

## **MINUTES**

Oakdale, California  
January 9, 2007

The Board of Directors of the Oakdale Irrigation District invited all to recite the Pledge of Allegiance and then met in Regular Session at the hour of 9:00 a.m. Upon roll call, there were present:

Directors: Steven A. Webb, President  
Jack D. Alpers, Vice President  
Frank B. Clark  
Tony Taro  
Al Bairos, Jr.

Staff Present: Steve Knell, P.E., General Manager/Secretary  
Gary Jernigan, Support Services Manager  
Kevin King, Water Operations Manager  
Kathy Cook, Chief Financial Officer

### **ADDITION OR DELETION OF AGENDA ITEMS**

There were no additions or deletions of Agenda Items.

### **ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE**

There were no items taken out of sequence.

At the hour of 9:01 a.m. the Board welcomed public comment.

### **PUBLIC COMMENT ITEM NO. 1**

Mr. Charles Neal, 2312 Rio Verde Drive, Riverbank, California was present at the hearing and spoke on behalf of Mr. Ernest Holloway who lives on Snedigar Road in Riverbank. Mr. Holloway could not be present at the hearing. Mr. Neal asked that the District reconsider its decision to not provide irrigation water to the out-of-district waters users in Riverbank.

Loretta Ray, 5753 Hinds Road, Oakdale, California was present to thank Gary Jernigan and Robert Johnson for the unselfish act of trying to save her father's (Lorens Foard) life during the last regular OID meeting.

Mr. Billie Ray, 5753 Hinds Road, Oakdale, California, wanted to tell the Board of Directors that Mr. Foard thought highly of the Board of Directors and enjoyed attending the meetings and discussing water issues with them.

There being no further Public Comment; Public Comment closed at 9:12 a.m. and the Board Meeting continued.

Director Clark requested that Item Nos. 2 and 3 be pulled from the Consent Calendar.

**CONSENT ITEMS**  
**ITEM NOS. 4, 5, 6, 7, 8, 9**

**ITEM NO. 4**  
**APPROVE OAKDALE IRRIGATION DISTRICT**  
**STATEMENT OF OBLIGATIONS FROM**  
**THE DECEMBER 19, 2006 BOARD MEETING**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Oakdale Irrigation District Statement of Obligations from the December 19, 2006 Board Meeting.

**ITEM NO. 5**  
**APPROVE ENCROACHMENT AGREEMENT**  
**ON THE PAULSELL LATERAL**  
**EXTENSION (APN: 011-005-040 – SIBERNAGEL)**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Encroachment Agreement on the Paulsell Lateral Extension (APN: 011-005-040 – Sibernagel).

**ITEM NO. 6**  
**APPROVE ENCROACHMENT AGREEMENT**  
**ON THE PAULSELL LATERAL**  
**EXTENSION (APN: 011-005-041 – WEBER)**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Encroachment Agreement on the Paulsell Lateral Extension (APN: 011-005-041 – Weber).

**ITEM NO. 7**  
**APPROVE NOTICE OF COMPLETION ON GRIDER**  
**PIPELINE TO MOZINGO CONSTRUCTION, INC.**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Notice of Completion on Grider Pipeline to Mozingo Construction, Inc.

**ITEM NO. 8**  
**APPROVE NOTICE OF COMPLETION**  
**ON FAIRBANKS PIPELINE TO RTC, INC.**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Notice of Completion on Fairbanks Pipeline to RTC, Inc.

**ACTION CALENDAR**  
**ITEMS 2, 3, 10, 11, 12**

**ITEM NO. 2**  
**APPROVE THE BOARD OF DIRECTORS' MINUTES**  
**OF THE REGULAR MEETING OF DECEMBER 19, 2006**  
**AND THE SPECIAL MEETING OF DECEMBER 21, 2006**

Director Clark stated that the Minutes from the Regular Meeting of December 19, 2006 under Committee Reports on page 12, regarding Knights Ferry needs more clarification. Director Alpers stated that the discussion was on the Knights Ferry water situation and the supplying of water during the winter; however, since the District received a letter threatening a lawsuit the Committee felt that it should be handled in closed session and nothing more was discussed. Director Clark stated that we also need to include the fact that an ad hoc committee was formed. Director Alpers stated that the ad hoc committee was formed at a prior Board Meeting not at the Water/Engineering Committee Meeting.

