

MINUTES

Oakdale, California
June 4, 2002

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 Alpers
 Louis Brichetto
 Frank Clark
 Tony Taro
 Steve Webb

Staff Present: Steve Knell, General Manager
 Mike Evans, Watermaster
 Bob Nielsen, Supervisor of Field Operations
 Wayne Truhett, Supervisor of Facilities and Right-of-Way
 Kathy Cook, Chief Financial Officer

PUBLIC COMMENT

Mr. John Brichetto commented regarding problems at the Keeley Pipeline. General Manager Steve Knell stated that staff would prepare a report of their understanding of the problems at that location.

Mr. Stan Anderson commented regarding problems and that waiting until reports are prepared is not timely enough to resolve the ongoing issues.

ADDITION OR DELETION OF AGENDA ITEMS

No additions or deletions of agenda items.

ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE

No action to take various items out of sequence.

COMMUNICATIONS
ITEM NO. 1
GENERAL MANAGER'S REPORT

General Manager Steve Knell reported the following:

- ✍✍ Status of the Root Drain Pump and Adam's Drain Pump – Reclamation Projects - The previous board approved the District looking at a feasibility study for completion of these projects. We have met with Bill Kull and gave him the criteria of what was approved by this board. Bill will put all of the information together and report back to the board for determination.
- ✍✍ Tennant Pipeline – We met and will get a 20-foot right-of-way. A draft encroachment agreement will be sent to the landowners. When the signed agreements are returned this will be brought back to the Board for finalization.
- ✍✍ Disconnect Issues – The disconnect issues referred to relate to flooding. The current policy at the District is that we write a letter explaining the problem; eventually we get to the point where we say we are going to disconnect. The General Manager is asking the board to look at a policy that encourages one to make corrections. We should be looking at ways to implement some corrective behavior through such a policy.

Director Alpers asked that someone on staff contact TID, MID and South San Joaquin regarding their policy. They may be able to give us some ideas or guidance toward a new policy. Director Clark asked if we were documenting these flooding issues due to possible legal action. Steve Knell responded to his questions.

- ✍✍ South Main Regulating Reservoir – the fencing is in the process of completion and upon completion signs will be posted. We have held out on putting in the SCADA because the broad crested weir is not working as we had planned. Two avenues will be pursued:
 - ✍ We will go back to the designers at Mead & Hunt and ask them to explain why this is not working.
 - ✍ We will also be sending our plans to John Repogel of the USDA.

Director Clark asked if information was available as to what the South Main Regulating Reservoir was to accomplish and if we have met those objectives. General Manager Steve Knell responded that under normal conditions an Operations Plan is completed before any project like this is undertaken. This plan would list what you are to accomplish, and what operations you are trying to modify. Afterward you make sure those operational needs have been met.

Director Alpers suggested that we wait until the end of the irrigation season to revisit this, as it would be impossible to tell if those objectives are being met until we have gone through this irrigation season. However, if we determine that this project was successful then he suggested that we look at the north side reservoir.

✍️✍️OID Newsletter – A draft of the newsletter was given to each director and they were asked to make their comments by Friday so this could be forwarded to the Oakdale Leader for publication. We will also be printing approximately 300 for distribution by the ditchtenders and have a few in the office.

✍️✍️CIMIS – Is an indication of what crop water use is for the year.

✍️✍️On the next agenda will be a discussion item regarding those individuals who wish to put in gates but really can't afford the upfront expenditure.

ITEM NO. 1b **DIRECTORS' COMMENTS/SUGGESTIONS**

Director Webb commented that we need to start some kind of water conservation plan and maybe get somebody on board to oversee it. This would include groundwater, tailwater, and surface water. I think that if we don't start soon we are going to be behind the 8-ball.

Director Brichetto commented that the ditchtender information should be included in the Newsletter and General Manager responded that it is our intention to do that. He also commented that the Minutes should be more detailed, and wanted to thank the Watermaster for the responsiveness in dealing with irrigation issues.

Director Clark asked each director to complete the personnel evaluation form regarding the performance of the General Manager. He asked that all directors return those to Dawn by close of business on June 14. Director Clark and Director Alpers will complete the goals and objectives for the General Manager to accomplish within the next 6-month period. They will meet with the General Manager during the next week to review those goals and objectives and finalize them before the 1st of July.

Director Clark asked that the next Agenda include an Action item to go out for proposals for a water attorney. He asked that the board vote on whether they want or don't want to ask the General Manager submit requests for proposals for water attorneys.

