

## **MINUTES**

Oakdale, California  
July 17, 2012

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

Staff Present: Steve Knell, General Manager/Secretary  
Gary Jernigan, Contract/Special Projects Manager  
John Davids, District Engineer  
Jason Jones, Support Services Manager  
Kathy Cook, Chief Financial Officer  
Eric Thorburn, Water Operations Manager

### **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**

Tom Orvis, appeared on behalf of the Stanislaus County Agricultural Advisory Board and stated that the Groundwater Ordinance was released for a 30-day public written comment period which will end on August 22, 2012. He also stated that there will be a Stakeholder Meeting on the 31<sup>st</sup> of July, 2012 at the Stanislaus County Farm Bureau office.

He also stated he just received a call from the Rural Crime Detectives stating that they had recovered somewhere south of our District a submersible pump with a value of \$7,000 to \$8,000. There being no further Public Comment; Public comment closed at 9:07 a.m.

At the hour of 9:15 a.m. President Clark re-opened Public Comment to allow Ben Pacheco to comment. Mr. Pacheco stated that he is having problems getting his water. He stated that sometimes he receives enough water and other times he has to irrigate for a second time to get enough water for his corn. Water Operations Manager Eric Thorburn stated that his department is aware of and are working on this issue.

Public Comment closed again at 9:25 a.m.

Director Alpers requested that Item No. 8 be pulled from the Consent Calendar.

**CONSENT ITEMS**  
**ITEM NOS. 2, 3, 4, 5, 6, 7, 9, 10**

**ITEM NO. 2**  
**APPROVE THE BOARD OF DIRECTORS' MINUTES OF THE**  
**REGULAR MEETING OF JULY 3, 2012 AND RESOLUTION**  
**NO. 2012-28, AND MINUTES OF THE SPECIAL MEETING OF JULY 3, 2012**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of July 3, 2012 and Resolution No. 2012-28 and Minutes of the Special Meeting of July 3, 2012.

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

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

**ITEM NO. 5**  
**APPROVE RESOLUTIONS AND CONTRACTS WITH STANISLAUS**  
**AND SAN JOAQUIN COUNTIES FOR PLACEMENT OF**  
**DELINQUENT FIXED CHARGES ON THE 2012/2013 TAX ROLLS**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Resolutions and Contracts with Stanislaus and San Joaquin Counties for Placement of Delinquent Fixed Charges on the 2012/2013 Tax Rolls.

**ITEM NO. 6**  
**APPROVE BOARD ATTENDANCE AT 2012 CSDA ANNUAL**  
**CONFERENCE AND EXHIBITOR SHOWCASE FROM**  
**SEPTEMBER 24 – 27, 2012 IN SAN DIEGO, CALIFORNIA**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve Board attendance at 2012 CSDA Annual Conference and Exhibitor Showcase from September 24 - 27, 2012 in San Diego, California.

**ITEM NO. 7**  
**APPROVE REQUEST TO WAIVE PENALTY**  
**FOR THEFT OF WATER (APN: 010-010-023 – FOWZER)**

Director Webb commented that he thought the Water Committee's decision on this matter was good and he thinks that Ms. Fowzer truly wants to work with the District.

A motion was made by Director Webb and seconded by Director Doornenbal to approve the Request to Waive Penalty for Theft of Water (APN: 010-010-023 – Fowzer) and was voted as follows:

Ayes: Directors Webb, Alpers, Bairos, Doornenbal  
Noes: Director Clark

**ITEM NO. 9**  
**APPROVE GENERAL SERVICES AGREEMENT WITH HOLT OF CALIFORNIA**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the General Services Agreement with HOLT of California.

**ITEM NO. 10**  
**APPROVE WORK RELEASE NO. 030 TO THE**  
**PROFESSIONAL SERVICES AGREEMENT 2009-PSA-015**  
**WITH GIULIANI & KULL, INC. FOR A WELL SITE PLAN FOR ID #51**

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve Work Release No. 030 to the Professional Services Agreement 2009-PSA-015 with Giuliani & Kull, Inc. for a well site plan for ID #51.

**ACTION ITEMS**  
**ITEM NO. 8, 11**

**ITEM NO. 8**

**APPROVE WAIVER OF IRRIGATION SERVICE ABANDONMENT  
FEE AND 2012 DELIVERY CHARGES AND PENALTIES (APN: 002-005-025 – SMOCK)**

Director Alpers stated that it seems like we are dealing with this matter on a financial basis and we should deal with it on principal. General Manager Steve Knell stated that this request is based on more than principal and that there is a safety concern involved with this matter.