Thereafter, a motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of December 19, 2006 and the Special Meeting of December 21, 2006, once further clarification was made to the Minutes of the Regular Meeting of December 19, 2006 regarding Knights Ferry.

**ITEM NO. 3**  
**APPROVE OAKDALE IRRIGATION**  
**DISTRICT STATEMENT OF OBLIGATIONS**

Director Clark had a comment regarding the payment of \$45,326.56 for the 2006-2007 Water Rights Fees and requested that a protest letter be forwarded at the same time that the check is forwarded to the State Board of Equalization.

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve the Oakdale Irrigation District Statement of Obligations.

**ITEM NO. 10**  
**REVIEW AND TAKE POSSIBLE ACTION**  
**ON AN EMPLOYEE ASSISTANCE PROGRAM**

As part of the implementation of the Operation Employee's Unit contract the District will provide an Employee Assistant Program (EAP). An EAP offers quick and easy access to confidential, professional assistance and resources to help employee address difficulties

related to substance abuse, emotional concerns, relationships, and legal and financial concerns. Staff solicited two vendors for quotes; one from its current dental and visions provider, ACWA Benefits Service and another through TSM Insurance Brokers.

Summary of quotes:

<u>Administrator</u>	<u>Provider</u>	<u>Monthly Premium Per Employee</u>
ACWA Benefits Service	Blue Cross of CA	\$3.39
TSM Insurance Brokers	Lincoln Financial	\$1.22 or a minimum of \$1,500 per year (\$1,500 = \$1.80 per employee)

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve an Employee Assistance Program (EAP) with Lincoln Financial.

**ITEM NO. 11**  
**REVIEW AND TAKE POSSIBLE ACTION**  
**AWARD OF BID FOR THE**  
**PURCHASE OF BUDGETED 2007 VEHICLES**

**Purchase No. 1:** Staff solicited bids from eight (8) vendors for seven (7) replacement vehicles. Three (3) vendors were responsive. Hillier Ford was the low bidder for all seven (7) vehicles as shown on the attached spreadsheet. The bid price for each vehicle did not include the cost for tool boxes, fuel tanks, spot lights and emergency lighting. The additional costs were included with the budget and shown on the bid spreadsheet. Also, the Chassis for the WUD and Crew trucks were not included with the bids and will be bid separately and submitted to the Board for approval.

Staff recommends purchasing the seven vehicles; two (2) Ag pickups, one (1) WOM pickup, two (2) ¾ ton diesel pickups, one (1) 10,700 lb GVW WUD pickup and one (1) 17,500 lb GVW Crew pickup, from Hillier Ford.

**Purchase No. 2:** Staff solicited bids from six (6) vendors for one (1) dump truck and one (1) truck tractor. Two (2) vendors were responsive. Central California Kenworth Trucks was the low bidder for both of the vehicles. The bid price for each vehicle did not include the cost for tool boxes, emergency lighting and the tarp apparatus on the dump truck. The additional costs were shown on the bid spreadsheet.

Gary Jernigan, Support Services Supervisor, requested that the bid for the dump truck only be pulled from Purchase No. 2 of the agenda item.

A motion was made by Director Clark and seconded by Director Bairos to purchase the 2007 ½ ton 4x4 pick up truck and the 2007 extended cab 4x4 pick up truck from Hillier Ford and purchase the 2007 ¾ ton diesel pick up truck, the 2007 10,700 lb GVW (WUD) cab and chassis, and the 2007 17,500 lb GVW (crew) cab and chassis from Haidlen Ford, and was voted as follows:

Ayes: Directors Clark and Bairos  
Noes: Directors Alpers, Webb, and Taro

The motion failed for lack of vote.

