

MINUTES

Oakdale, California
April 7, 2020

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: Tom Orvis, President
Gail Altieri, Vice President
Herman Doornenbal
Linda Santos
Brad DeBoer

Staff Present: Steve Knell, General Manager/Secretary
Sharon Cisneros, Chief Financial Officer

Also Present: Fred A. Silva, General Counsel

ADDITION OR DELETION OF AGENDA ITEMS

There were no addition or deletion of agenda items.

ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE

There were no items taken out of sequence.

At the hour of 9:05 a.m. the Board welcomed public comment.

PUBLIC COMMENT ITEM NO. 1

Robert Frobose stated that people are having a hard time calling in. Director Orvis stated that the prefix is 669 and not 699 which was corrected on the web site prior to the meeting. Director Orvis stated that he would re-open Public Comment prior to going into Closed Session.

Dane Wadle, Senior Public Affairs Field Coordinator with California Special Districts Association. Mr. Wadle gave an update on some of the legislative issues and professional development events.

There being no further Public Comment; Public Comment closed at 9:18 a.m. and the Board Meeting continued.

HEARING CALENDAR
ITEM NO. 2

ITEM NO. 2
PUBLIC HEARING AND CERTIFICATION OF THE IMPROVEMENT
DISTRICT NO. 8 (ID 8) MEMBERSHIP VOTE TO APPROVE OR REJECT
THE ISSUANCE OF A SPECIAL ASSESSMENT TO PAY FOR
REPAIRS OF THE EXISTING IMPROVEMENT DISTRICT NO. 8 PIPELINE

Water Operations Manager Eric Thorburn gave the Board of Directors some background information on Improvement District No. 8.

At the hour of 9:20 a.m. Director Orvis opened the hearing up to the public. There were no members of the public wishing to make a public comment and the Public Hearing was closed at the hour of 9:21 a.m.

Water Operations Manager Eric Thorburn stated that the Improvement District No. 8 Membership voted to approve the issuance of a special assessment to pay for the repairs of the existing Improvement District No. 8 pipeline by the following vote:

Ayes: 1
Unreturned Ballots: 10 (A non-vote is considered a vote of approval.)
Noes: 0

Membership Vote passed by 11-0.

A motion was made by Director Santos and seconded by Director Altieri to certify the vote of Improvement District No. 8 Membership to approve the issuance of a special assessment to pay for repairs of the existing Improvement District No. 8 Pipeline and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

Director Altieri requested that Item No. 7 be pulled from the Consent Calendar.

CONSENT CALENDAR
ITEM NOS. 3, 4, 5, 6, 8, 9, 10, 11, 12, 13

ITEM NO. 3
APPROVE THE BOARD OF DIRECTORS' MINUTES OF THE
MEETING OF MARCH 3, 2020 AND RESOLUTION
NOS. 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08 and 2020-09

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve the Board of Directors' Minutes of the Meeting of March 3, 2020 and Resolution Nos. 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08 and 2020-09, by a roll call vote of 5-0.

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

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve the Oakdale Irrigation District's Statement of Obligations by a roll call vote of 5-0.

ITEM NO. 5
APPROVE OID IMPROVEMENT
DISTRICT'S STATEMENT OF OBLIGATIONS

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve OID Improvement District's Statement of Obligations by a roll call vote of 5-0.

ITEM NO. 6
APPROVE THE MONTHLY TREASURER'S REPORT AND FINANCIAL
STATEMENTS FOR THE ONE MONTH ENDING JANUARY 31, 2020

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve the Treasurer's Report and Financial Statements for the one month ending January 31, 2020 by a roll call vote of 5-0.

ITEM NO. 8
APPROVE REVISION TO THE COLLECTION AND TERMINATION
POLICY FOR DELINQUENT ACCOUNTS WITHIN THE RURAL
WATER SYSTEM IN COMPLIANCE WITH SENATE BILL 998 (SB998)

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve the adoption of the Resolution Approving the Revision to the Collection and termination Policy for Delinquent Accounts within the Rural Water System in Compliance with Senate Bill 998 (SB998) by a roll call vote of 5-0.

