overnight courier service, (iii) the day of sending, if sent by email prior to 5:00 p.m. (PT) on any Business Day or the next succeeding Business Day if sent by email after 5:00 p.m. (PT) on any Business Day or on any day other than a Business Day or (iv) five (5) Business Days after the date of mailing, if mailed by certified or registered mail, postage prepaid, in each case, to the following address or email address, or to such other address or addresses as such Party may subsequently designate to the other Party by notice given hereunder:

To Landowner: Friends of Elkwood, LLC
5637 N. Penning Ave, Suite A-1
Stockton, CA 95207
Phone: 209 473 0394
Email: patrick@2539@sbccg/dial.net

To District : Stockton East Water District
Attention: General Manager
Post Office Box 5157
6767 East Main Street
Stockton, CA 95215
Phone: 209.948-0333
Email: jhopkins@sewd.net

“**Business Day**” means any day other than a Saturday, Sunday or any other day on which banking institutions in the State of California are authorized by law or executive action to close.

13. MISCELLANEOUS.

A. Amendments. This Agreement supersedes all prior negotiations of the Parties and contains the entire Agreement of the Parties on the matters covered hereby. This Agreement may not be modified orally, or in any other manner, other than by an Agreement in writing signed by all of the Parties.

B. Permits and Government Approvals. Landowner shall obtain all necessary permits and governmental approvals required for their performance under this Agreement.

C. Attorney's Fees. In the event of any controversy, claim, or dispute, relating to this Agreement or the breach thereof, the prevailing Party shall be entitled to recover from the losing Party reasonable expenses, attorney's fees and costs.

D. Counterparts and Electronic Signatures. This Agreement may be executed in two or more counterparts and when so executed shall have the same force and affect as though all signatures appeared in one document. An electronic signature of this Agreement shall be considered an original signature of this Agreement for all purposes.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as a sealed instrument as of the Effective Date.

LANDOWNER

FRIENDS OF ELKHORN, LLC, a
California limited liability company

By 

PATRICK CURRY, President

DISTRICT

STOCKTON EAST WATER DISTRICT

By **DRAFT**

Richard Atkins, President

ATTEST:

DRAFT
By _____
Justin M. Hopkins, General Manager

Date



2023 ACWA ELECTIONS
AUTHORIZED VOTING REPRESENTATIVE FORM

ACWA has launched two separate but concurrent election processes for the 2024-'25 term: the board officers' election for President and Vice President and the region board elections. **In order to vote for the board officers, each member agency must designate one voting representative by June 16.** To designate your agency's one voter, submit this Authorized Voting Representative Form by the June deadline. If you do not designate a representative to vote by the deadline, your agency's General Manager will be the authorized voter by default. Authorized voters will receive an electronic ballot on July 17. For more information about ACWA's elections, visit www.acwa.com/elections.

The person designated below will cast our agency's vote for the election of ACWA's President and Vice President for the 2024-'25 term in the upcoming election.

Member Agency's Name		Agency's Phone No.
Authorized Voting Representative's Name	Authorized Voting Representative's Email	Authorized Voting Representative's Phone No.

Our member agency would like to cast a paper ballot by U.S. mail instead of voting electronically.
Please provide the mailing address below only if you are voting by mail.

Mailing Address	City, State and Zip
-----------------	---------------------

Print Name of Member Agency's Authorized Signatory

X _____

Authorized Signatory Signature

Date

SAVE & SUBMIT

SUBMIT YOUR FORM

To: Donna Pangborn, Senior Clerk of the Board
Email: donnap@acwa.com
Mail: 980 9th Street, Suite 1000, Sacramento, CA 95814

**SUBMISSION DEADLINE
JUNE 16, 2023**

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RESOLUTION NO. 23-24-04

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
STOCKTON EAST WATER DISTRICT
PLACING IN NOMINATION _____ AS A MEMBER OF THE ASSOCIATION OF
CALIFORNIA WATER AGENCIES FOR REGION 4 BOARD OF DIRECTORS**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF STOCKTON EAST WATER DISTRICT AS FOLLOWS:

A. Recitals

The Board of Directors (Board) of the Stockton East Water District does encourage and support the participation of its members in the affairs of the Association of California Water Agencies (ACWA).

Thomas McGurk is currently serving as Director for ACWA Region 4 and has indicated a desire to resign the position at the end of the current term.

The Stockton East Water District Board has a continued interest of representation as a Director of ACWA Region 4.

B. Resolves

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF STOCKTON EAST WATER DISTRICT:

Does place its full and unreserved support in the nomination of _____ for the Director of ACWA Region 4.

Does hereby determine that the expenses attendant with the service of _____ in ACWA Region 4 shall be borne by the Stockton East Water District.