A motion was made by Director Bairos and seconded by Director Clark to approve the waiver of irrigation service abandonment fee and 2012 delivery charges and penalties (APN: 002-005-025 – Smock) and was voted as follows:

Ayes: Directors Webb, Clark, Bairos  
Noes: Directors Alpers, Doornenbal

**ITEM NO. 11**

**REVIEW AND TAKE POSSIBLE ACTION TO SEND A LETTER OF PROTEST  
TO SOUTH SAN JOAQUIN IRRIGATION DISTRICT BOARD OF  
DIRECTORS CONCERNING BREACH OF TRI-DAM BOARD MEETING PROTOCOL**

A Special Closed Session Tri-Dam Meeting was requested by the OID Board for July 10<sup>th</sup> to address labor negotiation matters which are ongoing at Tri-Dam. The meeting was to be held in Manteca at the offices of SSJID.

At a meeting of the two Board Presidents and the Tri-Dam GM on the 9<sup>th</sup>, it was advised by Board President Frank Clark that OID would be having its staff make a technical financial presentation during Closed Session. SSJID Board President John Holbrook stated that that would not occur. As long as the meeting was being held in Manteca and under his control, he was the determinant person on what is heard and presented in Closed Session. Despite attempts at persuasion by OID President Frank Clark, Mr. Holbrook remained steadfast in his position. Without benefit of the OID staff information and its content, the purpose of the meeting as requested by OID became mute and the meeting was subsequently cancelled.

This is the second time Mr. Holbrook has stopped the dissemination of OID staff prepared documents from being distributed and discussed at a Tri-Dam meeting concerning Tri-Dam business matters. President Clark requested this be put on the Board Agenda with the purpose of sending a letter of protest to the whole SSJID Board for the actions of its President. The ability of a Board President or any elected official to arbitrarily and capriciously exclude, censor or prohibit the flow of information at a public meeting, whether it be in Manteca, Oakdale or Strawberry, whether it be in open or closed session, sets an untenable precedent and needs to be addressed.

A motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to forward a letter of protest to South San Joaquin Irrigation District Board of Directors concerning breach of Tri-Dam Board meeting protocol.

President Clark Re-Opened Public Comment at 9:15 a.m. to allow Mr. Ben Pacheco to comment; Public Comment closed again at 9:25 a.m.

**DISCUSSION  
ITEM NOS. 12, 13, 14**

**ITEM NO. 12  
DISCUSSION BY SAFETY COORDINATOR  
DEREK DAVIS ON SDRMA'S SITE VISIT AND REPORT**

Special District Risk Management Authority (SDRMA) performed a 4-Year Facilities and Program Safety Review/Audit on April 9, 10, and 11, 2012. Safety Coordinator Derek Davis will give a brief summary report of the findings and what the District's next steps should be based on the report.

Safety Coordinator Derek Davis was present and discussed the SDRMA Occupational Safety & Health Program Review and Hazard Identification Survey Report and answered questions from the Board of Directors.

**ITEM NO. 13  
DISCUSSION ON THE DRAFT IRRIGATION  
AND DRAINAGE INFRASTRUCTURE INSTALLATION POLICY**

This draft policy was discussed at the July 3, 2012 Water Committee meeting and at the direction of the Committee it is now being brought to the full Board for discussion and direction.

Staff and members of the Water Committee were available to answer any questions that the Board may have.

District Engineer John Davids discussed the Draft Irrigation and Drainage Infrastructure Installation to be used during the winter project construction season with the Board.

The Board agreed that the District should be responsible for any turnouts that are constructed, but felt that the landowners should have the right to hire their own contractor to run the pipe under the ditch.

Director Clark requested that this matter be brought back to the Board with the revisions discussed above.

**ITEM NO. 13**  
**DISCUSSION ON TRI-DAM BUSINESS ITEMS**

This item was placed here for the Board to discuss Tri-Dam business items.