ITEM NO. 9
APPROVE REVISION TO PERSONNEL POLICIES AND PROCEDURES
SECTION 5.505 COMMERCIAL DRIVERS' SUBSTANCE TESTING PROGRAM

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve the adoption of the Resolution Approving the Revision to the Personnel Policies and Procedures, Section 5.505 Commercial Drivers' Substance Testing Program by a roll call vote of 5-0.

ITEM NO. 10
APPROVE WORK RELEASE NO. 010 TO PROFESSIONAL
SERVICES AGREEMENT 2011-PSA-003 WITH BUMGARDNER
BIOLOGICAL CONSULTING FOR ON-CALL PROFESSIONAL SERVICES

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve Work Release No. 010 to Professional Services Agreement 2011-PSA-003 with Bumgardner Biological Consulting for on-call professional services by a roll call vote of 5-0.

ITEM NO. 11
APPROVE NOTICE OF COMPLETION FOR THE
SEGMENT FOUR – SOUTH MAIN CANAL IMPROVEMENT PROJECT

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve the Notice of Completion for the Segment Four – South Main Canal Improvement Project by a roll call vote of 5-0.

ITEM NO. 12
APPROVE REQUEST FOR RECONNECTION OF A SUBSTANDARD PARCEL
SERVED BY THE CHAPPELL PIPELINE (APN: 229-220-21 – JOE L. DUTRA, JR.)

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve the request for reconnection of a substandard parcel served by the Chappell Pipeline (APN: 229-220-21 – Joe L. Dutra, Jr.) by a roll call vote of 5-0.

ITEM NO. 13
APPROVE QUITCLAIM OF AN EXISTING CRUM PIPELINE
EASEMENT IN EXCHANGE FOR ACCEPTANCE OF A
NEW EASEMENT (APN: 006-008-063 – JOSE AND FLORINA VIGIL)

A motion was made by Director Doornenbal, seconded by Director DeBoer and was unanimously supported to approve Quitclaim of an existing Crum Pipeline Easement in exchange for acceptance of a new easement (APN: 006-008-063 – Jose and Florina Vigil) by a roll call vote of 5-0.

The above consent items were passed by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

**PULLED CONSENT CALENDAR
ITEM NO. 7**

ITEM NO. 7

APPROVE REJECTION OF CLAM SUBMITTED BY BILL DOSHAS

A motion was made by Director Altieri and seconded by Director Doornenbal to approve rejection of claim submitted by Bill Doshas and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

**ACTION CALENDAR
ITEM NOS. 14, 15, 16, 17, 18, 19, 20, 21**

ITEM NO. 14

**REVIEW AND TAKE POSSIBLE ACTION TO ADOPT A RESOLUTION
FOR THE DECLARATION OF AN EMERGENCY OF THE OAKDALE
IRRIGATION DISTRICT AND AFFIRMING THE MEETING
PROTOCOLS THAT WILL BE IN PLACE DURING THE COVID-19 PANDEMIC**

A motion as made by Director DeBoer and seconded by Director Doornenbal to adopt the Resolution for the Declaration of an Emergency of the Oakdale Irrigation District and Affirming the Meeting Protocols that will be in Place During the COVID-19 Pandemic and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

ITEM NO. 15
REVIEW AND TAKE POSSIBLE ACTION TO ADOPT A RESOLUTION
FOR THE DECLARATION OF AN EMERGENCY OF THE OAKDALE
IRRIGATION DISTRICT AND TO TEMPORARILY AUTHORIZE INCREASED
AUTHORITY OF THE GENERAL MANAGER DURING THE COVID-19 PANDEMIC

A motion was made by Director DeBoer and seconded by Director Doornenbal to adopt the Resolution for the Declaration of an Emergency of the Oakdale Irrigation District and to Temporarily Authorize Increased Authority of the General Manager During the COVID-19 Pandemic and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

