

MINUTES

Oakdale, California
July 16, 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. Lorens Foard commented regarding a recent report as to the mitigation characteristics of juvenile salmon in the Stanislaus River reported in 2001 and the Water Conservation Master Plan of 1991. Director Alpers, Clark, and Webb responded to his comments.

ADDITION OR DELETION OF AGENDA ITEMS

There were no additions or deletions of agenda items.

ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE

Director Alpers stated, and all concurred, that upon the arrival of Mr. Walt Ward from Modesto Irrigation District the discussion of Item #18, the Groundwater Basin Association MOU, would begin.

PRESENTATION OF RESOLUTION TO
FRANK VACCARO

Director Alpers presented Resolution No. 2002-117 commending Frank Vaccaro in appreciation of continuous service from March 1, 1979 to August 9, 2002.

COMMUNICATIONS
ITEM NO. 1
GENERAL MANAGER'S REPORT

General Manager Steve Knell reported the following:

- Oakdale Irrigation District will be publishing in the Oakdale Leader next Wednesday all delinquent accounts.
- The publication of the OID newsletter in the Oakdale Leader has gotten us many good comments and feedback.
- Recruitment for Support Services Manager: The ads went out Monday, July 15 and will remain open until August 30, 2002. Ads were posted in ACWA, Sacramento Bee, Modesto Bee, Fresno Bee, California Job Journal, and three (3) Internet sites.
- Water quality issues and updates: San Joaquin River Group Association was formed to manage water issues of the districts and is now entertaining the possibility of adding water quality to their memorandum of understanding that we have with those agencies.
- The Hershey Agreement – We sent the Agreement to Hershey back in April. I called Paul Zelusky and was advised that their legal team has been tied up in the strike. The strike ended a few weeks ago and we should hear from them either the later part of this month or early next month.

Water counsel Tim O'Laughlin reported on various water quality issues:

- Ag waiver exemption: The Regional Board wants to see that we are doing the things that they can't do, which is the monitoring our water and reporting/tracking water quality.
- The San Joaquin River Group authority is trying to set up a structure whereby we will do a regional monitoring program set up under the San Joaquin River Group Authority. The State Water Resources Control Board will support us in getting funding to support the monitors.

DISCUSSION ITEM
ITEM NO. 18
GROUNDWATER BASIN ASSOCIATION MOU
DISCUSSION WITH WALT WARD OF
MODESTO IRRIGATION DISTRICT

Mr. Walt Ward presented the following information:

- Groundwater management in the Modesto Basin – Formation and operation of the Stanislaus and Tuolumne Rivers Groundwater Basin Association
- Memorandum of Understanding was originally formed in April of 1994 to establish common goals and planning elements related to groundwater management plans and to ensure basin-wide coordination, integration and data sharing
- Groundwater Association Members are cities of Modesto, Riverbank, and Oakdale, Stanislaus County, Oakdale Irrigation District and Modesto Irrigation District
- Regional goals include uniform data gathering, guidelines for analysis, identification and prioritization of problem areas, options for recommended corrective actions and approval and implementation of an action plan
- Status of MOU – Phases I and II activities completed, MOU was allowed to term out in December of 1997, Ad-hoc partnership since that time, future state-wide activities require formal installation and operation of the association
- Revised MOU – Committee vs. Board.

ITEM NO. 1b
DIRECTORS' COMMENTS/SUGGESTIONS

Director Taro:

- Director Taro commented regarding drain water going out of the district and being used by others. If we are going to have a water recovery system we might not wait too long because once those people start putting in facilities and pumping water then they think they are entitled to it. We need to have a study to look into this and nip this thing in the bud before it gets too far down the road.

Director Brichetto:

- Director Brichetto commented regarding two reports he had read: The water management and water conservation master plan and also a report from Montgomery Watson. On further reporting, we should do an engineering study rather than a report. It would probably be good to have that report available to every director.

Director Clark:

- Director Clark commented regarding landowners outside the district that are taking advantage of our water and getting it for nothing.

