

MINUTES

Oakdale, California
February 19, 2008

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

Staff Present: Steve Knell, P.E., General Manager/Secretary
Kevin King, Water Operations Manager
Gary Jernigan, Support Services Manager
Joe Fos, Engineering Technician

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 9:00 a.m. the Board welcomed public comment.

PUBLIC COMMENT ITEM NO. 1

There being no Public Comment; Public Comment closed at 9:00 a.m. and the Board Meeting continued.

CONSENT ITEMS ITEM NOS. 2, 3, 4, 5, 6, 7, 8

ITEM NO. 2 APPROVE THE BOARD OF DIRECTORS' MINUTES OF THE REGULAR MEETING OF FEBRUARY 5, 2008

A motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of February 5, 2008.

ITEM NO. 3
APPROVE OAKDALE IRRIGATION
DISTRICT STATEMENT OF OBLIGATIONS

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

ITEM NO. 4
APPROVE IMPROVEMENT DISTRICT
STATEMENT OF OBLIGATIONS

A motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to approve the Improvement District Statement of Obligations.

ITEM NO. 5
APPROVE TREASURER AND CHIEF
FINANCIAL OFFICER'S REPORT FOR
THE MONTH ENDING JANUARY 31, 2008

A motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to approve the Treasurer and Chief Financial Officer's Report for the month ending January 31, 2008.

ITEM NO. 6
APPROVE GENERAL SERVICES AGREEMENT FOR
VARIOUS VENDORS AND CONTRACTORS (PRESTON PIPELINES, INC.)

A motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to approve the General Services Agreement for Preston Pipelines, Inc.

ITEM NO. 7
APPROVE CHANGE ORDER NO. 03 TO CONCO WEST
FOR EXTENSION OF SHOTCRETE LINING, ADDITIONAL
CONCRETE, REPAIR HEADWALL, INSTALL ADDITIONAL
RIP RAP, AND REMOVAL OF CONCRETE RUBBLE
FROM BURNETT/TULLOCH CONTROL STRUCTURE SITE.

A motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to approve Change Order No. 03 to Conco West for extension of shotcrete lining, additional concrete, repair headwall, install additional rip rap, and removal of concrete rubble from Burnett/Tulloch control structure site.

ITEM NO. 8
APPROVE ENCROACHMENT AGREEMENT ON
THE ROOT DRAIN (APN: 006-002-077 – VANDER WAL)

A motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to approve the Encroachment Agreement on the Root Drain (APN: 006-002-077 – Vander Wal).

ACTION CALENDAR
ITEMS NOS. 9, 10

ITEM NO. 9
REVIEW AND TAKE POSSIBLE ACTION
ON LANGWORTH PIPELINE PROPERTY

On February 4, 2008, Oakdale Irrigation District's (OID) Water Committee met to hear staff's proposals to resolve a conflict along the Langworth Pipeline located between Richardson and Eleanor Roads. Staff presented the Water Committee with five (5) different options as shown in the attached documentation. After discussions with the Committee, an alternative not presented by staff came to be the recommended alternative. The following conditions make up that alternative:

1. OID to retain ownership of the Langworth Pipeline Property in its entirety.
2. Fences to be installed fifteen (15) feet from pipe centerline on both the north and south side of the pipeline.
3. Cost for fence installation shall be at landowner's expense. (See attached documentation for approximate costs per parcel.)
4. Fence to be OID standard six-strand barbed wire.
5. Fence to become property of landowner. Any and all future maintenance shall be at landowner's expense.
6. Each landowner must complete an Encroachment Agreement for the fence and any and all existing permanent structures currently existing on OID property. \$250 staff time processing fee will be assessed in accordance with OID policy.
7. All private irrigation turnouts to be installed at property line.
8. All landowners must participate.
9. Encroachment Agreements must be signed and all fees received by District no later than close of business on March 3, 2008.

OID staff supports the Water Committee's preferred alternative as set-forth above and will be available to answer any questions the Board may have. Please note that should the Board approve this alternative and OID not be in receipt of any and all funds as set-forth above, by close of business on March 3, 2008, the fences will be installed at property line and at the expense of OID.

