

MINUTES

Oakdale, California
September 3, 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

Roger Beymer commented regarding the open house held at the Robert Van Lier Regulating Reservoir, which took place August 29, 2002. Mr. Beymer commented that the monument looked good, but that the public does not have access to view it because the gates are kept locked. Director Webb responded that if any member of the public wants to visit the reservoir site they can go to the District office and someone will bring them out to the site.

Dennis Edge commented that an individual losing keys was helped by ditchtenders who searched for them and they were returned due to the efforts of the ditchtenders.

ADDITION OR DELETION OF AGENDA ITEMS

There were no additions or deletions of agenda items.

**ACTION TO TAKE VARIOUS ITEMS
OUT OF SEQUENCE**

Director Taro asked that Item #6 be moved to the action calendar. Director Clark asked that Item #3 be moved to the action calendar.

**COMMUNICATIONS
ITEM NO. 1a
GENERAL MANAGER'S REPORT**

General Manager Steve Knell reported the following:

- Status of Hershey Contract: Since sending the proposed agreement to Hershey in April 2002, two follow up calls have been made. Hershey advised that due to labor negotiations and now the pending sale to Nestle, that their attorneys have been unavailable to review the proposed contract. It was the consensus of the Board that another letter should be sent to Hershey setting a time limit of 30 days for their response to the proposed agreement.
- Status Support Services Manager: The posting closed on August 30, 2002 with 25 responses received. A screening criteria will be developed and utilized to screen the applications. After that is completed the Personnel Committee will evaluate the candidates for possible interviews.
- LAFCO requirements for out-of-district agreements: A call was received from the LAFCO offices advising of a change in the law affecting any out-of-district surface water agreements after January of 2001. Any individual seeking a new out-of-district agreement is required to complete a LAFCO application; enclose a fee of \$400; return the application to us for forwarding to LAFCO their in-house approval process. All applicants processed before the 2001 date would be "grand-fathered in" and they would not be required to complete the LAFCO processing.
- Status of OID'S Ag Water Management Plan AB 3616: This was passed in 1997 and it is a multi-phased program run by the Department of Water Resources. They have put together an Ag Water Management Council, which oversees AB 3616 statewide. Phase I was a signup phase in which the State encouraged irrigation districts to develop water management plans. Oakdale was a signatory to AB 3616, and as such, stated that they would put together a Plan for the District. Phase II was to develop a plan. Oakdale did develop a plan and sent it off to the state on June 5, 2000. The Department of Water Resources reviewed the Plan and it was returned to OID with their comments. At that point the ball was dropped and nothing further was done to complete the Plan. The General Manager will call the Ag Water Council

and find out what we need to do to obtain an extension of time to complete the requested changes.

- End of Water Season: Mike Evans advised the General Manager that we have about 39,000 acre-feet to finish out the month and we are looking for a time to finish up this water season. Our accounting water season ends September 30, which means that anything past September 30, begins drawing on next year. The Board needs to start thinking about what we would like to do.
- Agency Shop Election: The vote took place and passed 29-4.
- Web Page: The new address is www.oakdaleirrigation.com. Within the next week we expect to be using the site. However, we are asking staff and the Board to visit the site while we are still in the final development stages to check for errors or changes.

ITEM NO. 1b
DIRECTORS' COMMENTS/SUGGESTIONS

Director Taro:

- Director Taro questioned the status of the report regarding the transfer truck that was damaged. General Manager Steve Knell responded that the final report would go out today.
- Director Taro questioned Mike Evans as to the runoff water on the corner of Ridgley Road and River Road. Mike Evans responded that when they try to irrigate landowners with less water they complain that they don't have enough water. Director Taro stated that perhaps we should try and give them less water now.

Director Brichetto:

- Director Brichetto wanted to get an update on the total cost of the Cantal litigation. He stated that he wanted to know why we could not explore a reasonable settlement in this matter. Director Webb stated that we counter-sued them for our costs.

Director Clark:

- Director Clark commented regarding the thanks received from the Oakdale Citizens Cemetery regarding the help OID gave them with the removal and cleanup of concrete and old piping.
- Director Clark asked for the status of a presentation regarding water-measuring devices? General Manager Steve Knell responded that this would be on the Agenda for the first meeting in October.

Director Webb:

- Director Webb questioned the status of easements on the Root Drain. General Manager Steve Knell responded that he had met with Bill Kull who is working on this and other projects that we have given him. When we receive those estimates an update would be given to the Board.
- Director Webb questioned the status of the Glenn Gully easement. Field Services Supervisor Bob Nielsen responded that that was taken care of about 10 days ago.
- Director Webb commented regarding the open house for the Robert Van Lier Regulating Reservoir held August 29. He was disappointed that the other Directors did not attend. There was small turnout, but staff did a good job coordinating the open house and Mrs. Van Lier and her family enjoyed it.