The Board discussed the Agenda for Tri-Dam Meeting to be held on July 24, 2012. Of particular interest to the Board were the following items:

- Resolution Confirming Repayment Schedule to Maintenance Reserve. It does not appear from staff that the Resolution is in line with what the two Boards directed TDP staff to do at the last meeting.
- U.S. Forest Service Collection Agreement for Beardsley. While this is a discussion item, it is unknown what is to be discussed. Agenda item lacks substantive material for a meaningful discussion.
- Potable Well at Tulloch Cottages. This request still lacks the supportive background information requested at that last meeting.
- There are a significant amount of maintenance issues on the 3<sup>rd</sup> Unit as reported. The question of warranty versus TDP covering these costs will be asked.

Staff will prepare a memo to the Board upon a thorough review of the TD Board Packet.

**ITEM NO. 15**  
**COMMUNICATIONS**

**A. GENERAL MANAGERS REPORT**

**Safety Activities**

1. OID has gone 52 days without a lost time injury accident.

**Administration Activities**

1. Bargaining Group meetings will be scheduled to resume in mid-July.
2. Walliman Trial date set for July 24<sup>th</sup> - 26<sup>th</sup>.
3. CH2M Hill here on July 9<sup>th</sup> and 10<sup>th</sup> regarding update of Water Resource Plan-Options Study and Financial Plan.
4. SJTA Meeting
  - Facilitator Art Baggett has been selected to oversee the SJ River Settlement talks. Next meeting August 9<sup>th</sup>.
  - SED (Substitute Environmental Document) in support of the State's "unimpaired flow" criteria by which to manage SJ River flows will be out at the end of July.
  - Settlement talks on Delta outflow, BDCP alternatives, et al., are ongoing and what project (pipeline or canal) to be supported by the State will be the outcome of those talks. Maybe a decision in August.
5. San Joaquin River Group Commissioner's meeting has been scheduled for Monday, July 30<sup>th</sup>, at TID at 10:00 a.m.

### **Contract and Special Project Activities**

1. 2-Mile Bar Tunnel (CEQA & Engineering) – Agreement in principle, has been reached with the Hodgdon Enterprises, LP for the Two-Mile Bar Tunnel and Service Road easements. Hodgdon Enterprise completed their review and have requested some clarification and some additional language concerning the start date, price for tunnel spoils if the District wishes to purchase at the same rate offered to the Marie Atherton Trust, wishes the gates to be locked at all times to the Hodgdon Property, and the definition of “District Facilities”. The Letter of Offer will be revised and mailed the week of July 16, 2012. One of the Co-Partners will be on vacation and will not return until August 3, 2012.
2. The Corps of Engineers, Sacramento Section, has responded to the District request for a construction and tunnel easement by granting, in principle, the construction and operation easements on government land. The District has received the revised draft of the NEPA and is in the review process. The review should be completed in the next two weeks. The District has completed the research of the historical documents concerning the District’s rights for access on the Two Mile Bar Access Road. A letter is being drafted and will be forward to the Corp no later than July 20, 2012.
3. New Office Project Development – Contact is being made with three (3) Irrigation Districts and one (1) public works who have recently constructed new office complexes to review their facility. A site review is being scheduled for Ripon City Complex and Bethel Bethany District.
4. South Main Rehabilitation from the 2<sup>nd</sup> Concrete Flume to, and including, the Willms Siphon, the initial field investigation by the engineers and surveyors is completed. There was no work this period, Condor to review system at max capacity during the week of July 16, 2012.
5. Two-Mile Bar Tunnel Design continuation started on February 2, 2012. The drilling company mobilized on May 2, 2012 and demobilized on May 18, 2012 completing drilling four (4) bore holes. The core samples were reviewed on May 31, 2012. Condor has been released to continue with the Data Analysis and Study from the core samples and the final report writing.
6. North Side Regulating Reservoir Deep Well – Bid Package was mailed to eight (8) contractors on July 3, 2012. The mandatory pre-bid meeting is scheduled for July 18, 2012 with the Bids due on August 1, 2012. The award will occur after presenting to the Board for approval on August 7, 2012.
7. Water Resource Plan / Options Study– A meeting and system review was conducted with CH2MHILL on July 9 and 10, 2012. A trip report is being prepared for the District’s review. As part of the July 9, 2012 meeting, information was reviewed as well as the system operational changes since the original Water Resources Plan was drafted, adopted and implemented. Changes to the operations from the Rubicon System installation, canal and tunnel rehabilitation and the modernization of numerous structures was very evident in the amount of spill and drain water leaving the District. The update will incorporate these significant changes to the system.
8. District Standard Specifications – Work continues on the draft of the District’s Standard Specification and Contracts Manual. Some work was completed this period but it was insignificant. The work will continue.