Julian Bordona, III, who resides at 4706 Highway 108 was present at the hearing. Mr. Bordona stated that he was concerned about being able to reach his valves to turn them off and on. Currently the valves are on the OID property. General Manager, Steve Knell,

stated that his issue will be addressed once the property owners have decided whether or not to agree to the District's conditions.

A motion was made by Director Webb, seconded by Director Bairos, and unanimously supported to approve the forwarding of a letter to the landowners setting forth the conditions outlined above.

ITEM NO. 10
REVIEW AND TAKE POSSIBLE ACTION ON
REQUEST OF JACK BAUMAN FOR REIMBURSEMENT
OF WATER SERVICE RECONNECTION FEES (APN: 020-038-002)

In 2003, as recorded with Stanislaus County, Mr. Bauman's property (consisting of approximately 102 acres) located at 10931 Sierra Road (APN 010-038-002) was removed from the irrigation service charge at his request. Mr. Bauman made the decision to be removed from irrigation service for a number of reasons; one of which was for greater reliability of water service to his newly planted nut trees. To meet that need he felt he could do so better from his own private deep well.

In August of 2007, Mr. Bauman came to the District to request a one-time emergency supply of irrigation water. Mr. Bauman stated he was experiencing some problems with his deep well and was at risk of losing his almond crop. Per policy the District required Mr. Bauman to meet the conditions of the reconnection policy. Specifically, Mr. Bauman was required to submit an application for reconnection and pay the associated fees; which totaled \$1,993.88. Mr. Bauman reluctantly paid these fees and received irrigation water from August thru mid October.

In October 2007 after the irrigation season, Mr. Bauman sent a letter to the District requesting reimbursement for all or a portion of the fees associated with the reconnection. Subsequently a water committee meeting was setup and on December 11, 2007. Mr. Bauman was afforded the opportunity to make his request in front of the committee. As a result of the committee meeting Mr. Bauman was offered two (2) options for resolution. In a letter dated January 15, 2008 Mr. Bauman rejects both options and requests to present his case to the entire Board for consideration.

As of this date, Mr. Bauman, though reconnected to the OID, is currently delinquent in his installment payments and will not be able to receive water until corrected. Staff recommends that the Board uphold the options provided by the Water Committee.

General Manager, Steve Knell, stated that there was one correction to the Board Agenda Report. The figure shown for the fees paid by Mr. Bauman was \$4,087.76 not \$1,993.88.

Mr. Jack Bauman was present at the hearing and asked the Board to reimburse him \$3,000 of the \$4,087.76.

After a lengthy discussion a motion was made by Director Clark to charge Mr. Bauman only for the water that he used during the period August 3, to September 28, 2007 in the sum of \$2,500 and refund the remainder of the \$4,087.76 or the sum of \$1,587.76 to Mr. Bauman.

Mr. Bauman stated that he would rather stay in the District and choose Option #1 as set forth in the letter dated December 18, 2008 than accept the \$1,587.76 refund. Based on Mr. Bauman's statement, Director Clark rescinded his motion.

After further discussion, a motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to deny his request, to apply the reconnection charge of \$1,993.88 to the 2008 Irrigation Service Charge, and to terminate the Service Abandonment Agreement and Quit Claim Agreement that was recorded with the County.

DISCUSSION ITEMS
ITEM NOS. 11, 12, 13

ITEM NO. 11

DISCUSSION ON BUSINESS ITEMS AS THEY APPEAR
ON THE TRI-DAM BOARD AGENDA FOR TUESDAY, FEBRUARY 26, 2008

This item is placed here for the Board to discuss Tri Dam agenda items.

Director Webb cautioned the Board members to step lightly regarding discussions on the power contract with P.G. & E.

Director Clark stated that he would like to discuss at the Tri-Dam Meeting the article that was in the Modesto Bee regarding SSJID condemning the distribution and service facilities of P.G. & E. within the City of Stockton, Manteca, etc. through eminent domain and then use the distribution and service facilities for transmission of their Tri-Dam power. The Directors agreed that this article needs to be discussed at the next Tri-Dam Meeting.

ITEM NO. 12

DISCUSSION ON OAKDALE IRRIGATION
DISTRICT DRAFT ANTI-FRAUD POLICY

Fraud typically involves an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion, embezzlement, or concealment of material facts. If fraud should happen, guidelines need to be in place to insure that every avenue is evaluated to insure of its timely reporting and to minimize the impact of such actions.