Thereafter a motion was made by Director Alpers, seconded by Director Taro, to purchase the seven (7) replacement vehicles under Purchase No. 1 from Hillier Ford, and was voted as follows:

Ayes: Directors Alpers, Webb, and Taro  
Noes: Directors Clark and Bairos

No action was taken on Purchase No. 2 regarding the purchase of the truck tractor.

**ITEM NO. 12**  
**REVIEW AND TAKE POSSIBLE ACTION ON INCREASE**  
**IN HOURLY RATES FOR DISTRICT'S GENERAL COUNSEL**

Curtis & Arata have not raised rates in four and one-half (4-1/2) years. The requested increase amounts to a 2 ½% increase over the term of this contract.

Curtis & Arata's current hourly rates are:

<u>Position Title</u>	<u>Rate</u>
Shareholders	\$175 per hour
Associates	\$150 per hour

Curtis & Arata are requesting the following increases:

<u>Position Title</u>	<u>Rate</u>
Shareholders	\$195 per hour
Associates	\$175 per hour
Paralegals	\$ 90 per hour

A motion was made by Director Clark, seconded by Director Webb, and unanimously supported to approve the rate increase for the District's General Counsel.

**DISCUSSION**

**ITEM NO. 13**  
**DISCUSSION ON CITY OF**  
**RIVERBANK DRAINAGE PROPOSAL**

General Manager, Steve Knell, discussed the letter received from the City of Riverbank regarding moving forward with solving Riverbank's drainage problems. The letter was in response to a previous letter OID had sent to the City.

Steve Knell, General Manager, stated that there is a meeting scheduled for January 10, 2007 with the City of Riverbank in furtherance of discussions on drainage issues in the City

of Riverbank. The General Manager further stated that when the City of Riverbank detaches from Oakdale Irrigation District it is no longer part of the District and is no longer within our sphere of influence.

The City of Riverbank's drainage proposal was prepared by Bill Kull and proposes building two retention ponds; one at Eleanor just south of Patterson and another at Langworth just north of Patterson which would collect water in a fifty (50) year storm event and then pump it into the Riverbank Lateral at a rate sufficient to go downstream to the MID canal.

## **ITEM NO. 14** **COMMUNICATIONS**

### **Safety Activities**

1. OID has gone 230 days without a lost time injury accident.

### **Administration Activities**

1. January 17<sup>th</sup> will be the public workshop required by CEQA during the 45 day comment period on the PEIR for the Water Resources Plan. Mailers, media announcements and the like have been prepared and sent to inform and encourage participation at this event.
2. The Irrigation Institute meets on the 22<sup>nd</sup> and 23<sup>rd</sup> of this month. Interested Directors wishing to attend the 22<sup>nd</sup> meeting please advise GM.
3. ACWA/JPIA denied Joe Dutra's claim.
4. Goad mediation is scheduled for January 19<sup>th</sup>.
5. Twelve letters informing past water users within the city limits of Riverbank that there will be no irrigation water made available in 2007 and thereafter.
6. OID paid \$45,326.56 in State fees for the 14 water rights both OID and SSJID have on the Stanislaus River.
7. OID received an ACWA Award for its low Workers Comp Claims and Reserves to Premiums Paid from July 01-June 05. OID is now with SDRMA Insurers for its Workers Comp.
8. A Strategic Plan update and Staffing goals for 2008 will be on for discussion at the next Board meeting.

### **Accounting Activities**

1. Busy time of year with heavy receivables, responding to customer inquiries and closing the books on 2006.

### **A. COMMITTEE REPORTS**

There were no committee reports.

### **B. DIRECTORS' COMMENTS/SUGGESTIONS**

#### **Director Alpers**

Director Alpers had two comments to make. First, he said that all of the Directors need to think about what direction they want to go with the Strategic Plan; whether it is drainage issues or irrigation issues. He asked all Directors to think about this before the next

meeting so that there can be a reasonable discussion. Secondly, he wanted to address the comments made by Mr. Neal today. He stated that he gives a very elaborate and nice presentation; however, he stated that these very people that we are talking about disconnecting from our district standup in the Riverbank City Counsel meetings criticizing OID. Now they come and ask the District to work with them. Director Alpers stated that the District is losing money by furnishing water to Riverbank. The District has discontinued water in the City of Oakdale so how can we possibly give water to the City of Riverbank who is not within our sphere of influence and when we don't even give irrigation water to our constituents in Oakdale.