9. Contract Administration activities on contracts to be renewed and/or issued, Work Releases and Change Orders for all contracts.

### **Construction Activities**

1. OID forces are working on routine maintenance and JSF's generated by Water Dept. Staff.
2. Construction & Maintenance Worker – Review of applications is complete and the written test is scheduled for July 27<sup>th</sup>.
3. Fleet Equipment Mechanic – GM review of applications is complete, written test was conducted on July 12<sup>th</sup>. Interview dates will be scheduled upon completion of grading the written tests.
4. Honolulu Bar Project – OID forces have constructed the access road across the side channel and are currently on the island completing the removal of vegetation and preparing the site for the gravel sorting machine.
5. Received the three new DSO vehicles from Haidlen Ford on July 5<sup>th</sup>. The Auto Shop will now begin to outfit the trucks with standard OID equipment, tool boxes, lights, etc.
6. California Conservation Corporation – OID and CCC have started the second project on the East Thalheim Lateral and Howard Pipeline removing groves of trees from our facilities.
7. Met with MID on July 10<sup>th</sup> to discuss the cleaning on the Spanker Spill of which OID and MID are partners on through a 1942 agreement.
8. The concrete diesel fuel tank in the yard started to develop a “seeping” issue on July 3<sup>rd</sup>. Quotes are being requested from various vendors and until a determination is made on the replacement of the tank a temporary diesel tank has been installed supplied by our fuel supplier.

### **Engineering Activities**

1. Honolulu Bar Mitigation Project – Construction progressing. JBD to give Melinda Owens a tour of the site in late July. Melinda will be doing an article on the project in one of the foothill newspapers that she writes for.
2. SBX7-7 – Measurement Regulation at OAL for review. JBD attended ID compliance workshop in Los Banos on 7/5/12.
3. Irrigated Lands Coalition – Continued participation at both the ESJWQC and Delta Coalition.
4. STRGBA – USGS model complete and report being drafted. JBD attended 7/5/12 meeting at MID. Next meeting set for 8/2/12 at MID.
5. Knights Ferry/Boatright – Legal descriptions complete with exception of Boatright/Goodrich property. Giomi's appraisal is complete. Staff compiling data for review.
6. Willms – Staff has not seen a revised subdivision map for the project.
7. Trinitas – Revised MND to GM and Legal for review.
8. Hinds Lateral Relocation – DRAFT Term Sheet being reviewed by Staff and landowner. Met with G&K and Mr. Brichetto on 7/11/12 to review the preliminary design.
9. Rate Study – Support documentation delivered to Allan Highstreet with CH on 7/6/12.



10. Asset Management – Progressing well. Currently working out data processing issues, but field work going well. Nearly all of the “main arteries” on the south side have been mapped.
11. CCWD – Reviewed project description and submitted comments to KJ. LGA application was due 7/13/12.
12. Fields Ranch – DRAFT Term Sheet reviewed by Water Committee on 7/3/12. JBD currently preparing final agreement and reviewing past documentation.
13. Landuse Conversion – Engineering working with Water Ops and Support Services concerning multiple scheduled landuse conversion projects. Correspondence sent to underlying landowners regarding OID’s Rules and Regs. Engineering has fielded numerous questions as a result of the correspondence sent out.
14. Correia Sweet Lateral Encroachments – Encroachment Permit Application received and staff processing the 1<sup>st</sup> meeting in August.
15. STANCO Groundwater Export Ordinance – DRAFT doc reviewed and comments sent to Art Godwin who is coordinating the effort between OID, MID and TID. Went to the Ag Advisory Committee yesterday and should go to the stakeholders after that.

### **Water Operations Activities**

#### **Ag Water**

1. Continued to review, document and address numerous private irrigation, flooding and maintenance issues throughout the District.
2. Fielded multiple requests for clarification on the fringe parcels annexation terms and inquiries regarding other options available to them for water supply in the future.
3. Pest Department concentrating on post emergent, thistle control and squirrel control. Mag-H applications also continued in various open ditch facilities on both the north and south side of the District.
4. Completed review of the rough draft of the updated AWMP.
5. Attended CH2M Hill planning meeting and field review of MID boundary outflow locations with the Contracts and Special Projects Manager for preparation of an update of the WRP.
6. The fourth consecutive ten (10) day rotation of the 2012 irrigation season will begin on or about July 17<sup>th</sup> and will be followed up by another ten (10) day rotation beginning on or about July 27<sup>th</sup>.