PASSED AND ADOPTED at a regular meeting by the Board of Directors of the Stockton East Water District on the 13th day of June 2023 by the following vote thereof:

- Ayes:
- Noes:
- Absent:
- Abstain:

DRAFT

Richard Atkins, President

ATTEST:

DRAFT

Justin M. Hopkins
Secretary of the Board

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Memorandum

To: Board of Directors
From: Justin M. Hopkins, General Manager
 Juan Vega – Assistant General Manager
Date: June 13, 2023
Re: Sewd.Gov Authorization Letter

Background

Stockton East Water District (District) owns and operates the registered website address www.sewd.net. The cost of domain registration is \$21 per year. On March 17, 2023 **AB1637: Local government: internet websites and e-mail addresses** was introduced in the State of California’s Legislature. The bill would have required local agencies that do not use a domain name that ends with .gov or .ca.gov to change their current domain name to end with either of those governmentally-related suffixes.

Summary

In anticipation of possible passage of AB1637, District staff began investigating the necessary steps to register either sewd.gov or sewd.ca.gov. Our IT provider, Verve Networks, Inc. was engaged to help our efforts and they were able to point out resources for staff to investigate. Staff determined that the cost of registration was free for both the .ca.gov suffix and the .gov suffix, but both registrations require multiple steps to get the domain name registered. The steps required to obtain a .gov suffix are listed in **Table 1**.

1	Choose a name
2	Determine DNS host
3	Prepare and send the authorization letter
4	Submit the online form
5	Wait for review

Table 1. Steps to register a .gov suffix website domain

Ultimately AB1637 was amended to exclude special districts. However, it is possible that future legislation could impose this requirement on special districts. Additionally, the District could, eventually, choose to make the permanent change to a .gov domain.

Financial Impact

There is no financial impact as the registration is free.

Recommendation

Staff recommends sending the attached letter (Exhibit A) to proceed with registering sewd.gov to Stockton East Water District, thereby ensuring that another entity does not claim the domain name.



**STOCKTON
EAST WATER
DISTRICT**

PROVIDING SERVICE SINCE 1948

www.sewd.net

DIRECTORS

Richard Atkins
President
Division 1

Andrew Watkins
Division 2

Alvin Cortopassi
Division 3

Melvin Panizza
Division 4

Paul Sanguinetti
Division 5

Loralee McGaughey
Division 6

Thomas McGurk
Vice President
Division 7

STAFF

Justin M. Hopkins
General Manager

Juan M. Vega
Assistant General Manager

LEGAL COUNSEL

Jeanne M. Zolezzi
General Counsel

Phone 209-948-0333
Fax 209-948-0423

E-mail sewd@sewd.net

6767 East Main Street
Stockton, CA 95215

Post Office Box 5157
Stockton, CA 95205

June 13, 2023

. Gov Domain Registration
c/o Verisign, Inc.
12061 Bluemont Way
Reston, Virginia 20190

To the .Gov Program:

As authorizing authority for the Stockton East Water District (District), I request that responsibility for the domain name **sewd.gov** be delegated to the Stockton East Water District Board Members.

Stockton East Water District's mission was formed in 1948 and is a special district which derives its present-day authority and powers from various chapters in the Statutes of 1971 of the State of California's Legislature. The District's mission is to ensure sustainable groundwater, high quality drinking water, and supplemental surface water for agricultural use. Acquisition of **sewd.gov** will help the District engage the community it serves and as such will be an invaluable tool towards achieving its mission statement. The .gov domain name will inspire trust and reliability the public has come to expect from governmental entities.

In order to obtain and maintain sewd.gov, the District will meet the general and specific requirements for federal agencies, found at:

<https://get.gov/registration/requirements>.

The following will be listed as contacts for Stockton East Water District.gov, which the District will keep up to date in the .gov registrar.

Administrative contact

Justin M. Hopkins
General Manager
6767 E. Main Street, Stockton, CA 95215
209-948-0333
jhopkins@sewd.net

Technical contact

Evan Stone
IT Manager

209-244-7117
evan.stone@verveit.com

Security contact

Juan M. Vega
Assistant General Manager
6767 E. Main Street, Stockton, CA 95215
209-948-0333
jvega@sewd.net

I understand that if I wish to retire Stockton East Water District.gov, I must submit a written request to registrar@dotgov.gov.

Sincerely,

DRAFT

Richard Atkins
President

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RESOLUTION NO. 23-24-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF
STOCKTON EAST WATER DISTRICT
APPROVING THE DISPOSAL OF SURPLUS PROPERTY

WHEREAS, Stockton East Water District owns a wire recycling bin used to store wire and wire remnants from the District’s electrical and SCADA projects which is no longer useful to the District; and

WHEREAS, Stockton East Water District owns an articulate mower which is no longer functioning or useful to the District; and

WHEREAS, Stockton East Water District owns conveyor belt which was replaced by new equipment at Duck Creek and which is no longer useful to the District; and

WHEREAS, Stockton East Water District owns an elevator which was replaced by new equipment at Duck Creek and which is no longer useful to the District; and

WHEREAS, Stockton East Water District owns two VFD cabinets which have been decommissioned and stripped of all useful parts and which are no longer useful to the District; and

WHEREAS, Stockton East Water District owns a generator which is not operational and which is no longer useful to the District; and

WHEREAS, the above listed items have been declared surplus by the General Manager; and

WHEREAS, the District’s Surplus Property Disposal Guidelines adopted on June 4, 2013 states the General Manager shall use methods and procedures for disposing of surplus items, which in his judgment will return the greatest value at the least cost to the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Stockton East Water District that the General Manager shall be authorized to use the methods and procedures for disposing of surplus items, which in his judgment will return the greatest value to the District.