Director Clark commented regarding the ConAgra Water Treatment. Director Clark stated that he has read about many people getting sued because of contaminants in the water discharges, etc. He stated that he wants the District to be on very solid footing that we not be named as a third party in any lawsuits down the road. Director Clark asked General Manager

to research and make the determination as to whether or not we are all right on this at this time.

Director Clark asked if there had been any feedback from Mr. & Mrs. Riggs regarding their encroachment on OID property. General Manager Steve Knell commented that Mr. Riggs had telephoned him and that they discussed his encroachment issues.

Director Taro commented regarding ConAgra and the contaminants in irrigation water. The State Water Resource Control Board has stated that any water that is in that ditch is the responsibility of the people that have the ditch. What this amounts to is that no matter who put the contaminants in the water, that the owners can and probably will be named as defendants in any court action.

Director Alpers commented that he would like to see the Board meetings begin at 8:30 A.M. rather than 9:00 A.M. Director Alpers would also like to include a third-party at the Board lunch that is held on the day of the Board meeting. Each week we should invite a different party. Director Alpers also stated that he does not feel that the Minutes should be any longer than they are.

Mr. Henry Burtschi commented that an error was made in Mr. Knell's remark that the easement for the Tennant Pipeline should be 25' and he said 20'.

**CONSENT CALENDAR
ITEM NO. 2,3, 4, 5**

**ITEM NO. 2
APPROVE THE BOARD OF DIRECTORS' MINUTES OF
REGULAR MEETING OF MAY 21, 2002**

A motion was made by Director Clark, seconded by Director Webb and supported to approve the Board of Directors' Minutes of Regular Meeting of May 21, 2002. Said motion was voted as follows:

Ayes: Alpers, Clark, Taro and Webb
Noes: Brichetto
Absent: None

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

A motion was made by Director Clark, seconded by Director Webb and supported to approve the Oakdale Irrigation District's Statement of Obligations. Said motion was voted as follows:

Ayes: Alpers, Clark, Taro and Webb
Noes: Brichetto
Absent: None

ITEM NO. 4
APPROVE GRANTING AN ENCROACHMENT AGREEMENT
ON THE RIVER ROAD LATERAL

A motion was made by Director Clark, seconded by Director Webb and supported to approve the granting of an encroachment agreement on the River Road Lateral. Said motion was voted as follows:

Ayes: Alpers, Clark, Taro and Webb
Noes: Brichetto
Absent: None

ITEM NO. 5
APPROVE EMERGENCY REPAIRS TO
THE WORKMAN #2 PUMP PIPELINE

A motion was made by Director Clark, seconded by Director Webb and supported to approve the emergency repairs to the Workman #2 Pump Pipeline. Said motion was voted as follows:

Ayes: Alpers, Clark, Taro and Webb
Noes: Brichetto
Absent: None

ITEM NO. 6
APPROVE RESOLUTION AND REPLACEMENT
OF DAMAGED VEHICLE NO. 137

A discussion was held regarding JPIA'S payment of this claim and the fact that they will be paid by the other insured. General Manager Steve Knell was asked to address this with JPIA to make sure that this does not drive up the cost of our insurance, as this was not really a claim paid by them, but by the other insured. A motion was made by Director Webb, seconded by Director Brichetto and supported to approve the resolution and replacement of damaged vehicle number 137. Said motion was voted as follows:

Ayes: Alpers, Brichetto, Clark and Webb
Noes: Taro
Absent: None

DISCUSSION ITEM
ITEM NO. 10
DEVELOPMENT PROCESS FOR A
WATER RESOURCES PLAN

Director Clark read a prepared statement. The statement included a history of water rights in California and reminded everyone of State law requiring that we reasonably and beneficially use water. Director Clark discussed the potential loss of water rights for those who do not reasonably and beneficially use water in California. Director Clark also discussed the statements from Operations staff about the volumes of water leaving the District and how someone might look at that as not being reasonably and beneficially using the water. He talked about current ongoing government funded programs to access the efficient use of water by irrigation districts on the San Joaquin River and ongoing groundwater models looking at the groundwater between the Stanislaus and Merced River. For all those reasons Director Clark stated that he believes we need to move quickly on the development of a Water Resources Plan for Oakdale Irrigation District. Director Clark asked that this be placed on the Agenda for action at the next Board of Director's Meeting. The action requested would include directing the manager to seek requests for proposals from the necessary firms to conduct an engineering study to:

- ✍️ Develop an overall resource strategy for OID
- ✍️ To provide the Board a proposal to reclaim our drainage water and the cost estimates for these projects.

