

MINUTES

Oakdale, California
September 17, 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. Ken Krause commented regarding the large sub-divisions that are being built on the northwest side of Tulloch; 2800 homes, 800 condos, and 3 golf clubs. It was also his understanding that they are planning on getting water from Tulloch Reservoir. Director Webb responded that the Board is aware of the developments at Tulloch, however, their water requirements would come out of Calaveras County and do not affect our water rights.

Mr. Laurens Foard questioned the expenditures on the Mensinger Lateral. General Manager Steve Knell responded that his questions were answered during our last meeting. Mr. Foard also questioned the District accounting information regarding specific projects.

General Manager Steve Knell stated that OID has a standard of what a canal should look like. Anytime we have a facility that does not meet the standard, staff has an obligation to take the necessary action to make the facility conform. That's our job. The General Manager finds it ironic that OID has sent out 50 or 60 letters to landowners telling them that their irrigation system is in poor disrepair, leaking and causing property damage elsewhere when OID is doing the very same thing; causing property damage to adjacent properties and yet not being proactive in making repairs. It doesn't go both ways and that's wrong.

Director Taro commented that he thought Mr. Foard was referring to the fact that that is a subdivision, and not someone's ranch. The County put certain specifications on subdivisions and the developers are supposed to retain that water on their property. The

developer dug ponds to retain water. We built a beautiful fence there for the developer and it is their obligation to keep their cattle off of our ditch bank. Why do we go to a subdivision and take care of some developer's problem and then he can walk away next week or next month and we have spent all this money for his personal gain?

General Manager Steve Knell stated that OID does not treat developers differently than other landowners on this issue. Staff enforces policies adopted by the Board. OID has no policy that requires developers to rebuild OID ditch banks. OID has no policy on fencing subdivisions greater than 1 acre. Hence we could not have made the developer rebuild the Mensinger for OID and we could not have made him fence it either. Steve Knell stated that he did talk to the San Joaquin County Public Works Director and was told that for 10 acre lots and above there is no requirement for retention of water. A county requirement for the retention of water on property is for lots smaller than 10 acres. The OID required (per subdivision policy) the retention of water from the developer, i.e. no discharge into the Mensinger. The County honored our requirement by making that a condition of the developer and we are making the developer honor that commitment by building those ponds. On the smaller lots the County required the developer to contain all storm water from all the parcels and that is occurring on Lot No. 1.

Director Webb stated that no one director should go out and talk to someone. If you abide by that then no one director gets blamed for what is going on.

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 asked that Item #12, the report by California Consulting, be heard now. Director Webb asked that Item #3 be moved to the action calendar. Director Brichetto asked that Item #7 be moved to the action calendar.

DISCUSSION ITEM ITEM NO. 12 STRATEGIC PLAN PROGRESS REPORT BY CALIFORNIA CONSULTING GROUP

General Manager Steve Knell introduced Dr. Bill Greene and Mr. Jim Reuter of California Consulting Group who met with staff and a few Board members during the previous week.

Dr. Greene advised that he was here today to establish the background and ground rules for the strategic planning effort. Over the course of the next month they are to develop and hold public meetings to focus on results of that plan. They are in the process of finishing the review. They are also reviewing all prior planning efforts, which will be incorporated if directions from those are still relevant to today's focus. All results will be brought together to focus the activities of the District on its mission and purpose going forward so that expenditures can be efficient and that you carry out important directions that you want to achieve. Thus far, a few comments can be reported on; people have reported that there is a need for rebuilding the infrastructure of the system, to improve the maintenance of the facilities and develop standards by which they should be maintained. Staff rebuilding is also needed. We have also learned that protection of the water rights is important and probably will remain the first focus for the District for some time. Comparing the District today with a report from 1949 shows that things have really not changed that much.