Water counsel Tim O’Laughlin responded to Director Clark’s comments. When water leaves the district there is no control or ownership interest in it. That water is free for anyone else in the State to pick up and you can’t do anything about it. There is a famous case, Stevenson vs. Oakdale Irrigation District. Basically it says that if you are relying on drainage water from OID and then subsequently OID keeps the water in the district you have no prior claim to that water.

- Director Clark asked to have a discussion item during next month’s Board meetings relative to putting in water measurement devices where the water goes into the MID canal, where it leaves the district for South San Joaquin, and where it goes into the Stanislaus River.
- Director Clark thanked Bob Nielsen for the good job done on the Claribel as evidenced by a letter from a customer praising the way the job was completed.
- Director Clark thanked Water Counsel Tim O’Laughlin and his law firm for keeping legal costs down.

Director Webb:

- Director Webb asked how the tail water looked on the ten-day rotation. Mike Evans responded to his question.
- Director Webb asked if the Sante Fe Repair that is Item #10 of the Agenda is part of the system in Riverbank where they buy out-of district water and then it costs a higher rate. Bob Nielsen responded to his questions.
- Director Webb reported regarding the Tri-Dam meeting: If South San Joaquin goes into the retail power business they are looking toward selling the power from Tri-Dam wholesale just as we are and then they would buy back what they need.

Director Alpers:

- Director Alpers advised other Board members to remember that all conversations ongoing during the meeting are being recorded and are public record.
- Director Alpers advised that an El Nino is being predicted and that he was not sure what that would mean to OID but that it changes weather patterns, rain

patterns, etc. and we should plan accordingly. The Santa Cruz study would be valuable information to read regarding this prediction.

- Director Alpers reported that during the Tri Dam meeting Monday, the manager seems to be bringing both districts toward a similar path on the issues of what to do with future power.
- Director Alpers asked that the Watermaster give a brief presentation and an overview of our deep wells, our reclamation pumps how we handle them how we cycle them, etc. at the August 20 Board meeting.

CONSENT CALENDAR
ITEM NO. 2,3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

ITEM NO. 2
APPROVE THE BOARD OF DIRECTORS' MINUTES OF
REGULAR MEETING OF JULY 2, 2002 AND
SPECIAL BOARD MEETING MINUTES OF JUNE 12, 2002

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve the Board of Directors' Minutes of the regular meeting of July 2, 2002 and Special Meeting Minutes of June 12, 2002.

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

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

ITEM NO. 4
APPROVE OAKDALE IRRIGATION IMPROVEMENT DISTRICT'S
STATEMENT OF OBLIGATIONS

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve Oakdale Irrigation Improvement District's Statement of Obligations.

ITEM NO. 5
APPROVE MONTHLY TREASURER'S REPORT AND
INTERNAL FINANCIAL REPORTS FOR THE
MONTH ENDING JUNE 30, 2002

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve the monthly Treasurer's Report and Internal Financial Reports for the month ending June 30, 2002.

ITEM NO. 6
APPROVE EMERGENCY GATE REPLACEMENT
ON THE WEST PUMP PIPELINE

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve the emergency gate replacement on the West Pump Pipeline.

ITEM NO. 7
APPROVE EMERGENCY REPAIRS TO THE
SANTA FE PIPELINE

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve emergency repairs to the Santa Fe Pipeline.

ITEM NO. 8
APPROVE CLOSING CAPITAL PROJECT WORK ORDER NUMBERS:
0157-HOWARD PUMP HOUSE REPLACEMENT;
0229-INSTALL SECURITY FENCING RURAL WATER SYSTEMS;
0230-INSTALL SECURITY FENCING CLARIBEL SCADA SITE; AND
0231-INSTALL SECURITY FENCING D STREET BOX

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve closing capital project work order numbers 0157, 0229, 0230, and 0231.

ITEM NO. 9
APPROVE RESOLUTION GRANTING DISSOLUTION OF
IMPROVEMENT DISTRICT NO. 14 LOCATED WITHIN
THE BOUNDARIES OF THE OAKDALE IRRIGATION DISTRICT

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve the Resolution Granting Dissolution of Improvement District No. 14 located within the boundaries of the Oakdale Irrigation District.