Director Brichetto:

- Director Brichetto questioned the status of the SCADA implementation and installation at Reservoir? General Manager Steve Knell responded that it would be done over the winter.

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

**ITEM NO. 2
APPROVE THE BOARD OF DIRECTORS' MINUTES OF
REGULAR MEETING OF AUGUST 20, 2002**

A motion was made by Director Clark, seconded by Director Brichetto, and unanimously supported to approve the Board of Directors' Minutes of the regular meeting of August 20, 2002.

**ITEM NO. 4
APPROVE RESOLUTIONS ACCEPTING EASEMENTS
FOR THE TENNANT PIPELINE**

A motion was made by Director Clark, seconded by Director Brichetto, and unanimously supported to approve the Resolutions Accepting Easements for the Tennant Pipeline.

ITEM NO. 5
APPROVE PROFESSIONAL SERVICES AGREEMENT
WITH BILL SMITH

A motion was made by Director Clark, seconded by Director Brichetto, and unanimously supported to approve the Professional Services Agreement with Bill Smith.

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

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

ITEM NO. 6
APPROVE CLOSING CAPITAL PROJECT WORK ORDER NUMBERS:
0159 – SOUTH MAIN CANAL REHAB BELOW CASHMAN, #0160 – CAMPBELL
LATERAL 16" GATE-AKER
#0161 – CAMPBELL LATERAL 16" GATE-FOARD,
#0209 – MOOTZ LATERAL
#0210 – SOUTH MAIN CONCRETE LINING @ADAMS,
#0217 – SCHULLER LATERAL – 24" GATE-BENDIX
#0218 – RIVERBANK LATERAL 12" GATE-HAZLEWOOD,
#0220 – STEVENOT LATERAL – 12" GATE-JOSLIN,
#0221 – LOWER COMETA LATERAL – 1 1-18" & 1-20" GATE
#0222 – HIRSCHFELD P/L IN-LINE VALVE – BRUMLEY
#0223 – LESSNINI LATERAL – 16" GATE-GISLER
#0224 – CLARIBEL 12" GATE-ALVARADO
#0225 – CLARIBEL 18" GATE-ALVARADO
#0226 – PAULSELL LATERAL – 14" GATE-JACKSON
#0227 – LOWER COMETA – 12" GATE-KISTLER
#0232 – ALBERS I – 18" GATE-DEVISSER
#0234 – LANGWORTH P/I 45" OF 42" RCP
#0235 – KEELEY P/L ROAD CROSSING
#0236 – WORKMAN PIPELINE – 240' OF 15" PVC
#0237 – SIERRA SUNSET PAINTING
#0238 – SANTA FE PIPELINE – 20' OF 12" PIPE

After discussion a motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve closing work order numbers 0159, 0160, 0161, 0209, 0210, 0217, 0218, 0220, 0221, 0222, 0223, 0224, 0225, 0226, 0227, 0232, 0234, 0235, 0236, 0237 and 0238.

ITEM NO. 7
APPROVE A SCREENING COMMITTEE TO REVIEW
THE REQUESTS FOR PROPOSALS RESPONSES FOR WATER ATTORNEY

General Manager Steve Knell stated that five responses were received for the Request for Proposals for Water Attorney. As stated in the RFP, the next step is to set up a screening committee for the review of the proposals. As was done with the general counsel proposals, two Board members and the General Manager screened the proposals and came back to the Board with their recommendation. The Board agreed that no screening committee would be required and that the Minasian and O'Laughlin firms should be interviewed. The General Manager is to coordinate their presentation times for the next Board meeting. A motion was made by Director Brichetto, seconded by Director Webb, and unanimously supported to interview the firms of Minasian and O'Laughlin. Both firms are to be contacted to coordinate an interview time during the Board of Directors' Meeting to be held October 1, 2002.

DISCUSSION ITEM
ITEM NO. 8
DISCUSSION OF GENERAL MANAGER'S REPORT
TO THE BOARD ON THE MENSINGER LATERAL

General Manager Steve Knell prepared a summary of Staff and Board actions as they relate to the Mensinger Lateral and the Minor Subdivision Map filed by Sierra Madre Joint Venture (i.e. George Rose Development). This 40-acre plus subdivision is located in the Valley Home area, the south boundary of which is approximately 1,300 feet north of Edwards Road and whose south west corner is at the end of Henry Road. The subdivision is comprised of a 4-lot development, each lot slightly over 10 acres in size.