PASSED AND ADOPTED at a regular meeting by the Board of Directors of the Stockton East Water District on the 13th day of June, 2023 by the following vote of the members thereof:

- Ayes:
- Noes:
- Absent:
- Abstain:

DRAFT

Richard Atkins, President

ATTEST:

DRAFT

Justin M. Hopkins
Secretary of the Board

Replaced Electrical Wires and Wire Remnants



Non-functioning Articulate Mower and corresponding tractor was previously surplus



Replaced Conveyor Belt – not applicable for use at other sites



Replaced Elevator – not applicable for use at other sites



Obsolete VFD Cabinets



Small Diesel Generator – rendered inoperable due to rodent damage



Weekly Water Report	As of: June 6, 2023	As of: June 13, 2023
New Hogan (NHG) TOC	317,100	AF
Storage:	237,535	AF
Net Storage Change:	-1,877	AF
Inflow:	113	CFS
Release:	210	CFS
New Melones (NML) Allocation	75,000	AF
Storage:	1,870,202*	AF
Net Storage change:	+73,392	AF
Inflow:	8,078	CFS
Release:	2,831	CFS
Source: CDEC Daily Reports		

Goodwin Diversion (GDW)		
Inflow (Tulloch Dam):	2,774	CFS
Release to Stanislaus River (S-98):	1,501	CFS
Release to OID (JT Main):	814	CFS
Release to SSJID (SO Main):	340	CFS
Release to SEWD:	<u>282</u>	CFS
Total Release	2,937	CFS
Source: Tri-Dam Operations Daily Report		
Farmington Dam (FRM)		
Diverted to SEWD:	N/A	CFS
Diverted to CSJWCD:	0	CFS
Source: USACE WCDS Hourly Report		

Surface Water Used		
Irrigators on New Hogan:	15	
Irrigators on New Melones:	2	
Out-Of-District Irrigators:	1	
DJWWTP Production:	34	MGD
North Stockton:	0	MGD
South Stockton:	7	MGD
Cal Water:	25	MGD
City of Stockton DWSP Production:	22	MGD

District Ground Water Extraction		
74-01	0	GPM
74-02	0	GPM
North	0	GPM
South	0	GPM
Extraction Well # 1	<u>0</u>	GPM
Total Well Water Extraction	0	GPM
Total Ground Water Production	0	MGD

Note: *The data reported here is available as of 06/04/23

All other flow data reported here is preliminary, as of 10:30 a.m. on 06/06/23.

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SPECIAL MEETING NOTICE

A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE STOCKTON EAST WATER DISTRICT WILL BE HELD AT 12:30 P.M., FRIDAY, JUNE 9, 2023 AT THE DISTRICT OFFICE, 6767 EAST MAIN STREET STOCKTON, CALIFORNIA 95215

Assistance for the Disabled: If you are disabled in any way and need accommodation to participate in the meeting, please contact Administrative Staff at (209) 948-0333 at least 48-hours in advance for assistance so the necessary arrangements can be made.

Agendas and minutes are located on our website at www.sewd.net.

AGENDA

Page No

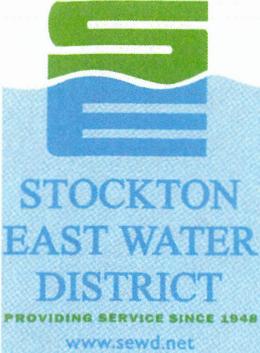
- A. Pledge of Allegiance (Director Sanguinetti) & Roll Call
- B. Director Reports
- C. Report of the General Manager
- D. Presentations of Recognition
- E. Public Comment (3-minute limit)
- F. Adjournment

Certification of Posting

I hereby certify that on June 7, 2023 I posted a copy of the foregoing agenda in the outside display case at the District Office, 6767 East Main Street, Stockton, California, said time being at least 72 hours in advance of the meeting of the Board of Directors of the Stockton East Water District (Government Code Section 54954.2). Executed at Stockton, California on June 7, 2023.


Morgiana Celestine, Administrative Services Manager
Stockton East Water District

Any materials related to items on this agenda distributed to the Board of Directors of Stockton East Water District less than 72 hours before the public meeting are available for public inspection at the District's office located at the following address: 6767 East Main Street, Stockton, CA 95215. Upon request, these materials may be available in an alternative format to persons with disabilities.



DIRECTORS

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Assistant General Manager

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