#### **Water Utilities**

1. Improvement District No. 41:
  - Pumping Station No. 3 remains out of service due to high turbidity issues.
2. Improvement District No. 51:
  - Staff has been working with the ID committee members on looking for sites which could be used as future well sites.
3. Domestic Water Pumping Stations:
  - Staff continues to conduct weekly inspection, servicing and security checks of the pumping stations. There is nothing unusual or out of the ordinary to report other than the items listed below:
    - Inspected and serviced water storage tank air compressors.

4. Domestic Water Systems:

- Monthly Coliform Bacteria water quality samples were collected on Tuesday, July 2<sup>nd</sup>. No problems were detected. All domestic water systems under OID's jurisdiction are operating without restrictions.

5. Rural System No. 1:

- Performed the bi-annual inspection and testing of the pressure reducing / pressure sustaining valves located on the 10" main water distribution pipelines.

6. On-Call Activities:

- Nothing to Report.

7. Irrigation Pumping Stations:

- Staff continues routine inspection, servicing and security checks of the irrigation pumping stations. There is nothing unusual or out of the ordinary to report.
- Staff continues with the annual performance and flow testing of each pumping station.

**B. COMMITTEE REPORTS**

Water Committee Meeting, July 3, 2012

- Theft of Water (APN: 010-010-023 – Fowzer)
- Request of Raegan Amerine (APN: 010-011-037)
- Draft Term Sheet for Burden – OID Agreement
- Irrigation and Drainage Infrastructure Installation Policy

Director Alpers stated that most of the matters that came before the Water/Engineering Committee were previously discussed with the exception of Mr. Amerine. He stated that Mr. Amerine had not had any problems recently, but was going to put a rack in on his own. General Manager Steve Knell stated that the District had received another letter from Mr. Amerine requesting clarification on the Water/Engineering Committee's decision. District Engineer John Davids will forward a letter to Mr. Amerine setting forth the Committee's decision.

**C. DIRECTORS' COMMENTS/SUGGESTIONS**

Director Doornenbal

Director Doornenbal had no comments.

Director Bairos

Director Bairos had no comments.

Director Alpers

Director Alpers had no comments.

Director Webb

Director Webb requested that the Board stand behind having the Minutes of the Tri-Dam Board Meetings taken by OID staff when the meetings are held at the District office and having their attorney present at these meetings.

Director Webb further stated that the District has always cooperated in the fish studies and stated that the District has done enough and it is time to stop. He stated that if we keep letting them chip away at our water rights we are eventually going to end up with nothing.

Director Clark

Director Clark stated that he had suggested that all Tri-Dam Meetings be recorded and the General Manager Dan Pope and Director Holbrook seemed to be agreeable to this being done.

At the hour of 10:15 a.m. the meeting adjourned to Closed Session.

**CLOSED SESSION**  
**ITEM NO. 16**

- A. **Government Code §54957.6** – Conference with Labor Negotiator  
Agency Negotiator: General Manager  
Unrepresented Employee Organization: Operations Employees, Exempt Management, Exempt Supervisory, and Confidential Employees
  
- B. **Government Code §54957.6** - Conference with Labor Negotiator  
Agency Negotiator: Board of Directors  
Unrepresented Employee Organization: IBEW and All Employees of the Tri-Dam Project
  
- C. **Government Code §54956.8** – Conference with Real Property Negotiator  
Negotiating Parties: OID and City of Brisbane  
Property: Water  
Agency Negotiators: General Manager and Counsel  
Under Negotiations: Price and Terms

At the hour of 11:50 a.m. the meeting returned to open session.

Coming out Closed Session President Clark stated that there was no reportable action.

**OTHER ACTION**  
**ITEM NO. 17**

The meeting adjourned at the hour of 11:50 a.m. The next Regular Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, August 7, 2012, 2012 at 9:00 a.m.** in the board room at 1205 East F Street, Oakdale, CA.

The next Regular Joint Board Meeting for the **Tri-Dam Project** is scheduled for **Tuesday, July 24, 2012 at 1:00 p.m.** in the board room of the South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, CA.

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Frank Clark, President

Attest:

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Steve Knell, P.E., Secretary