ITEM NO. 10
APPROVE RESOLUTION GRANTING AN
ENCROACHMENT AGREEMENT TO
GEORGE A. AND LEONA R. STUIT FOR THE
RIVER ROAD LATERAL

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve the Resolution Granting an Encroachment Agreement to George A. and Leona R. Stuit for the River Road Lateral.

ITEM NO. 11
APPROVE REPLACEMENT STARTER/BATTERY/
CHARGING SYSTEM TESTER

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve replacement of the starter/battery/charging system tester.

ITEM NO. 12
APPROVE RESOLUTIONS OF ACCEPTANCE OF AN
ALTERNATIVE WORKWEEK SCHEDULE WITH THE
OPERATIONS EMPLOYEES' UNIT AND
CONFIDENTIAL EMPLOYEES' UNIT

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to approve Resolutions of Acceptance of an Alternative Workweek Schedule with the Operations Employees' Unit and Confidential Employees' Unit.

ITEM NO. 13
APPROVE AND CONSIDER DIRECTOR'S ABSENCE
RELATING TO COMPENSATION AND BENEFITS

A motion was made by Director Webb and seconded by Director Clark to approve Director Taro's absence as it relates to compensation and benefits and was voted as follows:

Ayes: Alpers, Brichetto, Clark, and Webb
Abstain: Taro

ITEM NO. 14
REVIEW AND TAKE POSSIBLE ACTION ON
OID'S POLICY STATEMENT ON OWNERSHIP,
OPERATION, AND MAINTENANCE OF
IRRIGATION FACILITIES

A motion was made by Director Webb and seconded by Director Alpers to amend the Oakdale Irrigation Policy Statement of Ownership, Operation, and Maintenance of Irrigation Facilities. Said amendment would allow the District to install a turnout gate when the landowner paid for the gate and also when a landowner had been paying taxes prior to 1997. Said motion was voted as follows:

Ayes: Webb
Noes: Alpers, Brichetto, Clark, and Taro

ITEM NO. 15
REVIEW AND APPROVE FOR DISTRIBUTION,
THE REQUEST FOR PROPOSAL (RFP) FOR
WATER ATTORNEY

A motion was made by Director Clark, seconded by Director Brichetto, and unanimously supported to approve for distribution the Request for Proposal (RFP) for Water Attorney, with the following changes:

- Submittal Guidelines, Page 1: The RFP would be due back to the District offices no later than 4:30 P.M. Monday, August 26, 2002.
- Evaluation and Selection Process, Page 8: Item H would state that legal services are to begin upon the completion of Item G.

ITEM NO. 16
REVIEW AND TAKE POSSIBLE ACTION ON A CHANGE
IN TIME OF THE BOARD OF DIRECTORS' MEETING

No action taken.

ITEM NO. 17
REVIEW AND APPROVE AGREEMENT RELATING TO
DELIVERY OF SAN JOAQUIN RIVER AGREEMENT WATER

After discussion, a motion was made by Director Brichetto, seconded by Director Clark, and unanimously supported to approve Agreement Relating to Delivery of San Joaquin River Agreement Water with the following change:

- Item #9 to be changed to state: Negotiation of the payment of cash or water, within 90 days after the termination of this Agreement, or water to be delivered during the next succeeding irrigation season.

Water counsel, Mr. O'Laughlin is to craft this change and get it to MID for approval.

CLOSED SESSION

ITEM NO. 19

At the hour of 11:15 P.M. the Board convened into Closed Session to discuss the following:

- A. ***GOVERNMENT CODE SECTION 54956.9*** – Discussion of pending litigation – potential litigation

A motion was made by Director Webb, seconded by Director Clark to instruct Chief Financial Officer Kathy Cook to refund payment of \$15,000 as resolution of the US vs. Wilcoxson matter. Said motion was voted as follows:

Ayes:	Alpers, Clark, and Webb
Noes:	Taro
Abstain:	Brichetto

At the hour of 11:45 P.M. the Board adjourned to the next **regular Board of Directors meeting** to be held on **Tuesday, August 6, 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 **August 15, 2002 at 9:00 A.M. in Strawberry.**

Attest:

Steve Knell
Secretary