ITEM NO. 16
REVIEW AND TAKE POSSIBLE ACTION TO ADOPT A RESOLUTION
APPROVING THE 2020 AGREEMENT ESTABLISHING TERMS AND
CONDITIONS FOR IRRIGATION OF LANDS OUTSIDE OAKDALE
IRRIGATION DISTRICT BOUNDARIES FOR THE WATER YEAR 2020 AND
AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE AGREEMENTS

A motion was made by Director Santos and seconded by Director Altieri to adopt the Resolution Approving the 2020 Agreement Establishing Terms and Conditions for Irrigation of Lands Outside Oakdale Irrigation District Boundaries for the Water Year 2020 and Authorize the General Manager to Execute the Agreement once Paragraph 16 has been removed from the Agreement and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | No |
| Director Orvis | No |
| Director DeBoer | No |

The motion failed by a 2-3 vote.

A motion was made by Director DeBoer and seconded by Director Santos to adopt the Resolution Approving the 2020 Agreement Establishing Terms and Conditions for Irrigation of Lands Outside Oakdale Irrigation District Boundaries for the Water Year 2020 and Authorize the General Manager to Execute the Agreements and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

ITEM NO. 17
REVIEW AND TAKE POSSIBLE ACTION TO ADOPT A RESOLUTION
FINDING THE 2020 AGREEMENT ESTABLISHING TERMS AND
CONDITIONS FOR IRRIGATION OF LANDS OUTSIDE THE OAKDALE
IRRIGATION DISTRICT BOUNDARY CATEGORICALLY EXEMPT
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A motion was made by Director DeBoer and seconded by Director Doornenbal to adopt the Resolution Finding the 2020 Agreement Establishing Terms and Conditions for Irrigation of Lands Outside the Oakdale Irrigation District Boundary Categorically Exempt Under the California Environmental Quality Act (CEQA) and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

ITEM NO. 18
REVIEW AND TAKE POSSIBLE ACTION OR PROVIDE
DIRECTION TO SET THE WATER RATE AND APPROVE
DRAFT TERMS OF A 5-YEAR WATER SALES PROGRAM

A motion was made by Director DeBoer and seconded by Director Doornenbal to Set the Water Rate at \$150 per acre foot and approve the Draft Terms of a 5-Year Out-of-District Water Sales Program and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

ITEM NO. 19
REVIEW AND TAKE POSSIBLE ACTION TO AUTHORIZE THE
GENERAL MANAGER TO APPROVE WORK RELEASE(S) TO
PROFESSIONAL SERVICES AGREEMENT 2009-PSA-003 WITH
CONDOR EARTH TECHNOLOGIES, INC. AND TO AMEND THE 2020 BUDGET

A motion was made by Director Doornenbal and seconded by Director Santos to authorize the General Manager to approve Work Release(s) to Professional Services Agreement 2009-PSA-003 with Condor Earth Technologies, Inc. and to Amend the 2020 Budget up to \$155,000 and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

At the hour of 11:00 a.m. the Board took a short recess. At the hour of 11:15 a.m. the Board Meeting was reconvened.

ITEM NO. 20
REVIEW AND TAKE POSSIBLE ACTION TO HOLD THE
REGULARLY SCHEDULED BOARD MEETING ON
MAY 5, 2020 AND CANCEL THE MAY 19, 2020 BOARD MEETING
DUE TO THE RE-SCHEDULING OF THE ACWA / JPIA SPRING CONFERENCE

A motion was made by Director Altieri and seconded by Director DeBoer to hold both meetings in May on May 5 and May 19, 2020, and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | Yes |
| Director Santos | Yes |
| Director Doornenbal | Yes |
| Director Orvis | Yes |
| Director DeBoer | Yes |

The motion passed by a 5-0 vote.

COMMUNICATIONS
ITEM NO. 22

A. GENERAL MANAGERS REPORT

General Manager Steve Knell discussed the items contained in the Board Packet under General Manager's Report.

B. COMMITTEE REPORTS

Ad Hoc Architectural Committee, March 18, 2020

Director DeBoer stated that he and Director Orvis met with Support Services Manager Jason Jones and reviewed the plans. Director DeBoer stated that he felt that they made some good progress.