An Anti-Fraud Policy (Draft) has been created to support the District's commitment to conducting its business practices to the highest ethical standards, and to protecting its revenue, property, and other assets to the benefit of the constituents it serves. This policy outlines the processes for reporting, investigating and handling of fraud, if it should occur.

Director Clark stated that the Anti-Fraud Policy was presented to the Personnel Committee who requested that some revisions be made. Those revisions have been made and it should be placed on the Consent Calendar for approval by resolution.

ITEM NO. 13
DISCUSSION ON STATUS OF
100 YEAR ANNIVERSARY PREPARATION

Staff will provide the Board a status report on the progress being made in preparing for OID's 100th Anniversary coming in November 2009.

Joe Fos was present and gave the Board a status report. Mr. Fos also passed out several old documents for the Board's peruse.

ITEM NO. 14
COMMUNICATIONS

A. **GENERAL MANAGERS REPORT**

Safety Activities

1. 641 days without a lost time injury accident.

Administration Activities

1. Legal Issues;
 - a. Goad – Still no change
 - b. Knight's Ferry dec relief – The list of non-contesters is growing.
 - c. Chappell Drain- C&A continues to pursue.
 - d. Annexations – Letter to Conde's requesting they appear before the Board and answer questions regarding their breach of annexation contract.
2. Admin Issues;
 - a. CCSF / Modesto Reservoir Feasibility Study – Internal meeting with staff and consultants was held February 15th. A meeting with CCSF, TID and MID scheduled for February 22nd.
 - b. Negotiations with SEWD – Still no meeting scheduled.
 - c. P.R. &R. review status – GM has been going through policies and finalizing them as time permits.
 - d. Revising OID's Strategic Plan – idled.
 - e. OUSD WET Program – No activity
 - f. Personnel Matters- Conducted in-house interviews for 1 DSO Senior and 2 DSO positions.
 - g. Met with Debbie Olsen, City of Riverbank Economic Development, regarding water service to Van Dusen, Minnier, and Davis Road area.
 - h. Met with Cal Poly Consultants on update to MID Water Resources Planning effort.
 - i. Policy training on Harassment, Drivers License, Drugs, and Drug Testing on Wednesday for office staff and make up training for operations staff.
 - j. San Joaquin Farm Bureau Work Center meeting Saturday the 23rd in Escalon. Assembly Candidate Bill Berryhill to speak.

Finance Activities

1. Sent out RFPs for IT Support on OID's network.
2. Continue to work with OVCB on ID52 loan.
3. 2007 annual audit begins February 19, 2008.

Contract and Special Project Activities

1. The Campbell Pipeline – RTC resumed work on the repairs to the pipeline. Also, started the Hydro/Leak test preparation.
2. Cape Horn Tunnel document review was completed and report is being drafted to Condor for the Vent modifications and Tunnel Rehabilitation.
3. Developing a Scope of Work for the investigation and production of the CEQA documents required for the 2008/2009 and 2009/2010 work seasons.
4. Conco West installing the grating and handrails for the Burnett/Tulloch Control Structure Modifications. Final grading will take place starting February 18, 2008 with clean following.
5. Granite Construction resumed work on February 15 previously delayed due to wet soil conditions on the Brichetto/Claribel Control Structure Modifications.
6. Cunningham & Sons have been delayed due to wet conditions in setting the bridge structure. Bridge has arrived but due to unstable soil conditions for the crane, the bridge cannot be set everything is ready as soon as the road dries up. Presently scheduled for Tuesday, February 19, 2008.
7. Cunningham & Sons has completed the bridge and pipe installations. In the final clean up and finish grading for the Reed Pipeline over the SSJID Main Canal.
8. Mzingo Construction started the Kearney Pipeline Replacement project on Wednesday, February 13, 2008.
9. Contract Administration activities on issued contracts and contracts to be renewed and/or issued, Work Releases, Change Orders and for all contracts.