Director Brichetto commented that other districts have drainage, reclamation and conservation problems and are addressing them

Director Webb stated that he did not have a problem with us hiring someone, as we needed to do that as soon as possible. He also stated that if this process takes several years, would we be better off having someone inside do this or hire someone outside?

Director Taro commented that we have had opportunities to use sewer water to reclaim in the past. After looking at the proposals made to the committees we decided that it was not in the best interest of the District. After tests were run on this water it was shown that a lot of bacteria would affect cattle, plants and trees.

Director Clark stated that in San Diego they are now drinking sewer water. The technology is now such that they have reclamation plants that treat this water and bring it back to 100% purity.

Director Alpers stated that we are going to need protection for those years when we have a drought. In order to generate sales or generate annexations, we will need more support. If the Department of Water Resources insists on permits for pumps in the near future, we should be installing 2 or 3 pumps now. If we wait 4 years or so then it will be too late and in all probability we will be denied permission to put in those needed pumps. Director Alpers stated that some of these projects we should do now without large studies.

John Bricchetto commented that OID should make customers and ditchtenders accountable for the losses of water. It might also help to educate our customers on how to be conservative and write them up when they are excessive. Mr. Bricchetto felt that this might resolve a lot of the problems.

Mr. Henry Burtschi commented regarding the need for a water development plan, as this is something that he had tried to accomplish while on the Board.

Director Alpers asked that this item be placed on the Action calendar within two weeks.

**PRESENTATION
ITEM NO. 09
CURTIS & ARATA**

Michael Ijams, Esquire of the law firm of Curtis & Arata, made a presentation to the Board of Directors. Mr. Ijams presented the credentials and qualifications required by the request for proposal for general counsel for the Oakdale Irrigation District. All directors made comments and asked questions of Mr. Ijams and his partner, Katherine Boyd.

**DISCUSSION
ITEM NO. 11
DISCUSSION OF PREPARATION
OF 2002-2003 BUDGET**

General Manager Steve Knell commented regarding the idea of ABC – activity based costing. He stated that to implement this, we need to do some budget restructuring. Steve Knell stated that we are planning on doing this for the next budget year. Only then will we be able to get a handle on how we are spending money. Director Bricchetto commented that it would make the employees more accountable to their particular supervisor. Mr. Knell stated that the goal is to show what it costs OID to do work. When this is done we will be able to determine whether it is beneficial to complete a project in-house or to contract out a particular job.

Director Alpers asked if we would be estimating this year and Steve Knell responded to his questions. Director Alpers also asked if the Finance Department would be able to complete this new process within reasonable amount of time. Chief Financial Officer Kathy Cook stated that this would be running smoothly within a three (3) to four (4) month time frame.

**PRESENTATION
ITEM NO. 12
NEUMILLER & BEARDSLEE**

John Stovall, Esquire of the law firm of Neumiller & Beardslee made a presentation to the Board of Directors. Also appearing and representing the firm were Thomas Shephard, Dan Schroeder, Deeanne Watkins and Rod Attebery. The firm's credentials and qualifications for general counsel for the Oakdale Irrigation District were presented to the Board of Directors. Following their presentation all directors made comments and asked questions and the representatives of the Neumiller & Beardslee law firm responded to their comments and questions.

CLOSED SESSION

ITEM NO. 13

At the hour of 2:30 P.M. the Board convened into Closed Session to discuss the following:

A. **GOVERNMENT CODE SECTION 54957.6** – Union Negotiations

Mr. Bill Smith was given direction to take the District proposal back to the union for further negotiation.

B. **Government Code Section 54957.6** - Review of presentations, a discussion of pending litigation and attorney abilities to handle same, and selection of law firm to serve as general counsel.

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to hire the law firm of Curtis & Arata of Modesto as general counsel for Oakdale Irrigation District.

At the hour of 3:50 P.M. the Board adjourned to the next **regular Board of Directors meeting** to be held on **Tuesday, June 18, 2002 at 9:00 A.M. at the** Oakdale Irrigation District Office, 1205 East "F" Street, Oakdale, Ca.

The next regular **Joint Board Meeting** for the **Tri-Dam Project** is scheduled for **June 20, 2002 at 9:00 A.M. in Oakdale.**

Attest:

Steve Knell
Secretary