C. DIRECTORS COMMENTS

Director Altieri

Director Altieri stated that she reported at the March 3, 2020 Board Meeting that her rain gauge at her home showed 8 5/100's of an inch. However, with the recent storms the total on her rain gauge at her house was 15 7/10's of an inch.

Director Santos

Director Santos stated that since we are going into Closed Session she wanted to state that she believes it is illegal for the Board to be discussing her censure in Closed Session.

Director Doornenbal

Director Doornenbal had no comments.

Director DeBoer

Director DeBoer thanked the staff on their hard work on the 5-year water program. Director DeBoer stated that he is glad that the Board voted 5-0 to get it approved. Director DeBoer stated that while one speaker said the agreement may be an imperfect agreement he thinks that the constituents can see that the District is trying to utilize their water right to the best their ability.

Director Orvis

Director Orvis had no comments.

At the hour of 11:30 a.m. Director Orvis re-opened Public Comment and opened Public Comment as it pertained to the Closed Session items.

Robert Frobose stated that he assumed that the Board was going to discuss the censure of Director Santos in Closed Session. Mr. Frobose discussed the lawsuit that was filed against Directors Santos and Altieri [case was filed back in 2015]. Mr. Frobose also stated that the Board was violating the Brown Act because the Board was censuring Director Santos incorrectly.

At the hour of 11:38 a.m. Public Comment Closed and the Board took a short recess.

At the hour of 11:53 a.m. the Board reconvened into Closed Session.

CLOSED SESSION
ITEM NO. 23

- A. Conference with Legal Counsel – Anticipated Litigation**
Government Code §54956.9(d)(4)
Determination of Whether to Initiate Litigation
Two (2) Cases

- B. Conference with Legal Counsel – Anticipated Litigation**
Government Code §54956.9(d)(4)
Initiation of Litigation
One (1) Case

- C. Conference with Legal Counsel – Existing Litigation**
Government Code §54956(d)(1)
California Sportfishing Protection Alliance v. Eastern San Joaquin
Groundwater Subbasin Groundwater Sustainability Plan
Stanislaus County Superior Court Case No.: CV-20-001720

At the hour of 2:28 p.m. the Board reconvened to Open Session.

Director Orvis stated that coming out of Closed Session there was no reportable action.

General Counsel Fred A. Silva stated that during the break he reviewed the Governor's Executive Order N29-20 and cited from Section 3. Notice Requirements (ii). General Counsel Fred A. Silva stated that based on this section it was his opinion that this Board, when it realized that there had been a typo in the call-in number, took the most rapid means of communication to correct the error by posting the correct number on its web site. Additionally, when constituents called the main office they were given the correct number to call. He stated that he believed that the District satisfied the Governor's Order of N29-20.

ACTION CALENDAR
ITEM NO. 21

ITEM NO. 2

**REVIEW AND TAKE POSSIBLE ACTION FOLLOWING CLOSED SESSION TO
APPROVE ADOPTION OF RESOLUTION BY THE BOARD OF DIRECTORS OF
THE OAKDALE IRRIGATION DISTRICT TO CENSURE DIRECTOR LINDA SANTOS**

A motion was made by Director DeBoer and seconded by Director Doornenbal to approve the adoption of the Resolution by the Board of Directors of the Oakdale Irrigation District to Censure Director Linda Santos and was voted by the following roll call vote:

| | |
|---------------------|-----|
| Director Altieri | No |
| Director Santos | No |
| Director Doornenbal | Yes |
| Director Orvis | Yes |

Director DeBoer

Yes

The motion passed by a 3-2 vote.

OTHER ACTION
ITEM NO. 24

At the hour of 2:39 p.m. the meeting was adjourned. The next Regular Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, May 5, 2020 at 9:00 a.m.** in the board room at 1205 East F Street, Oakdale, CA.

The next Joint Board Meeting of the **South San Joaquin and Oakdale Irrigation Districts** serving the **Tri-Dam Projects** and **Tri-Dam Authority** and other joint business matters is scheduled for **Thursday, April 16, 2020 at 9:00 a.m.** in the board room of the South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, CA.

Thomas D. Orvis, President

Attest:

Steve Knell, P.E., Secretary