COMMUNICATIONS
ITEM NO. 1a
GENERAL MANAGER'S REPORT

General Manager Steve Knell reported the following:

- Status of Hershey Contract: We sent Hershey a letter on September 4 advising them they have 30 days to respond before we alert the Water Quality Control Board that we have a discharge permit that is not in compliance.
- Status Support Services Manager: The posting closed on August 30, 2002 with 25 responses received. We are still in the screening process of all candidates and hope to bring before the Personnel Committee within the next few weeks.
- CHP BIT Inspection: Bi-annually CHP inspects our compliance with the penal code, and checks our records. We received an unsatisfactory rating; we had a few pieces of equipment that were red-tagged that have been fixed. The big issue is our record keeping, which is not good. We are required to bring some elements into compliance within the next 14 days. The penalties for non-compliance are severe, and hold the General Manager and staff accountable. We need to make our internal policy clear and differentiate between OID policy and that of Federal and State policies.
- Ag Water Management Plan: I went to Sacramento last week and attended an Ag Water Management Council Meeting, which meets quarterly. I had them put us on the Agenda and I obtained a 12-month extension for our preparation of the Plan. Consultants have been hired by the State to make sure districts are following their water management plan. The Federal Government is requiring all of their contractors to have 80% of their outfalls

measured in the next 10 years with 6% measuring accuracy. How the State will react to this is an interesting question.

- SJRG Water Quality Consensus: A consensus of the San Joaquin River Group is that we should probably be using that group as our forum for addressing water quality issues amongst all the members of the River Group. They believe that asking all participants for an additional \$25,000 will address water quality issues for next year. The Directors agreed that we should cast a yes vote for this contribution. Director Alpers will vote at the meeting to be held this Friday.
- Commitment to Support Steelhead Lawsuit: At the River Group meeting last week the steelhead group were suing California Fish and Game for the designation of steelhead as an endangered species. They have asked for irrigation district support in the amount of \$2,000 to help with the lawsuit to move this forward. Director Webb agreed that this is a good investment.

ITEM NO. 1b
DIRECTORS' COMMENTS/SUGGESTIONS

Director Webb:

- Director Webb commented regarding signs that were going to be posted along the canal. General Manager Steve Knell stated that there are some changes being made to the language of the signs and General Counsel Mike Ijams is to send us the appropriate language and citations to be quoted on the signs.

Director Brichetto:

- Director Brichetto stated that he would like to see the Gifts and Gratuities Policy completed as soon as possible.
- Director Brichetto stated procedures should be outlined and printed in brochure form to alleviate any confusion and make it easier to get things accomplished.
- Director Brichetto stated that providing costs for projects such as the Mensinger Lateral should be track able.
- Director Brichetto stated that he would like to see better accountability on the accounting practices for tracking maintenance and that the General Manager should review this.

Director Alpers:

- Director Alpers agreed with the brochures suggested by Director Brichetto.
- A comment was made to me that 80% of our water sales have to go back to new construction projects, is that true? Chief Financial Officer Kathy Cook responded that we have a capital improvement fund and 80% of our water transfer funds go into that account to pay for any capital projects.

**CONSENT CALENDAR
ITEM NO. 2, 4, 5, 6**

**ITEM NO. 2
APPROVE THE BOARD OF DIRECTORS' MINUTES OF
REGULAR MEETING OF SEPTEMBER 3, 2002**

A motion was made by Director Taro, seconded by Director Clark, and unanimously supported to approve the Board of Directors' Minutes of the regular meeting of September 3, 2002.

**ITEM NO. 4
APPROVE OID IMPROVEMENT DISTRICT'S
STATEMENT OF OBLIGATIONS**

A motion was made by Director Taro, seconded by Director Clark, and unanimously supported to approve the OID Improvement District's Statement of Obligations.

**ITEM NO. 5
APPROVE MONTHLY TREASURER'S REPORT AND
INTERNAL FINANCIAL REPORTS FOR
THE MONTH ENDING AUGUST 31, 2002**

A motion was made by Director Taro, seconded by Director Clark, and unanimously supported to approve the Monthly Treasurer's Report and Internal Financial Reports for the Month Ending August 31, 2002.

ITEM NO. 6
APPROVE THE RESOLUTION FOR ABANDONMENT
OF THE GILBERT STREET TOWN LINE AT G STREET

A motion was made by Director Taro, seconded by Director Clark, and unanimously supported to approve the Resolution for Abandonment of the Gilbert Street Town Line at G Street.

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

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

ITEM NO. 7
APPROVE THE OAKDALE POLICE OFFICERS' ASSOCIATION
APPLICATION FOR PERMIT TO SELL FIREWORKS FOR 2003

After discussion a motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve the Oakdale Police Officers' Association Application for Permit to Sell Fireworks for 2003.