Construction and Engineering Activities

1. Ongoing Suspense Forms
2. Misc. P&P project management
3. G&K project management
4. 2008/2009 Capital Project landowner meetings
5. Preparation of CEQA documentation for 2008/2009 Capital Projects
6. Draft report complete on Moulton Pond Recapture Alternatives
7. Assistant Engineer to attend ITRC short course
8. Preparation of specifications and bid packages for 2008 vehicle purchases
9. Preparation of specifications for 2008 heavy equipment purchases
10. Normal C&M winter activities
11. Concrete work on the South/Palmer Diversion has been completed
12. All of the pipe has been installed and backfilled on the Langworth Pipeline Project

Water Operations

1. Attended Various Landowner Meeting for capital projects to be initiated in Fall 2009
2. Attended ACWA/JPIA Supervisor Certification Training in Sacramento on February 5-6th
3. Meet with ITRC on February 7th in regard to a statewide study of the impacts
4. Preparing for upcoming irrigation season.
 - a. Latest Snow Survey indicates that the Stanislaus River Watershed is at 124% of normal of the February 1st average and 78% of normal for the April 1st Average.
 - b. Barring any major catastrophe we should expect a full allocation for 2008.
 - c. Interviewed two in house candidates for DSO vacancies on February 13th

- d. Interviewed two in house candidates for DSO Senior vacancy on February 13th
5. Irrigated Lands Program
 - a. Preparing Annual Report for March 1st submission
 - b. Attended the San Joaquin & Delta Water Quality Coalition steering committee meeting on February 6th.
6. Finalizing acceptance of Hillsborough Estates 2 into OID's RWS. California Department of Public Health is scheduled to perform a walk through on Tuesday, February 19th.
7. Finishing the installation of the Variable Frequency Drive (VFD) on the Crawford River Pump
8. Request for bids for the destruction of ID 22 well were sent out. Bids are due March 7th.

B. COMMITTEE REPORTS

There were no Committee reports.

C. DIRECTORS' COMMENTS/SUGGESTIONS

Director Taro

Director Taro had no comments.

Director Bairos

Director Bairos stated that he attended a 2-day Board Member Training in Manteca last week and that it was very good. The course reviewed different aspects of a Board Meeting and Robert's Rule of Order and OID's conduct is very good.

Director Webb

Director Webb had no comments.

Director Clark

Director Clark had no comments.

Director Alpers

Director Alpers commented on three things:

- In the MID report that we were all given it would cost you \$46.00 per acre foot of water. At OID it costs you \$19.50 and I think our staff has done a good job in the handling of our water.
- MID also charges a facility fee which means that if you were in MID and did not take water you would be charged a facility fee. Director Alpers would like the Board to address this at some point.
- Director Alpers asked Director Taro if he was going to attend the San Joaquin Flood Control meeting tomorrow. There is an item on the Agenda regarding Woodbridge Water District selling water to City of Stockton for \$200 an acre foot for 6,500 acre feet.

At the hour of 10:46 a.m. the meeting adjourned to Closed Session.

CLOSED SESSION
ITEM NO. 15

A. Government Code §54956.9 Existing Litigation
(1) *Karen Eakin v. Oakdale Irrigation District*

B. Government Code §54957
Public Employment
Title: Automotive Shop Supervisor

At the hour of 11:05 a.m. the meeting moved to open session.

Director Alpers reported that the Board passed two motions in closed session. The Board voted 5-0 to approve the use of the Agreement in the case of *Karen Eakin v. Oakdale Irrigation District* with the cross-defendants, Allen and Sandy Lagarbo. The Agreement was prepared by O'Laughlin & Paris, LLC.

The Board voted 5-0 to approve a new wage schedule for the Automotive Shop Supervisor position.

OTHER ACTION
ITEM NO. 16

At the hour of 11:13 a.m. the meeting was adjourned to the next **Board of Director's Meeting on Tuesday, March 4, 2007, at 9:00 a.m.** at the Oakdale Irrigation District Office, 1205 East F Street, Oakdale, CA 95361.

The next **Joint Board Meeting for the Tri-Dam Project** has been scheduled for **Tuesday, February 26, 2008, at 1:30 pm.** in the Board Room of the South San Joaquin Irrigation District, 11011 East Highway 120 Street, Manteca, California.

Jack D. Alpers, President

Attest:

Steve Knell, P.E., Secretary