#### Director Clark

Director Clark stated that he thinks that this is a debate that the District needs to have concerning Riverbank water. He stated that he knows we cut off the City of Oakdale, but this is a little different situation. He stated that he thinks that we need to look at Riverbank on a parcel-by-parcel basis; if somebody has ten acres and they are actively farming maybe we should give them out-of-district water. If somebody uses two acres and they use it to water their yard we probably should not give them water. Director Clark asked if they had water connections with the City of Riverbank so that they can get domestic water from the City. He stated that all of the people in Oakdale were not impacted terribly because most of them had a City of Oakdale water connection, so if you cut off the OID irrigation water they could still water their lawns. If somebody had five acres inside the City we still continued to serve that party. He stated that he just did not think we wanted to say carte blanche to everybody in Riverbank. Director Clark felt that we needed to have a good discussion about this before a decision is made. We need to look at what size parcels, what size land, and the Board may very well come to the same conclusion, but he thinks that the District needs to have a real in depth look at that.

#### Director Bairos

Director Bairos agreed with Director Clark's comments and that this needs to be discussed to see what the acreage is and who is and who is not farming. He stated that he hates to take water away from someone who is actually using it for agriculture.

General Manager, Steve Knell, stated that the Board took action on this very matter in 2004 for the City of Oakdale and the City of Riverbank. The Board already had public hearings, the Board already has done due diligence in making the people aware of the fact that this was going to occur. Public policy implementation is always two-fold; it is the action you take and then it is the implementation. It is the implementation that drives this sudden awareness.

#### Director Taro

Director Taro had no comment.

#### Director Webb

Director Webb stated that OID has been put between a rock and a hard place so to speak through this entire matter. Director Webb stated that the City of Riverbank wanted to de-annex which they did and everybody was happy to do it because they did not want anything to do with OID any longer. Later, after they de-annexed, they wanted irrigation water if they were not intending to build. OID went above and beyond by giving them water. Director

Webb believed that the District agreed to give them water for three years and it has now been at least twenty years. Director Webb stated that the District needs to clarify that when you annex into the City of Riverbank and have a plan to build a subdivision on your property you cannot always have your cake and eat it too. Director Webb felt that this issue needed to be discussed by the Water Committee.

At the hour of 10:30 a.m. a motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to go into Closed Session.

**ITEM NO. 15**  
**CLOSED SESSION**

**A. Government Code §54956.9 Existing Litigation**

(1) *Goad v. Oakdale Irrigation District*

**B. Government Code §54957.6 Conference with Labor Negotiator**

Agency Negotiator: Steve Knell

Unrepresented Employees: Exempt Mgt., Exempt Supv., and Confidential Employees

**C. Government Code §54957 Public Employee Performance Evaluation**

Title: General Manager

At the hour of 11:09 a.m. a motion was made by Director Alpers, seconded by Director Taro, and unanimously supported to return to the regular meeting.

General Counsel, Michael Ijams stated that in Closed Session the Board gave General Counsel negotiation authority in the matter of *Goad v. OID*.

The General Manager, Steve Knell, further stated that in Closed Session the Board gave the General Manager authorization to speak with the three non-union bargaining groups regarding elements of their working conditions at the District.

**OTHER ACTION**  
**ITEM NO. 16**

At the hour of 11:10 a.m. a motion was made by Director Bairos, and seconded by Director Taro, and unanimously supported to adjourn to the next **Board of Director's Meeting on Tuesday, January 23, 2007, at 9:00 a.m.** at the Oakdale Irrigation District Office, 1205 East F Street, Oakdale, CA 95361.



The next **regular Joint Board Meeting for the Tri-Dam Project** has been re scheduled for **Tuesday, January 23, 2007, at 2:00 pm.** in the Board Room of the South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, California.

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Steven A. Webb, President

Attest:

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Steve Knell, P.E., Secretary