ITEM NO. 8
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE THE
GENERAL MANAGER AND A DIRECTOR'S ATTENDANCE AT THE
ACWA "FACTORING IN VARIABLES' WORKSHOP
SCHEDULED FOR OCTOBER 8, 2002 IN COSTA MESA

Director Alpers suggested that this would be a valuable conference for the General Manager to attend and he would also like to attend. A motion was made by Director Webb, seconded by Director Clark to approve the General Manager and Director Alpers attendance at the ACWA "Factoring in Variables' Workshop scheduled for October 8, 2002 in Costa Mesa and was voted as follows:

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

ITEM NO. 9
REVIEW AND TAKE POSSIBLE ACTION ON OID'S
OBLIGATIONS ON THE MOULTON DRAIN

General Manager Steve Knell stated that Mrs. MacDonald was here to present her view on this issue. Mr. and Mrs. MacDonald have requested that OID honor a directive made by a previous Board to clean the upper end of a private drain that feeds the OID's Moulton Drain. The upper end of this facility is privately owned and OID has no fee title, easement, or prescriptive right that would permit OID to take such action without Board authority. Past Boards have given direction to staff, however the last action is over 2 years old and may not meet current Board desires.

Mrs. MacDonald stated that if the drain easterly of this point is private and the landowners benefiting from it are responsible for its maintenance, how do they identify who those landowners are. She expressed that on several occasions they have tail water coming in every 4 days onto their property and have called the ditchtenders and asked them to stop their water because of the flooding. Mrs. MacDonald stated that they were not given any information as to who the irrigators were, what lines were irrigating or where the water was coming from.

The Board in 1997 and 2000 gave management direction to clean this drain and it was not done. With respect to private facilities, you make a point that private facilities are improved at OID cost for those that are essential to District operations. The tail water from this area is used by OID. In this particular situation we are the only landowner being damaged by the tail water that doesn't drain into the Moulton Drain. Anytime that that drain doesn't flow, it backs up onto our property.

A suggestion was made to the MacDonald's when they first expressed their problems with tail water that they set up an improvement district to address these problems. Mrs. MacDonald stated that they are the only landowner being damaged so they don't see why anyone would be interested in joining this.

Director Alpers stated that he was against this cleaning and that the prior landowner is required to divulge any problems and apparently he did not. It is not our job to resolve property issues between landowners, and that the drainage problem is a landowner problem. Spending \$6,000 to \$9,000 cleaning a ditch would take us 30 years to recoup our costs from the amount of taxes collected. The District is not getting our money back for our services. This is an ongoing problem at OID; people come in and present a problem and we get into it. I think it is wrong to spend public money for a private parcel. I think the Board was incorrect in its actions in the past. You should establish a drainage improvement district that we will help you establish.

General Manager Steve Knell stated that we need a discussion item on processing of this. We need a document of some sort stating that we have the right to be on this property; a temporary construction easement.

A motion was made by Director Webb, seconded by Director Clark to approve a one-time cleaning as long as permission is given to OID in the form of a temporary construction easement and was voted as follows:

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

ITEM NO. 10
DISCUSS AND REVIEW THE CLOSE OF
THE 2002 IRRIGATION SEASON

After discussion a Motion was made by Director Clark, seconded by Director Taro and unanimously supported to continue water deliveries until October 14, 2002; allowing one more rotation to all irrigators.

DISCUSSION ITEM
ITEM NO. 11
ESTABLISHMENT OF A POLICY TO
COVER THEFT OF DISTRICT WATER

General Manager Steve Knell asked the Board to consider the establishment of a policy to cover the theft of District water, which is also a violation of the penal code. The importance of establishing a rate structure to cover this was discussed. The Board agreed that this matter should be referred to the Conservation Committee to develop a policy. General Manager Steve Knell and Watermaster Mike Evans are to attend the meetings and help with the development of this policy.

CLOSED SESSION
ITEM NO. 12

At the hour of 11:05 A.M. the Board convened into Closed Session to discuss the following:

- A. **GOVERNMENT CODE SECTION 54957.6** – Meet and Confer re: Bargaining Units for Exempt Management, Supervisory, Confidential, Ditchtender, Clerical & Technical, and Operations Units.

No Action Taken.

At the hour of 11:25 A.M. a motion was made by Director Taro, seconded by Director Bricchetto, and unanimously supported to adjourn to the next **regular Board of Directors meeting** to be held on **Tuesday, October 1, 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 **October 17, 2002 at 9:00 A.M. in Oakdale.**

Attest:

Steve Knell
Secretary