Director Brichetto commented that the developer was to construct a berm around individual parcels to retain irrigation water on the parcels. That doesn't say anything about building a bank on the ditch, that is a separate issue. In the easement given to OID it says the Grantor grants the District the right to install and maintain fences and gates as required along and across said right-of-way at the sole discretion of the District for District purposes only. That is not saying that we are going to do it. We have the option to do it. I think it is the landowner's responsibility to keep his cattle off the bank.

General Manager Steve Knell stated that he had talked to General Counsel Mike Ijams regarding this. With an easement the underlying title remains with the landowner. The landowner continues to maintain and pay taxes on the land, but on an easement OID cannot fence unless the landowner gives up the right. Unless it is specifically spelled out as this one is, OID has no right to fence an easement, unless it is given that right. In this case OID has the right to fence.

General Manager Steve Knell stated that we have subdivisions being developed and it is important that we stake out our territory. One of the things that I noticed from this Mensinger issue is the abusing of our subdivision policy. Our subdivision policy should be revised to require fencing at the landowner's cost.

Director Brichetto stated that we did not agree to the statements in Mr. Rose's letter, and that OID staff should not go by his letter. General Manager Steve Knell stated that regardless of what is in the letter, unless the Board takes action and the County changes the map, no requirements would change.

Director Taro stated that there has been a problem on the Mensinger Lateral that has been a problem since he started here in 1960. Cattle cross that canal and that canal was repaired twice and not very many years ago. I met with George Rose and Sally Davis and he told us that there would be no water going into the Mensinger there would be some going into the Fairbanks. When I stopped at the County office I saw the contract that showed that Mr. Rose was obligated to build that bank, build a berm and dig a pond to catch all that runoff water from that 10 acres. Mr. Rose came by and asked me one day what he needed to do to get a drain put in there. I told him that he knew what the parameters of the project were. Mr. Rose was supposed to build a pond and put the dirt on a bank and he agreed with the county planning department in Stockton. I don't think it is right that the District has to spend public money for private gain.

Director Clark commented that if OID expected the developer to pay for repairing that canal they should have said something when they answered the application referral from San Joaquin County on September 4, 2001. If we expected the contractor to do anything we had the opportunity to put it right in the requirements before the County approved it.

Director Alpers stated that the letter from Mr. Rose states that he met with Sally, Mike Evans, and Tony Taro. The letter implies that the three of you went out there and said that you would let him drain, etc. and then he finishes that both Tony Taro and he agreed that this should improve the situation. There is nothing that this Board can do either unilaterally or as a group to do that. We have to respond to that letter and say that we can't agree to any of these terms, and that we are going to expect no drainage in the Fairbanks, etc.

General Manager Steve Knell stated that we have to sign off on this project in order for Mr. Rose to develop his parcel map. We are not going to sign off until he complies with the conditions set by San Joaquin County on the final map.

Director Webb asked Director Taro if he personally met with Mr. Rose, as Mr. Rose's letter says that you both came up with something that would eliminate the problems. We have a few problems here and one is that you met with him as a landowner and not a Director. You should have taken another Director. This letter makes it seem that you personally received a gain from something that the District had to sign off on.

DISCUSSION ITEM
ITEM NO. 9
CHANGES TO OID'S PURCHASING POLICY

Director Alpers commented that the list was informative. General Manager Steve Knell stated that there is no current policy that dictates when OID will or will not go out for bids on certain items. Staff is looking at changing guidelines and that we will follow the attached Bidding Schedule in the future. A bidder's list will be developed and specifications will also be developed for each item.

ITEM NO. 10
ESTABLISHMENT OF A
GRATUITIES AND GIFT POLICY

Director Brichetto commented that we do not have gratuities and gift policy and that there is a need to develop one. It was the consensus of the Board that a \$25.00 limit annually from any vendor, consultant, attorney, etc. to a Director or employee would be appropriate. Director Clark suggested that General Manager Steve Knell confer with other governmental agencies to ascertain what their policies were as to gratuities and gifts before we commit to one for OID. Within the next few months a policy should be brought back to the Board for review and possible approval.

CLOSED SESSION
ITEM NO. 11

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.

A motion was made by Director Clark, seconded by Director Brichetto, and unanimously supported to notify the individual bargaining units that all proposals are due to the Board by Friday, September 13, 2002. On September 16, 2002 the Personnel Committee will meet in Closed Session to begin setting up the Board processes for review of all bargaining unit proposals.

At the hour of 12:15 P.M. the Board adjourned to the next **regular Board of Directors meeting** to be held on **Tuesday, September 17, 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 **September 19, 2002 at 9:00 A.M. in Manteca.**

Attest:

Steve Knell
Secretary